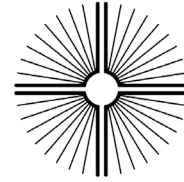




ACADEMIC SENATE
for California Community Colleges
LEADERSHIP • EMPOWERMENT • VOICE

CCCI

California Community College Independents



COMMUNITY COLLEGE
LEAGUE OF CALIFORNIA

Collegiality in Action

*Collegial Consultation and Effective
Participation Fundamentals*

Introductions and Context

- **Ginni May**, President, Academic Senate for California Community Colleges
- **Larry Galizio**, Ph.D., President, Community College League of California
- **Jeffrey Michels**, Ph.D., President, California Community College Independents
- In every college situations raise issues regarding the respective roles of key players in governance.
- We are here to:
 - Address the relationships among the academic senate, faculty union, administrators, and the board of trustees
 - Discuss how these groups work constructively with one another and with students and classified professional staff to assure collegial governance of the institution

Before we begin...

- Norms: Guidelines for Dialogue – Community Expectations
 - See handout
- Question: What do you hope to gain or learn during the Collegiality in Action Visit?
 - Jot down your response
 - If you choose, and if time permits, you may share this during the close of this visit.

Governance in the California Community Colleges

- What is participatory governance?
- What is shared governance?
- What is collective bargaining?
- What are the differences?

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.”

— *CCT/CEOCCC Policy Paper, December 1989*

Three Key Terms

1. Effective Participation
2. Collegial Consultation
3. Scope of Representation

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 participation by all is not required:
and
- Final decisions rest with the governing 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 required a considerable time for decision
- Shared accountability
- Differing expectations and understanding
- Potential conflict if board/designee rejects recommendation

The Law – Education Code

Ed Code § 70902(b)(7)

Board of Governors shall establish “minimum standards” and local governing boards shall “establish procedures not inconsistent” with those standards to ensure the following:

- Faculty, staff, and students the right to **participate effectively** in district and college governance;
- The right of the academic senates to assume **primary responsibility** for making recommendations in the areas of **curriculum and academic standards**.

Regulation – Title 5

Title 5 §53203

Academic Senate Role

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.

Regulation – Title 5

Title 5 §53200

Academic Senate Role

“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.

Questions on Collegial Consultation

- Who decides which of the two processes in the regulations should be used on a given issue?
 - “rely primarily” or
 - “reach mutual agreement”
- Must a local governing board select only one procedure for addressing all ten of the identified academic and professional matters? Or, can there be a different approach used for the different matters?

What are those ten academic and professional matters? Coming up soon...

Regulation – Academic Senates

Title 5 § 53203

(d)(1) Governing board action: **Rely Primarily**

- Recommendations of the academic 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

Regulation – Academic Senates

Title 5 § 53203

(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

Important Notes on Collegial Consultation

- The Governing Board has final say
- The Governing Board is never prohibited from acting
- “Exceptional circumstances” and “compelling reasons” for **rely primarily upon** vs. “compelling legal, fiscal, or organization reasons” for **reach mutual agreement**

Academic and Professional Matters

The “10 + 1”

Regulation – Academic Senates

Title 5 § 53200

Academic and Professional Matters means the following policy development and implementation matters:

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



Regulation – Academic Senates

Title 5 § 53200

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

Title 5 § 53200

Academic and Professional Matters means the following policy development and implementation matters:

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

This is known as the “Plus one” or “+ 1”

Other Legal Provisions Related to the Academic Senates

- **Equivalencies to Minimum Qualifications:** process, criteria, and standards agreed upon jointly by the governing board designee and academic senate – *Ed Code § 87359*
- **Faculty Hiring:** criteria, policies, and procedures shall be agreed upon jointly by governing board designee and academic senate – *Ed Code § 87360*
- **Administrator Retreat Rights:** process agreed upon jointly; governing 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*

Other Legal Provisions Related to the Academic Senates

- **Curriculum Committee:** established by mutual agreement between the administration and the 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 senates 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:
 - Faculty evaluations – *Ed Code § 87663*
 - Tenure – *Ed Code § 87610.1*
 - Faculty Service Areas – *Ed Code § 87743.2*

Staff Roles in Governance

Title 5 § 51203.5

- Governing boards shall adopt policies and procedures that provide staff the 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.
- Governing board shall not take action on matters significantly affecting staff until the recommendations and opinions of staff are given every reasonable consideration.

Student Roles in Governance

Title 5 § 51203.7

- Governing boards shall adopt policies and procedures that provide students the 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 students.
- Governing board shall not take action on matters significantly affecting students until the recommendations and opinions of students are given every reasonable consideration.

Student Roles in Governance

Title 5 § 51203.7

The Students “9 +1”: The policies and procedures that have a “significant effect on students” include:

1. Grading policies
2. Codes of student conduct
3. Academic disciplinary policies
4. Curriculum development
5. Courses or programs which should be initiated or discontinued



Student Roles in Governance

Title 5 § 51203.7

Continued...

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 within the authority of the district to adopt
10. Any other district and college policy, procedure, or related matter that the district governing board determines will have a significant effect on students. (*The “plus one” or “+ 1”*)

What is Collective Bargaining?

- AFL-CIO defines as follows: “Collective bargaining is the process in which working people, through their unions, negotiate contracts with their employers to determine their terms of employment, including pay, benefits, hours, leave, job health and safety policies, ways to balance work and family, and more. Collective bargaining is a way to solve workplace problems.”
- The Educational Employment Relations Act (EERA) of 1976 established collective bargaining in California’s public schools (K-12) and community colleges.

What is an “Exclusive Representative”?

- CA Government Code 3540.1 defines faculty unions as “exclusive negotiating representative[s].”
- Once faculty select a representative group (union) that is recognized by the Public Employee Relations Board (PERB), only that union may negotiate on behalf of employees.
- Also, the Educational Employment Relations Act and subsequent court decisions, as well as rulings by PERB hold that employers (districts/management) must not meet or deal directly with employees or any group other than the exclusive representative for any discussion related to mandatory subjects of collective bargaining.

What are Mandatory Subjects for Bargaining?

- EERA defines scope of representation to include:

wages;

hours of employment;

and other terms and conditions of employment

examples: academic calendar; mandatory employee training;

faculty evaluation procedures; college class size;

distance education policies; workplace safety; load;

leaves; health and retirement benefits; parking; grievances

Unions Have a “Duty of Fair Representation”

- Government Code 3544.9:
“The...exclusive representative...shall fairly represent each and every employee in the appropriate unit.”

Scope of Representation:

- Grievance Handling
- Negotiations
- Representation at Investigatory Interviews (alleged misconduct)
- Union membership

Areas where Union and Senate Scopes Overlap (or may seem to overlap)

- Professional Development

Senate: content

Union: requirements

- Faculty Evaluations

Senate: consult on criteria

Union: negotiate with
management

- Academic Calendar

Senate: consult with union

Union: negotiate with
management

KEY: when an issue falls within the scope of bargaining, Senate should advise Union but not deal directly with management.

Resources

Education Code Lookup

<https://leginfo.legislature.ca.gov/faces/codes.xhtml> (*select Education Code EDC from menu*)

Title 5 Regulations

<https://govt.westlaw.com/calregs> (*use search on top right to enter regulation number*)

<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> <p>Curriculum</p> <p>Academic standards</p>	<p>*Local boards shall:</p> <p>Consult collegially on Academic and professional matters</p>	<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> <p>Reach mutual agreement</p> <p>Rely primarily on advice and judgment of academic senate</p>
STAFF			
<p>*Right to participate effectively</p>	<p>*Provided opportunity to participate in formulation of:</p> <p>Policies, Procedures, and Processes that have a Significant effect on staff.</p>	<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> <p>Policies, Procedures and Processes that have a Significant effect on students.</p>	<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!

Ginni May

President

Academic Senate for California Community Colleges

<https://www.asccc.org>

Larry Galizio

President

Community College League of California

<https://www.ccleague.org>

Jeffrey Michels

President

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