



Governance Workshop for Academic Senate

For Grossmont-Cuyamaca CCD

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Context and Intentions

In every college and district, situations arise that may raise questions regarding the respective roles of key players in governance and whether an item is a matter of governance or not.

Together with you, we intend to:

- Review and discuss the guiding statutes, regulations, and principles of governance
- Explore what governance is, including identifying differences between college and district governance and operations
- Address the roles and relationships of stakeholder groups in governance, most notably in GCCCD governance
- Discuss how academic senates can work constructively with other stakeholder groups to assure collegial governance of the district and colleges
- Discuss useful practices for effective participation in governance





Agreements

- **Listen as an ally—listen and engage. See this as an opportunity to learn, engage, and plan effectively for the District.**
- **Recognize and respect that each person brings diverse experiences and participation roles; all have a right to their opinions and perspectives.**
- **Look for opportunities in your conversations where you can JOIN the other person, not judge. Be curious.**
- **Be fully present. No multitasking. Please do not text, phone or check emails.**

Governance Refresher

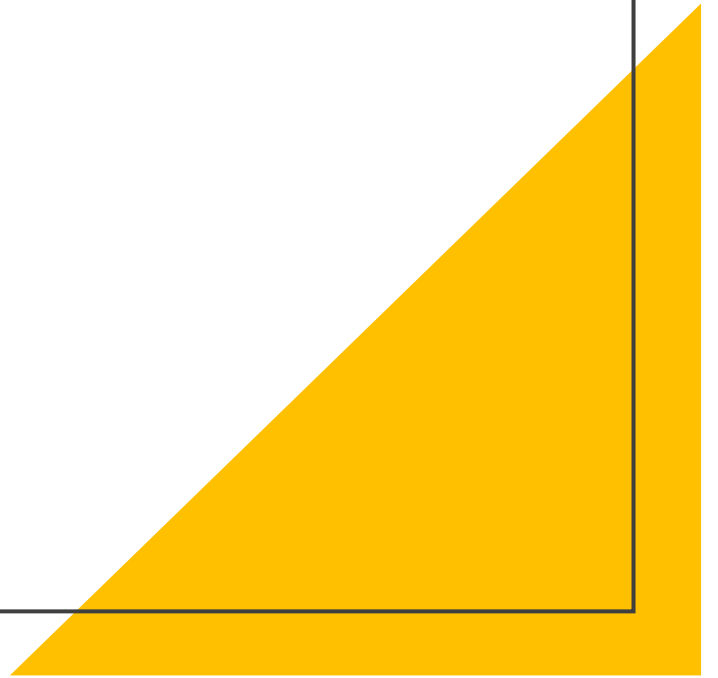


Table Talk: Governance in the California Community Colleges

What is participatory governance?

What is shared governance?

What is the difference?

Where do you find governance information?

Governance Philosophy:

Governance in Grossmont-Cuyamaca CCD

- Effective governance of any democratic organization relies on the individual and collective actions of those who come together for the purpose of governance.
- Successful participatory governance creates an environment of awareness and inclusion in which all members adhere to the following overarching goals:
 - Maintain a unity of purpose
 - Agree on and govern within appropriate roles
 - Create and sustain a positive governance culture
 - Establish policies, procedures, and practices that promote the institution's mission and strategic direction in serving the community
 - Support an open and representative structure for opinions to be shared and considered
 - Provide effective, timely responses to internal and external demands
 - Assure accountability through a focus on evidence, transparency, and continuous improvement
- This shared involvement does not always imply agreement and does not always require the same level of involvement by all stakeholders at all times; nevertheless, it always recognizes the ultimate responsibility for decisions with the Chancellor and the Board of Trustees.

AB 1725 (Vasconcellos, 1988): Redefining California Community Colleges

Intent: enhance community college image, shift CCCs to higher education, and develop a more unified system

What did AB 1725 do?

- Decoupled K-12 from the community colleges
- Changed funding structure
- Set mission priorities
- Established faculty qualifications, tenure periods, evaluation processes
- Set goal of 75% full time faculty
- Set diversity goals
- Delineated governance and decision-making



Governance in Ed. Code and Regulations

- **The Education Code** is the statutory basis for college governance, requiring districts to offer opportunities for faculty, staff, and students to provide input into district/college governance.
- The **California Community Colleges Board of Governors** sets the regulatory basis for participatory governance.
- Through the Education Code, the state Legislature directed the Board of Governors to adopt regulations to implement this general direction – these regulations appear in **Title 5 of the California Code of Regulations**.

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*

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Benefits and Challenges of Governance Systems

Benefits

- 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

- 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 recommendations

The Law – Education 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**.

Governance in California Community Colleges

“Participate effectively” means having an opportunity to participate in district and college governance as noted in Ed Code §70902:

1. Development of policies and procedures
2. Processes for developing recommendations with a significant effect on staff
3. Having recommendations and opinions given reasonable consideration prior to governing board action

Key Title 5 Regulations:

4. §51203.5 Staff
5. §51203.7 Students

“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
3. When adopting policies and procedures on academic and professional matters

Key Title 5 Regulations:

4. §52300- §52303
Academic Senate

Regulation : 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.

Academic Senate Role in Governance: Collegial Consultation

Governing board action: **Rely Primarily**

- Title 5 §53203(d)(1)
- 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

Governing board action: **Mutual Agreement**

- Title 5 §53203(d)(2)
- 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 (cont'd)

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...
- +1. 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”



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?

Other Legal Provisions Related to Academic Senates: Laws

- **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 Academic Senates: Regulations

- **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*

Governance in California Community Colleges

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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 or chancellor as its designee.

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

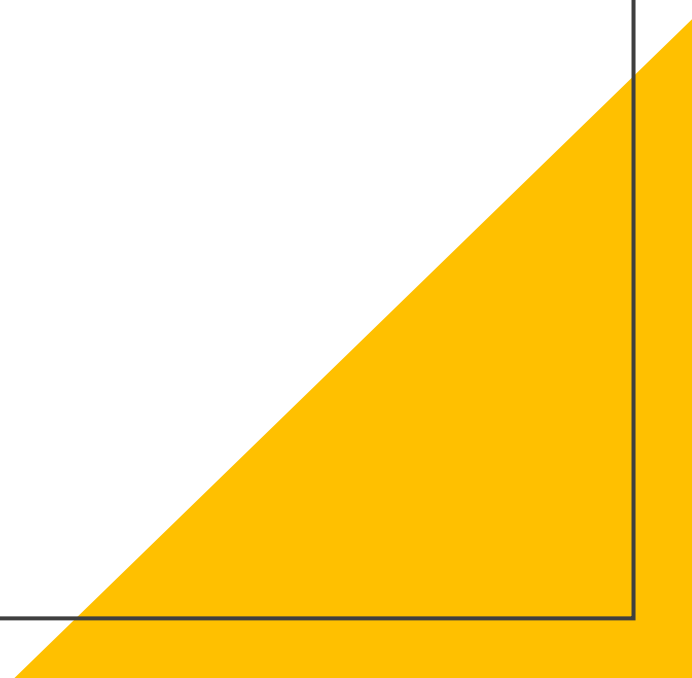
Title 5 § 51203.7

- 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
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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
 - +1 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”*)

Table Talk: Effective Governance

01

How do you know that the governance and decision-making process is working at the college or district level?

02

Do you have examples of governance working at the district level?

03

What behaviors or actions need to be practiced for effective governance and collegial consultation at the district level?



Questions about Governance?

Governance versus Operations



Table Talk: Governance and Operations

What differentiates
governance and operations?

Who defines or decides what
is governance and what is
operations?



Governance

- Development of institutional mission, vision, and values (recommended to Board)
- Policy development (recommended to Board)
- Strategic priorities (often occurs as part of strategic planning process)
- Recommendations in areas affecting multiple areas of a college or district
- Planning processes and documents (recommended to Board)
 - Includes Strategic Plan, Educational Master Plan, Enrollment Management, Facilities Plan, Student Equity Plan, Technology Plan, etc)
- Budget development process, including assumptions and priorities (results in recommendation to board for final budget)
- Hiring processes (with exception of Chancellor and Presidents)
- Accreditation report review (for recommendation to Board)



Operations

- Implementation of State and Federal laws and regulations
- Implementation of policies, plans, initiatives, and administrative decisions
- Responsibilities that are listed in job descriptions
- Routine operational decisions
- Collective bargaining
- Performance appraisals and disciplinary matters
- Oversight of budget allocations and implementation of final budget
- Hiring appointments and decisions
- Confidential employee information and responsibilities
- Procedure development and review (for areas not considered academic and professional)

Governance in Academic and Professional Matters

- As per Title 5 §53203(a): The governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters.
- Title 5 §53203(d) defines collegial consultation as: the board will either primarily rely primarily on the academic senate's recommendations or reach mutual agreement with the academic senate.
- Both options for collegial consultation require direct communication between the academic senate and the governing board or its designee.
- It is a common practice for recommendations on academic and professional matters to be reported to the central Governance Committee/Council as information items.



Governance or Operations? Or An Academic and Professional Matter?

- Processes for revising curriculum advising cards
- Faculty hiring processes
- Changes to Maintenance & Operations expenditures
- Student Equity Plan development
- Deployment of a Veteran's Resource Center
- Reorganization of faculty offices on campus
- Assignment of faculty to class sections and modalities



Scenarios

Scenario: College Reorganization

The college administration met over the summer to discuss college reorganization. At fall Convocation, campus personnel were presented with a draft plan that merged faculty 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 personnel 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.

Governance? Operations? An Academic and Professional Matter?

Considerations: College Reorganization

- 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.”
- 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. . . .”
- Does the proposal alter the governance role of faculty or just reorganize divisions under the rights of assignment that the governing board has delegated to the CEO?
- Have faculty, staff, and students been given the opportunity to express their opinions at the campus level?

Scenario: Artificial Intelligence

The district chancellor is excited about advances in generative artificial intelligence and creates a new district committee charged with developing and implementing procedures on generative artificial intelligence, including for the purchase and use of AI technologies . The chancellor then decides that the committee should include four representatives from each constituency group and asks the leadership of each group to appoint four faculty members. The academic senate president asks for collegial consultation on the formation of the committee, including the charge, membership, and reporting responsibilities. Labor leaders assert that use of artificial intelligence is a working condition.

Governance? Operations? An Academic and Professional Matter?



Considerations: Artificial Intelligence

- Is this an academic and professional matter?
 - Chancellor's Office Legal Opinion M 97-20 states, "some degree of consultation will be required if the purpose of the committee is to develop policy or procedures related to an academic and professional matter."
 - Title 5 §53200(c)(1) lists curriculum as an academic and professional matter, and the development of policies and use of artificial intelligence in instruction is a curriculum issue.
 - Thus, the chancellor must consult with the academic senate on the particulars of this committee.
- Is this a labor matter?
 - Implementation of technologies that impact a person's job duties may be negotiable





Do you have other GCCCD examples or governance questions?



Reminder: Governance Can Be Difficult

“...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.”

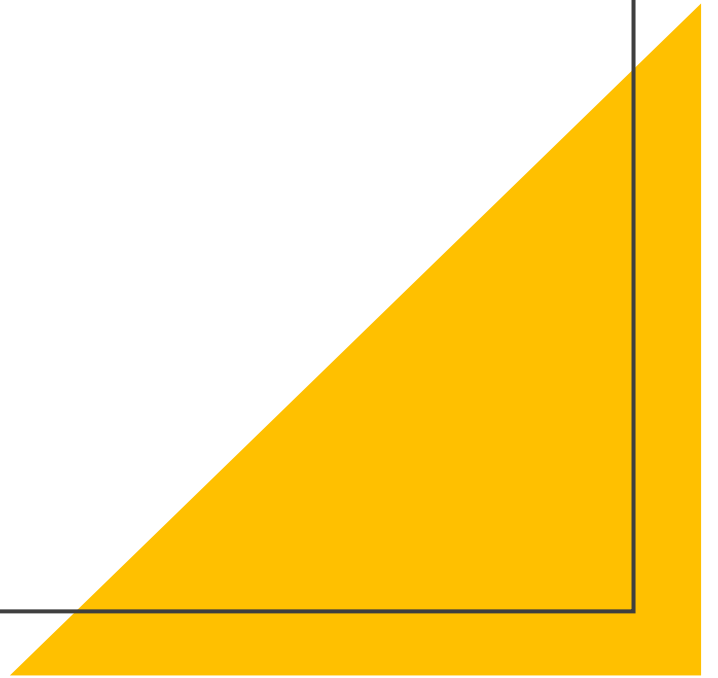
— *CCT/CEOCCC Policy Paper, December 1989*

Resources

- CA Education Code (select Education Code – EDC – from menu)
- CCC Title 5 (use search box at top right to enter regulation number)
- Participating Effectively in District and College Governance (CCLC & ASCCC, 2020)
- Scenarios to Illustrate Effective Participation in District and College Governance (CCLC & ASCCC, 2020)

Questions?

Thank You!



LAW	REGULATIONS LEVEL OF PARTICIPATION	REGULATIONS AREAS OF PARTICIPATION	REGULATIONS CONSIDERATION OF RECOMMENDATIONS
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>

