

Yuba College
Academic Senate
M I N U T E S
August 27, 2009

Senators Present: Nickolson (president), May (vice-president), Boren, Buckley, Davidson, Kemble, Kitchen, Morgan, Ramsey, Stemann, Turner, Weiss, Willson

Guests: Dobbs, Jensen-Martin, Jukes, Smith, Staffero, Trutna

Meeting was called to order at 12:00 pm. Chocolate chip supplied by Larry Michel. Yummy.

1. Agenda: approved
2. Minutes: May 27, 2009 (Senate Retreat) and August 20, 2009 both approved with minor corrections from May.
3. Announcements / Reports – Nickolson
 - a. Nickolson is considering launching a Senate newsletter and hopes Senate members will consider contributing to it.
 - b. Nickolson had invited Dean Farrell to speak to us about the effect of cuts on his division, but he had a BSI meeting. We hope to speak to him soon.
 - c. Nickolson had been interviewed by *The Prospector* about the background to the joint letter (signed by the presidents of the Senate, YCFA, CSEA, and ASYC) requesting a meeting with Dr. Harrington.
 - d. Ramsey reported that the Language and Fine Arts Division requested members of the division send letters to Dr. Harrington supporting the joint letter requesting the meeting. The Division announced that they wanted a meeting to have happened, or to have been scheduled, by Friday. If this does not happen, then the Division will go to Chancellor Harrington's office on Tuesday at noon to demand it. The division welcomes other members of the college and community.
 - e. Nickolson noted that she had already seen 21 letters of support for the joint letter. She will compile them and submit them as a report, including reporting to the Board.
 - f. Nickolson handed out two documents (found at the end of these minutes) with information that she received in her consultations with Jane Patton, the new president for the State Academic Senate, and Scott Lay, CEO for the Community College League and adviser to the Board and administration. The pertinent points:
 - i. The Academic Senate is always allowed to place items on the Board agenda. It is the Chancellor's job to assemble the agenda, and she may question items being put on it. In the last resort, however, the Senate has the right to place items on the Board agenda.

- ii. District Board's are required *by law* to make a good faith effort to comply with Title 5's requirement to ensure effective participation of *local* academic senates. Violations can be reported to the Legal Affairs Division of the Chancellor's office and, if collegial consultation process is still not followed, the Academic Senate may take their case to the state Attorney General and/or court.

4. Old Business

a. Budget

- i. Davidson moved, on behalf of constituents who approached him, that the Senate ask all faculty to delay in providing the Spring 2010 schedules to their divisions until we hear District rationale for the magnitude and distribution of proposed cuts to curriculum. Willson seconded.

Discussion:

1. Ramsey note that the Language and Fine Arts faculty had asked the same question – why are we putting forth cuts by this Friday? We don't want to submit proposals for cuts until we have answers. She noted, too, that this puts Deans in a difficult situation, but making this request public shields them a little by making clear why there is a hold up.
 2. Boren agreed with the motion as a faculty member, but wasn't sure if he could as a Senate member. He wondered if this was our role in the established committee structure. May noted that Senate has purview over curriculum, so this is explicitly our role.
 3. Jensen-Martin agreed with Ramsey and argued further that Dr. Harrington wants us to believe we don't have any power. She has agreed to meet with Jensen-Martin because the YCFA is District, but she will not meet with the Senate. The Senate standing up is a direct threat to her, and this issue is directly in the Senate's charge.
 4. Morgan noted that, at Lake, the Dean makes the schedule and then presents it to faculty for input. In effect, they can't comply because the schedule is already done.
 5. Motion passed unanimously.
- ii. Davidson was also asked about possibilities about load banking to save classes. In some cases (as in math, for example), keeping singular or degree prerequisite courses, a significant percentage of core classes (up to 50% of arithmetic class, to continue the math example) would have to be cut.
 1. May noted that this was the purview of the union and moved to move along the agenda. Seconded by Turner and passed unanimously.

- iii. Boren noted that there are a lot of things the District could do differently that could save classes or programs and wondered if they are not willing enough or not knowledgeable enough to do so.
 - iv. Jukes noted that summer school has been cancelled at both campuses.
 - 1. Dr. Trutna clarified that there are some field, such as psych tech, with off-campus obligations as part of the program. Similarly, veterans, students with financial aid, and questions about who will or will not work all need to be addressed. The decision, according to Dr. Trutna, was made Monday and he was informed Tuesday. This is projected to save \$328,000. The decision about whether or not to close the entire campus has not been made yet.
 - 2. Nickolson would have recommended the decision not be made until we had more information.
 - 3. Boren noted that there's lots of talk about asking for ideas, but decisions are being made before they even get the ideas.
 - v. Nickolson argued that no budget process is being followed. Davidson noted that this is why we're hurting more deeply than schools around us.
 - vi. Nickolson noted that part of the Senate's role is to be sure a budget process is being followed, and we aren't ensuring this.
 - vii. Willson drew an analogy to Rad Tech's accreditation process; one of the two processes has a way for students to complain directly. Is there a process whereby the Senate can make a formal complaint? Willson moved (Boren seconded) that the Senate investigate our ability to complain to WASC about the lack of a budget process. Davidson argued that we don't have enough information to file an effective complaint. Willson withdrew her motion.
 - viii. Morgan asked if we could take a look at the budget. According to Adkins, though, there is none available. Morgan moved (Willson seconded) that the Senate request access to the tentative budget. Dr. Trutna explained that the final budget will be presented to the Board in its October meeting.
 - ix. May moved that "On behalf of the faculty and students of Yuba College, the Academic Senate condemns the numerous violations of the collegial consultation process by the Yuba Community College District in making budgetary and program cuts. The Academic Senate thereby directs the Yuba College Academic Senate to file a complaint with the Legal Affairs Division of the Chancellor's Office for violations of the Education Code and Title 5." Davidson seconded. Motion passed unanimously.
- b. Items to be put on the YCCD Board agenda – Nickolson
- i. Nickolson requested a number of items be put on the Board agenda. As instructed, she presented these to Dr. Adkins, who will discuss it with Dr.

Harrington. Despite the Academic Senate's right to put items on the Board agenda (see the sheet she handed out), Nickolson expects some of these items will be dropped. We have, however, the right to put them on the agenda. Turner asked if there is a grievance process.

- c. Review of Senate Goals
 - i. May recommended we keep the goals we have and establish a new one: the restoration of the collegial consultation process. Davidson seconded with some skepticism. Passed unanimously.
 - 1. Willson and others wondered how to restore something that never really existed in the first place. May said he'd be happy to be where we were a year and a half ago.
 - ii. Ramsey announced that Dean Mills gave an excellent (if underattended) workshop on plagiarism, focusing on building a community of academic honesty. Ramsey moved (Buckley seconded) that the Senate establish a new goal: to promote academic integrity. Ramsey offered to work with Dean Mills.
5. New Business
- a. Registration:
 - i. Dr. Kendyl Magnuson in registration has a proposal about wait lists that he'd like to present to the Senate on Sept. 24.
 - ii. Turner wants to ask how students get registered in closed classes, creating a conflict between students who register and those who get add cards from the instructor. Nickolson believes his proposal will address this issue.
 - iii. Willson compliments Dr. Magnuson on the email he sent out about the Census Roster. Many around the table agreed.
 - b. Reception for Dr. Adkins
 - i. Nickolson approached Dr. Adkins about the idea, and Dr. Adkins said she would like it. Nickolson added that she deserves it. Details still need to be worked out about where it would be held (Nickolson's? school?), who should be invited (faculty, since the Senate represents faculty? All college?), and how it will be paid for (we have no money.) Turner offered to bring down his barbecue.
 - c. Grade appeal
 - i. Nickolson announced that there is one.
 - d. Request for change in minimum qualifications for reading
 - i. Nickolson announced that there has been one. Gretchen Cupp has said she's okay with it. Will address next time.
6. Bin / Winding down

- a. Jensen-Martin noted that the CSEA asked that the Chancellor request that the October Board meeting, which will involve passing the new budget, be moved from Lake to Marysville.
 - i. Nickolson affirmed that she had done the same and had requested that Dr. Adkins do so as well.
 - ii. Boren moved (Buckley seconded) that we request that, in this time of severe institutional crisis, the October 14 Board of Trustees meeting be moved to Marysville. Passed unanimously.

Meeting adjourned at 12:54 pm. Surprisingly, considering how many cookies the secretary ate, there were cookies left over.

7. Meeting adjourned at 12:55 pm, though there was no sign that the discussion was flagging.

Scenarios to Illustrate Effective Participation in District and College Governance

A Joint Publication of the Community College League of California and the Academic Senate for California Community Colleges

Placing Items on the Governing Board Agenda

Scenario 24 The chancellor has developed a "Process to Put Issues Before the Board" policy which was distributed to all staff. The process stated that all issues, regardless of importance or depth, must go through the chancellor for review and determination before being placed on the board agenda. If the chancellor feels that the matter is a proper board issue, it will be placed on the board agenda. The academic senate is concerned that there may be a time when an issue they wish to place on the agenda will not be agreed to by the chancellor and requests an amendment to the process.

Issue: The issue here is the right of the academic senate to place matters before the governing board versus the duties assigned to the chancellor to construct the agenda for governing board meetings.

Citation: Title 5 '53203(c) states "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." Thus the academic senate has the right to place matters on the board agenda.

Process: While it is good to have a "normal" process whereby items go on the board agenda, such a process must recognize the right of the academic senate to place items on the agenda, with the role of chancellor being one of consultation rather than as a gatekeeper. It is reasonable that such a process might have deadlines and format requirements. The process can allow for the chancellor or others to comment on all items before they are advanced to the agenda. This process has several advantages. The chancellor will have insight as to the timing of the item going to the board. There may be issues developing that make it more advantageous to the senate to present the item to the board at a slightly later date. The chancellor will also have insights into how the board will react to the item and be able to give advice on effective approaches. It may even be possible for the chancellor to directly resolve the issue without the need to approach the board.

The academic senate president should approach the chancellor and cite the above section of Title 5. A request should be made to modify the chancellor's proposed process to correctly reflect the academic senate's right to present material directly to the board. Any written process needs to reflect the special legal position of the academic senate as opposed to general public comment. Academic senate items are not to be relegated to the "public comment" section of the agenda. If

the chancellor is insistent on this point, the academic senate president should take the matter directly to the governing board.

Suggestion: The board of trustees should have operational procedures regarding the construction of agendas for its meetings. These procedures should allow for regular reports from the academic senate and should allow for action items to be presented to the board by the academic senate after consultation with the chancellor. The procedure should incorporate reasonable expectations such as presenting the items in writing to the chancellor by a given date and allowing for comment by the chancellor on each item. It is in the best interest of the academic senate and the chancellor to work to determine when and how an issue is best brought to the board. See "Participating Effectively" question 34.

Participating Effectively in District and College Governance

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PART VIII. COMPLIANCE

35. QUESTION: Do these regulations have the force of law?

Yes. If a district board does not make a good faith effort and does not ultimately abide by these regulations it would be in violation of law.

36. QUESTION: What powers do the Board of Governors have to enforce Title 5 Regulations such as the ones on ensuring the right of academic senates to assume primary responsibility for making recommendations in the areas of academic and professional matters?

Education Code §70901 mandates that the Board of Governors establish minimum conditions entitling districts to receive state aid. The Board of Governors can withhold funding from any district that does not meet established minimum conditions. One of these minimum conditions is adoption of procedures consistent with sections §§53200 - 53204 of the California Code of Regulations. Thus one of the minimum conditions that districts must substantially meet in order to receive state aid is to assure the effective participation of local academic senates as per the regulations.

37. QUESTION: What are the responsibilities of the governing board and chief executive officer to implement the regulations to ensure the effective participation of faculty, staff and students in district and college governance? What obligations does a governing board

have to ensure that recommendations regarding academic and professional matters have gone through the collegial consultation process?

The board must uphold the requirements of Education Code §70902(b)(7) and Title 5 §53200-204 (academic senates), §52023.7 (students) and §51023.5 (staff). As the designee of the board, the chief executive officer is likewise bound to carry out these regulations. When considering action on an academic and professional matter, the local governing board must first ascertain that the collegial consultation process has been followed. If not, action on the item would then be delayed until such consultation has been obtained.

38. QUESTION: If the regulations are violated, will the state Chancellor's Office intervene and/or investigate the case for possible noncompliance?

Violations of Title 5 Regulations may be reported in writing by filing a written complaint with the Legal Affairs Division of the Chancellor's Office. The General Counsel will investigate credible complaints and determine needed corrective action to assure compliance with the regulations.

39. QUESTION: If a local senate or CEO and governing board feels that it has exhausted all sincere internal efforts to work cooperatively and believes the regulations continue to be ignored, what remedies can be sought?

The following steps are recommended. First, the representative group--the statewide Academic Senate or the Community College League--should be contacted for useful advice and direct support. Secondly, the local academic senate and governing board may mutually request technical assistance through the process established jointly by the Academic Senate and the League. Thirdly, if the local academic senate believes that there is clear noncompliance, it may file a complaint with the Legal Affairs Division of the Chancellor's Office. Finally, the local senate may pursue remedies with the state Attorney General or in court.