

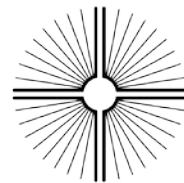
COLLEGIALITY IN ACTION

Effective Participation Fundamentals

Compton College, 13 May 2022



ACADEMIC SENATE
for California Community Colleges
LEADERSHIP • EMPOWERMENT • VOICE



COMMUNITY COLLEGE
LEAGUE OF CALIFORNIA

Introductions and Context

- Dolores Davison, President
ASCCC
- Larry Galizio, PhD, President,
Community College League of
California
- In every college, situations raise
issues regarding the respective
roles of key players in
governance.
- We are here primarily to address
the relationships among the
academic senate, administrators,
and the board of trustees but
also to discuss how these groups
work constructively with
students, classified staff, and
faculty unions to assure collegial
governance of the institution.



Scenario #1

- The overall governance structure of the college includes a “college council” with representatives from administration, the academic senate, the faculty union, the classified union, the classified senate, and the associated student organization. This council meets with the college president on a monthly basis. In order to promote greater overall collegiality, the college president announces that all newly developed or revised board policies or administrative procedures will now require the approval of the college council before they can be forwarded to the governing board. The academic senate protests that this requirement is not consistent with the definitions of collegial consultation with the senate under Title 5 regulations.

Questions To Ask

- What is the issue?
- Is there legal language or other documentation that should be cited?
- What is the process that should be followed? If it wasn't followed, what suggestions do you have for making sure that the correct process is followed?



Answers to Scenario #1

- The Issue: the academic senate's role in governance and right to direct consultation with the board's designee regarding academic and professional matters.
- Citation: Title 5 §53203(a) states that local governing boards "shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters." The definition of collegial consultation in Title 5 §53203(d) indicates that the board will either primarily rely on the senate's recommendations or reach mutual agreement with the senate.
- Both options for collegial consultation under Title 5 require direct communication between the senate and the governing board or its representatives.
- Process: While a college council may serve various positive purposes, decisions regarding academic and professional matters must, according to Title 5, be primarily based on consultation with the academic senate, not on equal voices for all constituencies. The academic senate president should point out the specific language of Title 5 regarding the definition of collegial consultation to the college president and if necessary to the governing board. The senate should then work with the college president to establish a process to ensure that recommendations on policy and procedures regarding academic and professional matters are based on consultation with the senate and are not prevented from being presented to the board by any other college constituency.
- Recommendations involving academic and professional matters may be presented to the college council for input and dialogue as a part of that process, but the final decision on forwarding the recommendations to the board must depend on consultation with the senate and not on approval from an overall college council.



Answers to Scenario #1

- Suggestion: The college might develop separate processes for consideration of policy and procedures that require collegial consultation with the academic senate and for those that do not. Policy and procedures that do not require direct consultation with the senate may be submitted for consideration and approval by a college council if the president and the board so decide. Those that do require collegial consultation with the senate may appropriately be brought to the college council for input and discussion but not for approval that would prevent submission to the board.

Scenario #2

- As the college engages in the implementation of a new guided pathways framework, the college president announces the formation of an administrative task force that will oversee the development of the framework. The academic senate president approaches the college president and asks that faculty be included with equal representation on the task force, as many of the aspects of guided pathways involve academic and professional matters, and that collegial consultation should take place before reaching any decision involving academic and professional matters. The college president responds that consultation with the academic senate on academic and professional matters is required only at the policy level and that since the task force will not be developing new formal policies, consultation is not a requirement.

Questions to Ask

- What is the issue?
- Is there legal language or other documentation that should be cited?
- What is the process that should be followed? If it wasn't followed, what suggestions do you have for making sure that the correct process is followed?



Answers (Scenario #2)

- Issue: The issue is the level and circumstances for which collegial consultation on academic and professional matters is required, especially but not limited to initiatives mandated by the legislature or promoted by the CCC Chancellor's Office.
- Citation: Title 5 §53203(a) states, "The governing board of a community college district . . . shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. This requirement to consult collegially shall not limit other rights and responsibilities of the academic senate which are specifically provided in statute or other Board of Governors regulations." The language in this section specifically identifies both "policies and procedures." Indeed, while the list of academic and professional matters in Title 5 §53200 specifies the requirement for consultation at the policy level in certain cases—such as "standards or policies regarding student preparation and success" and "policies for faculty professional development activities"—in other cases it specifically references processes—such as "processes for institutional planning and budget development"—and in still others makes no specific reference to the level of consultation and appears to refer to the topic as a whole—such as "curriculum, including establishing prerequisites and placing courses within disciplines." Furthermore, the concluding language in §53203(a) explicitly does not place limitations on consultation with the academic senate. Often the context of the issue at hand will determine whether an issue is an academic and professional matter and the point at which consultation should take place. Both administration and faculty must work in good faith to establish reasonable processes that allow the administration to make operational decisions while fully respecting the faculty voice and the academic senate's right to collegial consultation.



Answers (Scenario #2)

- **Process:** While the implementation of an initiative such as guided pathways may impact formal board policy, consultation with the academic senate on academic and professional matters is not limited to the level of policy development. While some aspects of the implementation may indeed be purely organizational and may not be subject to consultation, the development of a framework for any such initiative clearly impacts college planning and may touch on the processes for other academic and professional matters such as budgeting, processes to promote student success, and curriculum, among others. The academic senate president should again approach the college president, cite the specific language of Title 5 that does not limit consultation with the senate to formal policy development, and request that the senate be included in the development and membership of task force that will engage in planning the guided pathways framework.
- **Suggestion:** While consultation with the academic senate in the planning of an initiative like guided pathways or the Student Equity and Achievement Program is mandatory, the success of any such college-wide initiative requires the involvement and dedication of other college constituencies as well. Rather than developing a plan on its own, administration is generally better served by greater inclusion of and transparency to all constituent groups, even when such inclusion is not required.



Scenario #3

- The dean of the college's admissions and records area is interested in establishing a new process for evaluating and approving student transfer credit from other institutions. The dean discusses this issue with the college's student success committee, with several faculty department chairs who regularly evaluate transfer credit, and with a group of interested counselors and develops a new set of specifications and criteria that all departments will be required to follow in evaluating and approving transfer credit. The academic senate protests that collegial consultation processes were not followed in developing these specifications. The dean responds that the student success committee, the department chairs, and the counselors involved had input and therefore faculty were sufficiently consulted.

Questions to Ask

- What is the issue?
- Is there legal language or other documentation that should be cited?
- What is the process that should be followed? If it wasn't followed, what suggestions do you have for making sure that the correct process is followed?



Answers (Scenario #3)

- The issue: The definition of and requirements for consultation with the academic senate on behalf of faculty.
- Citation: Title 5 §53200(c) lists “standards or policies regarding student preparation and success” as an academic and professional matter. Evaluation and acceptance of transfer credit involves standards for student success and also touches on the integrity of curriculum, which is another area listed under the same Title 5 section.
- Furthermore, Title 5 §53203(a) states that local governing boards “shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters.” Importantly, the language in this Title 5 section mandates consultation with the academic senate, not simply with faculty.
- Process: Discussion with a committee or with individual faculty, even with those elected to faculty leadership positions like department chairs, is not sufficient to fulfill the requirements of collegial consultation under Title 5. The academic senate can delegate the consultation process to other faculty such as committees or department chairs, but the choice to do so rests with the senate and cannot be forced on the senate. The dean should suspend the new process and engage in appropriate consultation with the academic senate. Until such consultation occurs, no changes to existing policy or processes should be implemented.



Answers (Scenario #3)

- Suggestion: New administrators often make mistakes such as the one described in this scenario through misunderstanding of requirements rather than intent to circumvent processes. Local academic senates should work with administrative leadership to ensure that new administrators are educated on Title 5 requirements regarding collegial consultation.



Scenario #4

- The college has for several years had two separate groups that oversee and coordinate professional development, one for faculty and another for classified staff and administration. The new Vice President of Human Resources sees this structure as inefficient, noting that many professional development activities are equally relevant to all constituent groups. The new vice president therefore announces the intention of combining the two committees under the leadership of a classified administrator who will be responsible for overseeing all professional development at the college. The academic senate objects to this plan, stating that faculty professional development falls under the senate's purview and that it must therefore be considered and overseen only by faculty separately from other professional development efforts at the college.

Questions to Ask

- What is the issue?
- Is there legal language or other documentation that should be cited?
- What is the process that should be followed? If it wasn't followed, what suggestions do you have for making sure that the correct process is followed?

Answers (Scenario #4)

- Issue: The issue is the academic senate's role in oversight of faculty professional development.
- Citation: Title 5 §53200(c)(8) lists “Policies for faculty professional development activities” as an academic and professional matter. The structure of oversight for professional development is an issue at the policy level and therefore falls under academic senate purview. Title 5 §53203(d) provides the definitions that apply to collegial consultation on academic and professional matters and indicates that districts must either rely primarily on recommendations of the academic senate or must reach mutual agreement with the senate. The definitions further indicate that, even in extreme or compelling circumstances, changes to policy or procedure cannot be implemented until a good faith effort at such consultation with the academic senate has taken place.
- Process: Title 5 places “policies for faculty professional development activities” as an academic and professional matter under academic senate purview; it does not indicate that all faculty professional development must be directly overseen and coordinated by the academic senate or by faculty. In this scenario, the vice president should consult with the academic senate, explain the reasons for wishing to combine the committees, and work to reach agreement on an acceptable structure. The academic senate should ensure that faculty retain an appropriate voice in oversight and development of faculty professional development, but such a voice does not preclude a joint effort with other constituencies. No change should be made to the existing structure until such agreement is reached.



Answers (Scenario #4)

- Suggestion: Various structures could exist to achieve an effective overall professional development committee, including a faculty co-chair for the committee and a separate process for approval of activities specific to faculty professional development that allows for greater faculty control. A cooperative structure might be developed to the benefit of all college constituencies while still preserving the academic senate's voice in matters specific to faculty professional development.

Scenario #5

At last year's governing board retreat on strategic planning, the board talked about the need to respond to a community outcry for more technology related courses. The board members were not certain of how to respond to the demands because of fiscal problems within the district. Based on discussions at board meetings over several months, the board decided to lease some land owned by the district to generate funds for technology. The governing board has placed approval of the lease agreement on the next agenda as well as a discussion of how the money is to be used. The academic senate has raised concerns about the plan several times and now has passed a resolution objecting to the terms of the lease and demanding a role in determining how any such funds might be used.



Questions to Ask

- What is the issue?
- Is there legal language or other documentation that should be cited?
- What is the process that should be followed? If it wasn't followed, what suggestions do you have for making sure that the correct process is followed?



Answers (Scenario #5)

- Issue: The issue is whether or not the terms of a lease agreement involving district property and the process for determining the use of special funds are subject to collegial consultation.
- Citation: Education Code §70902(b)(6) gives the governing board the right to “manage and control district property.” Therefore, the terms of the lease are not subject to collegial consultation. Title 5 §53200(c)(10) lists “processes for institutional planning and budget development” as an academic and professional matter. Thus, the process for determining the use of these funds is subject to the established process for budget development as determined through collegial consultation with the academic senate. Many districts establish a budget committee for such matters. Title 5 requires the Facilities Master Plan to include guidelines or policy for designation of surplus property. Also, Title 5 places restrictions on the use of funds derived from capital assets such as those from the lease of this property.
- Process: Although the academic senate does not have the right of collegial consultation regarding the terms of the lease, it may still present its arguments to the college president or district chancellor and, if necessary, to the board. The academic senate should discuss with the chancellor or president the necessity of directing the issue of the funds to the budget committee. If a process is in place for determining the use of such funds, that process should be followed. If not, the budget committee should make a proposal to the academic senate and the chancellor or president regarding a process for determining the recommended use of these funds. The academic senate and the chancellor or president, as the board’s designee, should mutually agree on the process for determining the use of the funds. As always, the final authority for allocating resources lies with the governing board.

Answers (Scenario #5)

- Suggestion: Disagreements over this issue should have been resolved early in the discussion. The academic senate president and the chancellor or college president should have met as soon as questions arose over the lease. If the above recommended process had been initiated at the outset, disagreements might not have grown to the extent that they threatened to disrupt board action on the item. Providing an arena where key campus leaders can gather for such discussions might have facilitated reaching a solution agreeable to all parties.



Scenario #6

The current faculty bargaining agreement contains provisions for sabbatical leaves, including the number of leaves each year and the requirements for a faculty member to be granted such a leave. This process includes no role for the academic senate. The academic senate president approaches the faculty union and states that sabbatical leaves are a matter of professional development and therefore fall under the purview of the academic senate. The senate president asks that in the next round of negotiations the language in the bargaining agreement be changed to grant responsibility for the sabbatical leave process to the academic senate.

Questions to Ask

- What is the issue?
- Is there legal language or other documentation that should be cited?
- What is the process that should be followed? If it wasn't followed, what suggestions do you have for making sure that the correct process is followed?



Answers (Scenario #6)

- Issue: The issue is the right to and responsibility for faculty sabbaticals.
- Citation: Title 5 §53200(c)(8) indicates “policies for faculty professional development activities” as an academic and professional matter under the purview of academic senates. As the purpose of sabbatical leaves is generally understood to be an opportunity for professional development, academic senates do have an interest in sabbatical processes. However, neither Education Code nor Title 5 grants faculty any specific right to sabbatical leave. Thus, faculty’s right to sabbaticals, including the number of sabbatical leaves granted and the requirements for or circumstances of the leaves, is wholly dependent on the discretion of the district and the language negotiated into the faculty bargaining agreement, making sabbatical processes a matter of union purview.
- Process: Sabbatical leaves are an area in which academic senate and bargaining unit purviews and interests overlap. The academic senate should request a dialogue with the union to develop a reasonable process that includes the senate in terms of the professional development aspects of sabbaticals, such as evaluation and approval of sabbatical project proposals and acceptance of the final products of the sabbaticals. Such a process might, for example, include representation from both the union and the academic senate on a sabbatical committee that recommends sabbatical requests to the district chancellor or college president. However, the senate should not maintain its demand of full responsibility for the sabbatical process, as many aspects of the process are matters of work conditions and are therefore clear matters of union purview.

Answers (Scenario #6)

- Suggestion: Local senates and faculty bargaining units should develop an ongoing and consistent system of communication between the two bodies, such as liaison reports at each other's meetings or a group of representatives from the two bodies that meets at regular intervals. Such a system can help senates and unions understand each other's perspectives and priorities and might therefore assist in avoiding conflicts such as the one in the above scenario.



Governance in the California Community Colleges

- What is participatory governance?
- What is shared governance?
- What is the difference?



Participatory Governance

- “ ... not a simple process to implement – goodwill, thoughtful people, a willingness to take risks and the ability to admit problems exist – can go far toward establishing a positive environment...
- The central objective should be creation of a climate where energy is devoted to solving crucial educational tasks and not to turf battles over governance.”
 - *CCCT/CEOCCC Policy Paper, December 1989*



Title 5 Terminology: Effective Participation

- Participating effectively in district and college governance is shared involvement in the decision-making process.
 - It does not imply total agreement;
 - The same level of involvement by all is not required;
and
 - Final decisions rest with the board.



Benefits and Values of Our Governance System

- Expertise and analytical skills of many
- Understanding of objective/decisions
- Commitment to implementation
- Leadership opportunities
- Promotion of trust and cooperation
- Opportunities for conflict resolution
- Less dissent



Challenges of Our Governance System

- Participation by individuals with limited expertise
- Time away from other duties
- Can require considerable time for decision
- Shared accountability
- Differing expectations and understanding
- Potential conflict if board/designee rejects recommendation



Regulation: Academic Senate Role

- (a) The governing board shall adopt policies for appropriate delegation of authority and responsibility to its academic senate.
- ...providing at a minimum the governing board or its designees consult collegially with the academic senate when adopting policies and procedures on **academic and professional matters.** (*Title 5 § 53203*)

"Consult collegially" means

- 1. Relying primarily upon the advice and judgment of the academic senate; or
- 2. Reaching mutual agreement between the governing board/designee and representatives of the academic senate.
(*Title 5 § 53200*)



Regulation: Academic Senates

- (d)(1) Governing board action: [Rely Primarily](#)
 - recommendations of the senate will normally be accepted
 - only in exceptional circumstances and for compelling reasons will the recommendations not be accepted
 - If not accepted, board/designee communicate its reasons in writing, if requested

Title 5 §53200



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Regulation: Academic Senates

- *Title 5 §53200(d)(2)* Governing board action: [Mutual Agreement](#)
 - If agreement not reached, existing policy remains in effect unless
 - exposure to legal liability
 - or substantial fiscal hardship.
 - If no policy or existing policy creates exposure to legal liability or substantial fiscal hardship
 - board may act if agreement not reached
 - if good faith effort first
 - only for compelling legal, fiscal, or organizational reasons



Regulation: Academic Senates

Academic and professional matters means the following policy development and implementation matters:

1. Degree and certificate requirements
2. Curriculum, including establishing prerequisites and placing courses within disciplines
3. Grading policies
4. Educational program development
5. Standards or policies regarding student preparation and success

Title 5 §53200

Regulation: Academic Senates

Academic and professional matters means the following policy development and implementation matters:

6. District and college governance structures, as related to faculty roles
7. Faculty roles and involvement in accreditation processes, including self-study and annual reports
8. Policies for faculty professional development activities
9. Processes for program review
10. Processes for institutional planning and budget development, and...



Regulation: Academic Senates

Academic and professional matters means the following policy development and implementation matters:

“Plus one”:

Other academic and professional matters as mutually agreed upon between the governing board and the academic senate.

At Compton, Board Policy 2510 (Participation in Local Decision Making) states that all of the 10+1 are rely primarily on the academic senate.



Legal Provisions Related to Academic Senates

- **Equivalencies to Minimum Qualifications:** Process, criteria and standards agreed upon jointly by board designee and academic senate
 - *Ed Code § 87359*
- **Faculty Hiring:** Criteria, policies and procedures shall be agreed upon jointly by board designee and academic senate
 - *Ed Code § 87360*
- **Administrator Retreat Rights:** Process agreed upon jointly; board to rely primarily upon the advice and judgment of the academic senate to determine that the administrator possesses minimum qualifications for employment as a faculty member
 - *Ed Code § 87458*



Legal Provisions Related to Academic Senates

- **Curriculum Committee:** Established by mutual agreement of administration and academic senate
 - *Title 5 §55002*
- **Appointments to College Bodies:** The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.
 - *Title 5 §53203 (f)*

Legal Provisions Related to Faculty

- **Collective Bargaining**

- Decision-making policies and implementation cannot detract from negotiated agreements on wages and working conditions
- Academic senate and bargaining representatives may establish agreements as to consulting, collaborating, sharing or delegating (*Title 5 §53204*)
- In those districts where the following are collectively bargained, the exclusive bargaining agent shall consult with the academic senate prior to engaging in bargaining on: Faculty Evaluation (Ed Code §87663), Tenure (Ed Code §87610.6) and Faculty Service Areas (*Ed Code §87743.2*)



Staff Roles in College Governance

- Governing boards adopt policies and procedures that provide staff opportunity to participate effectively in district and college governance.
 - formulation and development of policies and procedures, and
 - processes for jointly developing recommendations that have or will have a significant effect on staff.

- Board shall not take action on matters significantly affecting staff until the recommendations and opinions of staff are given every reasonable consideration.

• *Title 5 § 51023.5*



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”



<u>LAW</u>	<u>REGULATIONS LEVEL OF PARTICIPATION</u>	<u>REGULATIONS AREAS OF PARTICIPATION</u>	<u>REGULATIONS CONSIDERATION OF RECOMMENDATIONS</u>
FACULTY			
<p>*Right to participate effectively</p> <p>*Academic Senate right to assume primary responsibility for recommending on:</p> <ul style="list-style-type: none"> •Curriculum •Academic standards 	<p>*Local boards shall:</p> <ul style="list-style-type: none"> •Consult collegially on •Academic and professional matters 	<p>*Academic and professional matters</p> <ol style="list-style-type: none"> 1. Curriculum 2. Degree 3. Grading 4. Program development 5. Student standards 6. Faculty role in governance structures 7. Accreditation 8. Professional development 9. Processes for program review 10. Processes for planning & budget 11. Other 	<p>*Consult collegially</p> <ul style="list-style-type: none"> •Reach mutual agreement •Rely primarily on advice and judgment of academic senate
STAFF			
<p>*Right to participate effectively</p>	<p>*Provided opportunity to participate in formulation of:</p> <ul style="list-style-type: none"> •Policies, •Procedures, and •Processes that have a •Significant effect on staff. 	<p>*Significant effect on staff</p>	<p>*Given “every reasonable consideration”</p>
STUDENTS			
<p>*Right to participate effectively</p>	<p>*Provided opportunity to participate in formulation of</p> <ul style="list-style-type: none"> •Policies, •Procedures and •Processes that have a •Significant effect on students. 	<p>*Significant effect on students</p> <ol style="list-style-type: none"> 1. Grading 2. Codes of conduct 3. Academic discipline 4. Curriculum development 5. Program creation and discontinuance 6. Processes for budget & planning 7. Student preparation and success 8. Student services planning & development 9. Fees 10. Other 	<p>*Given “every reasonable consideration”</p>



Thank You

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