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March 18, 2019

Subject: Improving Participatory Governance with the Chancellor of the California Community Colleges

Dear Colleagues,

At the Fall 2018 Academic Senate Plenary Session, the delegates adopted Resolution 07.03, "Improving Participatory Governance with the Chancellor of the California Community Colleges," which specifically directed the Executive Committee of the ASCCC to provide a report to the field at the spring area meetings. This message serves as that report. The resolved statements of the resolution have been separated and organized so that each is addressed separately.

**Part 1**

*Resolved, That the Academic Senate for California Community Colleges express to the California Community Colleges Chancellor's Office and the California Community Colleges Board of Governors its urgent and serious concerns regarding failures to engage in participatory governance by Chancellor Eloy Ortiz Oakley;*

Following the Fall 2018 Plenary Session, the ASCCC's approved resolutions were distributed broadly, not only to the Board of Governors and Chancellor Oakley but also to senior staff in the Chancellor's Office, to legislative staff, and to other stakeholders both within and external to the system. Our concerns regarding the 2017-2018 academic year and serious failures of the collegial processes have been widely discussed with all of these groups.

**Part 2**

*Resolved, That the Academic Senate for California Community Colleges provide a report to the Spring 2019 Area meetings specifying the ways in which the California Community Colleges Chancellor's Office has or has not engaged in substantive participatory governance in terms of ongoing initiatives, new initiatives, and proposed legislation;*

The Academic Senate has made a concerted effort to work with other stakeholder organizations and with the Chancellor's Office to improve the collegiality and dialog within the system and to ensure the voice of faculty in areas of our purview. We have vigilantly engaged the Chancellor's Office to ensure that the voice of faculty is actively represented in the process of creating recommendations to the Board of Governors and the legislature.

We engage in many consistent and ongoing conversations with the chancellor and his staff. Some of these interactions are public at open meetings, and some are private, one-on-one meetings to discuss and address specific areas of concern and pressure. Public documentation of all aspects of private meetings cannot be produced without jeopardizing the willingness of those individuals with whom we interact to continue to have frank and honest dialog one-on-one. Many times, internal and external stakeholders, including members of the California government and individuals on the Board of Governors, have specific agendas and exert pressure both implicitly and explicitly on the

Chancellor's Office and the collegial process. The chancellor must make judgements as to when and with whom those pressures can be discussed and with whom a subsequent action is considered. We must maintain a degree of confidentiality with the chancellor in order to ensure his continued willingness to share such conversations with the Academic Senate leadership.

The greatest improvement in participatory governance at the state level during this academic year has been the inclusion of the Academic Senate in dialog and planning. The following list outlines 10+1 specific ways in which the consultative process has been utilized during the 2018-2019 academic year.

1. The Chancellor's Office engaged in a training of the Consultation Council and Chancellor's Office staff in July 2018 regarding participatory governance at the system level and specifically the role of the Academic Senate. We also discussed norms for Consultation Council, based on those designed by the ASCCC, for how members will engage each other in the future. This training was the result of dialog between the ASCCC President and senior staff in the Chancellor's Office. The ASCCC has recommended a similar training for the Board of Governors, a majority of whom are recently appointed. This training for Chancellor's Office staff is currently being scheduled for summer 2019 and has been delivered as a recommendation to the Board of Governors.
2. The Chancellor's Office initiated briefings to the representatives of Consultation Council prior to every Board of Governors' meeting to ensure appropriate consultation has occurred prior to consideration.
3. The chancellor and the Academic Senate President met during the summer after the ASCCC Executive Committee identified four areas of focus for 2018-2019— implementation of AB705, implementation of Guided Pathways, improving faculty diversity, and the last of the Strong Workforce recommendations—to outline the best mechanisms by which we can all work collaboratively to serve students. We both agreed to ensure that we were acting in good faith to find common ground in the advancement of each issue. We agreed to disagree about the merits of the funding formula.
4. The deputy chancellor and the Academic Senate President met in August to evaluate all committees and task forces of the Chancellor's Office and added faculty members appointed by the ASCCC to every committee or task force that considered academic and professional matters.
5. The chancellor and the Academic Senate President have met face-to-face at least monthly to discuss areas of common interest or concern. Frank discussions about forces external to the system, legislative pressure, the ASCCC priorities and positions, and the Chancellor's Office priorities and positions are routinely discussed. While complete agreement is never expected, a common understanding is generally reached.
6. The Board of Governors' budget request for fiscal year 2019 to the state was created through the consultative process with time for input from all stakeholders and deliberation at Consultation Council in July and August prior to the Board of Governors' meeting in September. Input from system stakeholders, including the Academic Senate, was considered and incorporated into the request.
7. The implementation of AB705 occurred through difficult negotiation with the publication of guidance memos and FAQs in July and August and then the engagement of the regulation-making consultation process through the California Community Colleges Curriculum Committee, 5C, a committee with a majority of faculty appointed by the Academic Senate. The Chancellor's Office and the ASCCC jointly published the memos and FAQs, and 5C's final recommendations to implement the law were accepted by the Chancellor's Office and forwarded to the Board of Governors for consideration. The chancellor stated at the January 2019 Board of Governors

meeting that the Title 5 recommendations from 5C were to be commended, and he advised the Board to adopt them as written.

The implementation of AB 705 continues to be an area of concern for faculty. The ASCCC has heard from many faculty that we should have produced a recommendation in isolation and insisted that the Chancellor's Office follow our direction. However, we ascertained very clearly that neither the legislature nor the Board of Governors was interested in such an activity and that we could craft the best scenario for our students by working with the Chancellor's Office given the politics around this issue.

We continue to struggle with messaging created by other groups and produced or supported by the Foundation for California Community Colleges when those messages reflect decisions that do not rely primarily upon the advice and judgment of the ASCCC. The willingness of the Chancellor's Office to share such messaging creates confusion for colleges about what is required and what is suggested.

The consultative processes that were followed during the updating of the Title 5 Regulations for AB 705 compliance continue to be followed as Title 5 Regulations are being developed for credit for prior learning and for noncredit curriculum approval processes. In addition, Chancellor's Office Legal Counsel has agreed to resume attendance at 5C meetings in order to respond in a timely fashion with legal opinions on matters regarding curriculum and instruction.

8. The Chancellor's Office and the Academic Senate have engaged multiple stakeholders in the system regarding the diversification of faculty. Together we created a series of presentations for various stakeholder organizational meetings throughout the fall term. In February 2019, we collaborated on the [Faculty Diversity Summit](#) and subsequent regional meetings of the Academic Senate. In addition, the Chancellor's Office has heeded the call of the Academic Senate to revisit the EEO requirements and consider a task force to plan further action.
9. In the implementation of the last requirements of the Strong Workforce program (SWP), two distinct and collaborative processes are moving forward. We have worked with the Chancellor's Office and other stakeholders in the creation of an equivalency toolkit to specifically address the needs of CTE programs regarding the evaluation the credentials of potential faculty with current and relevant industry experience. The other recommendation involves the evaluation of credit for prior learning, specifically for veterans returning to the community college system. We were asked to appoint a faculty member to a workgroup investigating mechanisms to grant credit for prior learning. We requested much more representation to ensure that a variety of faculty voices and experiences were in the room. This request was accepted. Draft [Title 5 Regulations](#) are currently under review by 5C in order to implement this effort identified by law and through the SWP.
10. The implementation of guided pathways has been difficult in terms of scope and the need to involve the entire system. Several stakeholders from within or affiliated with the system have overlapping and at times competing interests. The ASCCC has asserted primacy in areas within our purview, and, eventually, that purview has been respected. The Chancellor's Office has also contracted directly with the Academic Senate to provide [services](#) within our purview as an acknowledgement of our role in this systemic self-reflection, evaluation, and improvement. Much of our work in this area has been free from oversight in terms of implementation after we agreed on a Statement of Work, and the Chancellor's Office has relied upon us to judge how best to serve faculty in this endeavor.

11. The California Online Community College (COCC) implementation is another area that intersects the purview of the Academic Senate. After several meetings, the chancellor and the Academic Senate President agreed that the Academic Senate would appoint a group of faculty to serve in a consultative role to the COCC, particularly when board policies regarding academic and professional matters are created by the COCC Board of Trustees. The Academic Senate was also invited to appoint a representative to serve on the hiring committee for the COCC CEO position.

### **Part 3**

*Resolved, That the Academic Senate for California Community Colleges explore avenues for addressing failures to engage in participatory governance and recommend as necessary further action or plans with clear and measurable criteria to address these issues at the Spring 2019 Plenary Session;*

The 2017-2018 academic year had many failures of the consultative process that were communicated to the Board of Governors and the chancellor. Two of the areas often cited as the most egregious have not been addressed by the work this year.

First much angst exists regarding the creation of the California Online Community College because the input of all stakeholders was not relied upon and the input from the ASCCC was not relied upon primarily. Once the governor signed this new entity into law, however, the focus of the ASCCC has been to serve the new college as we would any other in our system. We have asserted our role as the voice of faculty in academic and professional matters until such a time tenured that faculty are in place to organize themselves, possibly as long as five years. The endeavor may die on the vine and waste millions of dollars; however, another possibility is that this endeavor could serve a segment of California in a new way that we, as a system, have yet been able to. If the first possibility comes to pass, this failure will not be the first inefficient budget use of state dollars. For now, as the representatives of the faculty voice, we must ensure that we do everything in our power to support effective processes and appropriate collegial consultation with the COCC Board of Trustees.

The other main concern voiced by faculty throughout the state from the 2017-2018 academic year that remains unresolved is the implementation of the Student-Centered Funding Formula. To address some of the concerns expressed by curriculum chairs and academic senates, we have been vocal in all public venues about the need to protect the integrity of our curriculum and academic standards. We have asked that, if we cannot remove the performance-based piece of the funding formula, modifications be made to limit the curricular pressure on faculty. This [position](#) was communicated to the chancellor, system stakeholders, and to the legislature. Both the chancellor and legislature appreciated the willingness of the ASCCC to engage in a constructive dialogue.

The third resolved statement of Resolution 7.03 also requests further actions that faculty may take to address failures to engage in appropriate governance processes. Currently, fifteen local academic senates have passed votes of no-confidence in the chancellor, and those resolutions seem to point to the failures from the 2017-2018 academic year. This memo outlines ways in which the ASCCC and Chancellor's Office have worked to improve collegial processes by ensuring that the voice and recommendations of the ASCCC are respected in areas of our purview. We cannot claim that everything now works perfectly, that the ASCCC does not have to work diligently to ensure we are consulted as appropriate, or that improvement is no longer required. We can, however, state that this year is an improvement over last year and that we are approaching the level of collaboration and collegiality expected from a chancellor that was selected to implement systemic change.

The faculty of our system have several options to respond to the current situation, and it is **not** the place of the ASCCC to recommend any of these. First, the faculty may determine that they are unable to work with this chancellor and attempt to pass a statewide vote of no-confidence through the ASCCC resolution process. The current Board of Governors does not appear to be disposed to receive or act on such a recommendation, so the faculty would have to consider what happens after such a motion is passed as well as the implications if such a resolution does not pass. A vote of no-confidence signifies an unwillingness to work any further with the chancellor, which certainly has implications regarding the future relationship of the chancellor and the ASCCC. Faculty would need to be prepared for an end game that leverages everything in their power to oppose the chancellor. Local senates would need to be prepared to disengage from guided pathways and student equity and achievement plans and to force local boards of trustees to either return money appropriated by the legislature or identify such action as a compelling reason to not follow the advice of their senates. Faculty must consider whether they are prepared to simply stop doing the work associated with such plans and thus doom them to failure. Faculty must also understand what it means at the state-level to disengage from collegial processes around regulation creation, policy implementation, and ensuring the perspective of faculty is valued and included. In addition, faculty must consider the message that would be sent to and about the chancellor if a resolution of no confidence should fail. These considerations are essential should the field wish to pursue this option, and other ramifications regarding this course of action may also occur. Should the faculty choose to consider a [vote of no-confidence](#), they should consider the potential consequences to the colleges and, most importantly, to the students.

The faculty could also work to accelerate their own engagement both locally and for state-wide service and insist on being the drivers of such work. Such a response would require local senates to be more assertive in crafting their colleges' agendas both for local needs and in response to state-wide directives. Local senates would then need to insist on following their collegial processes even if they do not align with state deadlines or benchmarks. Improving our faculty pool at the state level would enable us to provide more faculty voices in state-wide discussions. This action is also burdensome because most faculty ranks are understaffed and overworked already. Adding one more activity to our colleagues or our own workload may not be feasible for many colleges. Until the next recession focuses our attention much more narrowly as funding streams shrink, this option may not be tenable without more full-time faculty to do this work. For these reasons, focusing on advocacy locally and at the state level on mechanisms that would increase the number of full-time faculty may be the single most important work for the long-term health of our system and our service to students.

The faculty could also direct the ASCCC to continue to be vigilant and focus on the professional development of new and current administrators at the state level regarding the role of the Academic Senate and collegial processes. Many of us have seen situations locally where a breakdown in collegial processes occurs, followed by a subsequent return to collegial processes, albeit grudgingly or tentatively, and then once the processes work effectively the improvement and faith in the process grows. This course of action may make many faculty in the system uncomfortable and hesitant to trust the ability of the Chancellor's Office to continue with recent improvements.

The ASCCC will proceed with any direction the body determines is appropriate. However, as statewide leaders we must determine the best course of action for the entire system; the final option offered above provides a course of action that would allow the ASCCC to continue working with the Chancellor's Office in a meaningful way to affect the change that our community wishes to see.

It is my personal opinion, as the president of the ASCCC, that the last two options are the most viable and ensure the greatest protection for our students. That said, in my role I will carry out any direction the delegates to the plenary session determine to issue.

**Part 4**

*Resolved, That the Academic Senate for California Community Colleges specifically work with stakeholders, the California Community Colleges Board of Governors, and Chancellor Eloy Ortiz Oakley to improve representation within the California Community Colleges to benefit all colleges, students, and communities.*

The consultative process has not always been easy in the past two years and friction remains during dialogue; however, we have not as yet encountered an instance this year in which dialogue has completely broken down. In fact, the chancellor has consistently reached out to ensure his monthly meetings with the President of the ASCCC are prioritized and productive. The constant movement of administrators through the Chancellor's Office, similar to that of colleges, exacerbates the friction. The seemingly incomplete coordination of various offices within the Chancellor's Office, lack of understanding of how actions in one area impact another, and a dearth of key personnel familiar with the colleges—such as researchers—is also problematic. In this state of flux and absence of coordination, again similar to colleges, the Academic Senate has endeavored to engage stakeholders, share information, and construct the linkages and vision. These efforts have had varying degrees of success.

In addition, the boundary between the work of the Foundation for California Community Colleges and the work of the Chancellor's Office has generated confusion throughout the state. Outside organizations that rely upon the Foundation to be their fiscal agent often present the appearance of having a direct relationship with the Chancellor's Office and in fact could be misinterpreted as another arm of the Chancellor's Office. Clarity about the distinction between the Chancellor's Office, the regulatory agency ensuring compliance with state law and regulation, and the Foundation, a nonprofit organization designed to enhance and support the mission and goals of the system, is important.

The discussion in this message is not a list of “failures to engage in participatory governance” as referenced in Resolution 7.03 but rather is an explanation for why the Academic Senate has needed to work vigilantly to ensure appropriate consultation occurs. To ameliorate all of these concerns is beyond the scope of the Academic Senate, but we would suggest the following:

1. Annual training for the Board of Governors and Chancellor's Office staff by stakeholders, such as the Collegiality in Action training conducted by the ASCCC and Community College League of California,
2. Regulatory or statutory changes that establish a more effective process for appointments to positions in the system office and promote longevity in those positions,
3. Improved staffing of researchers familiar with the community colleges to avoid reliance on external groups with political agendas,
4. A clear organizational chart for the Chancellor's Office, and
5. Clarity regarding the role of the Foundation.

If these matters could be addressed, we would be able to collaborate much more effectively to serve our students and communities from the policy development and implementation level of the state.

Respectfully,



John Stankas