

Introduction to Academic Senate

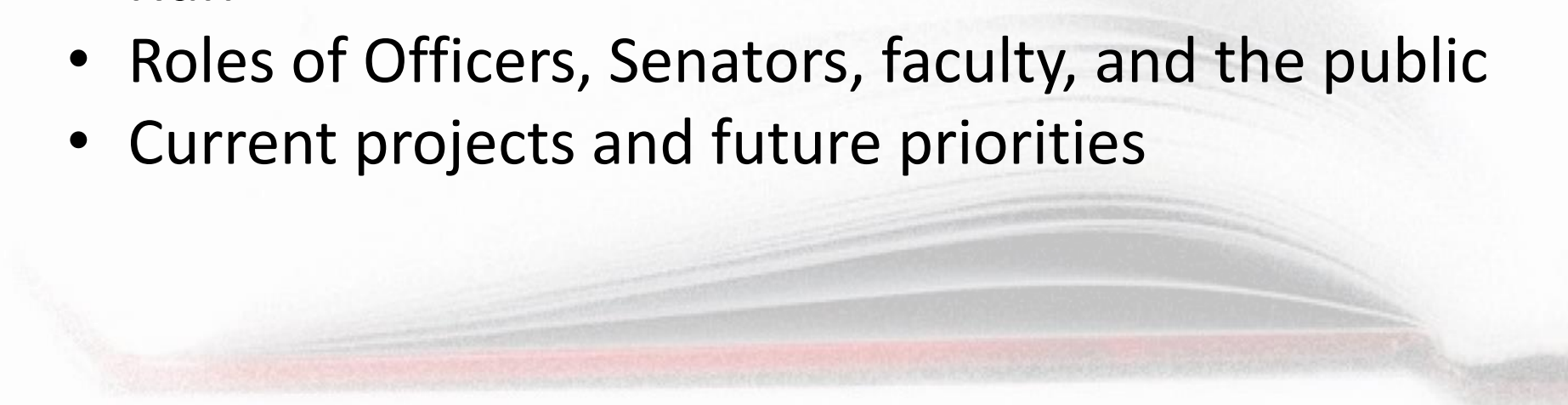
Who are we and what do we do?

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Outcomes

- Define the role of the academic senate in the areas of academic and professional matters
 - Discuss the areas of the 10+1 and Senate Purview
 - Review the relevant portions of the Brown Act and explore how it impacts meeting planning
 - Robert's Rules and Consensus – How Meetings Run
 - Roles of Officers, Senators, faculty, and the public
 - Current projects and future priorities
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Shared Governance Defined

- Not defined in the Education Code, Title 5, nor any other statute or regulation.
- **However**, section 51203.5(a) (4) states:
“staff shall be provided with opportunities to participate *in the formulation and development of district and college policies and procedures*, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.”
- What is Title V and the Ed Code?

Title V

vs.

California Education Code



California Code of
Regulations

Laws resulting from
legislation



Derived by the Board of
Governors from Ed. Code

Requires legislation
to be changed



Division 6 - applies to
California Community Colleges

Always supersedes Title 5
regulation



Regulation with the
force of law

Governance was amended
by AB 1725 in 1988

Senate and Ed Code / Title V

Ed Code:

- The governing board shall... ensure... the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards (Ed Code § 70902 (B)(7))

Title 5: § 53203

- 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.

Consulting Collegially

- Consult collegially means that the district governing board shall develop policies on academic and professional matters through either or both of the following:
 - rely primarily upon the advice and judgment of the academic senate, or
 - reach mutual agreement between the governing board/designee and the academic senate/designee

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

Mutual Agreement

- If agreement is not reached, existing policy remains in effect unless it exposes the district to legal liability or substantial fiscal hardship.
- If no policy or existing policy creates exposure to legal liability or substantial fiscal hardship the board may act if agreement is not reached: if a good faith effort first or for compelling legal, fiscal or organizational reasons.

FHDA Board Policy

Consultation process for academic and professional matters:

<u>AREA</u>	<u>JOINT DEVELOPMENT</u>	<u>PRIMARY RELIANCE</u>
1. Curriculum		X
2. Degree and Certificate requirements:		
• General Ed. and Program Specific		X
• Units for degree	X	
3. Grading policies		X
4. Educational Program Development	X	
5. Standards regarding student preparation and success		X
6. Governance structures as related to faculty roles	X	
7. Faculty involvement in accreditation	X	
8. Policies for faculty professional development activities other than contractual aspects		X
9. Policies for Program Review	X	
10. Processes for institutional planning and budget development	X	
11. Other Academic and Professional Issues	Whether primary reliance or joint development to be determined on an individual basis by the Board or its designee.	


What does the Academic Senate have
authority over?

The “10 + 1”



The “10 + 1”

Section § 53200 (c)

1. Curriculum, including establishing prerequisites
 2. Degree & Certificate Requirements
 3. Grading Policies
 4. Educational Program Development
 5. Standards & Policies regarding Student Preparation and Success
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The “10 + 1”

Section § 53200 (c)

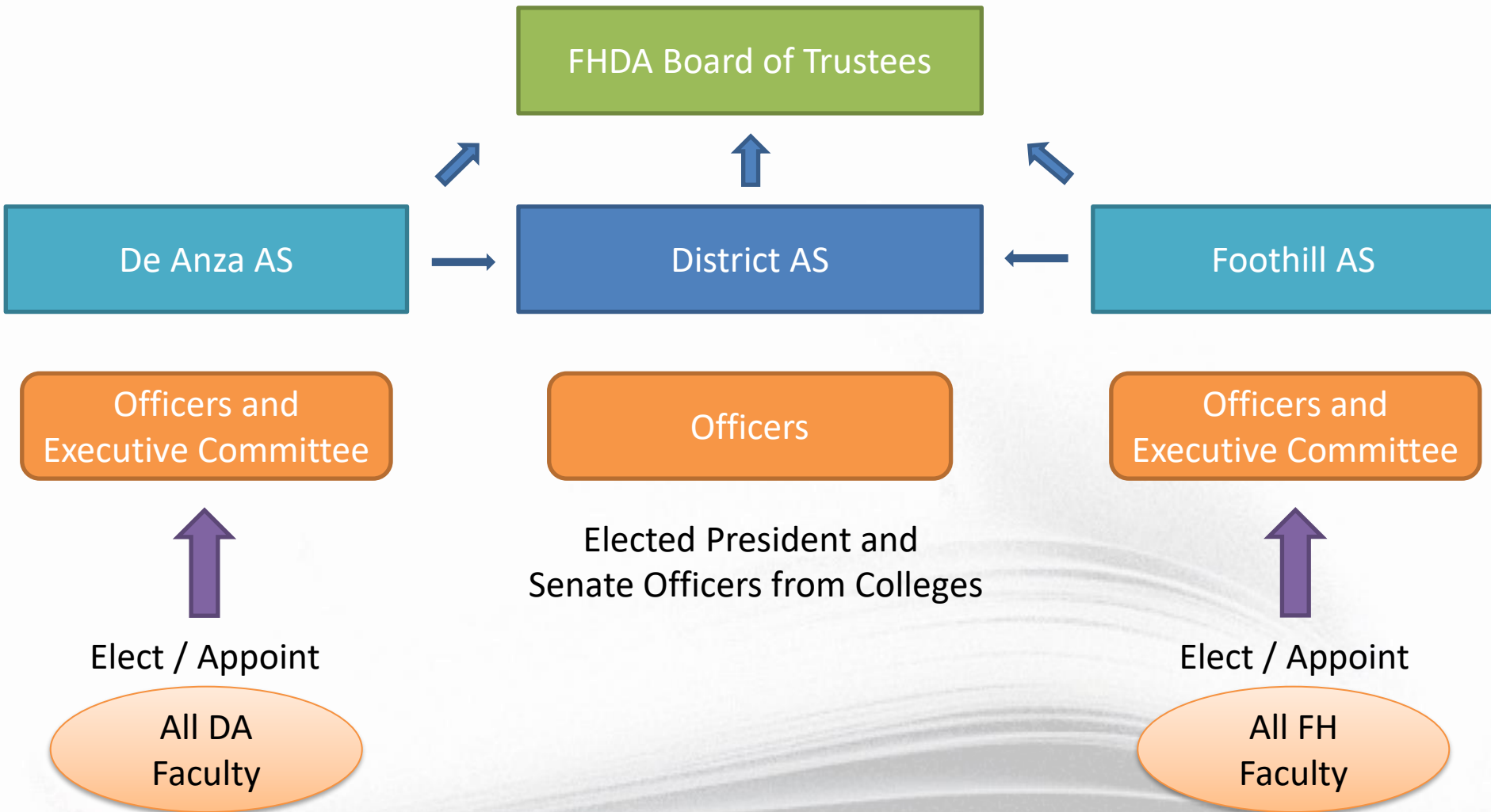
6. College governance structures, as related to faculty roles
7. Faculty roles and involvement in accreditation process
8. Policies for faculty professional development activities
- 9. Processes** for program review
- 10. Processes** for institutional planning and budget development
- +1:** Other academic and professional matters as mutually agreed upon.

Examples of “Other”

- Appointments to Committees
- Faculty Hiring Practices
- Minimum Qualifications
- Student Support Services



Local Senate Structure



Senates and FA

- Senates focus on academic and professional matters.
- Unions focus on bargained or contractual issues, such as working conditions.
- Consultation vs. negotiation
- It benefits everyone to have a mix of these and for the two groups to consult and coordinate where appropriate.

Senate Meetings

- The Brown Act
- Planning a meeting:
Agenda Creation and Communication
- Having a meeting:
Making Quorum
- Running a meeting:
Robert's Rules and Consensus
- Communicating Results
Minutes
- Role of the Public

Ralph M. Brown Act Overview

- “In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.”
- “All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.”
- Courts and the CA Attorney General have sided in favor of greater public access and narrowly view exceptions

Is Senate a “Legislative Body?”

- Includes Governing Bodies, Appointed Bodies, and certain private entities.
- Governing Bodies:
 - A group of people that has the authority to exercise governance over an organization.
 - **Examples:** Community College District Board of Trustees, City Council, School Board.
 - *Education Code 70902:* “Every community college district shall be under the control of a board of trustees...”
 - *Education Code 72674:* Community College Foundation Boards are subject to the Brown Act
- **Bottom Line:** If created by state or federal statute, the governing body of a local agency is covered by the Brown Act. Additionally, committees created by formal action of a legislative body are subject to the Brown Act.
- So... yes.

What is a “Meeting?”

- “Any congregation of a majority of the members of a legislative body at the same time and location to hear, discuss, deliberate, or take action upon any item that is within the subject matter jurisdiction of the legislative body.”

- GC Section 54952.2(a)

- The Brown Act is **not** limited to “meetings” where a final decision is made!
 - “HEAR”
 - “DISCUSS”
 - “DELIBERATE”



Serial Meetings



- “A majority of the members of a legislative body shall not...use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.”
 - GC Section 54952.2(b)(1)
- Common Types of Serial Meetings:
 - “Telephone Game” or transmission chain
 - Hub and Spoke
 - Email

Meetings – Exceptions to the Rule

- **Individual Contacts**

- But beware of the serial meeting!

- **Social or Ceremonial Occasions**

- So long as business of the state body is not discussed

- **Conferences**

- So long as they are open to the public and involve subject matter of general interest to the public

- **Meetings of Another Legislative Body**

- The meeting must be open to the public and properly noticed



Teleconference Meetings (Brown Act Classic Rules)

- Agendas must identify each teleconference location and be posted at each location.
- Each location must be open and accessible to the public and allow for public participation.
 - Example: No hospital bed
 - Example: No participation by cell phone in car
- Agenda must provide an opportunity for public comment from each teleconference location.
- At least a quorum of the legislative body must participate from locations within the local agency's jurisdiction.
- All votes must be audible and taken by roll call.

AB 2449 – Limited Remote Participation for Members

- AB 2449 (Sept 2022) **does not** allow for fully virtual Brown Act meetings.
- At least a quorum must be participating from a singular physical location identified on the agenda and open to public.
- No need to post remote locations and open them to the public (“classic” Brown Act teleconference rules).
- Remote member must use a two-way audiovisual platform, or phone-in plus webcast (public must have same ability to access the meeting virtually).

AB 2449 – Limited Remote Participation for Members (1)

- An individual member must notify the full membership of the body that either “just cause” or “emergency circumstances” exist for their remote participation.
 - Just Cause** includes caring for a family member, contagious illness, a need related to a physical or mental disability, or travel while on business of the legislative body.
 - Emergency Circumstances** require the member to provide a description of the circumstances, and the body must take action to approve (a vote of the membership).

AB 2449 – Limited Remote Participation for Members (2)

- **Limitations:**

- An individual member may only utilize the just cause exception up to two meetings per calendar year.
 - An individual member may not participate in meetings remotely under AB 2449 for more than three consecutive months, or 20% of the body's regular meetings in a calendar year.
- If there is an internet disruption to an AB 2449 meeting, no further action may be taken on an agenda item until the issue is resolved.

AB 2449 – Limited Remote Participation for Members (3)

AB 2449 Takeaways:

- Complicated rules, and not very helpful
- Does not allow for fully remote meetings
- Still requires a quorum of members to meet in person
- Requires additional tracking of member participation to ensure members don't go over the established limit

Big Picture - Three options:

- Fully in-person meetings
- Classic Brown Act teleconference posting
- Complicated AB 2449 structure

De Anza Meeting Structure 2023

- Meetings are held every Monday, 2:30-4:30 PM
- Held in Hybrid/Hyflex modality
 - In-Person in MLC 255
 - Online via public zoom link
- Operates under Classic Brown Act:
 - A majority of members must attend in-person or online from within district boundaries
 - All online locations for voting members are published in the agenda
 - Online locations (not on campus) must allow for public participation
 - Members who do not give adequate notice cannot vote and do not count toward quorum
 - Members of the public may participate from any location if online

Foothill Meeting Structure 2023

- Meetings are held every other Monday 2-4 PM
- Held in Hybrid/Hyflex modality
 - In-Person in KCI 4006
 - Online via public zoom link
- Operates under Classic Brown Act:
 - A majority of members must attend in-person or online from within district boundaries
 - All online locations for voting members are published in the agenda
 - Online locations (not on campus) must allow for public participation
 - Members who do not give adequate notice cannot vote and do not count toward quorum
 - Members of the public may participate from any location if online
 - Proxy voting allowed with advanced notice

Basics for Regular Meetings

Notice and Agendas

- The agenda must be posted at least **72 hours** in advance of the meeting in a location “freely accessible to members of the public.”
- The legislative body must mail a copy of the agenda to any person who has filed a written request for such materials. The copies may be mailed at the time the agenda is posted.
- The notice, agenda and supporting documents are public records and must be made available to public
 - Writings, when distributed to a majority of the body by any person in connection with a matter subject to consideration at a public meeting, are public records that must be made available to the public “upon request without delay.”

-GC Section 54957.5

Agenda Content

- Agenda must contain a brief description of the items of business to be transacted or discussed in either open or closed session.
 - In general, agenda descriptions need not exceed 20 words per item.
 - Agenda descriptions should provide sufficient information to allow members of the public to decide whether or not to attend the meeting or participate in the agenda item.
 - Closed session items must include reference to specific statutory authority for the closed session.

What Happens if the Senate does not Reach Quorum?

- No Meeting. No business can be conducted
 - No discussion
 - No deliberations
 - No decisions
- The meeting does not happen and will not have any minutes

Running a Meeting

- How to facilitate discussion and group decision making?
 - Robert's Rules
 - Formal parliamentary procedure
 - Very clear and somewhat complex rules
 - Focus on procedure and majority rule can make meetings stressful
 - Consensus decision making
 - Focuses on making decisions all agree to
 - Members all engage and hold part responsibility for facilitation
 - Takes time for group to develop and discussion can bog down in absence of clear consensus
 - Can be combined with voting when needed

Goals of Meeting Facilitation

- Maintenance of order
- All voices are heard
- Look to see whose voices are missing in the discussion or debate
- Ability for each member to provide input on a topic
- All members have equal rights, privileges and obligations
- Full and free discussion with a diversity of ideas

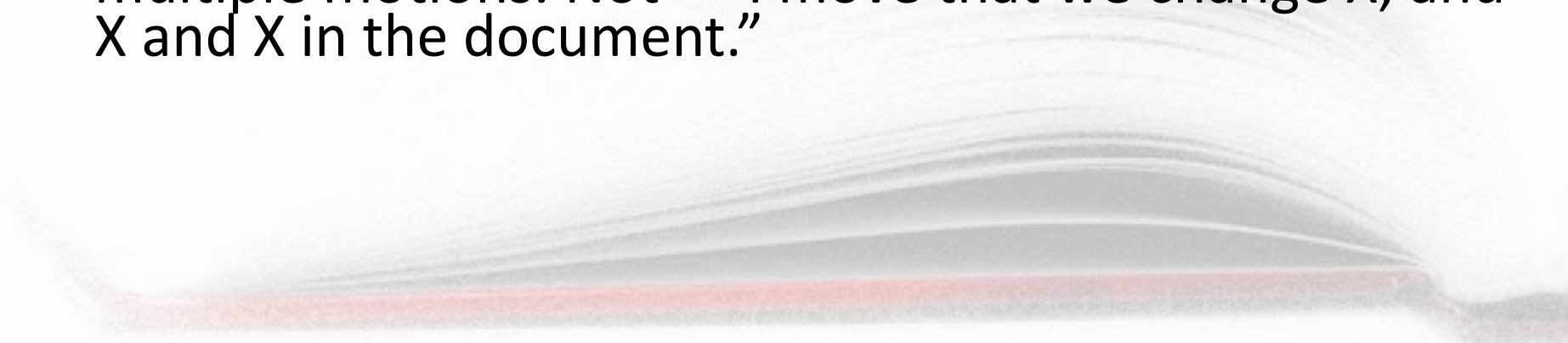
Role of the Chair

- Remain impartial during the debate; if the chair wishes to engage in debate, they must assign a temporary chair, usually the Vice President or next in line
- Votes only to break a tie (*subject to local rules; in some small committees the chair has a vote*)
- Introduces the agenda items and provides factual context to the item
- Recognizes speakers
- Determines if a discussion is in order (*relevant to the topic and within the scope of the Senate*)
- Keeps the discussion centered on the current item
- Maintains the order of the process
- Facilitates votes when needed and announces the results

Robert's Rules: Processes for Handling Motions

- Senator must obtain recognition of the chair (the chair will go in order of who asks for recognition first, within reason)
- Senator makes a motion (best motions are simple and direct)
- Motion must be seconded by a committee member
- Chair restates motion and opens debate
- Maker of the motion has the right to speak first in the debate
- Motion and any secondary motions are debated
- Debate closes when debate has ended (no more in line or time has ended), question has been called (requires 2/3 vote)
- Chair restates motion and synthesizes debate (online may be placed in chat so everyone can read the motion)
- Vote and announcement of results

Strategies for Motions

- How to state a motion: “I move to....”
 - Make sure there has been time to discuss the issue before a motion; once a motion is on the floor it must be addressed and action taken.
 - Make your motions clear and direct: “I move that X be changed on the document.”
 - Do not make complex motions; instead, consider multiple motions. Not – “I move that we change X, and X and X in the document.”
- 

Debating the Idea not the Person

- Collegiality and supporting students - our common goal
- In the debate you are debating the **idea**, not the **person**
- Keep debate focused on the motion or amendment on the table
- Personal statements or attacks are not tolerated
- All debate should be in the context of the meeting only; there should be no “serial meetings” or “daisy chain agreements”
- Interruptions in debates are only allowed in specific instances, e.g., point of information, point of order (*see chart*)

General Rules of Debate

- No committee member may speak unless recognized by the Chair.
Only members are allowed to speak.
- All discussion must be relevant to the immediate motion.
- No member may speak more than twice to each debatable motion.
They may speak the second time only when everyone else wishing to speak has had the opportunity.
- No member can speak for more than 10 minutes total (or whatever the local decision is).
- Debate can be extended if the body makes a motion and agrees through majority vote.
- All remarks must be addressed to the Chair.

General Rules of Debate *(cont.)*

- Debate must address issues, not personalities
- When possible, chair should let the floor alternate between those speaking in support of and in opposition to the motion.
- It is not permissible to speak against one's own motion (but you can vote against it)
- Senators may not disrupt the assembly unless to make a complaint about a rules violation or the relevance of the discussion to the motion. (see chart in a few slides)
- If a member/attendee is disruptive or is not allowing the business of the group to continue, they may be removed from the meeting by the chair.
- Rules of debate may only be changed by a 2/3 vote or consensus without objection.

Short Guide to Robert's Rules

Action	What to Say	Can interrupt speaker?	Need a Second?	Can be Debated?	Can be Amended?	Votes Needed
Introduce main motion	"I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move to amend the motion by...." (add or strike words or both)	No	Yes	Yes	Yes	Majority
Move item to committee	"I move that we refer the matter to committee."	No	Yes	Yes	No	Majority
Postpone item	"I move to postpone the matter until..."	No	Yes	Yes	No	Majority
End debate	"I move the previous question."	No	Yes	Yes	No	Majority
Object to procedure	"Point of order."	Yes	No	No	No	Chair decision
Recess the meeting	"I move that we recess until..."	No	Yes	No	No	Majority
Adjourn the meeting	"I move to adjourn the meeting."	No	Yes	No	No	Majority
Request information	"Point of information."	Yes	No	No	No	No vote
Overrule the chair's ruling	"I move to overrule the chair's ruling."	Yes	Yes	Yes	No	Majority
Extend the allotted time	"I move to extend the time by ___ minutes."	No	Yes	No	Yes	2/3
Enforce the rules or point out incorrect procedure	"Point of order."	Yes	No	No	No	No vote
Table a Motion	"I move to table..."	No	Yes	No	No	Majority

Points of Order

- If a member thinks there is rule violation they can ask for Point of Order
- If they ask for a Point of Order, the Chair may consult with the Parliamentarian on the point of order questions.
- If no point of order is called and a procedural concern is raised later the action stands since it was not done in a timely manner.

Importance of Synthesizing

- At the end of debate, the Chair should summarize/synthesize the debate and the motion before the vote is taken.
- This grounds the vote and ensures that senators are making an informed vote.
- May ask for consensus.

Alternatives to Robert's Rules of Order

- **Consensus Decision-Making: A Virtual Learning Center**
<http://consensusdecisionmaking.org/>
- **Democratic Rules of Order** *(this has to be purchased)*
<http://democraticrules.com/>
- **Simplified Rules of Order** *<https://www.counseling.org/docs/default-source/Branches/simplified-roberts-rules-oforder.pdf?sfvrsn=0>*
- **Atwood's Rules** *<http://robertsrules-team1.weebly.com/alternatives.html>*
- **Comparison of Robert's Rules, Consensus Process and Dynamic Facilitation**
<http://www.co-intelligence.org/l-comparisonRR-CC-DF.html>
- **Martha's Rules of Order** *<http://camblog.topssoft.com/coming-to-consensus-marthas-rules-of-order>*

The Public's Place at the Table

- Members of the public must have the opportunity to directly address the body on each agenda item before or during the legislative body's discussion or consideration of the item.
- Agendas allow members of the public to speak on any item of interest within the subject matter jurisdiction of the legislative body (even if not on the agenda).
- The legislative body may not prohibit criticism of policies, procedures, programs or services of the legislative body/agency.
- Reasonable regulations on public comment may be adopted (example: time limits for individual speakers).
- The legislative body may remove individuals from a meeting who willfully interrupt proceedings.

-GC Section 54957.9

The Public's Right to Attend

- All meetings must comply with the ADA (Americans with Disabilities Act).
- Any person may record the proceedings via audio recorder, video recorder or still motion camera.
- No conditions may be set for attendance at or participation in a public meeting:
 - Sign-in not required
 - Self-identification not required as a prerequisite to speak
 - No fees may be charged for providing notice

Don't Forget



- We are public servants who represent our colleges, and our communities.
- We are conducting the public's business and expending public funds.
- The open meeting laws were adopted with full knowledge that many efficiencies would be lost.
- The court of public opinion – this is about the public's perception of how its business is conducted.

Discussion of Priorities for 23/24



- De Anza Priorities

- AI Policies and Practices
- RSI

- District Priorities

- Measure G
- Sustainability
- Budget
- District Senate

- Foothill Priorities

- AI Policies and Practices
- RSI
- Guided Pathways

