

Truths, Myths, and Assumptions: AB1725, Title 5, and Faculty Roles in Shared Governance Past and Present



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What was the Intent of AB 1725?



- Underscore new role of community college as a post-secondary institution
- Develop more unified system
- Renewed perspective on governance:
 - externally – to local districts
 - internally – to share responsibilities giving:

- ❖ Faculty, staff and **students the right to participate effectively** in district and college governance and
- ❖ **The right of academic senates to** assume primary responsibility for making recommendations in the areas of **curriculum and academic standards**

What was the impact of AB 1725?



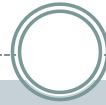
- Collaboration
- Broaden and formalize participation of college constituencies
- Recognize and respect faculty expertise
- Less unilateral authority for CEOs, governing boards

Governance Then and Now



- What was the perspective on governance and faculty roles when AB 1725 was passed?
- How might that perspective be different today, for both faculty and administration?

What is the law?



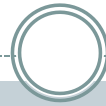
- The BOG shall establish "minimum standards," and local governing boards shall "establish procedures not inconsistent" with those standards to ensure:
 - Faculty, staff and students the right to participate effectively in district and college governance and
 - The right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.
- (Ed Code § 70901 and 70902)

What are the Title 5 Regulations?



- 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
 - (Title 5 §53203)

Title 5 § 53200 (d)



- “Consult collegially” means district governing board shall develop policies on academic & 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, & 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

When Can a Board Act Contrary to Senate Recommendations on 10 + 1 Issues?

- If the item falls under “rely primarily” –
 - recommendations of the senate will normally be accepted
 - only in exceptional circumstances and for compelling reasons will the recommendation not be accepted
 - If not accepted, board/designee communicate its reasons in writing, if requested

When Can a Board Act Contrary to Senate Recommendations on 10 + 1 Issues?



If the item falls under “Mutual Agreement”--

- The Board should engage in a good faith effort to reach a mutual agreement with the faculty before making or changing a policy. If Boards cannot reach mutual agreement with the Senate they should only make or change policy for compelling legal, fiscal, or organizational reasons.
- If through a good faith effort mutual agreement cannot be reached between a board and the Academic Senate, existing policy will remain in effect unless that previous policy exposes the college/district to substantial fiscal hardship or legal liability.

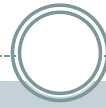
When Can a Board Act Contrary to Senate Recommendations on 10 + 1 Issues?



If the item falls under “Mutual Agreement”—

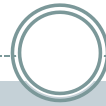
- If the college/district does not have a policy and there is a potential for substantial fiscal hardship or there is legal liability (new policies, regulations, codes, etc.) the Board should make a good faith effort to reach a mutual agreement with the Senate. If the Board cannot come to a mutual agreement with the Senate the Board can make a policy to protect the college/district from the financial hardship or legal liability.

Definition Problems Regarding Board Action



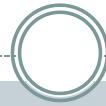
- What precisely defines a “substantial fiscal hardship?”
- Who interprets whether there is legal exposure due to changes in codes, policies or regulations?
- What exactly is a “compelling organizational reason”?

Misperceptions?



- Obligation to consult gives faculty veto power
- Faculty have final authority in curricular matters
- Interpretation of 10 + 1: process vs. operationalization
- Final authority on decisions regarding the 10+1

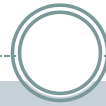
Academic And Professional Matters



- What does the term mean? (The 10 + 1)
- What is and what is not an academic and professional matter?
- Why not make everything a 10+1 issue?
 - Respect the spirit of AB 1725 and Title 5
 - Can also keep the senate from being pulled into the wrong issues

Spend political capital wisely

What is Shared Governance?



- Shared Governance is not a term used or defined in Education Code or Title 5
- Participating effectively in district and college governance is shared involvement in the decision-making process.
- Does not imply total agreement
- Does not require same level of involvement by all; and
- Final decisions rest with the board or designee

Shared governance

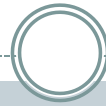


AB 1725 sought to ensure the voice of faculty with respect to curriculum and academic standards.

AB 1725 specified that local senates have a unique role which is then further operationalized in **Title 5 regulations**; it did not give academic senates primacy in decision-making, but rather primary responsibility for making recommendations to the board in matters concerning curriculum and academic standards

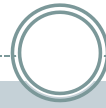
(Morse and Pilati, “10+1 Myths?: The Misrepresentations and Uninformed Perspective of Robert Shireman and California Competes.” Rostrum April 2013)

Shared Accountability?



- If we want shared governance, we must also accept shared accountability
- If faculty do not fulfill obligations,
 - administration will fill the void
 - administration cannot be blamed for acting
- How can we foster a climate of shared accountability without faculty feeling threatened and in a system that includes faculty tenure?

What are the Challenges?



- Union/academic senate turf wars
- Administration and faculty turf wars
- Classified senate/classified union turf wars
- More prone to inaction or delayed action
- Increased resistance to change?

What can be done to make shared governance more effective??



- Cultivate a climate of cooperation, not opposition
 - If administrators feels that faculty will work efficiently, they may be more willing to include faculty
- Diligence and prompt action on the part of local senate leadership
- Ensure that policies and procedures are easily accessible, transparent, and are respected by all stakeholders?
- Communication imperative
- Plan ahead to maximum extent possible
- Be respectful of intent of AB1725 and 10+1

Thank you for coming



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