

TO: BOARD OF TRUSTEES
FROM: SUPERINTENDENT

COMMUNICATION NO. 56-2009/10-S
Prepared by the Office of the Superintendent
for Presentation to the Board of Trustees
September 14, 2009

SUBJECT: ACCREDITATION - DISCUSSION OF ACCREDITATION STANDARD IV.A.3.

A. Background

Note: This item was postponed from the August 10, 2009, meeting to allow trustees additional time to review results of the 2010 accreditation self study survey.

At the April 22, 2009, retreat, the Board of Trustees recommended that specific accreditation standards related to the Board be discussed at each regular meeting.

Attached is the text of accreditation standard IV.A.3. Leadership and Governance, Decision Making Roles and Processes. Also included is the plan for the standard from the 2004 self study, questions for standard IV.A.3. from the Accrediting Commission for Community Colleges' *Guide to Evaluating Institutions*, and the board policy that relates to shared governance.

B. Budget Implications

None.

C. Recommendation

It is recommended that the Board of Trustees provide input regarding how well the district is meeting accreditation standard IV.A.3. and reaffirm or recommend changes to the relevant board policy.

Respectfully submitted,

Jackie L. Fisher, Sr.
Superintendent/President

Standard IV: Leadership and Governance

The institution recognizes and utilizes the contributions of leadership throughout the organization for continuous improvement of the institution. Governance roles are designed to facilitate decisions that support student learning programs and services and improve institutional effectiveness, while acknowledging the designated responsibilities of the governing board and the chief administrator.

A. Decision-Making Roles and Processes

The institution recognizes that ethical and effective leadership throughout the organization enables the institution to identify institutional values, set and achieve goals, learn, and improve.

3. Through established governance structures, processes, and practices, the governing board, administrators, faculty, staff, and students work together for the good of the institution. These processes facilitate discussion of ideas and effective communication among the institution's constituencies.
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Plans from the 2004 self study concerning Standard IV.A.3.

- The college's new president is committed to open communication and shared governance. New leadership has the potential to ameliorate the concerns expressed above.
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ACCJC Guide to Evaluating Institutions **Questions for Standard IV.A.3.**

Do the written policies on governance procedures specify appropriate roles for all staff and students? Do these policies specify the academic roles of faculty in areas of student educational programs and services planning?

Are staff and students well informed of their respective roles. Do staff participate as encouraged by these policies? Do the various groups work in collaborative effort on behalf of institutional improvements? Is the result of this effort actual institutional improvement?

Is there effective communication at the college – clear, understood, widely available, current communication?

Do staff at the college know essential information about institutional efforts to achieve goals and improve learning?

BP 2510 Participation in Local Decision Making

Reference:

Education Code Section 70902(b)(7); Title 5, Sections 53200 et seq., (Academic Senate), 51023.5 (staff), 51023.7 (students); Accreditation Standard IV.A

The Board is the ultimate decision-maker in those areas assigned to it by state and federal laws and regulations. In executing that responsibility, the Board is committed to its obligation to ensure that appropriate members of the District participate in developing recommended policies for board action and administrative procedures for Superintendent/President action under which the District is governed and administered. Data, both qualitative and quantitative, will be used to drive district planning and decision making.

This policy affirms the commitment to participatory governance by the faculty, students, staff, administration and Board of Trustees of Antelope Valley College. The policy also explains which constituent bodies have authority in the various decisions made in managing the college.

According to Educational Code, and AB 1725, participatory governance provides each constituency the opportunity to participate effectively in formulating the college policies and procedures that affect them. Furthermore, some constituencies are given rights and authority beyond that afforded by effective participation. Title 5 gives the Academic Senate the right of collegial consultation on Academic and Professional matters and Educational Code requires that the governing board and the academic senate jointly agree on policies and procedures for faculty hiring, determining equivalences to minimum qualifications of faculty, and administrative retreat rights.

In addition, Collective Bargaining Agents have the right to bargain on all matters that are mandatory subjects of bargaining and nothing in the participatory governance process shall infringe upon the rights and responsibilities of employees under collective bargaining agreements.

Each of the following shall participate as required by law in the decision-making processes of the district:

Faculty, Staff and Students—Education Code, Section 70902, (7)

This section mandates that the governing board of each community college district do all of the following:

(7) “Establish procedures not inconsistent 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 and to ensure that these opinions are given every reasonable consideration, and 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.”

In addition, Title 5, Section 51023.5 and 51023.7, related to Policies and Procedures of Staff and Student Participation in District and College Governance respectively, mandates that:

“Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff and students until it has provided staff and students an opportunity to participate in the formulation and development of those matters through

appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section.”

Student Participation—Title 5, Section 51023.7. Student Participation in District and College Governance.

“District and college policies and procedures that have or will have a significant effect on students includes the following:

- a) Grading policies;
- b) Codes of student conduct;
- c) Academic disciplinary policies;
- d) Curriculum development;
- e) Courses or programs which should be initiated or discontinued;
- f) Processes for institutional planning and budget development;
- g) Standards and policies regarding student preparation and success;
- h) Student services planning and development;
- i) Student fees within the authority of the district to adopt; and
- j) Any other district and college policy, procedure, or related matter that the district governing board determines will have a significant effect on students.”

Constituent Groups

“Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and non-management positions or groups of positions shall be separately defined or categorized.”

In addition to the Academic Senate, the groups that are recognized by the Board of Trustees at Antelope Valley College are:

- a) Associated Student Organization
- b) Classified Staff Collective Bargaining Agent
- c) Confidential/Management/Supervisory Group
- d) Faculty Collective Bargaining Agent

Academic Senate

1. Powers, Title 5, Section 53203.

“The governing board of a community college district shall adopt policies for appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters.”

“While in the process of consulting collegially, the academic senate shall retain the right to meet with or appear before the governing board with respect to the views, recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.”

2. *Agreements on Academic and Professional Matters*, as listed in Section 53203, Title 5, require participation of the Academic Senate, an organization whose primary function is to make recommendations with respect to academic and professional matters, and the Board of Trustees through a process of “collegial consultation”, which requires either or both of the following:

- (a) Rely primarily upon the advice and judgment of the Academic Senate, OR
- (b) The Governing Board, or its designees, and the Academic Senate shall reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

3. *Rely Primarily*—The Board of Trustees of Antelope Valley College will rely primarily on the advice of the Academic Senate for policies and procedures related to the following Academic and Professional Matters:

- (1) Curriculum, including establishing prerequisites.
- (2) Degree and certificate requirements.
- (3) Grading policies.
- (4) Education program development.
- (5) Standards or policies regarding student preparation and success.
- (8) Policies for faculty professional development activities.

The Governing Board is also required to rely primarily on the advice and judgment of the Academic Senate in establishing policies and procedures for Faculty Hiring Criteria (Ed. Code 87360 (b) and (c), Equivalencies to Minimum Qualifications (Ed. Code 87359 (b) and Administrative Retreat Rights (Ed. Code 87458 (a)). These areas may also have collective bargaining aspects.

4. *Mutual Agreement*—The Board of Trustees will come to mutual agreement with the Academic Senate for policies and procedures related to the following Academic and Professional Matters:

- (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.
- (11) Other academic and professional matters as mutually agreed upon.

5. *No Mutual Agreement*—When a mutually agreeable solution to an academic and professional matter cannot be reached, existing policy shall remain in effect until such time as a mutually acceptable resolution can be worked out and agreed upon. The only exception to this principle shall be those powers granted to the Board of Trustees in law (i.e., “such policy exposes the district to legal liability or causes substantial fiscal hardship”). The law also provides that “the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organization reasons”. The Board may also act when there is no existing policy, or legal liability or fiscal hardship requires existing policy to be changed.

Collective Bargaining

1 *Authority and Scope*—Government Code, Sections 3540-49.3, Chapter 10.7, Division 4, Title 1.

“Collective Bargaining in community colleges is governed by the Education Employment Relations Act. The scope of representation shall be limited to matters relating to wages, hours of employment, and other terms and conditions of employment, including health and

welfare benefits, leave, transfer and reassignment policies, safety, class size, evaluation procedures, processing of grievances, layoff, disciplinary action, and suspension.”

2. *Areas of Joint Responsibility*

The Academic Senate and the Faculty Collective Bargaining agent recognize several areas of overlapping authority or concern. The Faculty Collective Bargaining Agent is specifically required to consult with the Academic Senate before engaging in collective bargaining on Tenure (Ed. Code 87610.1 (a), Evaluation (Ed. Code 87663 (f), and Faculty Service Areas (Ed. Code 87743.2). Other mandatory collective bargaining items, such as the Academic Calendar, also have a direct impact on academic programs.

In instances where overlapping authority or concern exist, the Faculty Collective Bargaining Agent may delegate matters within the scope of bargaining to the Academic Senate and the Academic Senate may delegate matters within its jurisdiction to the Faculty Collective Bargaining Agent.

Likewise, the resolution of issues that are subject to collective bargaining may be assigned to a participatory governance body, for deliberation and recommendation only, with the consent of the affected Collective Bargaining Agent and the Board of Trustees or designee. And although every effort will be made to resolve issues in the assigned committee, both the District and the Collective Bargaining Agent have the right to return issues to the collective bargaining process. Items assigned to a committee process shall be returned to the parties for final ratification or approval unless stipulated otherwise when the item was assigned to the committee.

See Administrative Procedure #2510

Adopted: 7/5/05

Revised: 5/12/08