

Santa Rosa Junior College
Academic Senate
Governance Training
Part II



ACADEMIC SENATE
for CALIFORNIA COMMUNITY COLLEGES

David Morse
ASCCC Past President 2014-16

Scenario #1

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.

Issue: The issue is the academic senate's role in oversight of faculty professional development.

Answers (Scenario #1)

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.

Answers (Scenario #1)

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 #1)

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 #2

The faculty collective bargaining agent has renegotiated the contract and changed the language regarding the process for determining the academic calendar. Previously the contract called for the union and the academic senate each to appoint one person to a calendar committee. Now the union appoints both. The union did not consult with the academic senate before negotiating this change. The matter has now come before the academic senate for a response.

Issue: The issue here is the respective rights of the academic senate and the collective bargaining agent and how they collaborate on issues where such rights may overlap.

Answers (Scenario #2)

Citation: Education Code §70902(b)(7) requires the governing board to establish procedures to ensure “the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.” Government Code §3540 et seq. (Rodda Act) establishes the right of exclusive bargaining agents to negotiate hours, wages, and working conditions. Title 5 §53204 states, “Nothing in this subchapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.” The academic calendar is a matter that has both academic and working conditions implications.

Answers (Scenario #2)

Process: The academic senate and the bargaining agent should seek ways in which the two organizations can “consult, collaborate, share or delegate among themselves” the responsibility for representing the faculty in constructing the academic calendar. When the roles of the two organizations overlap, the senate and the bargaining agent should work together to ensure that both voices are included in an appropriate manner. In the scenario above, the academic senate might propose that the union appoint a faculty member identified by the senate to be one of the two members on the calendar committee. To avoid similar situations in the future, methods should be sought to increase communication and collaboration between the senate and the union. Effective strategies may include the use of liaisons between the two boards, regular meetings between the presidents, regular meetings between the two boards, and delineation-of-function agreements that put into writing compromises like the one suggested above.

Suggestion: Communication and operations between the academic senate and the faculty union should ideally take place on good terms. The contract proposal should recognize the interests of both groups in the calendar and should therefore include in some manner the voices of both organizations.

Scenario #3

The college's Student Equity and Achievement Committee, charged by the academic senate with developing proposals in the area of student preparation and success, has developed a plan for instructor advisors. Following this plan, instructors would do academic advising, particularly educational planning, for students majoring in the specific instructor's discipline. This practice is new to the college and has not been tried before. The advising would be done during normal office hours so that additional work hours would not be added. The proposal has come to the academic senate so that a recommendation may be forwarded to the governing board. The union liaison in attendance at the meeting states that this proposal would add a task to the instructor job description and thus falls under working conditions.

Issue: The issue is whether or not instructor advising is a matter for the academic senate, the union, or both, and thus whether it requires a collaboration between the two groups.

Answers (Scenario #3)

Citation: Title 5 §53200(c)(5) indicates “standards or policies regarding student preparation and success” as an academic and professional matter requiring consultation with the academic senate, and advising of students is certainly an issue that relates to student preparation and success. However, Government Code §3540 et seq. (Rodda Act) establishes the right of exclusive bargaining agents to negotiate hours, wages, and working conditions. Because this proposal would add advising to the expected job performance of all instructors, not on a voluntary basis, and is not in the current contract, the matter impacts working conditions and should therefore be negotiated. The proposal may very well have merit, but its implementation should include approval through collective bargaining. Because it also involves the academic and professional matter of student preparation and success, the academic senate should be included in the implementation discussion and decisions as well.

Answers (Scenario #3)

Process: The academic senate should refer the proposal to the union for negotiation. The union should consult with the senate as the proposal develops.

Suggestion: At its inception, the bargaining implications of the proposal should have been discussed with the union.

Note: This answer indicates that the union and the senate should work together from the beginning of and throughout the process and that the matter should be referred to the union for negotiation once the interest in developing faculty advisors has been established. It in no way indicates that the advisor positions should be negotiated before the senate decides whether the proposal should be pursued.

Scenario #4

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.

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.

Answers (Scenario #4)

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 #4)

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.

Answers (Scenario #4)

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 #5

The Vice President of Instruction announces new scheduling guidelines for all courses, including specific time blocks and limitations on when certain types of classes can be offered. The academic senate informs the vice president that course scheduling can impact curriculum decisions and program viability and therefore should be considered an academic and professional matter under Title 5§53200(c)(11), commonly known as the “plus one” category of the regulation, and on this basis requests that the guidelines be subject to collegial consultation. The vice president disagrees, stating that unless curriculum is being developed or revised, course scheduling is an operational matter that does not fall under the academic senate’s purview.

Issue: The issue is how to resolve disagreements regarding the definition of academic and professional matters, especially those that may fall into the “plus one” category.

Scenario #5 (Answers)

- Citation: The list of academic and professional matters in Title 5 §53200(c) includes “other academic and professional matters as are mutually agreed upon between the governing board and the academic senate.” The regulation provides no further guidance on deciding what these additional matters might be, leaving such determinations up to local decision-making processes.

Scenario #5 (Answers)

- Process: Both sides might, depending on the circumstances, have legitimate arguments in this case. Scheduling in a general sense is a matter of which classes are offered, when they are held, and how many are offered; it does not change the curriculum or academic standards and might therefore be seen as simply operational. On the other hand, when and which courses are offered can sometimes impact the health of and enrollment in educational programs, which can then touch on academic and professional matters such as planning and other issues. The academic senate president and the college president should meet and determine a fair process to decide whether this issue—and ideally all such issues—will or will not be considered to be subject to collegial consultation. Such a process might involve assigning the issue to another body for discussion, resolving the question through direct analysis by the college president and the senate president, relying on college precedent, or various other means.

Scenario #5 (Answers)

- Suggestion: Each district should have an established board policy or administrative procedure that outlines how disagreements regarding the application of the term “academic and professional matters” will be resolved. This policy or procedure should be detailed enough to provide for a clear process and broad enough to cover a wide range of possible issues appropriately.

Scenario #6

The college administration met over the summer to discuss college reorganization. When faculty returned in the fall, they were presented with a draft plan that 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 enable student services and instruction to work together in an integrated fashion, commingle faculty from the general education and occupational education disciplines, and balance the workload of the division deans.

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, as well as the process for college decision making during summer or winter breaks.

Scenario #6 (Answers)

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 “Employ and assign all personnel not inconsistent with the minimum standards adopted by the board of governors.” Paragraph (d) of that section allows “delegating the power to the district’s chief executive officer or any other employee or committee as the governing board may designate.” The question thus comes down to determining whether the proposal alters the governance role of faculty or just reorganizes divisions under the rights of assignment that the governing board has delegated to the CEO.

Scenario #6 (Answers)

- If the governance structure is based on faculty representation by division, then the academic senate has the right to collegial consultation regarding how the reorganization will affect that representation. For example, if the composition of the Budget Advisory Committee specifies one faculty member from each division and the reorganization reduces the number of divisions from eight to four, then obviously adjustments in the governance agreement regarding faculty representation on the committee are needed. The change might also alter the development and review of curriculum and educational programs, especially if such processes are based on a divisional structure of related disciplines.
- If the planned reorganization does not change the governance role of faculty or impact any related academic and professional matter, collegial consultation is not required by Title 5 regulations, and the district or college is not required to reach mutual agreement with or primarily rely on the academic senate. However, Education Code 70902(b)(7) requires governing boards “to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration. . . .” Even if the reorganization does not affect academic and professional matters, all constituencies must be given the chance to comment on the reorganization and to have their input considered in the plan.

Scenario #6 (Answers)

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 collegial consultation with the academic senate before moving ahead. If academic and professional matters are not impacted, the reorganization may proceed. However, the CEO must allow for review of the plan and give reasonable consideration to opinions received.

An additional issue in this scenario is the development of the reorganization plan during summer and the announcement at the beginning of fall. Although many faculty are not on campus during summer and academic senates often do not meet between primary spring and fall terms, colleges cannot cease to operate during such periods. However, requirements for collegial consultation regarding academic and professional matters also are not suspended during summer. College administration should take into consideration the availability of faculty outside of primary terms and should reserve major decisions for periods in which faculty leadership is present on campus. (continues on next slide)

Scenario #6 (Answers)

At the same time, academic senates should develop processes to allow for consultation as needed outside of primary terms. In this scenario, if the planned reorganization does not change the governance role of faculty or impact any related academic and professional matter, the administration might have at least notified the leadership of faculty and other concerned constituencies of the proposed plan and allowed for input into the plan's development during summer or, if the issues that led to the changes do not require immediate remedy, waited until the fall semester to finalize the plan with appropriate input. If the proposed reorganization does require consultation with the academic senate, then the administration should contact the senate to arrange for appropriate consultation and, if the changes are not urgent, should consider postponing the process of finalizing the plan until the fall semester.

Scenario #6 (Answers)

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 roles in governance or other academic and professional matters, appropriate consultation with the academic senate must be sought. With that essential input, the administration can then proceed with implementation of the best of the results. In addition, academic senates should make provisions in their bylaws or processes for consultation when necessary outside of primary academic terms. Such provisions might involve authorizing the senate president to make decisions without the usual approval of the full senate, perhaps in consultation with other senate officers, or the possibility of calling emergency senate meetings outside of primary terms .

Thank You

David Morse

Professor of English, Long Beach City College
President, Academic Senate for California
Community Colleges 2014-2016