



Shared/Participatory Governance

Academic Senate's Authority

- From where does the Academic Senate's authority originate?
- The academic senate is an "organization whose primary function is to make recommendations with respect to **academic and professional matters.**"

Title 5 § 53200

- Where does this, "academic and professional matters" come from?

History

Governance was amended by AB 1725 in September, 1988. AB 1725 is implemented through Ed Code and Title 5 regulation.

And speaking of 1988...

1988

- Billboard Year-end Hot 100
- 60th Academy Awards
- And of course, there was serious hair...

HAIR!!!!



Ed Code Versus Regulation

- Legal code (The Law) 29 Codes. Results from legislation and requires legislation to be changed.
- Typically enforced through judicial action (criminal or civil) or regulatory (Title 1-28)
- Regulations implemented through regulatory agency or judicial action.

TITLE 5, Division 6 - CCC

- Developed by the System Office
- Approved by the Board of Governors (BoG)
- Implements the law with flexibility (where allowed)

Ed Code and Title 5 Connection

- Basically, Ed Code is the law and Title 5 is the Board of Governors' interpretation of the law.

Education Code §70902 (b)(7)

“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.**”

TITLE 5 § 53203 - Powers

- (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.**

TITLE 5 § 53200 - Definitions

(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:

RSCCD BP #2510

"The Board or its designees will consult collegially with the Academic Senate, as duly constituted with respect to academic and professional matters, as defined by law and specified in Board Policy 2410."

What constitutes an "Academic and Professional" matter?

That's defined in the "10+1."
(see attached doc)

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 - Definitions

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 ... the board's decision to disagree must be:
in writing, and based on a clear and substantive rationale which puts the explanation in an accurate, appropriate, and relevant context.

--Participating Effectively in District and College Governance

10 + 1 for RSCCD (BP 2410, formerly 9001-3/17/97)

For the following items the RSCCD Board of Trustees will rely **primarily upon the advice** of the Academic Senate:

- 1) Curriculum, including establishing prerequisites and placing courses within disciplines;
- 2) Degree and certificate requirements;
- 3) Grading policies;
- 5) Standard or policies regarding student preparation and success;
- 8) Policies for faculty professional development activities;

10 + 1 for RSCCD (cont)

For the following items, the RSCCD Board of Trustees will come to **mutual agreement** with the Academic Senate:

- 4) Educational program development;
- 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;
- 9) Processes for program review;
- 10) Processes for institutional planning and budget development.

In addition to "10+1," the Academic Senate has other powers as well.

TITLE 5 § 53203 – More Powers

- (E) Academic Senate may assume responsibilities and perform functions as may be delegated by the Governing Board
- (F) Appointment of faculty members to college committees shall be made by the Academic Senate - requires consultation with CEO or designee

Education Code-Even More Powers

- Section 87359 (b) Waiver of Minimum Qualifications and **Equivalency**
- Section 87360 (b) **Hiring** Criteria, policies, and procedures
- Section 87458 (a) **Administrative Retreat Rights**
- Section 87615 (b) Minimum **Degree Requirements**

Education Code and the Faculty Association

- Section 87610.1 (a) **Tenure Evaluation Procedures**
- "The faculty's exclusive representative shall consult with the academic senate prior to engaging in collective bargaining regarding those procedures."

Education Code and the Faculty Association (cont)

- Section 87663 (f) Evaluation Procedures - Association shall consult with Senate
- Section 87743.2 Faculty Service Areas - Association shall consult with Senate