

CRAFTON COUNCIL  
Minutes  
November 17, 2009

Present: Gloria Harrison, Matthew Lee, Candace Leonard, Cheryl Marshall, Charlie Ng, Catherine Pace Pequeno, Scott Rippy, Moises Valencia, Rebeccah Warren-Marlatt

1. President Harrison reported she just received a draft of the Team's report from their follow-up visit and CHC has until Friday, November 20<sup>th</sup> to respond with suggested corrections.

2. **Crafton Council Purposes, Roles, Functions, and Membership**

It was reported by Moises Valencia, Candace Leonard, Scott Rippy, and Gloria Harrison that each constituent group reviewed "***Crafton Council Purposes, Roles, Functions, and Membership***" and there were no objections to the text from any of the groups. The recommendations will be forwarded to President Harrison for formal approval.

Matthew Lee suggested filing the Minutes of each group documenting review of the recommendations with Crafton Council documents.

3. **Governance Workshop**

Matthew Lee began by stating that he is not a lawyer and that if he says anything that is contradicted at the December 4, 2009 SBCCD Governance Workshop presented by Liebert Cassidy Whitmore, what they say takes precedence.

Matthew explained that Ed Code is the primary law and comes first, Title 5 regulations second, and Board Policy and Administrative Regulations last. The committee reviewed the following documents: California Education Code Sections Directly Related to Shared Governance from AB 1725; Title 5 Sections Related to Shared Governance As of October 2009; Board Policy and Administrative Procedure 2225 (Collegial Consultation); and Board Policy and Administrative Procedure 2045 (Policies and Administrative Regulations).

The committee discussed the Ed Code provisions related to shared governance.

Matthew noted four phrases that recur in shared governance law (70901 and 70902:

- The right [of faculty, staff, and students] to participate effectively in district and college governance.
- The opportunity [of faculty, staff, and students] to express their opinions at the campus level.
- Ensuring that those opinions are given every reasonable consideration.

- The right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

Matthew agreed that the interpretation of “every reasonable consideration” will probably vary depending on the perspective of the person or group. Effective governance does depend heavily on the level of trust and cooperation among the interested parties.

Matthew also noted that when the Ed Code uses the term “staff” in this context, it explicitly means both classified staff and management.

With regard to classified staff representation on college or district committees, the Ed Code (70901.2) states that without a memorandum of understanding, the exclusive representative of classified employees appoints the representative for the bargaining unit members. The governing board may consult with other organizations of classified employees, such as a classified senate, on issues outside the scope of bargaining, but if the Classified Senate is represented on a Shared Governance Committee, CSEA must also be represented. It is possible for the same person(s) to represent both groups. There is a clear demarcation between bargaining unit issues and governance issues with respect to faculty, but not with classified staff.

Candace reported that at this point, CSEA leadership is refusing to talk about a memorandum of understanding. It was noted that CSEA might well pursue legal action to ensure CSEA representation on shared governance committees. Gloria stated that the Chancellor and two Presidents are in accord, based on past verbal agreements and practice, that the classified senates are to make appointments to these committees. She said that if CSEA were represented on the Crafton Council, she would also want CTA represented. Charlie Ng suggested that Council membership should be an Agenda item and discussed formally. Matthew also suggested that middle management should be represented on the Council.

Matthew led the group through discussion of Title 5 sections related to shared governance, which implement in more detail the provisions of the Ed Code. Among the points covered were the following:

- Classified staff and management must be separately categorized in shared governance committees.
- Unlike students and faculty, classified staff do not have a list of specific items that “have or will have a significant effect on” them.
- Five of the areas that are specified as having a significant effect on students correspond at least in part with four of the faculty’s ten academic and professional matters.

- “Consulting collegially” with the faculty on the academic and professional matters may mean “relying primarily” or “mutual agreement” between the academic senate and the board. The board’s decision to “rely primarily” or reach “mutual agreement” may apply to each of the ten academic and professional matters separately.
- Additions to the ten academic and professional matters may be made only by mutual agreement.
- If the board does not accept an academic senate recommendation in a matter to which “rely primarily” applies, the board, upon request of the academic senate, must communicate its reasons in writing.
- Appointments of faculty members to college or district committees are made by the academic senate after consultation with the college or district CEO.

At the next Crafton Council meeting, the workshop will continue with a discussion of Board policies and procedures.