

COMMUNITY COLLEGE LEAGUE OF CALIFORNIA

Goal: Promote effective leadership at all levels for community colleges.

LEADERSHIP DEVELOPMENT

Home Site Map Contact Us Privacy Policy

- Events
- Leadership Development
 - CEO Development
 - Trustee Resources
- District Services
- Governmental Relations
- CC News
- Publications
- About the League
- Links
- Contact Us
- Site Search

Participation in Decision-Making ("Shared Governance")

Home > Leadership Development > CEO Development

What is "shared governance"?

What is the role of the college or district's chief executive officer in participatory decision-making and collegial consultation?

What is the role of each constituency group in consultative processes?

Do I have to agree with and accept the recommendations of individual or collective constituent groups?

I have more questions. Where do I go?

What can I do if there are ongoing unresolved issues in "shared governance?"

What is "shared governance"?

Education Code 70902(b)(7) required the Board of Governors to adopt regulations that "... ensure faculty, staff, and students ... the right to participate effectively in district and college governance." The regulations are contained in Title 5, sections 53200 et seq., 51023.5. and 51023.7. They mandate that the governing board "consult collegially" with the academic senate on academic and professional matters, and that staff and students have the opportunity for "effective participation" in decisions that affect them.

The term "shared governance" does not appear in law or regulation, however, it is used to refer to processes that involve faculty, staff, and students in decision-making. The American Association of University Professors uses the term widely to describe institutional governance processes and the role of the faculty in university governance.

However, "governance" in community colleges also refers to the role of the board of trustees. Ensuring that faculty, students, and staff participate effectively in decision-making and making recommendations to the board does not replace the board's governance role.

While the term "shared governance" is commonly used, the League and Senate encourage that its use be curtailed in favor of more precise terms.

What is the role of the college or district's chief executive officer in participatory decision-making and collegial consultation?

Ensuring that the process works is a major task of the CEO. CEOs who believe in collaborative processes and the value of faculty, staff, and student involvement in decision-making will be more likely to be

successful.

New CEOs should become thoroughly familiar with local policies and procedures, including assumptions and history about "the way things work." They should also understand relevant laws and regulations.

Even though regulations delegate participation in decision-making to others, they do not abrogate the CEO's responsibility to make decisions. The CEO is accountable to the board and college for the outcomes of those decisions.

In addition, the CEO has responsibility for establishing timelines and institutional priorities, developing structures and processes, and providing information. Making certain policies are in place and procedures are followed is the responsibility of the CEO. Participating within the established structures and processes and providing leadership for change when change is needed is critical. The district or college CEO is the critical link between constituencies and the board of trustees and usually serves as the designee of the board in governance matters.

The best situation is when the CEO and the various constituencies are in agreement on recommendations that are made to the board. However, if agreement is not reached in a timely manner, the CEO still has the responsibility for taking action or placing a matter before the board for a final decision. In doing so, the CEO would be well advised to present the matter, the processes used leading to the recommendation(s), the points of agreement and disagreement among constituencies, the decision options available and the CEO's recommended action. The decision of the board of trustees is final and the CEO then has responsibility for implementing that decision through established processes.

What is the role of each constituency group in consultative processes?

There are three primary constituency groups identified in law or regulation that have a role in governance and the decision-making processes. These are faculty, through the officially identified Academic Senate; the staff, and students. "Staff" means non-faculty members, which may include classified staff and management staff.

Faculty/Academic Senate

District boards of trustees are required to consult collegially with academic senates on academic and professional matters as defined in regulation. These matters include curriculum, degree requirements, grading policies, student progress standards, faculty role in governance structures, accreditation, professional development, program review processes, and processes for planning and budgeting. Consultation on "processes" in program review, planning and budgeting means exactly that: it is not required for boards to consult collegially on the content of program review, planning, and budget documents (although many people may be involved in the development of those documents).

"Consult collegially" is further defined to mean that a board when developing or adopting policies on academic or professional matters must either "rely primarily upon the advice and judgment of the academic senate" or "reach mutual agreement" when making decisions. The board or its designee must "consult collegially" to establish policy which identifies if "relying primarily upon" or "mutual agreement" will be the process to be used when considering academic and professional matters.

Either option may be used for each of the eleven areas described in law; however, policy and procedures must be established and then used in the decision-making processes.

A CEO must become familiar with the district's current policies and

procedures and act accordingly. If the board disagrees with the Academic Senate's recommendation in a final decision related to academic or professional matters, the board must have substantive rationale for the decision it makes and submitting that rationale in writing to the Senate is appropriate.

Staff

Regulations state that staff should be granted opportunity to participate in developing policies, procedures and processes if they have an effect upon staff. The areas and processes to be used are not further defined in regulations.

Most districts have focused on the role of classified staff in implementing these regulations. Depending on the college and district, a role in decision-making is defined for and input is sought from the classified senate, council or unions.

The management staff is a group that often is not considered a constituency group, but is critical to the effectiveness of the CEO and the institution. This group is often overlooked when determinations are made as to the processes to be used in decision making. The CEO is responsible to identify those to be included in the management processes and clearly determine what their roles will be within the structure. Since policy implementation is regularly delegated to managers, they will be more effective if they are involved in all processes for determining policies. Their role is critical and must not be overlooked.

Students

Regulations for student involvement specify areas for participation, including grading, student codes of conduct, academic discipline, curriculum, educational programs, processes for budgeting and planning, student standards, student services planning and development, fees, and faculty evaluation and hiring. Students should have opportunity to participate and be given reasonable consideration in the development of policies, procedures and processes in these areas.

Actively involving students can be particularly challenging. The number of students involved in student government, which is the official representative, may be limited. At the same time, there may be a large number of student groups that want to be represented. The difficulties, however, do not relieve districts from the responsibility to seek student involvement.

Do I have to agree with and accept the recommendations of individual or collective constituent groups?

The short answer to this question is "No." The CEO has responsibility for making decision or making a recommendation to the board of trustees.

The longer answer is that the CEO must remember that he or she is an extension of the board of trustees and therefore upholds the spirit and intent of laws, regulations, and board policies. Using consultative processes to consider actions and make decisions will contribute to a more positive environment and strengthen how decisions are implemented. While agreement may not always be possible, constituency understanding is enhanced by providing written rationale or opportunities to discuss issues. How to foster understanding varies depending on the significance of the decision and to whom it applies.

I have more questions. Where do I go?

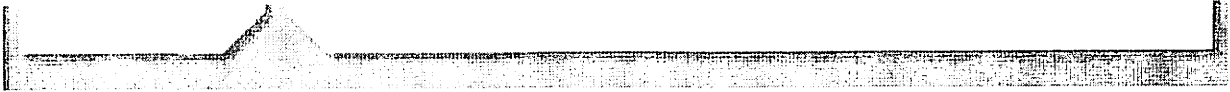
More has been written about "shared governance" and how to make it work. The Community College League and the Academic Senate for Community Colleges together developed guidelines for faculty participation in district and college governance, as well as scenarios that provide further

information. These documents are available by clicking those links.

What can I do if there are ongoing unresolved issues in "shared governance"?

The statewide Academic Senate and the Community College League are organizations that are available for advice and support when resolution is not forthcoming or disputes arise. These organizations have jointly established a process through which technical assistance may be requested. When assistance is requested a team will visit the campus in an attempt to facilitate resolution.

If the college's or district's Academic Senate believes there is noncompliance with law, regulations, or board policies, it may file a complaint with the Legal Affairs Division in the Chancellor's Office. The General Counsel will investigate credible complaints and determine if corrective action is needed in order to be in compliance with regulations. The last possible action for local academic senates to pursue is to seek remedies through the state Attorney General's office or in court.



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