

Proposed revisions to Administrative Procedure (AP) 2510, Participation in Local Decision-Making, include:

- Correcting the referenced sections of Title 5 that are the purview of the Mutual Agreement Council;
- Correcting the name of the Equal Employment Opportunity Advisory Committee;
- Updating Academic Senate standing committees;
- Updating the membership and subgroups of the SPBC;
- Deleting the reference to the nonexistent Committee Resource Manual; and
- Modifying the reference to a policy concerning distribution of academic presentations.

AP 2510 Participation in Local Decision-Making

Reference:

Education Code Section 70002(b)(7); Title 5, Sections 53200 et seq; 51023.5; 51023.7 Accreditation Standard IVA.2, IVA.5

ADMINISTRATIVE PROCEDURES RELATED TO PARTICIPATORY GOVERNANCE

The faculty, students, staff, and administration of Antelope Valley College 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 campus-wide 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,” campus-wide 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 will determine the role and function of campus-wide 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 campus-wide 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 campus-wide participatory governance committees.

5. Each campus-wide 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 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 College 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 campus 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 Cabinet and Senate Executive Committee to share information and discuss concerns about academic and professional matters.

AVC Governance Councils and Committees:

- A. College Coordinating Council
- B. Mutual Agreement Council
- C. Strategic Planning & Budget Council
- D. Campus-wide Participatory Governance Committees
 1. Staff Development Committee
 2. Information Technology Committee
 3. Matriculation Committee
 4. **Diversity Equal Employment Opportunity Advisory Committee**
 5. Campus Safety Committee
 6. Calendar Committee
 7. Legislative Committee

8. Enrollment Management Steering Committee
- E. Academic Senate Standing Committees
1. Academic Policies & Procedures Committee
 2. Flexible Calendar Committee
 3. Honors Program Committee
 4. Faculty Academy
 5. Distance Education Committee
 6. Student Learning Outcomes Committee
 7. Equivalency Committee

Membership and Functions of Governance Councils:

A. College Coordinating Council

(Membership)

1. College 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 campus constituent groups, determining the decision-making and recommending authority of campus-wide 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 Administrative Cabinet for consideration. If an issue before the Council involves collective bargaining matters, it will be referred to the affected Collective Bargaining Unit and the College President for deliberation.

- d) When a campus-wide participatory governance committee makes a recommendation that only requires “effective participation” of faculty, staff and students, the College Coordinating Council will consider the recommendation as previously described in I, 7 of this document.
- 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 College 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 campus 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 campus 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. Cabinet
2. Senate Executive Committee

(Function)

The Mutual Agreement Council consists of the Cabinet 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. College President-Ex-Officio
2. Academic Senate President (Co-chair)
3. College Vice Presidents (~~3~~ **4**) (Designated Co-chair)
4. Faculty Union Representative
5. Classified Union Representative
6. Student Representatives (2)
7. Faculty Representatives (6)
8. Adjunct Faculty Representative
9. Classified Representatives (5)
10. Management/Confidential/Supervisory Representative
11. Deans/Directors Representatives (4)
- ~~12. Director of Human Resources~~
- ~~13~~ **2.** Director of Institutional Research & Planning
- ~~14~~ **3.** Director of Facilities Planning & Campus Development
- ~~15~~ **4.** Director of Information Technology Services
- ~~16~~ **5.** Public Information Officer

(Function)

The purpose of the Strategic Planning and Budget Council (SPBC) is to manage the changes within the institution in order to accomplish the mission and goals of the college in the most efficient and effective way. The SPBC will develop a College Plan based on the vision, values, and practices of the campus and annually monitor and modify the Institutional Goals and Objectives of the College Plan. The SPBC will evaluate annual Budget Requests and Action Plans and recommend funding for those requests and plans that utilize institutional resources most efficiently in accomplishing institutional goals. The SPBC will work collegially with the college president until consensus is reached on budget priorities. However, the president may recommend budget expenditures to the Board without consensus of the SPBC in those instances of legal and fiscal responsibility cited by Ed. Code and Title 5. The president will submit budget recommendations to the Board of Trustees for implementation.

The membership of the Strategic Planning and Budget Council, and length of terms, is listed in Appendix III. In order to function most efficiently, the members of the SPBC will be assigned to the following ~~four~~ Sub-Groups.

- ~~Programs~~ Budget
- Communications
- ~~Infrastructure~~ Educational Master Plan

- **Resources Facilities**
- **Finance**
- **Human Resources**

Each Work Group will be responsible for monitoring and modifying the Institutional Goals and Annual Objectives of the College Plan that are related to their area. Modifications will be based on annual progress reports, review of the Educational, Facilities, and Technology Master Plans, Program Review Reports, and key performance indicators to determine progress toward strategic goals. Each year the SPBC will consider the modifications recommended by the Sub- Groups and make appropriate changes to the College Plan. After modifications have been made, the College Plan will be distributed to the campus along with budget requests and action plans for the following academic year.

The planning and budgeting process will be dynamic and ongoing. Every third year the Vision and Strategic Goals of the college will be reviewed and adjusted in accord with Key Performance Indicators. An internal and external scan will be conducted if necessary, and the vision and strategic goals of the college will be modified accordingly.

~~D. All other Participatory Governance Committees and Academic Senate Committees:
Refer to Committee Resource Manual for Membership and Purpose~~

APPENDIX I

“Participatory Governance Committee Operating Procedures”

Each committee will have a statement of purpose/function in accord with the college 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 campus 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, College 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 college 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 ~~Administrative Procedure~~ **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 campus constituent leaders, established to respond to changing conditions in the institution within a participatory governance framework.

4. College-Wide 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, College 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).

7/5/05

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