

Welcome to the Academic Senate



ORIENTATION TO THE SENATE

Legal Authority

2

- California Education Code
- California Title 5 Regulations



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Title 5

3

- California Code of Regulations
- Derived by the Board of Governors from the California Education Code
- Division 6 – applies to California Community Colleges
- Regulation with the force of law



What is AB 1725, and why is it important?

4

- In 1986, the Commission for the Review of the Master Plan for Higher Education issued a report focusing exclusively on the community colleges. This document, *The Challenge of Change: A Reassessment of the California Community College*, led the way for the great reform legislation, AB 1725. Passed by the legislature in 1988, AB 1725 gave many new responsibilities to both local senates and the Academic Senate for California Community Colleges, among them being:
 - Creating the focus for CCCs on transferring students to universities
 - Shifting the power of governance from the legislature to local boards
 - Involving faculty directly in matters of hiring and participatory governance, and creating areas of responsibilities known as the 10+1
 - Instilling the 75:25 ratio of full-time to part-time instructors, creating a calculation known as the Faculty Obligation Number, or FON
 - Creation of funding models (which have undergone much revision since inception)
 - The legislation resulted in the July 1990 adoption of Title 5 Regulations, “Strengthening Local Senates.” In 1992, the Academic Senate and the trustee’s organization the Community College League of California (CCLC), issued a Memorandum of Understanding that offers a joint interpretation of the Title 5 regulations.
 - AB 1725 is therefore the root of the way the academic senate operates today.



What is the Role of the Academic Senate?

5

“The governing board of each community college district **shall...** Establish procedures that are consistent with minimum standards established by the board of governors 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, to **ensure the right to participate effectively** in district and college governance, and to ensure the **right of academic senates** to assume primary responsibility for making recommendations in the areas of **curriculum and academic standards.**”



§ 70902 (b) (7) California Ed Code

What is the Role of the Academic Senate?

“Academic senate,” “faculty council,” and “faculty senate” means an organization formed in accordance with the provision of this Subchapter whose **primary function**, as the **representative of the faculty**, is to make **recommendations** to the **administration** of a college and to the **governing board** of a district with respect to **academic & professional matters.**”

§ 53200(b) Title 5



“Academic & Professional Matters”

7

“Academic professional matters” means the following policy development and implementation matters:”

§ 53200(C) Title 5

1. Curriculum & prerequisites*
2. Degree & certificate requirements*
3. Grading policies*
4. Educational program development



“Academic & Professional Matters”

8

5. Standards & policies regarding student preparation & success*
6. College governance structures as related to faculty roles
7. Faculty roles and involvement in accreditation, including self-study and annual reports
8. Policies for faculty development activities*
9. Processes for program review*
10. Processes for planning & budget

Plus 1:

Other academic & professional matters as mutually agreed upon



COC Board Policy 7215

9

Academic Senate Participation in Collegial Consultation

https://www.canyons.edu/_resources/documents/administration/board/bp-ap/7000humanresources/BP7215.pdf



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What powers?

“The governing board...shall adopt policies for appropriate delegation of authority and responsibility to its college and/or district academic senate....”

§ 53203(a) Title 5

- ❑ Adopting the policies and procedures in (a) **shall consult collegially** with representatives of the academic senate. § 53203(b) Title 5
- ❑ “...the academic senate shall retain the **right to meet** with or to appear before the governing board with respect to **views, recommendations, or proposals** of the senate.” § 53203(c) Title 5
- ❑ An academic senate may assume such responsibilities and perform such functions **as may be delegated to it by the governing board** of the district...
§ 53203(e) Title 5



What's “Consult Collegially?”

“**Consult collegially**” means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

(1) **relying primarily** upon the advice and judgment of the academic senate; or

(2) agreeing that the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach **mutual agreement** by written resolution, regulation, or policy of the governing board effectuating such recommendations.

- § 53200(d) Title 5



Collegial Consultation - Defined

1
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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.



Local Senate Constitution & Bylaws

- ▣ Provides our own, local operating philosophy, mission and principles, including our operating processes.



Duties and Role of Senators

Section J - Duties of Senators

1. School/Division Senators

a. Attendance – Senators representing Schools/Divisions shall attend and actively participate in all regular and special meetings of the Academic Senate. It is the Senator's responsibility to develop a work schedule around the Senate's regularly scheduled meeting time. Regular attendance is expected.

i. Absence – School/Division Senators shall make any and all effort to secure an alternate representative from their respective School/Division in advance of any anticipated absence from a scheduled meeting of the Academic Senate.

ii. Anticipated Long Term Absence- School/Division Senators shall make any effort to find an alternative to serve in their absence.

b. Appointments - All School/Division Senators shall be eligible for and should anticipate appointment to at least one Academic Senate standing committee or ad hoc committee per academic year.

c. Liaison Duties - Senators serving as School/Division representatives shall be the liaison between their representational areas and the Academic Senate. Senators shall explain Academic Senate agenda material to their constituents and present to the Senate concerns from their affected areas.

2. At-Large Senators

a. Attendance - Senators serving as At-Large shall attend and actively participate in all regular and special meetings of the Academic Senate. It is the Senator's responsibility to develop a work schedule around the

Senate's regularly scheduled meeting time. Regular attendance is expected.

b. Appointments - At-Large Senators shall be eligible for and should anticipate being appointed to represent any School/Division lacking a dedicated Senator on the Academic Senate.

i. Absence – At-Large Senators shall make any and all effort to secure an alternate representative from the Electorate in advance of any anticipated absence from a scheduled meeting of the Academic Senate.

ii. Anticipated Long Term Absence- At-Large Senators shall make any effort to find an alternative to serve in their absence.

c. Liaison Duties - Senators serving At-Large shall be the liaison between the full Electorate and the Academic Senate. Senators shall be prepared to explain Academic Senate agenda material to their constituents and present to the Senate concerns from any affected campus area.

3. Adjunct Senators

a. Attendance - Adjunct Faculty Senators shall attend and actively participate in all regular and special meetings of the Academic Senate. It is the Senator's responsibility to develop a work schedule around the Senate's regularly scheduled meeting time. Regular attendance is expected.

i. Absence – Adjunct Faculty Senators shall make any and all effort to secure an alternate representative from the Adjunct Electorate in advance of any anticipated absence from a scheduled meeting of the Academic Senate. In order for any alternate to serve in place of the absent Senator, the alternate must meet all the requirements to serve as that of the permanent Adjunct Senator.

ii. Anticipated Long Term Absence- Adjunct Senators shall make any effort to find an alternative to serve in their absence.

b. Liaison Duties – Adjunct Faculty Senators shall be the liaison between the full adjunct faculty Electorate and the Academic Senate.

Senators shall be prepared to explain Academic Senate agenda material to their constituents and present to the Senate concerns from any affected campus area. Adjunct Senators should use all reasonable means to communicate and liaise with the entire adjunct faculty Electorate.

Ralph M. Brown Act

Commitment to:

- ❑ Openness
- ❑ Transparency
- ❑ Public Access to information



Ralph M. Brown Act

Includes:

- ❑ The Board of Trustees
- ❑ Any subcommittee or task force created by the Board with a majority of Board members serving on the group
- ❑ Any subcommittee or task force created by the Board which has defined, ongoing charge (either decision-making or advisory) OR has a regular meeting schedule set by the Board, regardless of Board membership
- ❑ **Local academic senate** and **curriculum committee**
 - ❑ STANDING COMMITTEES of a legislative body are subject to the Brown Act.
 - ❑ STANDING = two conditions
 - ❑ Continuing subject matter jurisdiction, or
 - ❑ A meeting schedule fixed by resolution or formal action



Ralph M. Brown Act

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- What is considered a meeting?
 - When a majority of the members gather to discuss business
 - Any meetings with other groups to discuss business
 - Can meet at social events like parties but cannot discuss business
 - The Brown Act is not limited to “meetings” where a final decision is made!
 - “HEAR”
 - “DISCUSS”
 - “DELIBERATE”



Can we call “special meetings?”

Ralph M. Brown Act – No Serial Meetings

“A majority of the members of a legislative body shall not...use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.”

- GC Section 54952.2(b)(1)

Common Types of Serial Meetings:

- Daisy Chain
- Hub and Spoke
- Email



Ralph M. Brown Act: Teleconference Meetings

- ❑ Agendas must identify each teleconference location and be posted at each location
- ❑ Each location must be open and accessible to the public and allow for public participation
 - ❑ Example: Hospital bed
 - ❑ Example: No participation by cell phone in car
- ❑ Agenda must provide an opportunity for public comment from each teleconference location
- ❑ At least a quorum of the legislative body must participate from locations within the local agency's jurisdiction

All votes must be audible and taken by roll call



Applying the Brown Act

2
3

- All meetings are open!
 - Must post agenda 72-hours ahead and in public space
 - Must include
 - Time & place & accessibility accommodations
 - Public comments
 - Action items with brief description
- Who's “in charge” of the agenda?



Governor Newsom's COVID-19 Executive Orders: Meeting Process

2
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- ❑ Physical presence of members of the legislative body or of the public are not required as a condition of participation in or quorum for a public meeting
- ❑ Notice is not required of each teleconference location from which a member will be participating in a public meeting
- ❑ Teleconference location does not have to be accessible to the public
- ❑ The possibility of members of the public addressing the body at each teleconference conference location is not required
- ❑ Agendas do not have to be posted at all teleconference locations



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