

TO: BOARD OF TRUSTEES  
FROM: SUPERINTENDENT

COMMUNICATION NO. 218-2009/10-S  
Prepared by the Office of the Superintendent  
for Presentation to the Board of Trustees  
June 14, 2010

SUBJECT: ACCREDITATION - DISCUSSION OF ACCREDITATION STANDARD IV.B.2.a-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 with the following desired outcomes:

- Increase understanding of accreditation Standard IV and the self-study process.
- Board input into the evaluation of Standard IV.
- Board input into Standard IV planning agenda.
- Review of board policies related to Standard IV.
  - Reaffirm policies or recommend changes.

Beginning with the May 11, 2009, regular meeting, trustees have had the opportunity to review sections of accreditation standard IV. Leadership and Governance at each regular meeting, provide input regarding how well the district is meeting the standard, and recommend changes to or reaffirm the board policies related to the standard. The final sections of standard IV. (sections B.2.a-e.) are included for review with this communication. Also included are district policies and procedures related to the standard, the plan for the standard included in the 2004 accreditation self study, and relevant questions and sources of evidence from the Accrediting Commission for Community and Junior Colleges' (ACCJC) *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.2.a-e. and recommend changes to or reaffirm the 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.

- 2. The president has primary responsibility for the quality of the institution he/she leads. He/she provides effective leadership in planning, organizing, budgeting, selecting and developing personnel, and assessing institutional effectiveness.**
    - a. The president plans, oversees, and evaluates an administrative structure organized and staffed to reflect the institution's purposes, size, and complexity. He/she delegates authority to administrators and others consistent with their responsibilities, as appropriate.**
    - b. The president guides institutional improvement of the teaching and learning environment by the following:**
      - 1. Establishing a collegial process that sets values, goals, and priorities.**
      - 2. Ensuring that evaluation and planning rely on high quality research and analysis on external and internal conditions.**
      - 3. Ensuring that educational planning is integrated with resource planning and distribution to achieve student learning outcomes.**
      - 4. Establishing procedures to evaluate overall institutional planning and implementation efforts.**
    - c. The president assures the implementation of statutes, regulations, and governing board policies and assures that institutional practices are consistent with institutional mission and policies.**
    - d. The president effectively controls budget and expenditures.**
    - e. The president works and communicates effectively with the communities served by the institution.**
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### **Plan for Standard IV.B.2. from 2004 Accreditation Self Study**

It is hoped that the new president, appointed March 25, 2004, will introduce a period of stable leadership that will contribute to our ability to adhere to the standard above.

### **ACCJC Guide to Evaluating Institutions**

#### **Questions for Standard IV.B.2.b.**

- What does the president do to communicate institutional values, goals and direction?
- How familiar is the president with data and analyses of institutional performance?
- How does the president communicate the importance of a culture of evidence and a focus on student learning?
- Where does the research office report in the institution – does it have easy access to the president’s office?
- What mechanisms has the president put in place to link institutional research, particularly research on student learning, institutional planning processes, resource allocation processes? (*BP/AP 2510, 3250, Enrollment Management Committee, Strategic Planning and Budget Council, Administrative Council*)
- How does the district chief executive officer follow the component parts of this standard in the role of providing effective district leadership? (*Professional development, Dr. Beno’s training workshop*)

### **ACCJC Guide to Evaluating Institutions**

#### **Sources of Evidence - Standard IV.B.**

- Evidence that includes published statements of institutional goals that reference the board’s expectations for student learning and quality of education.
- Evidence that includes documents describing the authority of the board; the absence of any external, higher authority than the board; descriptions of the board appointment and replacement process.
- Evidence that includes the published bylaws.
- Evidence that includes board minutes or a schedule showing board evaluation of policies.
- Evidence that includes the materials from board training workshops.
- Evidence that includes the policy on board membership, appointment and replacement.
- Evidence that includes the board’s policy and instruments used for self evaluation, analyses and reports on the last few self-evaluations completed.
- Evidence that includes the board policy statement of ethics.
- Evidence that includes board minutes, statements to college constituents on this delegation of authority, the board policy manual, any contracts with administrators that specify delegation of authority, board agreements with faculty bodies regarding delegation of authority.
- Evidence that includes budget documents and independent audit reports and audited financial statements showing ending year balances, audit exceptions (if any).
- Evidence that includes the results of surveys, other evaluations of the president’s activities directed toward the communities served by the institutions.
- Evidence that includes surveys and other evaluative instruments, and the results of evaluation. Evidence that includes descriptions of funding rules or formulas, committee minutes or other documents showing the system has assessed the needs of each institution.

## 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**

## AP 2510 Participation in Local Decision-Making

Reference:

***Education Code Section 70902(b)(7); Title 5, Sections 53200 et seq; 51023.5; 51023.7 Accreditation Standard IV.A.2, IV.A.5***

### ADMINISTRATIVE PROCEDURES RELATED TO PARTICIPATORY GOVERNANCE

The faculty, students, staff, and administration of Antelope Valley Community College District have developed the following procedures to fulfill the statutory requirements of Title 5 related to Participatory Governance.

#### Procedures for Participatory Governance Committees and Academic and Professional Matters:

##### A. Procedures related to participatory governance committees:

1. All collegewide participatory governance committees will abide by the "Participatory Governance Committee Operating Procedures" in Appendix I. Academic Senate committees will operate in accord with Senate guidelines.
2. To insure "effective participation," collegewide participatory governance committees shall include representatives from constituencies directly affected by the recommendation and representatives who also have expertise related to the role and purpose of the committee, whenever possible.
3. The College Coordinating Council (CCC) will determine the role and function of collegewide participatory governance committees and specify the membership and terms of those committees. In addition, the CCC will review the role, function and membership of all collegewide participatory governance committees at least every three years and modify as needed. Participatory governance committees may request that the CCC review their role, function, or membership at any time for possible modification.
4. Each constituent group represented on the College Coordinating Council will determine the process by which it appoints representatives to collegewide participatory governance committees.
5. Each collegewide standing committee will determine if any part of an item or issue before it is related to an academic and professional matter, or a collective bargaining issue, using the guidelines listed in Appendix II, and refer that part to the College Superintendent/President and the Academic Senate or Collective Bargaining Agent, as appropriate, for consideration.

##### B. Procedures for reaching agreement on Academic and Professional Matters:

1. Recommendations related to Academic and Professional Matters, where the Board relies primarily on the Academic Senate, will be submitted to the Board of Trustees for consideration, via the Superintendent/President. If the recommendations of the Academic Senate are not accepted, the Board will communicate the "compelling reasons or legal liability" to the Academic Senate in a written statement.
2. For those Academic and Professional Matters that require mutual agreement, the Mutual Agreement Council will solicit feedback from the Board of Trustees and the Academic Senate, and may solicit feedback from other college constituent groups if needed. The Mutual Agreement Council will deliberate until mutual agreement is reached between the Board of Trustees, or their designees, and the Academic Senate.
3. If mutual agreement is reached, the Board will put the new policy into effect unless legal liability or substantial fiscal hardship can be demonstrated. If mutual agreement cannot be reached and a policy currently exists, the current policy remains in effect, unless legal liability or substantial fiscal

hardship can be demonstrated. Both the Board of Trustees, or their designees, and the Academic Senate will communicate in a joint statement the reasons that agreement cannot be reached.

4. Mutual agreements between the Academic Senate and the Board of Trustees, or their designees, will be placed on the next scheduled Board Agenda as an informative report. Mutual agreements requiring Board approval will be submitted at a subsequent meeting as a communication for approval.
5. The Mutual Agreement Council will also serve as a forum for the President's Executive Council and Senate Executive Committee to share information and discuss concerns about academic and professional matters.

AVCCD Governance Councils and Committees:

- A. College Coordinating Council
- B. Mutual Agreement Council
- C. Strategic Planning & Budget Council
- D. Collegewide Participatory Governance Committees
  1. Staff Development Committee
  2. Information Technology Committee
  3. Matriculation Committee
  4. Equal Employment Opportunity Advisory Committee
  5. Campus Safety Committee
  6. Calendar Committee
  7. Legislative Committee
  8. Enrollment Management Committee
- E. Academic Senate Standing Committees
  1. Academic Policies & Procedures Committee
  2. Faculty Professional Development Committee
  3. Honors Program Committee
  4. Distance Education Committee
  5. Student Learning Outcomes Committee
  6. Equivalency Committee
  7. Senate Grant Program Committee

Membership and Functions of Governance Councils:

- A. College Coordinating Council  
(Membership)
  1. Superintendent/President and/or Vice Presidents (one vote) Representing the Board of Trustees
  2. Academic Senate President
  3. Administrative Council Representative
  4. President of Faculty Exclusive Bargaining Unit
  5. President of Classified Exclusive Bargaining Unit

6. Confidential/Management/Supervisory Unit Representative

7. Associated Student Organization Representative

(Function)

- a) The College Coordinating Council will serve as the coordinating body for governance issues at Antelope Valley College, except academic and professional matters and collective bargaining issues. The Council will have four main functions: issue management, providing a communication network for distributing information to all college constituent groups, determining the decision-making and recommending authority of collegewide participatory governance committees, and submitting recommendations to the President in areas of "effective participation".
- b) Issue management means the Council will determine the appropriate governance committee or process to address any new issue or task that is not already assigned to an existing committee or process. When the Council assigns an issue or task to an existing or a newly created committee, the Council will specify in writing the nature and scope of the assignment, if the committee has decision-making or recommending authority, the appropriate reporting process, and a timeline for completion of the assignment.
- c) If an issue before the Council involves an academic and professional matter, it will be referred to the Academic Senate and the President's Executive Council for consideration. If an issue before the Council involves collective bargaining matters, it will be referred to the affected Collective Bargaining Unit and the Superintendent/President for deliberation.
- d) When a collegewide participatory governance committee makes a recommendation that only requires "effective participation" of faculty, staff and students, the College Coordinating Council will consider the recommendation and communicate the committee's recommendation to all college constituent groups.
- e) The Council may address an issue itself, when a recommendation cannot be made in a timely manner by another committee or process, or the Council determines that **not** taking action will expose the district to legal liability or cause substantial fiscal hardship. The Council may also make a recommendation to the Superintendent/President when no existing or new committee or process is deemed appropriate for handling the issue, or a committee or constituent group requests a recommendation from the Council regarding an issue.
- f) The Council shall seek consensus as the basis for making decisions. However, when consensus cannot be reached, the Council may take action if six out of seven Council members are in agreement. When a resolution before the Council does not have the required "6 out of 7" members in favor, the status quo remains in effect until such time as a mutually acceptable resolution can be negotiated and agreed to by 6 of the 7 members of the Council. The Council will determine, by consensus, criteria and a process for emergency and fast-track decision-making to be used when waiting until the next regular Council meeting would not be in the best interest of the district. All Council members have a single vote and the meetings of the Council shall be open.
- g) The Council will review the purpose/function and scope of decision-making/recommending authority of each college standing committee every three years. Any recommendation for change in purpose or scope of a committee, including the dissolution of the committee, will be presented to college constituent groups for feedback. All feedback will be shared with the affected committee. The Council and the affected committee will discuss the recommendation and the feedback from constituent groups with the goal of reaching consensus. If consensus is reached, the purpose/function and/or decision-making/recommending authority will be changed. If consensus cannot be reached, the Council may still make changes in these areas if six of seven Council members are in agreement with the change.
- h) If a proposed change in purpose/function involves an academic and professional matter, the recommendation and feedback from constituent groups will be forwarded to the Mutual Agreement

Council (MAC) for deliberation. If mutual agreement is reached by the MAC, the purpose will be changed. If mutual agreement cannot be reached, the purpose/function of the committee remains the same in accord with the provisions of Title 5.

B. Mutual Agreement Council

(Membership)

1. President's Executive Council
2. Senate Executive Committee

(Function)

The Mutual Agreement Council consists of the President's Executive Council and the Senate Executive Committee and its purpose is to consult and deliberate with the intention of reaching mutual agreement between the Academic Senate and the Board of Trustees on academic and professional matters 6, 7, 9, 10 and 11 of Section 53200 in Title 5. "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."

C. Strategic Planning & Budget Council

(Membership)

1. Superintendent/President - Ex-Officio
2. Academic Senate President (Co-chair)
3. College Vice Presidents (4) (Designated Co-chair)
4. Faculty Union Representative (1)
5. Student Representatives (2)
6. Faculty Representatives (5 - 1 transfer, 1 student services, 1 instructional resources, 1 vocational, 1 adjunct)
7. Classified Representatives (5)
8. Confidential/Management/Supervisory Representative (1)
9. Deans/Directors Representatives (2)
10. Director of Facilities Planning and Campus Development
11. Director of Information Technology Services
12. Director of Institutional Advancement and Foundation
13. Director of Institutional Research and Planning
14. Director of Public and Governmental Relations
15. Enrollment Management Committee Co-chair

(Function)

The Strategic Planning & Budget Council (SPBC) is a shared governance council that provides oversight and monitoring of the various planning documents within the institution in order to accomplish the mission and goals of the district. SPBC utilizes the Educational Master Plan, which is the district's strategic plan, to review the mission, vision, values, and practices of the institution and to monitor and modify the Strategic Goals and the Institutional Learning Outcomes.

The council reviews the annual budget requests brought forward by the Budget Subcommittee and makes a recommendation to the Superintendent/President to fund those requests that utilize

institutional resources most efficiently in accomplishing the district's strategic goals and improving the Institutional Learning Outcomes. SPBC works collegially with the Superintendent/President to recommend budget priorities in a timely fashion. The Superintendent/President may recommend budget expenditures to the Board of Trustees without consensus of the SPBC in those instances of legal and fiscal responsibility, as cited in both Education Code and Title 5. The Superintendent/President submits budget recommendations to the Board of Trustees for approval.

In order to function most efficiently and to support and execute the Educational Master Plan, members of the SPBC are assigned to the following subgroups/subcommittee:

- Facilities: Based on the findings of the Educational Master Plan, responsible for developing and evaluating the effectiveness of the Facilities Master Plan, which oversees the district's long-range infrastructure, building, and parking needs.
- Human Resources: Responsible for creating a Human Resources Plan that includes a long-range Staffing Plan to support the program needs identified in the Educational Master Plan.
- Finance: Responsible for developing a Finance Plan to analyze and determine the financial impact and necessary resources to implement the Facilities, Human Resources, Technology, and Enrollment Management plans.
- Communications: Responsible for developing, implementing, and evaluating a marketing and communications plan with strategies to increase communications with our internal and external constituents. Responsible for disseminating information to the campus and general community through e-mail, the website, myAVC, and the SPBC Annual Review.
- Educational Master Plan: Responsible for annually reviewing the Educational Master Plan to ensure that the District's ongoing needs are met.
- Budget Subcommittee: Responsible for evaluating and prioritizing the annual budget requests to most efficiently utilize institutional resources and present those recommendations to the SPBC.

#### APPENDIX I

##### "Participatory Governance Committee Operating Procedures"

Each committee will have a statement of purpose/function in accord with the district mission and a membership list, along with the minimum number and frequency of meetings that will be held during the academic year. In addition, each committee will have a statement of reporting responsibilities to individuals, committees or constituent groups and publish this information to all district employees. Committees will make decisions or recommendations through consensus.

Each committee will also circulate a "Call for Agenda Items" five working days prior to a meeting and distribute to members and post an agenda two working days prior to a meeting. Each committee will also distribute to members and post a draft of unapproved minutes within ten working days after a meeting. Minutes will include a brief summary of discussion regarding actions taken, including motions made, seconded, passed or defeated. On an annual basis, each committee will review its activities and submit a year-end report to whichever reporting body it is accountable. In most instances, reports would be made to the College Coordinating Council, Superintendent/President, or appropriate administrator. The year-end report will include accomplishments, preview issues for the coming year, and make recommendations for change in membership or function.

#### APPENDIX II

##### "Criteria for Committees to Use in Determining if an Item is an Academic and Professional Matter or a Collective Bargaining Issue"

In doing their work, committees, particularly the chair(s), must recognize which items/issues under discussion are subjects of collective bargaining (CB) or are academic and professional matters (APM).

Unless specifically asked to handle a CB item or an APM, the committee should not. In addition, each participatory governance committee should assure effective participation of all parties, as well as effective communication with the College Coordinating Council (CCC). As committees forge recommendations, the committee chair is responsible for assuring the following steps have been completed:

- Verify that the topic is not CB or APM (unless the CB/APM has been assigned to the committee)
- Develop recommendation/policy with input from all representatives
  - if representatives are not attending, committee chair notifies constituency president
  - ask regularly if representatives have consulted with their constituency
  - consult with CCC if stuck, hit controversy or need clarification
- Disseminate to campus via mailbox or email prior to completing last draft of recommendation/policy and give the campus 2 weeks to respond to any issues
- Consider campus input, complete and send to the Superintendent/President and the CCC
- If CB, send to presidents of college and union (s); if APM, send to presidents of college and senate

#### **COLLECTIVE BARGAINING**

salaries--steps, columns, merit pay, rate of pay for stipends, bonuses, reassigned time, overtime,  
placement & advancement benefits

leaves, vacations, holidays

union & district rights

grievance, arbitration & evaluations

discipline procedures.

academic freedom

committees that deal with CB items, such as calendar, classified: as it relates to work hours and calendar  
year for classified, certificated: as it relates to academic year and work hours

discrimination--sex, race, religion etc

job assignments, reclassification & reassignment

seniority, promotions, retirement

office space & parking

graduation attendance

preparation time

tools/equipment: access to computer, telephone and equipment necessary for the job

training (impact on wages/hours, such as sabbaticals, staff development, flex) & travel

contracting out of bargaining unit work

work load/class size/work hours/work days

#### **ACADEMIC AND PROFESSIONAL MATTERS**

curriculum, including establishing prerequisites

degree and certificate requirements  
grading policies  
education program development  
standards or policies regarding student preparation and success  
district and college governance structures as related to faculty roles  
faculty roles and involvement in accreditation  
policies for faculty professional development activities--(staff development, flex,  
sabbaticals, faculty academy, senate grant program)  
processes for program review  
processes for planning and budget

### APPENDIX III

#### Other Statutory Requirements related to Participation in Local Decision-making

- **Ed Code 66450: *Distribution of academic presentations***

Pursuant to Ed. Code Section 66450-66452, anyone (other than the instructor of record) making a recording in any medium of a classroom presentation cannot use the recording for financial or economic gain. Students who are found to be in violation of this section will be subject to disciplinary measures. All persons found to be in violation of this section may be subject to legal action. Distribution of classroom information or materials requires prior permission from the instructor of record.

Students will be informed of this regulation through posting in the college catalog and the Antelope Valley College website.

See Board Policy #5500

- **Ed Code 87458: *Administrative retreat rights***

The process by which the board of trustees determines retreat rights of administrators shall be developed and agreed upon jointly by representatives of the board and the academic senate, and the board relies primarily upon the advice and judgment of the academic senate to determine that the administrator possesses the minimum qualifications for employment as a faculty member.

See Administrative Procedure #7250

- **Ed Code 87359: *Equivalencies to minimum qualifications***

The process and criteria used to determine that individual faculty members who do not meet the applicable minimum qualifications specified in Ed. Code 87356 shall be developed and agreed upon jointly by representatives of the board of trustees and the academic senate. The board shall rely primarily upon the advice and judgment of the academic senate to determine that faculty members possess qualifications that are at least equivalent to the applicable minimum qualifications.

Equivalencies for each discipline will be determined by full-time faculty from the respective disciplines and submitted to the Academic Senate for approval. Equivalencies must be approved by the Academic Senate and available to the Human Resources Office prior to screening of applicants.

See Administrative Procedure #7211

- **Ed Code 87360: *Faculty hiring***

Hiring criteria, policies, and procedures for new faculty members shall be developed and agreed upon jointly by representatives of the board of trustees and the academic senate.

See Administrative Procedure #7120

- **Ed Code 87610.1: Faculty tenure**

The faculty's exclusive representative shall consult with the academic senate prior to engaging in collective bargaining on procedures related to tenure evaluation procedures.

See Administrative Procedure #7210

- **Ed Code 87663: Faculty evaluation**

The board of trustees, in consultation with the faculty, shall adopt rules and regulations establishing the specific procedures for the evaluation of its contract and regular employees on an individual basis and setting forth reasonable but specific standards which it expects its faculty to meet in the performance of their duties. Such procedures and standards shall be uniform for all contract employees with similar duties and all regular employees with similar duties.

See Administrative Procedure #7150

- **Ed Code 87743.2: Faculty service areas**

The faculty's exclusive representative shall consult with the academic senate in developing its proposals for establishing faculty service areas.

See Administrative Procedure #7211

- **Title 5 55022: Curriculum committee**

Curriculum Committee. The college and/or district curriculum committee (Academic Policies and Procedures Committee) recommending the course shall be established by the mutual agreement of the college and/or district administration and the academic senate. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college and/or district administration and the academic senate.

In order to fulfill the mandate of Title 5, Section 55022, the Board of Trustees and the Academic Senate mutually agree to establish a curriculum committee, referred to as the Academic Policies and Procedures Committee, comprised of members from each faculty division and co-chaired by a full-time faculty member and the vice president of academic affairs.

- **Title 5 53204: Academic senate/union agreements**

Nothing in these administrative procedures shall be construed to impinge upon the due process rights of faculty, nor detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulations.

### Glossary of Terms

#### **1. Academic Senate**

An organization representing faculty, whose primary function is to consult collegially with the governing board of a district and/or the administration of a college as their representative. The role of the academic Senate constitutes a delegation of authority; by regulation local governing boards are required to consult collegially with the academic Senate on academic and professional matters. (Title 5 §53200-53201) (Ed Code §70901)

**2. Ad-Hoc**

A group of individuals working on a one-time task

**3. College Coordinating Council (CCC)**

The College Coordinating council is a governance group of district constituent leaders, established to respond to changing conditions in the institution within a participatory governance framework.

**4. Collegewide Participatory Governance Committee**

A committee that functions under the operating guidelines of the College Coordinating Council.

**5. Consensus**

A decision-making process used to resolve conflict creatively and with general agreement. Complete unanimity is not the goal. Each individual should accept the group's decision on the basis of logic and feasibility.

**6. Constituent**

Individual members of any represented group.

**7. Effective Participation of Faculty Outside of Academic and Professional Matters**

Faculty shall be provided with opportunities to participate on matters affecting them. (Title 5 §51023)

**8. Effective Participation of Staff**

- a) Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures. Governing boards should solicit input of staff on matters affecting them. Delegation of authority does not extend to staff. The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration. (Title 5 §51023.5)
- b) Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on staff until it has provided staff with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by staff are given every reasonable consideration. (Title 5 §51023.5)

**9. Effective Participation of Students**

- a) Students shall be provided an opportunity to participate in the formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures. Delegation of authority does not extend to students.
- b) Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration. (Title 5 §51023.7)

**10. Exceptional Circumstances**

The regulations do not define the terms "exceptional circumstances" and "compelling reasons," and these terms are not intended to have a legal definition. These terms mean that Boards must usually

accept Senate recommendations in relation to academic and professional matters. In instances where a recommendation is not accepted, the Board's decision must be in writing, based on a clear and substantive rationale which puts the explanation for the decision in an accurate, appropriate, and relevant context. (Title 5 §53203 - d.2).

#### **11. Participatory Governance**

Effective participatory governance includes collectively sharing ideas and formulating good recommendations to present to Boards of Trustees or their designee. It is the responsibility of the Board to focus on the needs and best interests of the district as a whole.

Participatory governance is not effective when the participating entities interpret their roles to include final approval of policies, procedures or budgets. (May 19, 1999 Report to the Consultation Council on the Effectiveness of Faculty, Staff and Student Participation in College and District Governance.)

#### **12. Recommendations**

Committee makes a "decision" of what to recommend to appropriate bodies (i.e., Academic Senate, Superintendent/President, or Board of Trustees). (Title 5 §53203(d).)

#### **13. Senate Standing Committee**

A committee formed by the Academic Senate on academic and professional matters assigned to it.

#### **14. Taskforce**

A group carrying out a specific task.

#### **15. Title 5**

The California Code of Regulations specific to education. (California Code of Regulation 1/99 Update).

#### **16. Subgroup**

A group of individuals assigned by the Strategic Planning and Budget Council to formulate recommendations relating to a designated institutional function or interest including Human Resources, Facilities, Communication, Educational Master Plan, Budget Subcommittee, and Finance.

**7/5/05**

**Revised: 4/14/08**

**Revised: 12/14/09**

## 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**

## AP 3250 Institutional Planning

Reference:

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

The Strategic Planning & Budget Council (SPBC) is a shared governance council that provides oversight and monitoring of the various planning documents within the institution in order to accomplish the mission and goals of the district. SPBC utilizes the Educational Master Plan, which is the district's strategic plan, to review the mission, vision, values, and practices of the institution and to monitor and modify the Strategic Goals and the Institutional Learning Outcomes (ILOs). The Council reviews the annual budget requests brought forward by the Budget Subcommittee and makes a recommendation to the Superintendent/President to fund those requests that utilize institutional resources most efficiently in accomplishing the district's strategic goals and improving the institutional learning outcomes (ILOs). SPBC works collegially with the Superintendent/President to recommend budget priorities in a timely fashion. The Superintendent/President may recommend budget expenditures to the Board of Trustees without consensus of the SPBC in those instances of legal and fiscal responsibility, as cited in both Education Code and Title 5. The Superintendent/President submits budget recommendations to the Board of Trustees for approval.

SPBC obtains feedback from both the community and campus in identifying educational program needs, ensuring that what is considered aligns with the mission of the college. The mission of the college is reflected in the ILOs that encompass diverse perspectives, application of lifelong learning skills, breadth of knowledge using oral and written communication, good citizenship, and career opportunities for economic well-being. The college mission and ILOs direct the development and revisions to the Educational Master Plan. The Educational Master Plan drives the instructional programs, services to students, and the college operations.

The Finance Plan, Facilities Plan, Human Resources Plan, Computer and Information Technology Plan, and Enrollment Management Plan all ensure that the Educational Master Plan is supported and accomplished. Subcommittees or subgroups of the SPBC are responsible for the development of each plan and a Communication Subcommittee is responsible for disseminating information to the entire campus and general community on the process and outcomes for budget decisions that meet the mission of the college.

Program Review, Student Equity Plan, Accreditation Self Study, Matriculation Plan, transfer rates, and input from the vocational program advisory groups provide data, both qualitative and quantitative, for the assessment and development of each plan and provide continual input into the overall planning, assessment, and evaluation of the Educational Master Plan.

The Educational Master Plan, along with each supporting plan, contains Student Learning Outcomes and/or Operational Outcomes. These outcomes are then measured against a set of effectiveness criteria that assesses their effectiveness. The evaluations of these outcomes are then used to determine the most appropriate goals to improve student learning outcomes. The data is then used to prioritize budget requests. Resources are then allocated and outcomes are assessed annually to determine and verify that the Institutional Learning Outcomes (ILOs) have been met.

The Educational Master Plan and the College Mission are annually reviewed for revision and modification based on the final assessments of the ILOs. Major revisions to the Educational Master Plan will occur on a three-year cycle.

**5/8/06**

**Revised: 12/10/07**

**Revised: 7/14/08**