Faculty, Staff and Student Roles in Local Decision-Making

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The Foundations for the Roles

Education Code
Title 5 Regulations
California Education Code

- Laws resulting from legislation
- Requires legislation to be changed
- Always supercedes Title 5 regulation
Title 5

- California Code of Regulations
- Derived by the Board of Governors from the California Education Code
- Division 6 - applies to California Community Colleges
- Is regulation with the force of law
Academic Senates

Education Code Section 70902 (b)(7)

“The board of governors … ensure … the right of academic senates to assume primary responsibility for making recommendation in the areas of curriculum and academic standards.”
(A) Governing Board shall adopt policies delegating authority and responsibility to its Academic Senate.
(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.
(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:
Title 5 Section 53200 (c)

- Curriculum, including establishing prerequisites
- Degree & Certificate Requirements
- Grading Policies
- Educational Program Development
- Standards & Policies regarding Student Preparation and Success
- College governance structures, as related to faculty roles
Title 5 Section 53200 (c)

- Faculty roles and involvement in accreditation process
- Policies for faculty professional development activities
- Processes for program review
- Processes for institutional planning and budget development
+ 1

Title 5 Section 53200 (c)

- Other academic and professional matters as mutually agreed upon.
Collegial Consultation

Title 5 Section 53200 (d)

District Governing Board is required to consult collegially with the Academic Senate and develop policies on academic and professional matters through either or both:

1. **Rely primarily** upon the advice and judgment of the Academic Senate

2. Reach **mutual agreement** with the Academic Senate by written resolution, regulation, or policy
Collegial Consultation

Title 5 Section 53200 (d)

(D) Requires procedures for responding to Academic Senate recommendations that include:

1. When rely primarily, the recommendation of the Academic Senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will they not be accepted.

2. When mutual agreement and an agreement has not been reached:
   - Existing policy remains in effect except in cases of legal liability or fiscal hardship
   - Board may act - after a good faith effort - only for compelling legal, fiscal, or organizational reasons.
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.

Participating Effectively in District and College Governance
(E) Academic Senate may assume responsibilities and perform functions as may be delegated by the Governing Board
Academic Senates

Education Code Section 87359 (b)
Waiver of Minimum Qualifications and Equivalency

Education Code Section 87360 (b)
Hiring Criteria, Policies, and Procedures

Education Code Section 87458 (a)
Administrative Retreat Rights

Education Code Section 87615 (b)
Minimum Degree Requirements
“The board of governors … ensure … staff, and students the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration, to ensure the right to participate effectively in district and college governance…”
The governing board shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance.

- Grading policies
- Codes of student conduct
- Academic disciplinary policies
- Curriculum development
Students

Title 5 Section 51023.7(a)

- Course/program initiation or elimination
- Processes for institutional planning and budget development
- Standards and policies regarding student preparation and success
- Student services planning and development
- Student fees
- Any other district or college policy… that will have a significant effect on students
Classified Staff

Title 5 Section 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.
Applying What You Know

- Read the scenario
- In small groups, discuss what you think the core issue(s) is, relating it to the issue of participatory governance
- Then, discuss what the process should be for resolving the issue
Scenario 1

The academic senate has passed a resolution calling for the governing board to establish plus/minus grading. Grading policies are a “rely primarily” issue. The item is put on the board agenda, and the associated student president objects on the grounds that students did not participate in the development of the recommendation. Staff also raise concerns about implementation and the fact that they were not brought into the discussion.
The issues are the responsibility of the governing board to (1) rely primarily on the advice and judgment of the academic senate on academic and professional matters and (2) to assure the effective participation of staff and students on matters which affect them.
Scenario 2

You are part of a multi-college district with a district academic senate. One college has proposed an associate degree requirement in information competency. One of the other colleges objects and claims that degree requirements are a district matter and should be recommended by the district academic senate, not a college academic senate.
The Issue

- The issue is whether degree requirements are a matter for consultation at the district or college level.
A new occupational program is being considered, one which is unrelated to any existing program at the college and for which there are currently no faculty. The college president works with the Office of Instruction and the Dean of Occupational Education to develop the job announcement and to act as the screening committee for the hiring of two part-time faculty to develop the curriculum. This process does not follow the existing hiring policy.
The Issue

The issues here are the responsibility for educational program development and the requirement to follow established hiring practices.
Scenario 4

The college president has developed a “Process to Put Issues Before the Board” policy, which states that all issues must go through the president for review and determination before being placed on the board agenda. The senate is concerned that there may be a time when an issue they wish to place on the agenda will not be agreed to by the president. The senate requests an amendment to the process.
The issue here is the right of the academic senate to place matters before the governing board versus the duties assigned to the college president to construct the agenda for governing board meetings.
A Final Thought

Ultimately, collegiality cannot be legislated. Collegiality requires an awareness of interdependence, a commitment to communication and the exchange of ideas, as well as a commitment to joint action in the interests of solving educational problems or setting educational policy.