

TO: BOARD OF TRUSTEES
FROM: SUPERINTENDENT

COMMUNICATION NO. 133-2009/10-S

Prepared by the Office of the Superintendent
for Presentation to the Board of Trustees
January 11, 2010

SUBJECT: ACCREDITATION - DISCUSSION OF ACCREDITATION STANDARD IV.B.1.c.,
d., AND e.

A. Background

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.

The text of accreditation standard IV.B.1.c., d., and e. Leadership and Governance, Board and Administrative Organization, has been included in the attachment. Also included are plans for the standard from the 2004 self study, text of Education Code 70902, some of the district policies related to the standard, and relevant questions from the Accrediting Commission for Community Colleges' *Guide to Evaluating Institutions*.

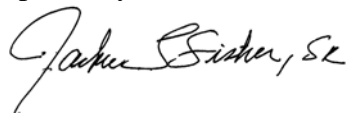
B. Budget Implications

None.

C. Recommendation

It is recommended that the Board of Trustees provide input regarding how well the district is meeting accreditation standard IV.B.1.c., d., and e. and recommend changes or reaffirm board policies related to the standard.

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.

B. Board and Administrative Organization

In addition to the leadership of individuals and constituencies, institutions recognize the designated responsibilities of the governing board for setting policies and of the chief administrator for the effective operation of the institution. Multi-college districts/systems clearly define the organizational roles of the district/system and the colleges.

1. The institution has a governing board that is responsible for establishing policies to assure the quality, integrity, and effectiveness of the student learning programs and services and the financial stability of the institution. The governing board adheres to a clearly defined policy for selecting and evaluating the chief administrator for the college or the district/system.
 - c. The governing board has ultimate responsibility for educational quality, legal matters, and financial integrity.
 - d. The institution or the governing board publishes the board bylaws and policies specifying the board's size, duties, responsibilities, structure, and operating procedures.
 - e. The governing board acts in a manner consistent with its policies and bylaws. The board regularly evaluates its policies and practices and revises them as necessary.

Plan for Standard IV.B.1.c. from the 2004 accreditation self study

Include discussions of institutional effectiveness and student learning outcomes in future presentations to the Board of Trustees.

ACCJC Guide to Evaluating Institutions

Questions for Standard IV.B.1.c.

- Is the governing board independent – are its actions final, not subject to the actions of any other entity? (*Education Code 70902, BP 7120, 2510, 3250, 3810, 4020, 6100, 6200*)

Questions for Standard IV.B.1.e.

- Do the records of board actions (minutes, resolutions) indicate that it acts consistent with its policies and bylaws?
- Does the board have a system for evaluating and revising its policies on a regular basis? Is this system implemented? (*BP/AP 2410*)

Education Code Section 70902. (a) (1) 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 or activity, or may otherwise act, in any manner that is not in conflict with, inconsistent with, or preempted by, any law, and that is not in conflict with the purposes for which community college districts are established.

(2) The governing board of each community college district shall establish rules and regulations not inconsistent with the regulations of the board of governors and the laws of this state for the government and operation of one or more community colleges in the district.

(b) In furtherance of subdivision (a), the governing board of each community college district shall do all of the following:

(1) Establish policies for, and approve, current and long-range academic and facilities plans and programs, and promote orderly growth and development of the community colleges within the district. In so doing, the governing board shall, as required by law, establish policies for, develop, and approve, comprehensive plans. The governing board shall submit the comprehensive plans to the board of governors for review and approval.

(2) (A) Establish policies for and approve credit courses of instruction and educational programs. The educational programs shall be submitted to the board of governors for approval. A credit course of instruction that is not offered in an approved educational program may be offered without the approval of the board of governors only under conditions authorized by regulations adopted by the board of governors.

(B) The governing board shall establish policies for, and approve, individual courses that are offered in approved educational programs, without referral to the board of governors.

(3) Establish academic standards, probation, dismissal, and readmission policies, and graduation requirements not inconsistent with the minimum standards adopted by the board of governors.

(4) Employ and assign all personnel not inconsistent with the minimum standards adopted by the board of governors, and establish employment practices, salaries, and benefits for all employees not inconsistent with the laws of this state.

(5) To the extent authorized by law, determine and control the district's operational and capital outlay budgets. The district governing board shall determine the need for elections for override tax levies and bond measures, and request that those elections be called.

(6) Manage and control district property. The governing board may contract for the procurement of goods and services as authorized by law.

(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, to ensure that these opinions are given every reasonable consideration, to ensure the right to participate effectively in district and college governance, and to ensure the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

(8) Establish rules and regulations governing student conduct.

(9) Establish student fees as it is required to establish by law, and, in its discretion, fees as it is authorized to establish by law.

(10) In its discretion, receive and administer gifts, grants, and scholarships.

(11) Provide auxiliary services as deemed necessary to achieve the purposes of the community college.

(12) Within the framework provided by law, determine the district's academic calendar, including the holidays it will observe.

(13) Hold and convey property for the use and benefit of the district. The governing board may acquire, by eminent domain, any property necessary to carry out the powers or functions of the district.

(14) Participate in the consultation process established by the board of governors for the development and review of policy proposals.

(c) In carrying out the powers and duties specified in subdivision (b) or other provisions of statute, the governing board of each community college district shall have full authority to adopt rules and regulations, not inconsistent with the regulations of the board of governors and the laws of this state, that are necessary and proper to executing these prescribed functions.

(d) Wherever in this section or any other statute a power is vested in the governing board, the governing board of a community college district, by majority vote, may adopt a rule delegating the power to the district's chief executive officer or any other employee or committee as the governing board may designate. However, the governing board shall not delegate any power that is expressly made nondelegable by statute. Any rule delegating authority shall prescribe the limits of the delegation.

(e) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

BP 2410 Policy and Administrative Procedure

Reference:

Education Code Section 70902; Accreditation Standard IV.B.1.b & e

The Board may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the District. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction.

The policies have been written to be consistent with provisions of law, but do not encompass all laws relating to district activities. All district employees are expected to know of and observe all provisions of law pertinent to their job responsibilities.

Policies of the Board may be adopted, revised, added to or amended at any regular board meeting by a majority vote. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended.

Administrative procedures are to be issued by the Superintendent/President as statements of method to be used in implementing Board Policy. Such administrative procedures shall be consistent with the intent of Board Policy. Administrative procedures may be revised as deemed necessary by the Superintendent/President.

The Superintendent/President shall provide each member of the Board with revisions to existing administrative procedures at any time, and biennially with new administrative procedures from CCLC within 60 days of receipt of the recommended updates. The Board reserves the right to direct revisions of the administrative procedures should they, in the Board's judgment, be inconsistent with the Board's own policies.

Copies of all policies and administrative procedures shall be readily available to District employees through the Superintendent/President and the AVC website.

See Administrative Procedure #2410

Adopted: 7/5/05

AP 2410 Policy and Administrative Procedures

Reference:

Education Code Section 70902; Accreditation Standard IV.B.1.b & e

1. A recommendation for a change in, or new, policy or administrative procedure from a campus-wide participatory governance committee, recognized campus constituent group, or administrator will be distributed to all faculty, ASO, classified staff and administrators for feedback at least 30 days prior to making a recommendation to the College Coordinating Council (CCC) and College President. The campus-wide committee, recognized constituent group, or administrator initiating the recommendation must review the feedback from the campus constituent groups prior to forwarding a final recommendation to the College Coordinating Council and the College President.
2. The CCC will review recommendations only for the purpose of determining if any part of the recommendation involves an academic and professional matter or a collective bargaining issue. Academic and professional matters and collective bargaining issues will be forwarded to the College President and either the Academic Senate or Collective Bargaining Agent as appropriate. The College President and the appropriate Collective Bargaining Agent or the Academic Senate will determine the most appropriate process for resolution of the issue.
3. If the recommendation does not involve an academic and professional matter or a collective bargaining issue, the College President will either send the recommendation on to the Board, or implement it. If the President rejects all or part of the recommendation, the President will communicate to the appropriate committee and the CCC the reason for the rejection in a written statement. The CCC Chair will communicate the final recommendation to all campus constituent groups.
4. When the Community College League of California (CCLC) recommends new board policies or procedures, or recommends modifications to existing policies or procedures, the CCC will review the CCLC recommendations. If the recommendation is addressing an academic and professional matter or a collective bargaining issue, the College President and the appropriate Collective Bargaining Agent or the Academic Senate will recommend adoption or modification of the proposed CCLC policies and procedures to the Board of Trustees.
5. If the policies and procedures affect all campus constituencies, the CCC will forward the CCLC policies and procedures to all campus constituent groups and relevant committees for review and feedback along with a recommendation to adopt, modify, or reject the policies or procedures and the reasoning for the recommendation. Feedback must be solicited at least 30 days prior to making a final recommendation and the CCC must review the feedback prior to forwarding a final recommendation to the College President.
6. If the recommendation does not involve an academic and professional matter or a collective bargaining issue, the College President will either send the recommendation on to the Board, or implement it. If the President rejects all or part of the recommendation, the President will communicate to the appropriate committee and the College Coordinating Council the reason for the rejection in a written statement. The CCC Chair will communicate the final recommendation to all campus constituent groups.

7/5/05

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

BP 3250 Institutional Planning

Reference:

Accreditation Standard I.B; Title 5, Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55250, 55400 et seq., 55510, 56270 et seq.

The Superintendent/President shall ensure that the District has and implements a broad-based comprehensive, systematic and integrated system of planning that involves appropriate segments of the college community and is supported by institutional effectiveness research.

The planning system shall include plans required by law, including, but not limited to:

- Long range educational or academic master plan, which shall be updated periodically as deemed necessary by the governing board - Refer to Institutional Planning Process in AP 3250, Institutional Planning.
- Facilities plan-Refer to Facilities Master Plan in AP 6600, Capital Construction
- Faculty and staff diversity plan-Refer to EEO Plan in AP 3420, Equal Employment Opportunity
- Student equity plan-Refer to Student Equity Plan in BP 5300, Student Equity
- Matriculation-Refer to Matriculation Plan in BP 5050, Matriculation
- Transfer Center-Refer to Transfer Center Plan in BP 5120, Transfer Center
- Cooperative Work Experience-Refer to Work Experience Plan in AP 4103, Work Experience
- EOPS-Refer to EOPS Plan in BP 5150, Extended Opportunity Programs & Services

The Superintendent/President shall submit those plans for which Board approval is required by Title 5 to the Board.

The Superintendent/President shall inform the Board about the status of planning and the various plans.

The Superintendent/President shall ensure the Board has an opportunity to assist in developing the general institutional mission and goals for the comprehensive plans.

See Administrative Procedure #3250

Adopted: 11/7/05

Revised: 12/10/07

BP 3810 Claims Against the District

Reference:

Education Code Section 72502; Government Code Sections 900 et seq.; 910

Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title I, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

Claims must be presented according to this policy and related procedures as a prerequisite to filing suit against the District.

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

- Claims by public entities: claims by the state or by a state department or agency or by another public entity.
- Claims for fees, wages and allowances: claims for fees, salaries or wages, mileage, or other expenses and allowances.

The designated place[s] for service of claims, lawsuits or other types of legal process upon the District are:

- Vice President of Student Services for claims, legal services or notices regarding student records
- Vice President of Human Resources Services for claims, legal services or notices regarding employee records
- Vice President of Business Services for claims, legal services or notices regarding any other claim against Antelope Valley College District.

See Administrative Procedure #3810

Adopted: 11/7/05

BP 4020 Program, Curriculum, and Course Development

Reference:

Education Code Section 70901(b), 70902(b); 78016, Title 5, Section 51000, 51022, 55100, 55130, 55150

The programs and curricula of the District shall be of high quality, relevant to community and student needs, and evaluated regularly to ensure quality and currency. To that end, the Academic Senate shall establish procedures for the development and review of all curricular offerings, including their establishment, modification or discontinuance.

Program and curriculum development includes, but is not limited to, procedures for new, revised, or deleted courses and programs, the establishment of prerequisites, advisories, and limitations on enrollment, and procedures for changes in course number, title, units, repeatability, maximum class size, or hours. As specified in BP 2510, the Board of Trustees agrees to “rely primarily” on the Academic Senate in matters pertaining to Academic and Professional Matters, (1) Curriculum, including establishing prerequisites and (4) Education program development.

All new courses and programs, including program deletions, shall be approved by the Board.

All new programs shall be submitted to the Office of the Chancellor for the California Community Colleges for approval as required.

Individual degree-applicable credit courses offered as part of a permitted educational program shall be approved by the Board. Nondegree-applicable credit and degree-applicable credit courses that are not part of an existing approved program must satisfy the conditions authorized by Title 5 regulations and shall be approved by the Board.

See Administrative Procedures #4020 and #4021

Adopted: 2/6/06

Revised: 3/10/08

BP 6100 Delegation of Authority

Reference:

Education Code Sections 70902(d); 81655, 81656

The Board delegates to the Superintendent/President the authority to supervise the general business procedures of the District to assure the proper administration of property and contracts; the budget, audit and accounting of funds; the acquisition of supplies, equipment and property; and the protection of assets and persons. All transactions shall comply with applicable laws and regulations, and with the California Community Colleges Budget and Accounting Manual.

No contract shall constitute an enforceable obligation against the District until it has been approved or ratified by the Board. (See Board Policy 6340).

The Superintendent/President shall make appropriate periodic reports to the Board and shall keep the Board fully advised regarding the financial status of the District.

Adopted: 5/8/06

BP 6200 Budget Preparation

Reference:

Education Code Section 70902(b)(5); Title 5, 58300 et seq.

Each year, the Superintendent/President shall present to the Board a budget, prepared in accordance with Title 5 and the California Community Colleges Budget and Accounting Manual. The schedule for presentation and review of budget proposals shall comply with state law and regulations, and provide adequate time for Board study.

Budget development shall meet the following criteria:

- The annual budget shall support the District's master and educational plans.
- Assumptions upon which the budget is based are presented to the Board for review.
- A schedule is provided to the Board each year that includes dates for presentation of the tentative budget, required public hearing(s), Board study session(s), and approval of the final budget. At the public hearings, interested persons may appear and address the Board regarding the proposed budget or any item in the proposed budget.
- Unrestricted general reserves shall be no less than 5 % (prudent reserve is defined by the Chancellors Office of the California Community Colleges as 5%).
- Changes in the assumptions upon which the budget was based shall be reported to the Board in a timely manner.
- Budget projections address long-term goals and commitments.

See Administrative Procedure #6200

Adopted: 5/8/06

BP 7120 Recruitment and Hiring

Reference:

***Education Code Section 70902(d), 87100 et seq.; Title 5, Section 53000, et seq.;
Accreditation Standard III.1.A***

The Superintendent/President shall establish procedures for the recruitment and selection of employees including, but not limited to, the following criteria.

An Equal Employment Opportunity plan shall be implemented according to Title 5 and Board Policy 3420.

Academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Governors.

The criteria and procedures for hiring academic employees shall be established and implemented in accordance with board policies and procedures regarding the Academic Senate's role in local decision-making.

The criteria and procedures for hiring classified employees shall be established after first affording the Antelope Valley College Federation of Classified Employees an opportunity to participate in the decisions under the Board's policies regarding local decision making.

See Administrative Procedure #7120

Adopted: 5/8/06