

Bases for Academic Senates: What Are We And What Are Our Roles?

Craig Rutan, Area D Representative
Cynthia Rico, South Representative



ACADEMIC SENATE
for CALIFORNIA COMMUNITY COLLEGES

What is the difference
between Education Code
and Title 5?

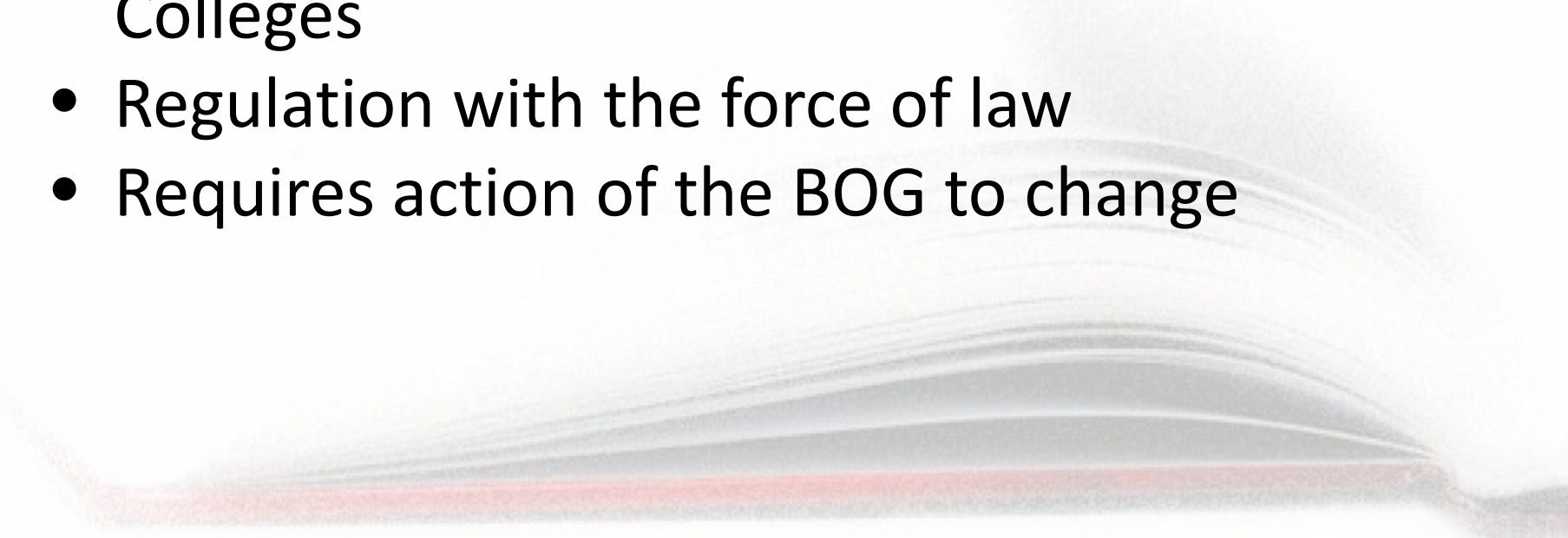


California Education Code

- Laws resulting from legislation
- Always supersedes Title 5 regulation
- Governance was amended by AB 1725 in 1988
- Requires action of the legislature to change



Title 5

- California Code of Regulations
 - Derived and approved by the Board of Governors from the California Education Code
 - Division 6 - applies to California Community Colleges
 - Regulation with the force of law
 - Requires action of the BOG to change
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Is academic senate purview
defined under California
state law or under Title 5
regulations?




What is the role of the Academic Senate?

- 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**.
 - *Education Code § 70902 (B)(7)*
- (B) Academic Senate means an organization whose primary function is to make recommendations with respect to academic and professional matters.
 - *Title 5 § 53200 (B)*

Title 5 § 53203 - Authority

- (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.

What is the difference
between shared
governance, participatory
governance and collegial
consultation?



Collegial Consultation – Defined

Section § 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

What is the difference
between “primarily rely”
and “mutually agree”?



Collegial Consultation – Defined

Section § 53200 (d)(1):

- When **rely primarily**
- The recommendations of the senate will normally be accepted...
 - 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.

Collegial Consultation – Defined

Section § 53200 (d)(1):

- 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.

Do you know your local
board policy?



What are “academic and professional matters”?




**What does the Academic Senate have
authority over?**

The “10 + 1”




The “10 + 1”

Section § 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
- 

The “10 + 1”

Section § 53200 (c)

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**
- 



Other academic and professional matters as mutually agreed upon.

What Are Examples of
OTHER?



Appointments to Committees

“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.” (53203 (F))

In what areas do academic
senate and union roles
overlap?



Senate-Union Relationships

Areas of overlap:

- Tenure Evaluation Procedures


“In those districts where tenure evaluation procedures are collectively bargained pursuant to Section 3543 of the Government Code, the faculty's exclusive representative shall consult with the academic senate prior to engaging in collective bargaining on these procedures.” (Sec. 87610.1 (A))

Senate-Union Relationships

Areas of overlap:

- Tenured Faculty Evaluation Procedures

“In those districts where faculty evaluation procedures are collectively bargained, the faculty's exclusive representative shall consult with the academic senate prior to engaging in collective bargaining regarding those procedures.” (Sec. 87663 (F))




Senate-Union Relationships

Areas of overlap:

- Faculty Service Areas

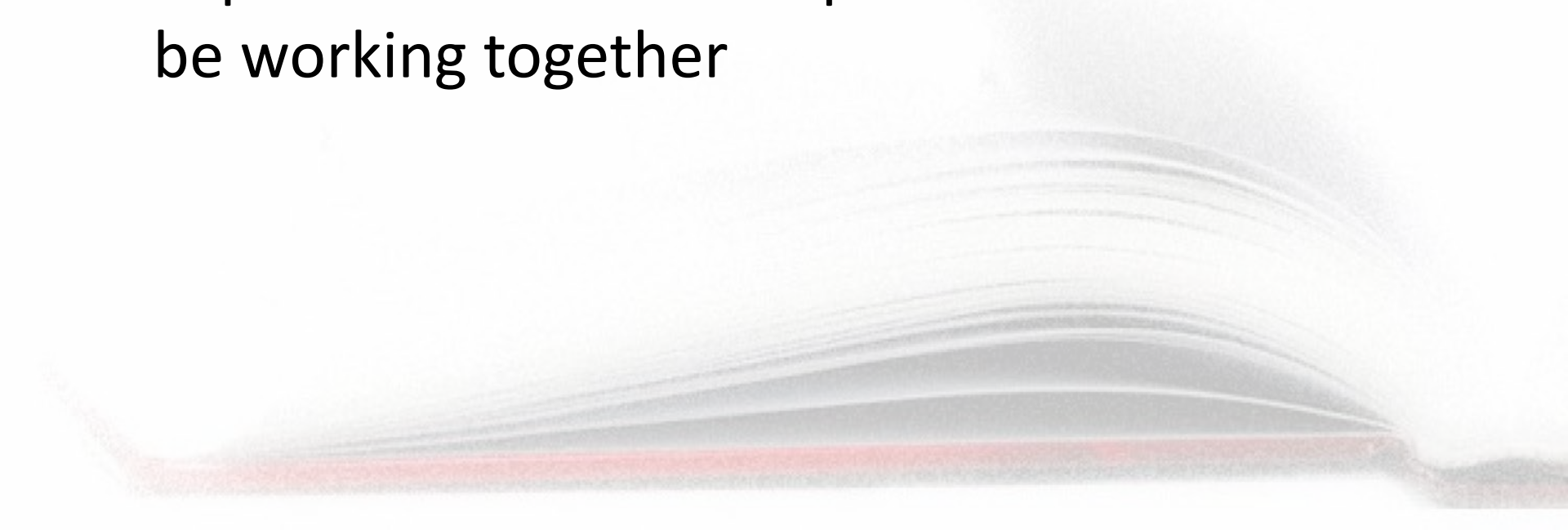
“The establishment of faculty service areas shall be within the scope of meeting and negotiating pursuant to Section 3543.2 of the Government Code. The exclusive representative shall consult with the academic senate in developing its proposals.” (Sec. 87743.2)



Senate-Union Relationships

- It is not a good idea to make EVERYTHING into an academic and professional matter.
- It is also not a good idea to make EVERYTHING into a bargained or contractual issue.

Senate-Union Relationships

- Work Conditions and employment situation vs. academic and professional matters
 - Consultation vs. negotiation
 - Separate functions and purviews but should be working together
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Scenario 1

The chancellor of a multi-college district has proposed a district-wide equivalency process that includes a district equivalency review committee. This committee would be charged with the final review and recommendation on all equivalency applications for the district. The chancellor wants the committee to consist of representatives of each of the college academic senates, the executive vice president from the affected college, three representatives from the screening committee considering the applications, the district staff diversity officer and the district human resources director. Each of the academic senate presidents maintain that this should remain a college matter, as is currently the policy, and not be handled at the district level.

Issue

- The issue is determining the equivalence process.



Citation

Education Code §87359(b) states, “The process, as well as criteria and standards by which the governing board reaches its determinations, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that each individual employed under the authority granted by the regulations possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in regulations adopted by the board of governors...” Thus any changes in the equivalency process must be jointly agreed upon. Note that this is a matter of statute, not a Title 5 academic and professional matter which would be subject to independent board action for “unusual circumstances and compelling reasons” (Title 5 language).

Process

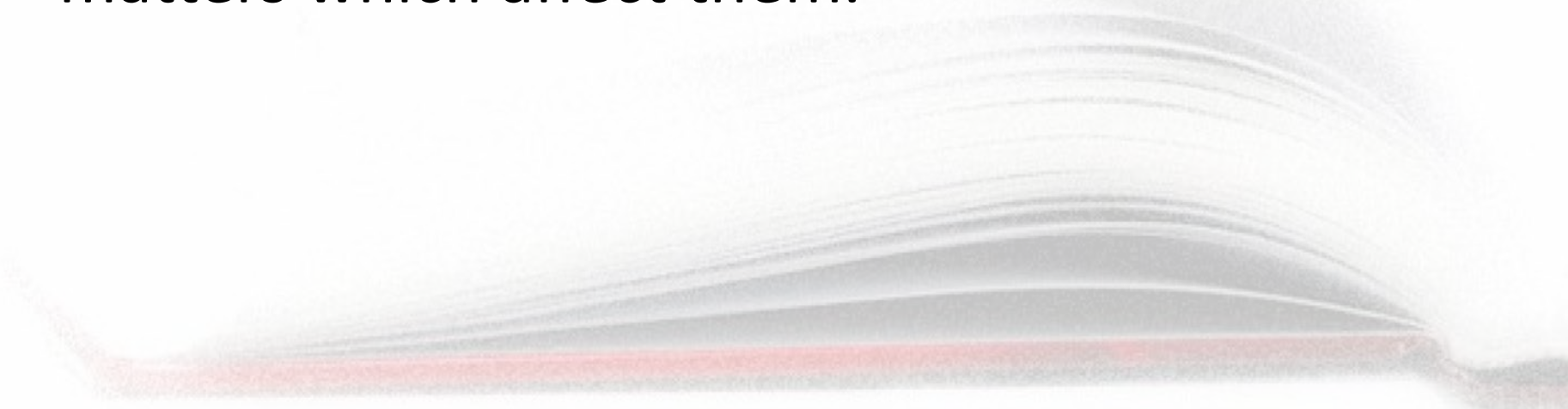
The academic senate presidents should notify the chancellor of the requirement for joint agreement and that existing procedures must remain in place until and unless a new agreement is reached. No mention is made in the law regarding whether equivalency recommendations are to be made at the college or district level. Because hiring recommendations are almost always made at the college level, usually equivalency recommendations are also made at the college, not district, level. **Note, however, that once equivalency has been granted by the board, the faculty member then meets minimum qualifications at any of the colleges in the district.** The composition of the equivalency committee must also be jointly agreed upon. Note that the law requires the board to rely primarily on the academic senate in the determination of the equivalent qualifications of each individual. Thus equivalency committees usually consist almost entirely of faculty appointed by the academic senate.

Scenario 2

Following a recommendation of its Educational Policies Committee, consisting of faculty representatives of each of the college divisions, the academic senate has passed a resolution calling for the governing board to establish plus/minus grading. Grading policies are a “rely primarily” issue in the district. The item is placed on the board agenda and the associated students president objects on the grounds that students did not participate in the development of the recommendation. The governing board pulls the item from the agenda and asks the academic senate and the associated students to work together on the proposal.

Issue

The issues are the responsibility of the governing board to rely primarily on the advice and judgment of the academic senate on academic and professional matters and to assure the effective participation of students on matters which affect them.



Citation

Title 5 §51023.7(a)(2) states “Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formation of the policy or procedure or the joint development of recommendations regarding the action.” Title 5 §51023.7(b)(1) identifies “grading policies” as a matter with significant effect on students. Thus the governing board must not act on the grading proposal until students have had the opportunity to participate in its development.

Process

The academic senate and the associated students should confer on a process through which the academic senate can retain its primary recommending authority while allowing students significant input on the nature of the proposal.

Scenario 3

The budget committee is considering a change in its administrative procedures for the budgeting of discretionary funds. The committee is made up of representatives of all constituent groups; however, the majority are faculty appointed by the academic senate. The chair, the vice president of administrative services, over the objections of the faculty on the committee, has sent the procedural change to the college president, who has sent out a letter to the entire college announcing the adoption of the procedural change. The faculty members of the budget committee have come to the academic senate objecting to the process. The governing board policy specifies that the process for budget development is to be mutually agreed upon with the academic senate.

Issue

The issue is the academic senate role in budget process changes.



Citation

Title 5 §53200(c)(10) cites “processes for institutional planning and budget development” as an academic and professional matter. This change in existing budget development process is a matter for collegial consultation with the academic senate.

Process

The academic senate president should immediately meet with the college president, cite the regulation, and request consultation on the budget process change. Further, the college president should notify college personnel that the change is suspended pending consultation. The academic senate should place the matter on its next agenda. If, after a good faith effort, no agreement can be reached, “existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship.”

Scenario 4

The philosophy department offers logic as Philosophy 5. The math department has forwarded a proposal to the curriculum committee to add the same course to their curriculum, with the same course outline of record, as Math 5. The philosophy department has come to the academic senate with a resolution to deny permission to the math department to offer the course.

Issue

The issue is the process for course approval.



Citation

Title 5 §55002(a) states that a credit course must be “recommended by the college and/or district curriculum committee and approved by the district governing board.” Title 5 §53200(a) states “that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters” of which curriculum is one. Thus the policies and procedures for the review of courses is subject to collegial consultation with the academic senate but the review itself is the responsibility of the curriculum committee. The above case involves course review and approval and is thus under the purview of the curriculum committee.

Process

The matter should be resolved by the curriculum committee. It is good practice for committees dealing with curriculum matters to report regularly to the academic senate to assure that the approved policies and procedures are followed. Upon resolution, the curriculum committee should report to the academic senate that the issue was solved following established procedures.