

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



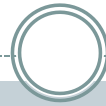
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# What was the Intent of AB 1725?



- 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?



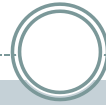
- Collaboration
- Broaden and formalize participation of college constituencies
- Recognize and respect faculty expertise
- Less unilateral authority for CEOs, governing boards

# 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?



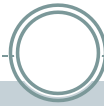
- The BOG shall establish "minimum standards," and local governing boards shall "establish procedures not inconsistent" with those standards to ensure:
  - Faculty, staff and students the right to participate effectively in district and college governance and
  - The right of academic senates to assume 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.

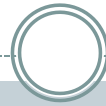
# When Can a Board Act Contrary to Senate Recommendations on 10 + 1 Issues?



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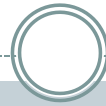
- If the college/district does not have a policy and there is a potential for substantial fiscal hardship or there is legal liability (new policies, regulations, codes, etc.) the Board should make a good faith effort to reach a mutual agreement with the Senate. If the Board cannot come to a mutual agreement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

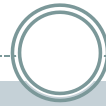
# Academic And Professional Matters



- 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

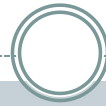


***AB 1725 sought to ensure the voice of faculty with respect to curriculum and academic standards.***

***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)*

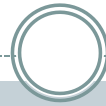
# Shared Accountability?



- 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?

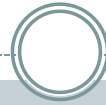


# What are the Challenges?



- 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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