

1. **Apple Hill College**

In response to the success portion of the Student Centered Funding Formula, the college’s Vice President of Student Services announces the implementation of a new text-messaging service that is intended to remind students to register on time and to apply for degrees and certificates when they have fulfilled requirements. The counseling department protests to the academic senate that course registration and degree application processes are academic and professional matters and that the new service should not be implemented until the counseling department has reviewed and approved the messaging.

*Scenario 11*

Issue: The issues are the definition of “standards or policies regarding student preparation and success” as an academic professional matter and, more broadly, the need for consultation on changes made to accommodate the Student Centered Funding Formula.

Citation: Title 5 §53200(c)(5) indicates “standards or policies regarding student preparation and success” as an academic and professional matter. The language specifically indicates

standards and policies, not operational or implementation activities.

Process: Registration and degree application processes are certainly developed to promote

student success, and thus policies and in some cases processes in these areas would fall under academic and professional matters. However, if the new system does no more than notify students and send reminders, it is not impacting standards or policies. It is therefore not subject to consultation with the academic senate. In a broader view, a college might take a variety of steps to maximize its allocation under the Student Centered Funding Formula, ranging from implementing reminders such as the one described in this scenario to simplifying paperwork to creating new degrees or certificates. If the changes impact curriculum development or delivery, alter standards, or impact policies that involve student success, they fall under the academic senate’s purview and are thus subject to collegial consultation before implementation. If the changes are simply operational and do not change curriculum, standards, or policies, consultation is not required.

Suggestion: Even when consultation with the academic senate is not required, good practice would involve requesting senate input whenever possible. In the scenario above, for example, while consultation may not be a requirement, counselors might well have useful suggestions regarding the phrasing or timing of the messaging. Such a request for input does not imply a mandate to reach agreement but rather a desire to make the best possible use of the knowledge of all concerned parties. See “Participating Effectively” questions 16, 19, and 21.

1. **Blueberry Community College**

The district chancellor is excited about advances in distance education and creates a new district committee charged with developing and implementing procedures on technology-mediated instruction. The chancellor then decides that the committee should include four representatives from each constituency group and asks the academic senate president 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.

*Scenario 13*

Issue: The issue is whether or not the formation of this committee on technology-mediated instruction is an academic and professional matter.

Citation: 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 technology-mediated instruction is certainly a curriculum issue. Thus, the chancellor must consult with the academic senate on the particulars of this committee.

Process: The academic senate president should discuss the matter with the chancellor, present the above citations, and request that the chancellor consult with the academic senate before proceeding with the formation of the committee.

Suggestion: When either party, the administration or the academic senate, considers the possibility for the formation of a college-wide group to discuss policies or procedures related to academic and professional matters, the two should consult before proceeding, preferably at the conceptual stage. If a new group is formed, a written agreement should be reached on the charge, membership, and reporting responsibilities of the group. See “Participating Effectively” questions 17, 21 and 22.

1. **Cucumber City College**

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 academic department considering the applications, the district staff diversity officer, and the district human resources director. Each of the academic senate presidents maintains that equivalency should remain a college matter, as is currently the policy, and should not be handled at the district level.

*Scenario 29*

Issue: The issue is the authority for 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 regarding faculty members, 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 by the academic senate and the designee of the governing board. This requirement is a matter of statute, not a Title 5 academic and professional matter that would be subject to independent board action for “exceptional circumstances and compelling reasons” or for “compelling legal, fiscal, or organizational reasons” (Title 5 §53203). The existing process must remain in place until agreement with the academic senate is reached.

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, equivalency recommendations are usually also made at the college, not district, level. However, 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. In addition, 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.

Suggestion: The equivalency process should include a mechanism for incorporating changes by mutual agreement. When a given party, such as the chancellor in this case, sees problems that need to be addressed, administrative and senate leaders should meet to analyze and define the problem, consider possible solutions, and seek to reach joint agreement on changes needed to resolve any identified issues. A good practice for avoiding conflicts over such matters would involve regularly scheduled meetings between the academic senate president and the college president, or, in a multi-college district, between faculty leadership and the chancellor in order to identify potential college or district issues and seek positive resolutions.

1. **Dragon Fruit Technical College**

The college president seeks to change the existing faculty hiring process in which the selection committee forwards just one name to the president to advance to the governing board for hiring. The president proposes that the selection committee forward at least three candidates, who would then be interviewed by the president, the appropriate vice president, and the faculty chair of the first round selection committee. The successful candidate would then be advanced to the board by the president. The academic senate reviews the college president’s written proposal, without inviting the president to be present, and passes a brief motion that the academic senate is not interested in changing the process. The college president has now approached the academic senate president seeking a resolution of the differences.

*Scenario 30*

Issue: The issue here is the method by which changes to the faculty hiring process are to be made.

Citation: Education Code §87360(b) requires that “hiring criteria, policies, and procedures for new faculty members shall be developed and agreed upon jointly by the representatives of the governing board and the academic senate, and approved by the governing board.”

Process: Under these circumstances, the existing process would stay in place until changes are mutually agreed upon. Further, both sides would be expected to make a good faith effort to reach mutual agreement. In order to make such an effort, the academic senate president should identify senate members to meet with the college president to discuss the proposed change. The proposal should then be thoroughly discussed with the full academic senate, even if no alterations to the president’s proposal arise from the committee discussion. As a matter of good practice, the academic senate should invite the college president to be present as a full participant in the senate discussion. If no mutual agreement is reached, the existing process would remain in effect.

Suggestion: The original process should have contained provisions by which changes could be incorporated. Even without such a provision, both the senate and the college president should make a good faith effort to resolve their differences, including the courtesy of inviting the college president to be present when the senate discusses the issue. If differences still remain, the academic senate and the college president can jointly request help through the CCLC-ASCCC Collegiality in Action technical assistance process. Disagreements of this sort might be minimized through regularly scheduled meetings between the academic senate president and the college president in order to identify potential college issues and discuss positive resolutions before the issues become more serious. See “Participating Effectively” questions 21, 33 and 39.

1. **Eggplant Junior College**

The college’s history department has decided to modify the writing prerequisites for several of its courses and has taken the proposal to the college curriculum committee, where the change has been approved. The English department faculty are unhappy with the change and protest to the academic senate, stating that the senate, with the final authority over curriculum, should overturn and prevent the change before it is presented to the governing board.

*Scenario 2*

Issue: The issue is whether final authority for curriculum recommendations rests with academic senate or with the curriculum committee.

Citation: Education Code §70901(b)(1)(E) guarantees “the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.” In addition, Title 5 §53200(c) lists the areas of academic and professional matters on which districts must consult with academic senates, and curriculum is number one on the list. These citations of law and regulation would seem to put the authority for curriculum directly under the academic senate. However, Title 5 §55002(a) reads as follows: “A degree-applicable credit course is a course which has been designated as appropriate to the associate degree in accordance with the requirements of section 55062, and which has been recommended by the college and/or district curriculum committee and approved by the district governing board as a collegiate course meeting the needs of the students.” Similar language is included in Title 5 §55002(b) and (c) for non-degree-applicable credit courses and for noncredit courses.

Process: Academic senates generally operate at the policy and oversight level regarding curriculum, not at the operational level. Therefore, one could properly argue that the senate has oversight over curriculum but leaves the details and implementation to the curriculum committee. For example, the senate could rightly claim purview over decisions regarding any changes to the structure or membership of the curriculum committee. However, the situation in this scenario is at an operational or implementation level. If the English faculty were to argue that proper processes had not been followed in making this change, then the senate would be justified in investigating the claim about process, and if it found the processes had not been followed, then it could ask the curriculum committee to reconsider the question and make certain that proper processes were followed. However, if the curriculum committee has followed the approved process, the senate should generally trust in the committee’s judgement rather than micro-managing.

Suggestion: If the question is whether the academic senate has the final authority on individual matters of curriculum implementation and operation, the answer is arguably that yes, it does, since Education Code supersedes Title 5 and Education Code gives the senate primary responsibility for curriculum recommendations. However, if the academic senate micromanages the curriculum committee in that way, the curriculum committee will lose all credibility and few faculty will want to serve on it. A wise senate will trust its committees and respect their work. The curriculum committee should be trained to make curriculum decisions, while the senate often is not. Overruling the curriculum committee on a matter such as the one in this scenario would at the least be very bad practice by the senate and could ultimately cause considerable damage to the relationships between and credibility of both bodies. See “Participating Effectively” questions 19 and 32.

1. **Fig Fundamental College**

After the passage of legislation dealing with student assessment and placement, the CCC Chancellor’s Office and the Academic Senate for California Community Colleges issue a guidance document with recommendations for implementing the new law. The division dean over the college’s mathematics department believes that the college should follow the guidance in the document to the letter and announces that the math department should immediately adapt its placement process and curriculum per that guidance, including the elimination of two entire levels of remedial math courses. The math department faculty approach the academic senate for assistance, stating that the guidance goes too far for their local student population and that they are being pressured into curriculum and placement changes that they feel may harm students.

*Scenario 4*

Issue: The issue is the degree to which guidance from the state level should dictate local decision-making.

Citation: California Education Code §70902(A)(1) states, “Every community college district shall be under the control of a board of trustees, which is referred to herein as the ‘governing board.’ The governing board of each community college district shall establish, maintain, operate, and govern one or more community colleges in accordance with law. In so doing, the governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established.” Local boards must ensure that their decisions are consistent with state law and Title 5 Regulations, but as long as the board acts within those parameters, the board is authorized to make decisions for the district. Guidance documents issued by the Chancellor’s Office or the Academic Senate for California Community Colleges should be considered seriously as good practice and thoughtful interpretations of law and regulations, but such guidance should not be taken as a mandate.

Process: In this scenario, the college should carefully consider the recommendations in the guidance document but should do so through the lens of the college’s own data, needs, and goals. No changes should be made to the curriculum until such analysis has occurred, and final decisions to adopt or adapt the recommendations should be based on the college’s own data and conclusions within the parameters mandated by law. In addition, whatever decision the college makes regarding initial implementation of the recommendations, effects and outcomes should be monitored on an ongoing basis, and changes should be made to the implementation as necessary to serve student needs.

Suggestion: Most advisories or guiding documents from the Chancellor’s Office indicate clearly when they are directly citing statute or regulations and when they are making recommendations. While these recommendations may well be useful and should be considered carefully, each district has its own local needs, student populations, and communities to serve and therefore must make its own final decisions while acting within the law. Periodically, directives are issued by the Chancellor’s Office that may conform to Education Code and Title 5 but that bypass local planning processes and local goals and objectives. Colleges should always consider communications from the Chancellor’s Office or from any non-legislative and non-regulatory body in the local context and make all final decisions in ways that conform to the law but also best meet local needs.

**References**

Scenarios to Illustrate Effective Participation in District and College Governance: <https://www.asccc.org/sites/default/files/publications/FinalScenario_2020.pdf>

Participating Effectively in District and College Governance: <https://www.asccc.org/sites/default/files/Participating%20Effectively%20Final.pdf>