

# Welcome to the Academic Senate!



## ORIENTATION TO THE SENATE

Adapted from **Academic Senate California Community Colleges**, J. Patton

# What is the Role of the Academic Senate?

2

“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?

3

“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



# COC Board Policy 7215

4

## Academic Senate Participation in Collegial Consultation

[https://www.canyons.edu/\\_resources/documents/administration/board/bp-ap/7000humanresources/BP7215.pdf](https://www.canyons.edu/_resources/documents/administration/board/bp-ap/7000humanresources/BP7215.pdf)



Academic Senate Calif. Community Colleges, J. Patton

# What is AB 1725, and why is it important?

5

- 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.



# Some Questions to Consider

6

- Where does the Academic Senate authority come from?
- What is the role of the Academic Senate?
- What does the Academic Senate have responsibility over?



# Where does the Academic Senate Authority come from?

- Education Code
- Title 5 Regulations



# California Education Code

8

- Laws resulting from legislation
- Requires legislation to be changed
- Always supersedes Title 5 regulation
- Governance amended by AB 1725 in 1988





# Title 5

9

- 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



# “Academic & Professional Matters”

1

“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”

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



# The Brown Act



Academic Senate Calif. Community Colleges, J. Patton

# 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  
5

## 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

1  
6

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.





# What powers?

1  
7

- ❑ “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) Title 5
- ❑ **Discussion question – How are we doing with committee membership & recruitment?**



# Other Authority for Senates

1  
8

- Waiver of Minimum Qualifications; Equivalency (Ed Code § 87359(b))
- Hiring Criteria (Ed Code § 87360(b))
- Administrative Retreat Rights (Ed Code § 87359(b))
- Tenure Evaluation Procedures (Ed Code § 87359(b))
- Evaluation Procedures (Ed Code § 87359(b))



# Local Senate Constitution & Bylaws

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



# *Ralph M. Brown Act*

2  
0

- Open Meetings Act (Government Code 54950-54960.5)
- Requirement for local senates to follow addressed in 1983 Attorney General Opinion:  
“The Attorney General concluded that [academic senates are subject to Brown Act Requirements](#) because Title 5 requires that local community college governing boards must recognize their local academic senates and thus local [academic senate are subordinate creations of local boards of trustees.](#)”



# *Ralph M. Brown Act*

2  
1

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*

2  
3

- 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*

2  
5

- ❑ 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  
6

- 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?



# Applying the Brown Act

2  
7

- Votes
  - All votes are public record
  - Recorded in minutes... Rules of Order



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

2  
8

- ❑ 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



Academic Senate Calif. Community Colleges, J. Patton

# Governor Newsom's COVID-19 Executive Orders: Emergency Updates

2  
9

- Executive Order N-35-20 allows all members of a legislative body to receive updates from federal, state and local officials relevant to the declared COVID-19 emergency, including impacts of COVID-19, the government response, and “other aspects relevant to the declared emergency”
- Members may ask questions of those federal, state and local officials who provide the updates in order to stay apprised of emergency operations and the impact the emergency has on their constituents
- Members may not take action on, or discuss amongst themselves, any item of business that is within the subject matter jurisdiction of the legislative body without complying with otherwise-applicable requirements of the Brown Act



# Rules of Order

3  
0

- Robert's Rules of Order, Revised
- <http://www.robertsrules.com>
- Can choose elements to use
- Parliamentary



# Action Items

3  
1

- ❑ Published agenda items only!
- ❑ Need a first reading
  - ❑ Exceptions??
  - ❑ Quorum?



# Discussion Items

3  
2

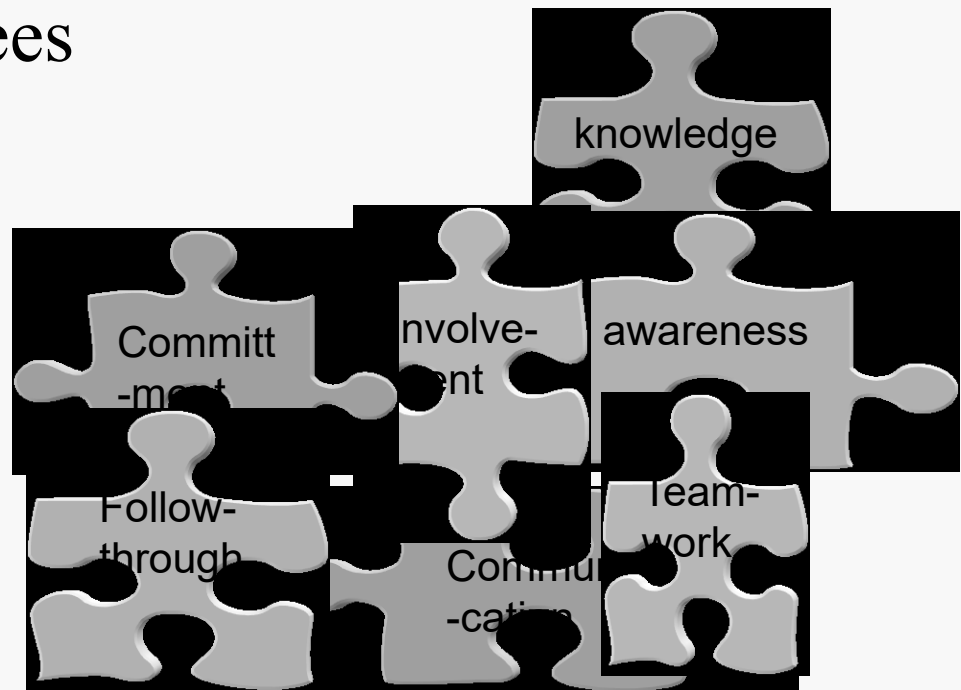
- ❑ Discuss only, no action
  - ❑ Can be moved to action agenda
  - ❑ May be information only (currently, no action required)
- ❑ Important to note:
  - ❑ All information must be available to the public
  - ❑ Documents become public documents





# Senators' Roles & Responsibilities

- Communicating with your constituents
- Preparation for Senate meetings
- Involvement in issues
- Serve on committees
- Write resolutions
- What else?



# Resources

3  
4

- [www.asccc.org](http://www.asccc.org) (*the ASCCC*)
  - From site you can get links to *Senate Rostrum*, ASCCC papers, Ed Code and Title 5 and Executive Board members
  
- “*Local Senates Handbook*” (2015 ASCCC publication) – *red handbook*

