

# Collegial Consultation Task Force

## *Recommendations*

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# Collegial Consultation is Vital to College Success

*“The guiding principle behind the recommendations in the paper is that, in an academic context, the best planning will be bottom-up in nature. That is, it is assumed that the faculty, functioning through their departments, will be best able to decide what is needed in order to best perform their jobs.”*

*- ASCCC, Fall 2001, The Faculty Role in Planning and Budgeting.*

Participatory decision-making, inclusive of students and employees, is the governance structure for California Community Colleges. Per Title V, the Academic Senate’s role in governance is uniquely important: the Board and college administrators, *must* consult the Senate before adopting or implementing policies on academic and professional matters. This is “collegial consultation” and it makes sense: instruction is Skyline College’s primary purpose and the Senate represents the collective expertise of the instructors.

Faculty and administration share a focus on innovation, efficiency, and effectiveness to advance student success. Collegial consultation is the democratic and transparent means to ensure these goals. On some occasions, Skyline College administration has given due time and resources to adequate collegial consultation. On other occasions, the administration and other employees appear to view such processes as onerous, unnecessarily deliberative, or even obstructionist. Such misreading has resulted in the Senate’s voice being criticized, ignored, or even excluded. Thus, it is the Senate’s responsibility to call attention to failures in collegial consultation and advocate for greater fairness, transparency and engagement in participatory governance.

This report will share the Task Force’s findings and offer preliminary recommendations to strengthen collegial consultation at Skyline College.

## Pillars of Collegial Consultation

**Democratization** - State law, board policy, and the Academic Senate for California Community Colleges (ASCCC) require **bottom-up** faculty input on campus policies and procedures for effective participatory governance.

**Oversight Role** - Collegial consultation focuses on establishing fair and open processes for decision making rather than demanding or disputing against specific outcomes, so long as those outcomes result from good process. The Senate must advance collegial consultation as necessary to ensure well-functioning participatory governance.

**Education** - Education and training of Senators and their constituents is essential to the proper functioning of a democratic campus that considers faculty input across the 10+1. Informed advocacy is key to collegial consultation.

## Key Recommendations

1. Revise College Planning and Budgeting documents and procedures to include the necessary stages of collegial consultation throughout and to make obvious the Senate's key role..
2. Advise the President's Work Group on Participatory Governance to revise the Compendium of Committees to include language that emphasizes the importance of two-way consultation between committees and constituents as a clear and abiding requirement of committee participation. For example, to highlight the requirement that committee members consult with their constituents, to clarify the role of individual faculty members on committees, and to clarify the role of committees in making recommendations to the Senate.
3. Encourage Senators to take a leading role in the planning and facilitation of Division Meetings to ensure that they are conducted in ways that enhance, support, and do not deviate from or nullify faculty input on 10+1 issues and governance.
4. Advise the ad hoc committee on bylaw revision to revise the constitution and bylaws of the Academic Senate to make possible all of the above.
5. Enhance training and support for Senators to make possible all of the above.

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# Methodology

To gather information for this report the authors spoke with faculty and administrators engaged in governance and college wide work. This includes individuals who have served or who currently served on committees and initiatives including but not limited to, in alphabetical order:

1. AB705
2. Academic Senate, College of San Mateo
3. Academic Senate, Skyline College
4. Academic Senate, SMCCCD
5. Accreditation Steering Committee
6. Accreditation Oversight Committee
7. Advisory Committee on Employee DevelopmentCollege Governance Council, Skyline College
8. Curriculum Committee
9. Educational Policy Committee
10. FTE Faculty Allocation Committee
11. Guided Pathways
12. Institutional Effectiveness Committee
13. Participatory Governance Council, SMCCCD
14. Professional Personal Committee
15. Strategic Planning and Resource Allocation Committee
16. Stewardship for Equity, Equal Employment and Diversity Committee

In addition, we reviewed the following documents:

1. California Code of Regulations, Title V, section 53200 et seq
2. California Education Code, Sections 66700 and 70901, and 70902
3. The Legal Basis for Academic Senates and Collegial Consultation: Who We Are and What We Do, ASCCC (2019)
4. Power in the Collective: Faculty, Collegial Consultation, and Collaboration, ASCCC (2017)
5. San Mateo County Community College District Board Policy 2.05 (2017)
6. Local Senates Handbook, ASCCC (2015)
7. Collegial Consultation: The Art of Influencing and Being Influenced, ASCCC (2013)
8. Strengthening Local Collegial Consultation, ASCCC Resolution 17.01 (2002)
9. The Faculty Role in Planning and Budgeting, ASCCC (2001)
10. Collegial Consultation Scenarios Workbook, ASCCC and CCLC (no date provided)
11. Collegial Consultation Scenarios, ASCCC and CCLC (slides) (no date provided)
12. Effective Senates: The Key Ingredients of Collegial Consultation (slides) (no date provided)

# Common Questions on Collegial Consultation

## What is collegial consultation?

Per California Law and the SMCCD's Board Policies,<sup>1</sup> "Consult Collegially" means that the district governing board shall develop policies on academic and professional matters in ways that "rely primarily upon the advice and judgment of the academic senate." Thus, the board must ordinarily accept the senate's recommendations, except when "exceptional circumstances and compelling reasons" exist to act otherwise. If the Board or its designee chooses not to accept the Senate's recommendation, they must explain why, in writing.

Collegial consultation requires transparency, open and timely communication, engagement by faculty, and the appropriate resources to support the above. Collegial consultation can flourish in an environment where faculty have the time and space to think deeply about issues of governance and the space to come together to deliberate.

## What looks like but is not actually collegial consultation?

At Skyline College, we have yet to fully realize the structures, policies, procedures, and practices necessary for collegial consultation. Collegial consultation must include the following: *a full, fair, and open discussion at a regularly scheduled meeting of the Academic Senate held with sufficient lead time to allow the Senate to come to a deliberative and collective decision well in advance of any deadlines*. At times, it may appear that collegial consultation is present, but closer inspection may reveal a failure to clear the bar. Please see **Appendix A** for an examination of instances that look like but are not in fact collegial consultation.

## Who is required to consult with the Academic Senate?

SMCCD Board Policy 2.05 unambiguously states that administrators must consult collegially with the Academic Senate when adopting policies and procedures: "The Board or its designees will consult collegially with the Academic Senate when adopting policies and procedures." This requirement extends to faculty as well regarding questions or concerns relating to the 10+1 academic and professional matters. With each department functioning within the larger institution under the context of collegial consultation procedures - individual members of the faculty should feel empowered to talk to their division reps on the AS when they may have concerns about the transparency or validity of existing departmental procedures.

## Why should collegial consultation occur?

Representative democracy, in the form of participatory decision-making, is the basis of the governance system in the California Community Colleges. This ensures that students, faculty, classified professionals, and administrators have a say in college governance. This makes sense, as

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<sup>1</sup> See California Code of Regulations, Title V, section 52300, paragraph (d), and San Mateo Community College District Board Policy 2.05

each employee has some unique expertise and as it is impossible for any individual employee to be thoroughly familiar with the entire range of students' educational goals or needs. Yet, while all constituent voices at the college must be heard and respected in participatory decision making, Education Code §70902(b)(7) designates a more specific role for faculty by directing local boards to ensure the right of academic senates to assume *primary responsibility* for making recommendations on academic and professional matters. Collegial Consultation achieves this requirement. The academic senate represents the educational expertise and experience of the faculty, who collectively exceed the rest of the institution many times over in terms of regular contact with students. Thus, collegial consultation should occur to ensure college success, the safeguarding of the student's best interests, to abide by law, and to protect open and fair decision making.

## **When should the Senate be consulted?**

**Consultation should occur before decisions are made on academic and professional matters.**

Per section 53200 of the California Education Code, it is the role of the Academic Senate to make recommendations to the administration of a college and to the governing board of a district with respect to [academic and professional matters on policy development and policy implementation](#).

To abide by this law, the administration of the college and the governing board of a district must consult collegial with the Senate before making decisions on academic and professional matters. This consultation must occur during the course of a regularly scheduled meeting of the Senate. Yet, this does not always occur. When it does not, the Senate should resist being pushed into making decisions until open, inclusive, and fair decision making processes have been completed. At times, it may be necessary for the Senate to remind others that their failure to follow the law does not constitute an emergency for us. If we insist - with consistency, compassion, and reason - on collegial consultation, it may become the norm. Yet, we must be mindful not to create unnecessary delay.

In addition to decisions falling within the 10+1, here is a partial list of when robust collegial consultation is necessary to ensure participatory governance: [College / District Reports requiring sign-off or vigilance of the Academic Senate](#), as recommended by the ASCCC, pg. 38-39, and including: administrator evaluations, state-mandated reports, budget recommendations, tenure committees, faculty hiring decisions and committees, equity reports and more.

## **When should the Senate intervene to ensure collegial consultation?**

The Senate should ensure that open and democratic decision making is the norm and should allow for outcomes that result from established norms and procedures unless the outcomes will jeopardize the integrity of the institution to optimize teaching and learning. *Yet, it is not the Senate's role to micromanage, to obstruct for the sake of obstructing, or to object to a good process because the Senate finds an outcome disagreeable. Thus, it is always appropriate for the Senate to take action to ensure collegial consultation if there exists a threat to open, transparent, and democratic processes.* Yet, if the processes are inclusive and open, it is only appropriate for the Senate to take action after

all sub-committees or other relevant faculty bodies have weighed in. *Please see the **Appendix** for examples of when it is appropriate for the Senate to intervene to ensure Collegial Consultation.*

## **How should collegial consultation occur?**

The Academic Senate should focus its collegial consultation efforts primarily upon establishing democratic procedures to ensure the legitimacy of institutional processes as they relate to the faculty role in the 10+1. By ensuring that campus planning, budgeting, and committee processes equitably include the faculty voice in an AS approved manner, the effectiveness of the participatory governance model can be strengthened. Additionally, collegial consultation is not only a good practice so ensure effective participatory governance, it is also a necessary responsibility to ensure Skyline College's compliance with both state and local law.

When any of the 10+1 academic and professional matters of the Academic Senate's legal purview are infringed upon, individual faculty members have the obligation and the right to make their concerns known to their division representatives within the Academic Senate. In each instance of dispute, effective Collegial Consultation procedures will call for the AS to focus not on the outcome of the individual case, but the failure of the democratic processes which lead to that decision being made. It is necessary to make the distinction that this is a separate process from the general faculty grievance process.

## **What does collegial consultation lead to?**

When conducted effectively, collegial consultation at Skyline College will lead to: Faculty engaging in collaborative decision making processes with their administrators in the areas which most closely affect them. Development and sustenance of robust educational programming based on faculty expertise in discipline and pedagogical knowledge. Fostering an institutional culture supported by a structure that allows more democratic and transparent norms around key decisions that impact students, faculty, and administrators.



## Examples Of Not Collegial Consultation

Each of the following are examples of actions that may appear to be, but are not Collegial Consultation. *Please note: involving faculty in decision making is necessary but not sufficient for collegial consultation.* Individual faculty, even those who are members of the Senate *do not* represent the Senate. Each of these instances show a failure of collegial consultation as the appropriate democratic processes have been bypassed or ignored. In such instances, the Senate must dissuade the actor from taking action and use this opportunity to educate the actor as to the role of the entire academic senate in decision making on academic and professional matters.

### Example: Faculty Who Are Appointed as Representatives but Act Unilaterally

One or more faculty are appointed to a committee as a representative of the Senate, a Division, Department, etc, but does not solicit input from their constituents on key decisions. For example, when a faculty member on a committee is asked to participate in a decision of college wide importance, e.g. budgeting or hiring, that faculty member must bring the decision to their division for a full and open debate and must follow the will of the division when making their decision.

### Example: A Committee Makes a Decision that Reserved for Faculty by Law

The College Governance Council or other committee which includes non-faculty members makes a decision by vote on matters that have been reserved by Title V § 53200 for recommendations by the Academic Senate. For example, it would be inappropriate for Skyline's College Governance Council to make decisions regarding Program Review as this is a subject reserved for faculty per § 53200(c)(9).

### Example: Discussion With-Non Senators Outside a Regular Senate Meeting

A faculty member, classified professional, administrator, student, community member, etc., engages in a discussion with an elected senate officer outside of a regular Senate meeting. For example, when the Senate President meets with the College President, it would be inappropriate for the Senate President to make a decision of college wide importance without first discussing the decision as an Agenda item at a regularly scheduled Senate meeting.

### Example: Talk Among Senate Members Outside a Regular Senate Meeting

Members of the Senate may engage in a decision making outside of a regular Senate meeting. For example, when the Senate President meets with the executive committee, it would be inappropriate to make a final decision of college wide importance without first discussing the decision as an Agenda item at a regularly scheduled Senate meeting.

# When Should Senate Intervene to Ensure Collegial Consultation?

The following are examples of when it is, or is not, appropriate for the Senate to intervene to ensure that Collegial Consultation occurs. Note, in many of these examples, the Senate has appropriately delegated some of its authority to a faculty. This inclusivity is effective if elected division Senators do the work of facilitating discussions in division meetings.

## Example: Committee Decisions Must Be Open, and Inclusive

During deliberations on the allocation of college funds, if faculty representatives bring budget options to their respective divisions for discussion and voting, it is inappropriate for the Senate to make a budget recommendation until all divisions have had their say. Yet, if members of the budget committee make recommendations before consulting their colleagues during a regular division meeting, it is appropriate for the Senate to intercede *immediately* to ensure proper process. Similarly, during committee deliberations on the ranking of the faculty hires for the coming year, if faculty representatives bring the full list of potential positions to their respective divisions for discussion and voting, it is inappropriate for the Senate to make a recommendation until all divisions have had their say. Yet, it is appropriate for the Senate to intercede *immediately* where the FTEFAC has not brought the full list of positions to the divisions for a discussion and collaborative ranking process.

## Example: District and College Policies & Procedures Must be Followed

Where a division has been approved to hire a new faculty member, if the Dean has followed Board Policy to form a screening committee, it is inappropriate for the Senate to question the makeup of the committee until it comes before the Senate for approval. Yet, it is appropriate for the Senate to intercede the moment it becomes aware that the Dean is not following policy. Similarly, if an administrator seeks to award a Faculty Service Area to any person, if an administrator has followed Board Policy to form a screening committee, it is inappropriate for the Senate to question the candidate's credentials until it comes before the Senate for approval. Yet, if the administrator moves ahead without following Board Procedure, it is appropriate for the Senate to intercede the moment it becomes aware of the impropriety.

## Example: Planning Must Be Done in Public on the Regular Planning Cycle

If the process for drafting a college wide plan, e.g. the equity plan, includes open forums, town halls, division meetings, etc., and if the recommendations of those assembled are given heavy weight in developing the plan, it is inappropriate for Senate to make a recommendation until the process is completed. Yet, if the planning is done in private, for example in a meeting of the President's Cabinet, **especially if the planning includes budget decisions, it is** appropriate for the Senate to immediately insist that planning and resource allocation be done in public and on the regular cycle. For example, if a college unit receives a grant to serve students and then develops a plan to spend

the funds without meaningful input from the whole college, it is appropriate for the Senate to interject and immediately insist upon a more robust process.

### Note on Division Meetings

Where administration seeks to place items on the Division meeting agenda or seeks to schedule an all division meeting, they should do so in consultation with division representatives of the Academic Senate. Currently, the Division Meetings are extremely underutilized for governance purposes. As one of the only times when a critical mass of faculty are together at the same time, Division Meetings should be used for discussion and decision making to the fullest extent possible.

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