



# **Welcome to the Academic Senate of Solano Community College**

**AND...**

**Thank you for your willingness to serve!**



# Senate and Subcommittee Chair Orientation Outcomes

1. Ability to explain and implement Senate Authority at Solano Community College, per CA Ed Code and Title 5 (including the 10+1);
2. To adhere to relevant articles of Brown Act where they apply to the Academic Senate and its subcommittees;
3. To exercise effectively senate purview as it relates to Board of Governors' approval for CCCC Curriculum streamlining, with emphasis on the Senate's role on Local Certification;
4. Improved sense of Senate purview to empower its senators and the faculty we represent, including standing senate subcommittees.



# Ed. Code & Academic Senate Purview

- Title 3, Division 7: California Community Colleges
  - 70900 General Provisions
    - **70902 Academic Senate has primary responsibility for recommendations regarding curriculum**
  - 72000 Districts and Governing Boards
  - 76200 Student Records, including privacy
  - 84000 Finance and Budget
  - 84750 Apportionment and Funding

INCLUDES ITS DESIGNEES/SUBCOMMITTEES



# Important Sections of Title 5

## **Title 5 and the Academic Senate:**

- Section 53200 (b)
  - Defines and empowers academic senates
- Section 53200 (c)
  - Lists the “10+1”
- Section 53200 (d)
  - Defines “consult collegially,” “primarily rely,” and “mutually agree”



# Senate Approved Proposed Changes to BP 2005 (S 2017)-1

**To:** Celia Esposito-Noy, Superintendent-President, Solano Community College District  
**From:** Michael Wyly, Academic Senate President  
**CC:** LaNae Jaimez, Academic Senate Vice-President  
Erin Duane, Academic Senate Treasurer-Secretary  
**Re:** Senate action taken and direction given, on February 6, 2017, concerning proposed changes to BP 2005 regarding “rely primarily” and “mutually agree” for items 1-11 as set forth in Title 5 Section 53200(c).  
**Date:** 8 February 2017

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At its meeting on February 6, 2017, the Academic Senate of Solano Community College took unanimous action to direct its president to represent the following proposed changes to Board Policy 2005: The Governing Board of Solano Community College District will rely primarily on the Academic Senate for items 1-7:  
Curriculum, including the establishing prerequisites and placing courses within disciplines; Degree and certificate requirements; Grading policies; Standards of policies regarding student preparation and success; Faculty roles and involvement in the accreditation process, including Self-Evaluation Reports and annual reports; Policies for faculty professional development activities; Processes for program review.  
[...]



# The "Ten Plus One" and BP 2005 (SCC)

Commonly known as the "Ten Plus One," ([Title 5, Section 53200](#)) the following define "Academic and Professional matters."

- 1. Curriculum including establishing prerequisites and places courses within disciplines**
- 2. Degree and certificate requirements**
- 3. Grading policies**
- 4. Educational program development**
- 5. Standards or policies regarding student preparation and success**
- 6. District and college governance structures, as related to faculty roles**
- 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**
- 10. Processes for institutional planning and budget development**
- 11. Other academic and professional matters as mutually agreed upon between the governing board and the academic senate**

Red = SCC Board of Trustees "relies primarily" on the Academic Senate (2017)



# Senate Subcommittees: What Are They?

- Academic Program Review
- Assessment
- Student Equity and Success
- Curriculum
- Distance Education
- Professional Development



# The Senate & Its Subcommittees

- Senate builds the highway
- Subcommittees direct and control the traffic





# Power and Responsibilities

As a senator, you are to—

- Attend and vote at all regular and special meetings of the Academic Senate.
- Inform the faculty in your **school/area** (not just your department) on senate issues, including providing a senate report soon after each senate meeting.
- Represent the faculty in your **school/area** at senate meetings
- Serve on senate subcommittees and taskforces as needed.
- Other, where possible, and as needed, as requested by the senate president.



# **Understanding of Brown Act & Brown Act in the Age of Covid-19**



# Brown Act— We Are Open & Public



Ralph M. Brown 1959 Photo courtesy *The Modesto Bee*

**“The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.”**

**California Government Code  
§54950**



# Brown Act: To Whom Does It Apply?

Applies to meetings of all local legislative bodies (GC 54952).  
For any community college, local legislative bodies include:

- The Board of Trustees;
- Any subcommittee or task force created by the Board with a majority of Board members serving on the group;
- Any subcommittee or task force created by the Board which has a definite ongoing charge (either decision-making or advisory) OR has a regularly-scheduled meeting set by the Board, regardless of Board membership.



# Committees & Subcommittees

The Brown Act also applies to meetings of the following committees:

- Standing committees – a committee that has continuing jurisdiction over a particular topic §54952(b) For example: Budgets, personnel, etc.;
- Advisory committees that include a majority of the body and are not standing committees;
- Advisory committees that are standing committees (regardless of the size and membership).

Exception: The Brown Act does not apply to a subcommittee that is made up of less than a majority of the body, is an advisory committee AND is not a standing committee.



# What Is a Meeting?

A meeting of a local legislative body (GC 54952.2) occurs whenever a majority of members gather to discuss business within their charge. A majority can meet for the following items provided they do not discuss any business within their charge among themselves:

- Attendance at a conference;
- An open meeting of some other group to address local issues (even a Board-recognized group under the definition of “legislative bodies”);
- Social gatherings.



# Meetings and Votes are Open

1. Meetings must be held within your senate's jurisdiction
2. Closed sessions are for
  - litigation (for instance, the senate is or will be sued)
  - personnel matters (such as, the senate has responsibility for evaluating a senate employee)
  - negotiating with a bargaining agent (which the senate does not do).
3. All votes are open!
  - No secret ballots...even for elections (if they are conducted during senate meetings).
  - It is required that all ayes, nays and abstentions on motions be attributed to member casting a vote!
4. Members may respond to public comments but not take action
5. All items distributed by the Senate before or during meetings must be available to the public at the meeting (reasonable fees may be charged for duplication).



# Serial Meetings Are Explicitly Not Allowed

- Serial meetings occur when a majority of the members have communicated about an issue and have developed a collective concurrence.
- A collective concurrence is developed when “Members have either directly or indirectly heard each other’s opinion on a topic enough to collectively develop or begin to develop an agreement on an issue.”
- Serial meetings include consensus by email. (CA Attorney General, Opinion #00-906, 2001)





## Executive Order N-29-20

- *California legislative bodies that follow the Brown Act or the Bagley-Keene Act currently have more flexibility to meet remotely.*
- *For those who already adhere to the Brown Act, the best advice is to closely review the executive order itself to see what's permissible.*



# Implications of Brown: Agendas (Pre-COVID)

1. Must include meeting time and location, including address;
2. Post agenda in a 24/7 publicly accessible area 72 hours before meeting (physically and virtually);
3. Special meetings require 24 hours notice and are limited to agenda items;
4. Senates do not call emergency meetings (which do not require 24 hour notice) as public safety is not under senate jurisdiction;
5. Allow for public comments before or during discussion of agenda items;
6. Include all action items on the agenda, with a brief description;
7. Can change order of agenda



# Action is Limited to Items on the Agenda, Except Where...

1. That the need for immediate action was discovered after the agenda was posted, and
2. If approved by the body with a vote of 2/3 of members present if more than 2/3 of the total membership are present, or a unanimous vote if less than 2/3 of the total members are present.



# Teleconferences (pre-COVID)

54953(b)(1) permits the use of teleconferencing.

Requirements for teleconferences include:

- Teleconferences must comply with the rest of the Act
- All votes taken during a teleconference must be taken by roll call.
- Agendas must be posted at all teleconference locations.
- Each teleconference location must be identified in the agenda.
- Each teleconference location must be accessible to the public.
- At least a quorum of the board must participate from locations within the district boundaries. (This means in Solano County!)
- The agenda must provide for public comment at each teleconference location.



## Brown and Bagley-Keene Acts, N-29-20 allows the following:

- Legislative bodies may meet remotely using teleconference technology without providing a physical location or requiring any member or personnel be present at a physical location accessible to the public.
- The agenda does not need to state the teleconference location from which each member will participate.
- Members of the legislative body do not need to allow members of the public to join them at their physical location in order to comment. Instead, agendas and notices should state the means by which the public may participate.
- Agendas do not need to be posted at every teleconference location, as they normally would be under Brown or Bagley-Keene.
- The legislative body can meet remotely even if a quorum or more of its members are joining remotely from beyond the boundaries of the legislative body's jurisdiction.



# Brown Act: the Bottom Line

Shared Commitment to--

- Openness
- Transparency
- Public access to information



# Enforcement

1. Demand to cure or correct
2. Threat to sue
3. Lawsuit (Civil)



# Resources Available

ASCCC Local Senates Handbook: <http://www.asccc.org/communities/local-senates/handbook>

## *Resources for Robert's Rules:*

- Robert's Rules Website: <http://www.robertsrules.com/default.html>
- Robert's Rules Online: <http://www.rulesonline.com/index.html>
- The Parliamentary Procedure Instructional Materials Center:  
[http://pzen.northwest.net/index.php?main\\_page=index](http://pzen.northwest.net/index.php?main_page=index)

## CA Attorney General Guide (2003):

<http://oag.ca.gov/sites/all/files/agweb/pdfs/publications/brownAct2003.pdf?>

## League of California Cities Brown Act Guide:

<http://www.cacities.org/UploadedFiles/LeagueInternet/86/86f75625-b7df-4fc8-ab60-de577631ef1e.pdf>

2017 Program and Course Approval Handbook (PCAH): [http://www.ccccurriculum.net/wp-content/uploads/2011/05/PCAH\\_6thEdition\\_July\\_FINAL.pdf](http://www.ccccurriculum.net/wp-content/uploads/2011/05/PCAH_6thEdition_July_FINAL.pdf)

2017 Minimum Qualifications for Faculty and Administrators in California Community Colleges (Disciplines List):  
<http://californiacommunitycolleges.cccco.edu/Portals/0/Reports/2017-Minimum-Qualifications-Handbook-r1-ADA.pdf>





# Resources: Finding Ed. Code and Title 5

**Ed. Code:** <http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml>

- Not searchable
- Table of Contents is detailed

## **Title 5:**

[https://govt.westlaw.com/calregs/Index?transitionType=Default&contextData=\(sc.Default](https://govt.westlaw.com/calregs/Index?transitionType=Default&contextData=(sc.Default)

- This is the California Code of Regulations.
- Click on Title 5. Education
- Then click on Division 6. Community Colleges



## Works Cited

- Beach, Randy and Michelle Grimes-Hillman. “Keeping It Legal: Brown Act.” 2015 ASCCC Faculty Leadership Institute. 12 June 2015.
- Davison, Dolores and Ginni May. “Where Is It Written: Ed. Code, Title 5 and Local Senates.” 2015 ASCCC Faculty Leadership Institute. 11 June 2015.
- Davison, Dolores (ASCCC 2016-2017 Curriculum Chair; 5C Co-Chair), Jackie Escajeda (Dean, Chancellor’s Office), Virginia Guleff (CIO, Butte College; 5C Co-chair), Pam Walker (Vice-Chancellor, Chancellor’s Office). “Training on Chancellor’s Office Certification.” 2017 ASCCC Curriculum Institute. 15 July 2017.