



**Academic Senate**  
for California Community Colleges

LEADERSHIP. EMPOWERMENT. VOICE.

# Academic Senate

## The “10+1” and Participatory Governance

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Grossmont College Academic Senate Visit

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# Scenario #1

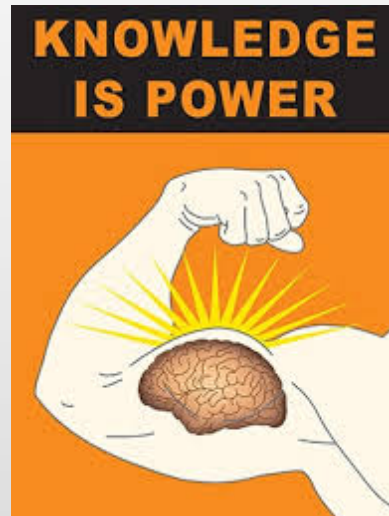
The administration met over the summer to discuss college reorganization. When faculty returned in the fall, they were presented with a draft plan which merged discipline departments into new divisions. The merged division offices were to be separated into two locations. In one location would be the classified staff and the faculty mailboxes and in the other location would be the offices of the division deans. The stated purposes of the draft plan were to 1) enable student services and instruction to work together in an integrated fashion, 2) commingle faculty from the general education and vocational education disciplines, and 3) balance the workload of the division deans.

# Scenario #2

The chancellor is excited about distance education and creates a new district committee charged with developing and implementing procedures on technology mediated instruction. The chancellor then decides that there should be four representatives from each constituency group to serve on the committee and asks the academic senate president to appoint four faculty members. The academic senate president asks for collegial consultation on the formation of the committee including the charge, membership, and reporting responsibilities.

# A question before we start...

Why do we have academic senates?



# What are the legal sources of senate powers?

- Education Code
- Title 5 Regulations



# California Education Code

- Laws resulting from legislation
- Requires legislation to be changed
- Always supersedes Title 5 regulation
- Governance was amended by AB 1725 in 1988



## Education Code §70902 (B)(7)

“The Governing Board shall ... ensure ... the right of academic senates to assume primary responsibility for making recommendation in the areas of **curriculum and academic standards.**”

(Established by AB 1725 –  
Passed by the legislature and signed by the governor in 1988)

# Title 5 Regulations for the CCCs

- Title 5 - California Code of Regulations sections applicable to education (K-12, CSU, CCCs, and others).
- Division 6 - applies to California Community Colleges.
- Established by the Board of Governors from authority granted by the California Education Code.
- Regulation with the force of law.



## Title 5 § 53200 - Definitions

- (b) Academic Senate means an organization whose **primary function is to make recommendations with respect to academic and professional matters.**
- (c) Academic and Professional matters means the following policy development and implementation matters:

# The “10 + 1”

Title 5 §53200 (c)

1. Curriculum, including establishing prerequisites
2. Degree & Certificate Requirements
3. Grading Policies
4. Educational Program Development
5. Standards & Policies regarding Student Preparation and Success
6. College governance structures, as related to faculty roles
7. Faculty roles and involvement in accreditation process
8. Policies for faculty professional development activities
9. Processes for program review
10. Processes for institutional planning and budget development



# And don't forget...

## The “Plus 1”

11. Other academic and professional matters as mutually agreed upon



# Collegial Consultation – DEFINED

Title 5 §53200 (d)...the district governing board shall develop policies on academic and professional matters through either or both of:

1. Rely primarily upon the advice & judgment of the Academic Senate
2. Reach mutual agreement with the Academic Senate by written resolution, regulation, or policy

**You should be aware of your board policy on each of the 10+1.**

# Important Notes on Collegial Consultation

- The Board has the final say.
- The Board is never prohibited from acting.
- “Exceptional circumstances” and “compelling reasons” vs. “compelling legal, fiscal, or organizational reasons.”

## Title 5 § 53203 - Powers

- (a) Governing Board shall adopt policies delegating authority and responsibility to its Academic Senate and requires **collegial consultation**.
- (b) Policies in (a) shall be adopted through **collegial consultation** with the Academic Senate.
- (c) Guarantees the Academic Senate the right to meet with or appear before the board while in the process of **consulting collegially**.

# Title 5 §53203 – Powers Rely Primarily Upon

(d) The governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following:

(Drum roll, please!)

# Rely Primarily

(1) When *rely primarily*:

the recommendations of the senate will normally be accepted, and only in **exceptional circumstances and for compelling reasons** will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.





# “Exceptional circumstances and compelling reasons”

These terms mean that ... in instances where a recommendation is not accepted the reasons for the board’s decision must be in writing and based on a clear and substantive rationale which puts the explanation for the decision in an accurate, appropriate, and relevant context.

--From *Participating Effectively in District and College Governance*, ASCCC/CCLC, Fall 1998



# Mutually Agree

(2) When *mutually agree (and an agreement has not been reached)*:

- Existing policy shall remain in effect except in cases of legal liability or fiscal hardship.
- Board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.



# Title 5 § 53203 – More Powers

- (e) Academic Senate may assume responsibilities and perform functions as may be delegated by the Governing Board.
- (f) Appointment of faculty members to college committees **shall be made by the Academic Senate in consultation\* with CEO or designee**; collective bargaining agent may seek to appoint faculty (per local policies and collective bargaining agreements).

*\*Note that “consultation” with the president is not the same as “consult collegially”.*



# What other matters are senate purview? Can you name them?

- Equivalence to the minimum qualifications (Equivalency) - Ed Code sec. 87359
- Faculty hiring processes – Ed Code sec. 87360
- Administrative retreat to faculty (determining minimum qualifications areas) – Ed Code
- Establishment of the curriculum committee – Title 5 sec. 55002

# Senates and the Larger Governance Context

- Senates are the governance body to make recommendations to the board or president on academic and professional matters arising from faculty expertise.
- College Councils (or similar bodies) are overarching governance bodies with representation from faculty, students, staff, and administrators that provide guidance and recommendations to the president on college planning, budget, and operational matters (facilities, budget allocations, etc.).
- College Council purview does not (or should not) supersede senate purview.
- **Senate recommendations are made directly to presidents and boards and should not be subject to College Council approval.**

# Effective Participation – Students

## **TITLE 5 §51023.7 (a)**

The governing board shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance.



# Effective Participation – Students

- 1. Grading policies**
2. Codes of student conduct
3. Academic disciplinary policies
- 4. Curriculum development**
- 5. Course/program initiation or elimination**
- 6. Processes for institutional planning and budget development**
- 7. Standards and policies regarding student preparation and success**
8. Student services planning and development
9. Student fees
10. Any other district or college policy... that will have a significant effect on students

# **Effective Participation– Staff**

## **TITLE 5 §51023.5 (a)**

The governing board shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance.



# Practices and Processes

- Establish practices and processes regarding Shared Governance or Participatory Decision-Making **before** they are needed!
- College Governance Handbook
- Academic Senate Handbook
- Academic Senate Role and Administrative Role

# Title 5 §53206 – Academic Senate for California Community Colleges

Title 5 §53206 establishes the Academic Senate for California Community Colleges:

- “so that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters” and
- “The Board of Governors recognizes the Academic Senate for California Community Colleges as the representative...before the Board of Governors and Chancellor’s Office”

# Guided Pathways

- Faculty Role
  - What should be done by faculty?
  - Remember the 10+1
- Faculty Reassigned Time
  - How will it be determined?
  - How will it be allocated?
  - Academic Senate role and Right of Assignment
  - Position descriptions
  - Recruitment/Advertising/Screening/Interviews/Selection

# Scenario #1

The administration met over the summer to discuss college reorganization. When faculty returned in the fall, they were presented with a draft plan which merged discipline departments into new divisions. The merged division offices were to be separated into two locations. In one location would be the classified staff and the faculty mailboxes and in the other location would be the offices of the division deans. The stated purposes of the draft plan were to 1) enable student services and instruction to work together in an integrated fashion, 2) commingle faculty from the general education and vocational education disciplines, and 3) balance the workload of the division deans.

# Scenario #1 Continued

**Issue:** The issue is the extent to which this plan constitutes a change in the faculty roles in governance (and possibly other academic and professional matters) or just a reordering of the administrative organizational chart and new physical location of staff.

**Citation:** Title 5 '53200(c)(6) lists district and college governance structures, as related to faculty roles, as an academic and professional matter. Education Code 70902(b)(4) gives the governing board the power to AEmploy and assign all personnel not inconsistent with the minimum standards adopted by the board of governors....@ Paragraph (d) of that section allows Adelegating the power to the district's chief executive officer or any other employee or committee as the governing board may designate....@

# Scenario #1 Continued

**Process:** The academic senate should approach the CEO with the faculty's concerns. If faculty roles are changed or other academic and professional matters are altered, the CEO must allow for consultation with the academic senate before moving ahead. If not, the reorganization may proceed. However, the CEO must allow for review of the plan and give reasonable consideration to opinions received.

# Scenario #1 Continued

**Suggestion:** The desire for reorganization was undoubtedly motivated by some perceived problems with the present structure. The college administration can express its leadership by calling together campus representatives to discuss and analyze organizational problems perceived by the administration. Once difficulties have been recognized and defined, a full range of possible solutions can be explored and evaluated. If these solutions affect faculty role in governance or other academic and professional matters, appropriate consultation with the academic senate should be sought. With that essential input, the administration can then proceed with implementation of the best of the results. See *Participating Effectively* @ questions 8 and 9.

# Scenario #2

The chancellor is excited about distance education and creates a new district committee charged with developing and implementing procedures on technology mediated instruction. The chancellor then decides that there should be four representatives from each constituency group to serve on the committee and asks the academic senate president to appoint four faculty members. The academic senate president asks for collegial consultation on the formation of the committee including the charge, membership, and reporting responsibilities.



# Scenario #2 Continued

**Issue:** The issue is whether or not the formation of this committee on technology mediated instruction is an academic and professional matter.

**Citation:** Chancellor=s Office Legal Opinion M 97-20 states, some degree of consultation will be required if the purpose of the committee is to develop policy or procedures related to an academic and professional matter. @ Title 5 '53200(c)(1) lists curriculum as an academic and professional matter, and technology mediated instruction is certainly a curriculum issue. Thus the chancellor must consult with the academic senate on the particulars of this committee.

# Scenario #2 Continued

Process: The academic senate president should discuss the matter with the chancellor, present the above citations, and request that the chancellor consult with the academic senate before proceeding with the formation of the committee.

Suggestion: When either party, the administration or the academic senate, considers the possibility for the formation of a college-wide group to discuss policies or procedures related to academic and professional matters, the two should consult before proceeding, preferably at the conceptual stage. If a new group is formed, written agreement should be reached on the charge, membership, and reporting responsibilities of the group.

# Resources

- ASCCC Website – [www.asccc.org](http://www.asccc.org)
- Examples of college governance handbooks
  - Sacramento City College Governance Guide:  
<http://www.scc.losrios.edu/prie/institutional-effectiveness/governance/>
  - Los Angeles City College Integrated Planning and Governance Handbook:  
<http://effectiveness.lacitycollege.edu/cc/accreditation/Planning%20Documents/LACC%20Integrated%20Planning%20Handbook%20APPROVED%20July%201%202015.pdf>
- ASCCC Resources for Local Senates
  - <http://www.asccc.org/communities/local-senates/leadership-resources>

# Contact Information

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- Academic Senate for California Community Colleges: submit inquiries to [info@asccc.org](mailto:info@asccc.org)

Questions?

Thank you!