

Students 9 + 1 Rights



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Purpose



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History

- Assembly Bill 1725, Vasconcellos. California Community Colleges (1988)

This bill required the California Community College Board of Governors to develop guidelines and policies concerning the academic senate, and standards regarding the role of students in governance.



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Governance in the California Community Colleges

- What is participatory governance?
- What is shared governance?
- What is the difference?



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Participatory Governance

“ ... not a simple process to implement – goodwill, thoughtful people, a willingness to take risks and the ability to admit problems exist – can go far toward establishing a positive environment...”

The central objective should be creation of a climate where energy is devoted to solving crucial educational tasks and not to turf battles over governance.”

CCCT/CEOCCC Policy Paper, December 1989



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Title 5 Terminology: Effective Participation

Participating effectively in district and college governance is shared involvement in the decision-making process.

- It does not imply total agreement;
- The same level of involvement by all is not required; and
- Final decisions rest with the board.



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Benefits and Values of Our Governance System

- Expertise and analytical skills of many
- Understanding of objective/decisions
- Commitment to implementation
- Leadership opportunities
- Promotion of trust and cooperation
- Opportunities for conflict resolution
- Less dissent



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Challenges of Our Governance System

- Participation by individuals with limited expertise
- Time away from other duties
- Can require considerable time for decision
- Shared accountability
- Differing expectations and understanding
- Potential conflict if board/designee rejects recommendation



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The Law—Education Code

Board of Governors shall establish "minimum standards" and local governing boards shall "establish procedures not inconsistent" with those standards to ensure the following:

- Faculty, staff and students the right to participate effectively in district and college governance
- The right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

Education Code Sections 70901 and 70902



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Regulation: Academic Senate Role

- (a) The governing board shall adopt policies for appropriate delegation of authority and responsibility to its academic senate.

...providing at a minimum the governing board or its designees consult collegially with the academic senate when adopting policies and procedures on **academic and professional matters**.

Title 5 § 53203



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Regulation: Academic Senates (§ 53200)

Academic and professional matters means the following policy development and implementation matters:

1. Degree and certificate requirements
2. Curriculum, including establishing prerequisites and placing courses within disciplines
3. Grading policies
4. Educational program development
5. Standards or policies regarding student preparation and success

Title 5 §53200



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Regulation: Academic Senates (§ 53200)

Academic and professional matters means the following policy development and implementation 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
8. Policies for faculty professional development activities
9. Processes for program review
10. Processes for institutional planning and budget development, and...



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Regulation: Academic Senates (§ 53200)

Academic and professional matters means the following policy development and implementation matters:

“Plus one”:

Other academic and professional matters as mutually agreed upon between the governing board and the academic senate.



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Regulation: Students

- Governing boards adopt policies and procedures that provide students opportunity to participate effectively in district and college governance on formulation and development of policies and procedures and processes for jointly developing recommendations that have or will have a significant effect on students.
- Board shall not take action on a matter having a significant effect on students until recommendations and positions by students are given every reasonable consideration.
 - Title 5 §51023.7



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Regulation: Student 9 + 1 Rights

Policies and procedure that have a “significant effect on students” include :

- (1) **grading polices**
- (2) codes of student conduct
- (3) academic disciplinary policies
- (4) **curriculum development**
- (5) **courses or programs which should be initiated or discontinued**
- (6) **processes for institutional planning and budget development**
- (7) **standards and polices regarding student preparation and success**
- (8) student services planning and development
- (9) student fees within the authority of the district to adopt

Title 5 § 51023.7



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Regulation: Student 9 + 1 Rights

“Plus one”:

any other district and college policy, procedure or related matter that the district governing board determines will have a significant effect on students

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Student Role in Faculty Hiring

(c) The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.



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Questions on Collegial Consultation

One of the student nine areas is "processes for institutional planning and budget development."

Does this regulation relate to the institutional plans and budgets themselves, or only to the process by which plans and budgets are developed for presentation to the board?



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Regulation: Academic Senates

(d)(1) Governing board action: **Rely Primarily**

- **recommendations of the senate will normally** be accepted
- only in **exceptional circumstances and for compelling reasons** will the recommendations not be accepted
- If not accepted, board/designee communicate its reasons in writing, if requested

Title 5 §53200



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Important Notes on Collegial Consultation

- The Board has the final say
- The Board is never prohibited from acting
- “Exceptional circumstances” and “compelling reasons” vs. “compelling legal, fiscal, or organizational reasons”



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Scenario #1

The Nursing Department would like to implement the use of plus/minus grading campus wide. Which stakeholder(s) should be involved in the decision making process?



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Scenario #2

A faculty member decides to implement the use of OER materials in place of the traditional textbook and he is told he cannot do so by his department chair. What is the role of the student government in this issue?



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Other Legal Provisions Related to Faculty

Appointments to College Bodies:

- (4) For the purpose of this Section, the governing board shall recognize each associated student organization or its equivalent within the district as provided by Education Code Section 76060, as the representative body of the students to offer opinions and to make recommendations to the administration of a college and to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students. **The selection of student representatives to serve on college or district committees, task forces, or other governance groups shall be made, after consultation with designated parties, by the appropriate officially recognized associated student organization(s) within the district.**

Title 5 § 51023.7 (a)(4)



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Staff Roles in College Governance

- Governing boards adopt policies and procedures that provide staff opportunity to participate effectively in district and college governance.
 - formulation and development of policies and procedures, and
 - processes for jointly developing recommendations that have or will have a significant effect on staff.
- Board shall not take action on matters significantly affecting staff until the recommendations and opinions of staff are given every reasonable consideration.

■ Title 5 § 51023.5



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Question

- Do these regulations have the force of law?



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Question

- What powers do the Board of Governors have to enforce Title 5 Regulations such as the ones on strengthening local senates?



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<u>LAW</u>	<u>REGULATIONS LEVEL OF PARTICIPATION</u>	<u>REGULATIONS AREAS OF PARTICIPATION</u>	<u>REGULATIONS CONSIDERATION OF RECOMMENDATIONS</u>
<p>FACULTY</p> <p>*Right to participate effectively</p> <p>*Academic Senate right to assume primary responsibility for recommending on:</p> <ul style="list-style-type: none"> •Curriculum •Academic standards 	<p>*Local boards shall:</p> <ul style="list-style-type: none"> •Consult collegially on •Academic and professional matters 	<p>*Academic and professional matters</p> <ol style="list-style-type: none"> 1. Curriculum 2. Degree 3. Grading 4. Program development 5. Student standards 6. Faculty role in governance structures 7. Accreditation 8. Professional development 9. Processes for program review 10. Processes for planning & budget 11. Other 	<p>*Consult collegially</p> <ul style="list-style-type: none"> •Reach mutual agreement •Rely primarily on advice and judgment of academic senate
<p>STAFF</p> <p>*Right to participate effectively</p>	<p>*Provided opportunity to participate in formulation of:</p> <ul style="list-style-type: none"> •Policies, •Procedures, and •Processes that have a •Significant effect on staff. 	<p>*Significant effect on staff</p>	<p>*Given “every reasonable consideration”</p>
<p>STUDENTS</p> <p>*Right to participate effectively</p>	<p>*Provided opportunity to participate in formulation of</p> <ul style="list-style-type: none"> •Policies, •Procedures and •Processes that have a •Significant effect on students. 	<p>*Significant effect on students</p> <ol style="list-style-type: none"> 1. Grading 2. Codes of conduct 3. Academic discipline 4. Curriculum development 5. Program creation and discontinuance 6. Processes for budget & planning 7. Student preparation and success 8. Student services planning & development 9. Fees 10. Other 	<p>*Given “every reasonable consideration”</p>



Thank You

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