

**California Code of Regulations Regarding Rights of the Academic Senate in  
Shared Governance and Collegial Consultation, and the Academic Senates'  
Rights and Requests of Communication in  
Writing from the Board of Trustees Resolution**

**Moved by Marilyn Kennedy Literature and Languages Division Senator**

**Seconded by Lee Gordon Senator-at-Large**

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1. **Whereas** California Code of Regulations § 53203 (a) “Powers,” states that “The governing board of a community college district shall adopt policies for appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. This requirement to consult collegially shall not limit other rights and responsibilities of the academic senate which are specifically provided in statute or other Board of Governors regulations.”

**Comment [mjk1]:** This California Code acknowledges our shared governance.

2. **Whereas** CCCD AP 2510 establishes that “The Board of Trustees of the Coast Community College District, or such representatives as it may designate, will *rely primarily* upon the advice and judgment of the Academic Senate(s) in developing policies involving the following academic and professional matters:

**Comment [mjk2]:** This BOT policy acknowledges that these seven aspects of the 10+1 are to be “rely primarily” with our Senate.

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

3. **Whereas** CCR § 53203 (d) (1) states that “in instances where the governing board elects to *rely primarily* upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.”

**Comment [mjk3]:** Acknowledges that if a “rely primarily” recommendation by the Senate is not accepted, the BOT will communicate the reasons in writing, IF requested by the Senate.

Our BOT policy, both the new one and the old one, excluded this “written communication” language.

SOC CCD has this in their BOT policy, #2100.1.

4. **Whereas** CCCD AP 2510 establishes that “The Board of Trustees of the Coast Community College District, or such representatives as it may designate, will reach

**Comment [mjk4]:** This BOT policy acknowledges that these four aspects of the 10+1 are “mutual agreement.”

*mutual agreement* with the representatives to the Academic Senate in developing policies regarding the following academic and professional matters:

3. Grading policies
6. District and College governance structures, as relate to faculty roles
10. Processes for institutional planning and budget development
- +1. Other academic and professional matters as mutually agreed upon.”

5. **Whereas** CCR § 53203 (d) (2) states that “in instances where the governing board elects to provide for *mutual agreement* with the academic senate, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal or organizational reasons.”

**Comment [mjk5]:** Acknowledges that mutual agreement issues when in debate, the existing policy remains unless there are compelling legal, fiscal, or organization reason.” There is no requirement for a written response to the Senate.

6. **Therefore, Be It Resolved** that the Board of Trustees and/or its designee(s) honor CCR § 53203 (d) (1): That if a “*primarily rely* upon” recommendation from any Academic Senate is not accepted, the Board of Trustees or its designee(s) will promptly communicate its reasons in writing to that academic senate. Additionally, CCCD AP 2510 will have this language added to it reflecting CCR § 53203 (d) (1).

**Comment [mjk6]:** Requires that the BOT automatically communicate in writing to the Senate whenever it does not accept a “rely primarily” recommendation made by the Senate. It also requests that this language be added to the BOT AP 2510 policy.

7. **Therefore, Be it Further Resolved** that the Board of Trustees and/or its designee(s) extend that right and provision to the “*mutual agreement*” recommendations from any Academic Senate that is not accepted, that the Board of Trustees or its designee(s) will promptly communicate its reasons in writing to that academic senate. Additionally, CCCD AP 2510 will have this language added to it reflecting CCR § 53203 (d) (1) but in regards to “mutual agreement” recommendations.

**Comment [mjk7]:** Requires that the BOT automatically communicate in writing to the Senate whenever it does not accept a “mutual agreement” recommendation made by the Senate. It also requests that this language be added to the BOT AP 2510 policy.

### Works Cited

California Code of Regulations. Title 5. Division 6. California Community Colleges. Chapter 4. Employees. Subchapter 2. Certificated

Positions. Article 2. Academic Senate. § 533203. Powers.

<http://weblinks.westlaw.com/result/default.aspx?action=Search&cfid=1&cnt=DOC&db=CA%2DADC&eq=search&fmqv=c&fn=%5Ftop&method=TNC&n=1&origin=Search&query=CI%28%22CA+ADC+S+53203%22%29&rt=CLID%5FQRYRLT606212922122&rtdb=CLID%5FDB263872922122&rti=1&rp=%2Fsearch%2Fdefault%2Ewl&rs=GVT1%2E0&service=Search&sp=CCR%2D1000&srch=TRUE&ss=CNT&sskey=CLID%5FSSSA583872922122&tempinfo=FIND&vr=2%2E0>

Coast Community College District. Administrative Procedure Chapter 2. Board of Trustees. AP 2510 Participation in Local Decision Making.

[http://www.cccd.edu/boardoftrustees/BoardPolicies/Documents/Board\\_of\\_Trustees/AP\\_2510\\_Participation\\_in\\_Local\\_Decision\\_Making.pdf](http://www.cccd.edu/boardoftrustees/BoardPolicies/Documents/Board_of_Trustees/AP_2510_Participation_in_Local_Decision_Making.pdf)

