

Participatory Governance  
Handbook  
2019-2020



COLLEGE OF  
ALAMEDA

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## Mission, Vision & Values

### Mission

The Mission of College of Alameda is to serve the educational needs of its diverse community by providing comprehensive and flexible programs and resources that empower students to achieve their goals.

### Vision

The Vision of College of Alameda is that we are a diverse, supportive, empowering learning community for seekers of knowledge. We are committed to providing a creative, ethical and inclusive environment in which students develop their abilities as thinkers, workers and citizens of the world.

### Values

In our quest for “learning excellence” and service to students, our values are choreographed in three central themes. These themes also serve as overarching success indicators to ensure we integrate the mission, vision and values into every aspect of the campus culture. These three themes are:

#### *Academic Excellence*

- Success in Scholarship
- Critical Thinking
- Innovation
- Integrity and Ethics

#### *Budgetary Competence*

- Responsible Stewardship
- Resource Development
- Entrepreneurship

#### *Community Engagement*

- Collegiality
- Holistic Collaboration
- Civic Responsibility
- Social Justice and Equity
- Globalization

We call these “our ABCs” emphasizing crucial success indicators for our students in achieving an enhanced capacity to pursue their dreams.

## Institutional Learning Outcomes

The College has also adopted five Institutional Learning Outcomes (ILO's) to guide educational programs and services within the framework of the aforementioned mission, vision, and value statements. These institution-level student learning outcomes are:

1. **Problem Solving:** Solve problems and make decisions in life and work using critical thinking, quantitative reasoning, community resources, and civil engagement.
2. **Communication and Technology:** Use technology and written and oral communication to discover, develop, and relate critical ideas in multiple environments.
3. **Creativity:** Exhibit aesthetic reflection to promote, participate and contribute to human development, expression, creativity, and curiosity.
4. **Diversity:** Engage in respectful interpersonal communications, acknowledging ideas and values of diverse individuals that represent different ethnic, racial, cultural, and gender expressions.

**Civic Responsibility:** Accept personal, civic, social and environmental responsibility in order to become a productive local and global community member.

## What is Participatory Governance?

Participatory governance is defined as a *collaborative* effort of **administration, faculty, staff, and students** for the purpose of providing high quality college programs and services. All members of the campus community are invited to participate in planning for the future and in developing policies, regulations, and recommendations under which the College is governed and administered.

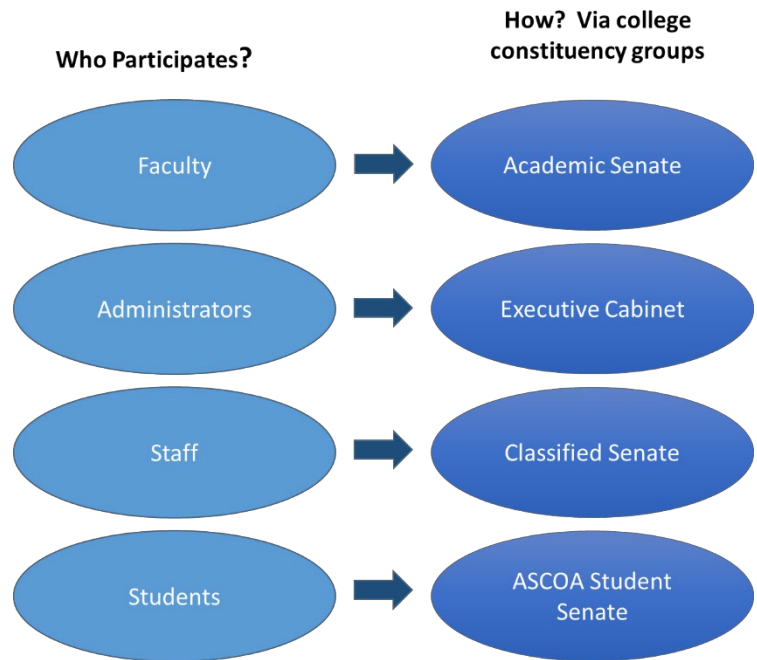
The Education Code (70901(b)(1)(E)) describes the requirement as follows: "Minimum standards governing procedures established by governing boards of community college districts to ensure faculty, staff and students have the right to participate effectively in district and college governance, and the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration and the right of the academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards."

College of Alameda's Participatory Governance model is one that functions within:

- The mandates of AB 1725 (commonly referred to as the 10+1), the Education Code, and Title V of the Code of Regulations
- The College Bargaining Agreement(s), and
- The Board Policies and Administrative Procedures of the Peralta Community College District

## College Constituencies

These constituency groups contribute to the participatory governance process and are made up of organizations that, for the most part, fall under the Brown Act. Each constituency operates under a constitution conceived and adopted by its own membership.



## Common Questions and Answers

The following guidelines on local decision-making processes have been developed by a joint task force of representatives of the Academic Senate of the California Community Colleges, California Community College Trustees (CCCT), and the Chief Executive Officers of the California Community Colleges (CEOCCC). They have been endorsed by the boards of directors of the CCCT and CEOCCC and by resolution of the Academic Senate for California Community Colleges. The guidelines augment ones developed in 1992 by a similar joint task force.

The guidelines are in the form of questions and answers. The questions and answers are not intended to cover all situations which may be encountered, but address questions most frequently raised. In the answers developed, use of the word “should” refers to a good practice, but one that is not required. The word “must” indicates the action outlined is required by law or state regulation.

### **QUESTION: What is meant by the term “shared governance?”**

Answer. “Shared governance” is not a term that appears in law or regulation. Education Code §70902(b)(7) calls on the Board of Governors to enact regulations to “ensure faculty, staff, and students...the right to participate effectively in district and college governance” and, further, to ensure “the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.”

The intent of the Legislature in enacting this section of AB 1725 was “to authorize more responsibility for faculty members in duties that are incidental to their primary professional duties”

and to assure that “increased faculty involvement in institutional governance and decision making” does not conflict with faculty rights in collective bargaining (Section 4n). This shared involvement in the decision making process does not necessarily imply total agreement nor does it abrogate the ultimate decision-making responsibility of the local governing board.

Title 5 §§51023.7 and 52023.5 state requirements for the “effective participation” of students and staff, respectively, in the development of recommendations to the governing board. Title 5 §53203 requires the governing board to “consult collegially” with the academic senate on academic and professional matters (defined in §53200).

Consequently, the more precise terms call for the governing board to assure **effective participation** of students and staff and to **consult collegially** with academic senates

**QUESTION: One of the eleven areas of academic and professional matters is district and college governance structures, as related to faculty roles. Must the district consult collegially on the administrative organization chart of the district and/or college?**

Answer. No. How the administration is organized may be a matter for wide participation by the affected parties but is outside the scope of the district’s responsibility to consult collegially with the senate. However, organizational changes which affect academic and professional matters such as curriculum or faculty role in governance would require consultation with the academic senate.

**QUESTION: Another one of the eleven areas of academic and professional matters is “processes for institutional planning and budget development.” Does this regulation relate to the institutional plans and budgets themselves, or only to the process by which plans and budgets are developed for presentation to the board?**

Answer. The regulation relates only to the process. The academic senate is to be consulted collegially in shaping the processes used for developing the plans and budgets to be acted upon by the governing board. The board is not required to either “rely primarily” on the senate’s recommendations or reach mutual agreement with the senate on the plans and budgets themselves.

**QUESTION: Some institutions have college or district coordinating councils consisting of representatives of the academic senate, unions, classified staff, administrative staff and students. What is the role of such a council within the dictates of the law and regulations?**

Answer. Neither the law nor regulations call for any specific committees or structures, nor is a coordinating council prohibited. Many colleges have found coordinating councils useful, but some cautions are warranted.

A forum for communication on common issues and for reporting group activities are important functions coordinating councils can play. Often a particular matter may have implications for other groups that are not evident without discussion.

Issue management can be another useful activity for such councils. Broaching topics when they initially arise can give all parties the opportunity to participate in devising a common strategy for addressing that topic. It can be within this forum that the academic senate may identify issues which

are academic and professional in nature. These discussions can assure that topics are properly referred to the committee charged with handling that matter. Coordinating councils also provide a venue to resolve conflicts that may arise as issues work their way through the governance process. However, a coordinating council is not the appropriate body to make recommendations to the governing board or designee on academic and professional matters. These issues are appropriately within the purview of the academic senate. Furthermore, care should be taken in placing decision-making authority in the hands of coordinating councils. The strength of participatory governance lies in recommendations being made by those who have the necessary expertise and are most affected by the decision.

**QUESTION: Can a CEO make faculty appointments to committees, task forces, or other groups dealing with academic and professional matters?**

Answer. No. Title 5 §53203(f) requires that appointments of faculty to groups dealing with academic and professional matters be made by the academic senate after consultation with the CEO or designee. Furthermore, consultation is required in establishing committees if the purpose of the committee is to develop policy or procedures related to an academic and professional matter or as part of the basic governance structures set forth in the board's policy on collegial consultation.

**QUESTION: What is the obligation of the governing board with respect to involving staff in district governance?**

Answer. Title 5, Section 51023.5 requires the governing board to establish processes to provide district employees, other than faculty, with an opportunity to participate effectively in developing policies and procedures which "have or will have a significant effect on staff." The board is to define the categories of staff who will be involved in district governance, but management and non-management positions must be separately defined or categorized.

**QUESTION: What obligation does a governing board have to consult with students in developing district policy?**

Answer. Title 5, Section 51023.7 requires governing boards to provide students with an opportunity to participate in the formulation of district and college policies and procedures which "have or will have a significant effect on students." The regulation goes on to state that, for this purpose, the governing board "shall recognize each associated student organization or its equivalent within the district."

**QUESTION: How does this obligation differ from the requirement to consult collegially with the academic senate?**

Answer. One difference is that the governing board is not required to "rely primarily" or "reach mutual agreement" with the student government on matters that have a significant effect on students. Section 51023.7 simply says that students must be provided an opportunity to participate in the "formulation and development" of policies and procedures. This means that the student government must have the opportunity to be involved in the formative stages of developing policies or procedures related to matters of significance to students and that their views are to be given "every reasonable consideration," but the governing board is not obliged to rely on this advice or to reach agreement with the student government before it can act.

**QUESTION: What should a governing board do when considering an issue such as grading policy which is an "academic and professional matter" on which it must consult collegially with the academic senate, as well as a matter which will have a "significant effect on students" on which it must consult with the student government?**

Answer. In such a case, the governing board must engage in consultation with both the associated student organization and the academic senate. When the board ultimately acts it should take the views of both groups into account. The governing board should develop shared governance procedures which enable the associated student organization and academic senate to work together to develop recommendations. In fact, Section 51023.7 specifically states that the student organization should be involved in "jointly developing recommendations" for action by the governing board. This means that representatives of the student organization should work with administrators and, where appropriate, with faculty in developing recommendations to the governing board. This should help to avoid or resolve situations where students and faculty have differing views on the same subject. However, if differences cannot be resolved, the governing board will have to make the final decision and will be required to rely primarily on the views of the senate or reach mutual agreement with the senate before it acts.

## Participatory Governance Committees

The four primary constituent groups in the College of Alameda community – faculty, administrators, staff and students – collaborate via their representative groups and, in this way, participate in the governing of the College.

### Participatory Groups

*The College Council* is the primary committee on which all four constituent groups are represented that makes recommendations to the College President. All other participatory groups report to (and make recommendations to) the College Council which then determines what to recommend to the College President. These groups include:

- Accreditation Oversight Committee – reports to College Council
- Budget Committee – reports to College Council
- Facilities & Technology Committee – reports to College Council
- Health & Safety Committee – reports to College Council
- Institutional Effectiveness Committee (IEC) – reports to College Council
- Student Success Committee – reports to College Council

<sup>1</sup> All of the College Committees are described in detail (charge, composition, reporting structure, meeting days and times) in Appendix B.

All committees and constituent groups may create sub-committees (or *ad hoc* committees, working groups or task forces) to address issues or sets of issues for a discrete period of time. They may assign existing committee members and/or others to those sub-committees needed to achieve the objectives of the committee. Those objectives, and the timeframe for achieving them, should be clearly delineated when the sub-committee is created.



## Collegial Consultation Committees

### Academic Senate

Title 5 section 53200 (b): Academic Senate means an organization whose primary function is to make recommendations with respect to academic and professional matters. Section 53200 (c) “Academic professional matter” means the following 11 (or, 10+1) policy development and implementation matters:

- Curriculum including establishing prerequisites and placing courses within disciplines
- Degree and certificate requirements
- Grading policies
- Educational program development
- Standards or policies regarding student preparation and success
- District and college governance structures, as related to faculty roles
- Faculty roles and involvement in accreditation processes, including self-study and annual reports
- Policies for faculty professional development activities
- Processes for program review
- Processes for institutional planning and budget development
- Other academic and professional matters as mutually agreed upon between the governing board and the academic senate

According to Title 5 § 53203, the governing board is required to adopt policies for appropriate delegation of authority and responsibility to its academic senate. These policies must, at a minimum, provide that the board, or its designees, consult collegially with the academic senate when adopting policies and procedures on academic and professional matters. “Consult collegially” is defined by Title 5 § 53200 to mean: 1) Relying primarily upon the advice and judgment of the academic senate; or 2) Reaching mutual agreement between the governing board/designee and representatives of the academic senate.

According to Administrative Procedure 2511, The Board, Chancellor, and College Presidents and their Management Teams shall “consult collegially” and “rely primarily” on the District Academic Senate and the College Academic Senates in the above cited “academic and professional matters” areas.

The District Academic Senate, representing the four College Academic Senates, is recognized to make recommendations to the District Chancellor, and to the Board of Trustees with respect to “academic and professional matters.

Each College Academic Senate shall be recognized to make recommendations with respect to “academic and professional matters” to their respective College President and the Management Team; and may consult collegially with the Board of Trustees about College matters. The administrative leadership of each college shall consult collegially on these and any other procedures established to carry out this policy.

The Academic Senate consists of both fulltime and part-time faculty representation. Academic Senate meetings are open and all faculty are encouraged to communicate regularly with their representatives and to participate in Senate sponsored events, activities, and meetings. The Senate is also responsible for appointing faculty to college and district participatory governance committees, peer review teams, and various college and district ad hoc committees.

## Classified Senate

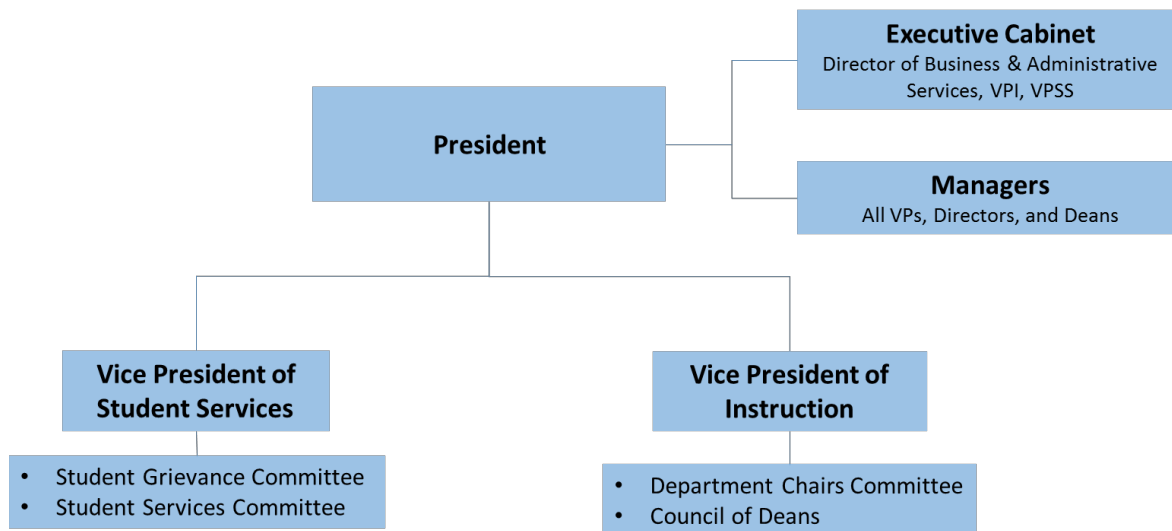
The College of Alameda Classified Senate represents the concerns and interests of the Classified Staff in participatory governance, collects, evaluates, and disseminates information for the classified staff, and promotes staff professionalism and development. The Senate is responsible for representing all classified in the participatory governance processes of the college and district (See: Education Code Section 70901.2, California Administrative Code Title 5 Section 51023.5). The Senate is responsible for appointing classified representatives to college and district participatory governance committees. In addition, the Senate President meets regularly with the College President and other campus leadership at the President's Cabinet to ensure college-wide classified concerns are communicated and discussed.

## ASCOA Student Senate

The ASCOA Student Senate is responsible for appointing students to college and district participatory governance committees. The ASCOA also meets regularly with the College President at the President's Cabinet to discuss student issues or concerns. Students have a responsibility to gather information from these meetings and to disseminate this information and collect feedback from their student peers.

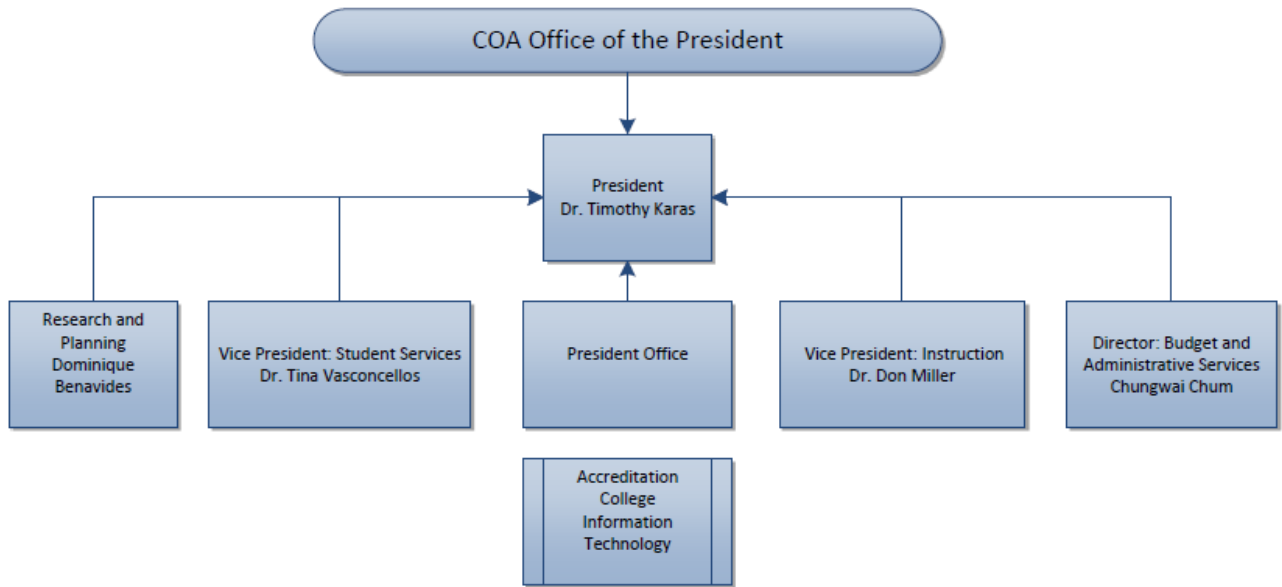
## Operational Committees

In addition to the participatory groups and the College Council, College of Alameda has the following Operational Committees and reporting structure:

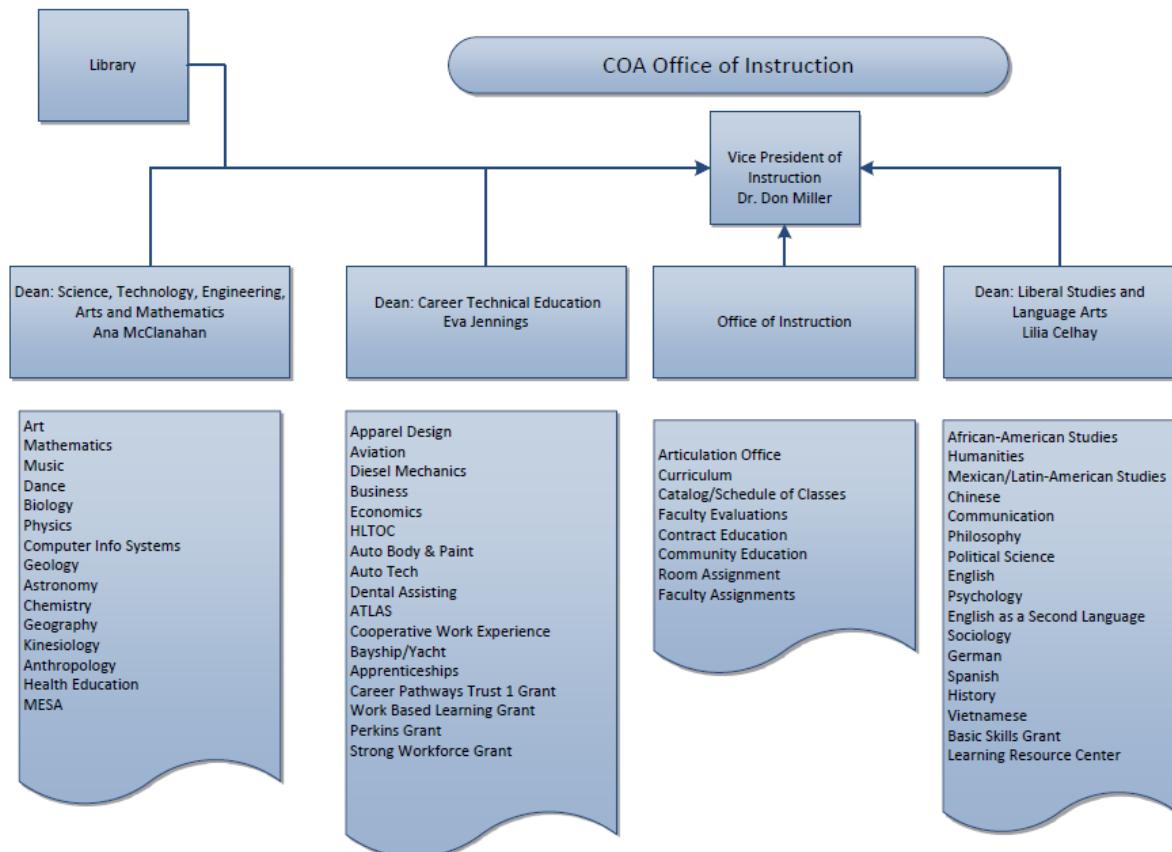


These committees facilitate the operations of the college. Their membership is not necessarily representative of each of the constituent groups.

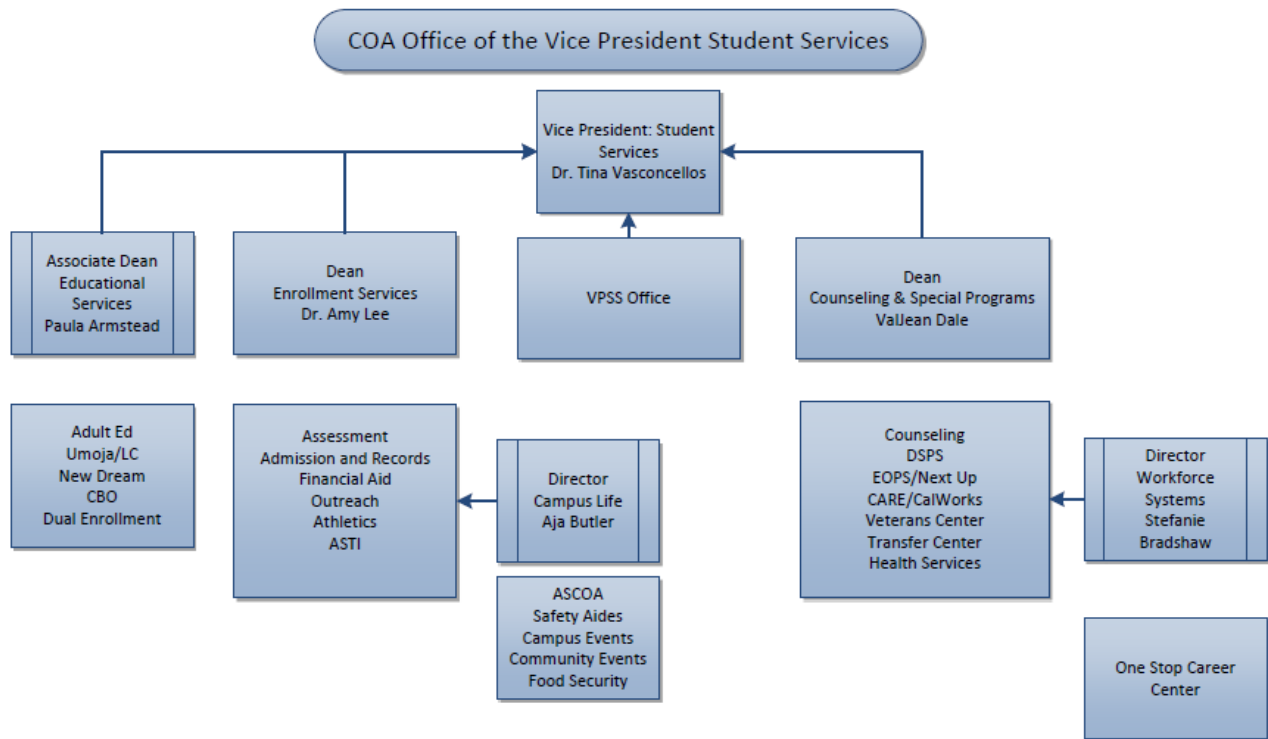
# College Organizational Structure



# Instruction

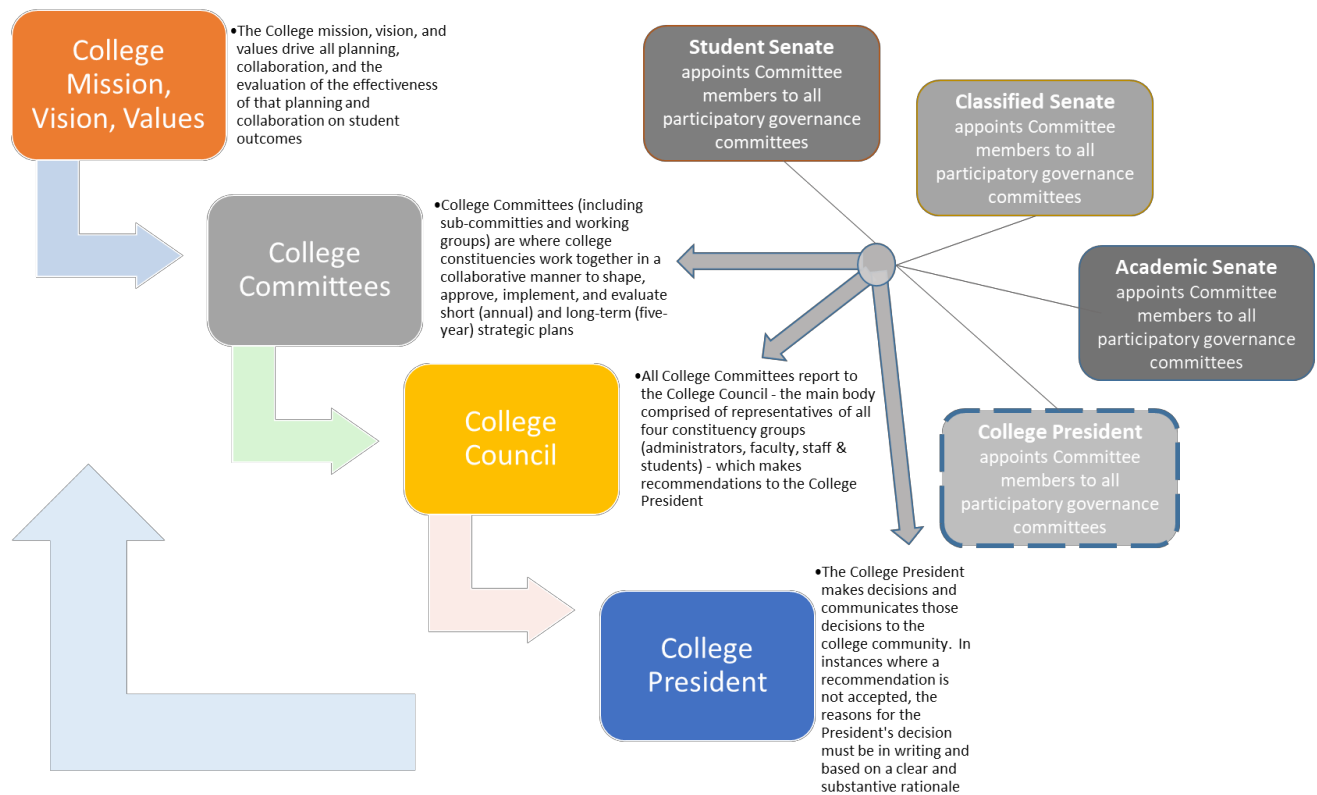


# Student Services



## The Decision-Making Process

The College President is responsible for making all decisions affecting the operations of the college. College administrators, faculty, staff, and students make recommendations to the President via their constituent groups and via their participation in the college participatory governance committees. Once recommendations are made, the President can act on them. In instances where the recommendation is not accepted, the reasons for the President’s decision must be in writing and based on a clear and substantive rationale which puts the explanation for the decision in an accurate, appropriate, and relevant context. It must be communicated to the college community. This sequence of events is depicted below:



Note: The President appoints administrators to all of the participatory governance committees.

## Evaluation of the Decision-Making Process

At the end of each academic year, the President’s Office will conduct an evaluation (participatory governance survey and campus climate survey) of the participatory governance committees (and any sub-committees) and the college’s decision-making process. This evaluation will be conducted anonymously and the results will be compiled and distributed broadly to the college community. At the start of each academic year, the College Council will consider if changes need to be made to the college participatory governance and decision-making process.

## The Integrated Planning & Budgeting Process

College of Alameda uses an *Integrated Planning and Budgeting Model* to improve the integration of multiple college planning efforts, such as accreditation review processes, student success initiatives, program reviews, and others, into a more holistic process. This model aligns the budgeting process with planning to ensure funding priorities and resource allocations match planning priorities. The *Integrated Planning and Budgeting Model* and a description of its operation follow.

### Integrated Planning and Budgeting



The Integrated Planning and Budgeting (IPB) model is intended to support the planning process by emphasizing the cyclical and systematic nature of planning, resource allocation, implementation, assessment and revision. Integrated college planning is regarded as a process; one that requires careful planning, a period of testing for implementation of new ideas, an assessment of both outcomes and processes, and an evaluation as to the appropriateness of the plan and its ability to continuously address college needs in a systematic and integrated manner while ensuring the college mission is met.

#### Step 1: Identifying Needs or Opportunities

- All instructional, student service and administrative units prepare and/or update program reviews and/or unit plans annually
- Using data collection and analysis, units are asked to identify needs or opportunities for improving student success and institutional effectiveness

- Annual program reviews (APUs) and/or unit plans address the achievement of the college mission, goals, and values
- APUs and/or unit plans include requests for resources needed to meet the college mission and to address needs that support student success

#### Step 2: Review by Constituencies

- Program reviews are validated by the Planning, Research and Institutional Effectiveness Committee to ensure they have addressed student success data
- Resource requests for new funding are compiled from program reviews and/or unit plans and submitted for review to the budget committee and the executive management team
- Faculty resource requests are prioritized by the Academic Senate, in consultation with Department Chairs, and submitted to the College President for review and approval, who then forwards recommendations to District governance committees

#### Step 3: Establish Priorities

- College governance committees and management review resource requests to ensure alignment with college goals and strategic priorities
- Resource requests are ranked and as new funds come in, allocations are made based on the ranked requests

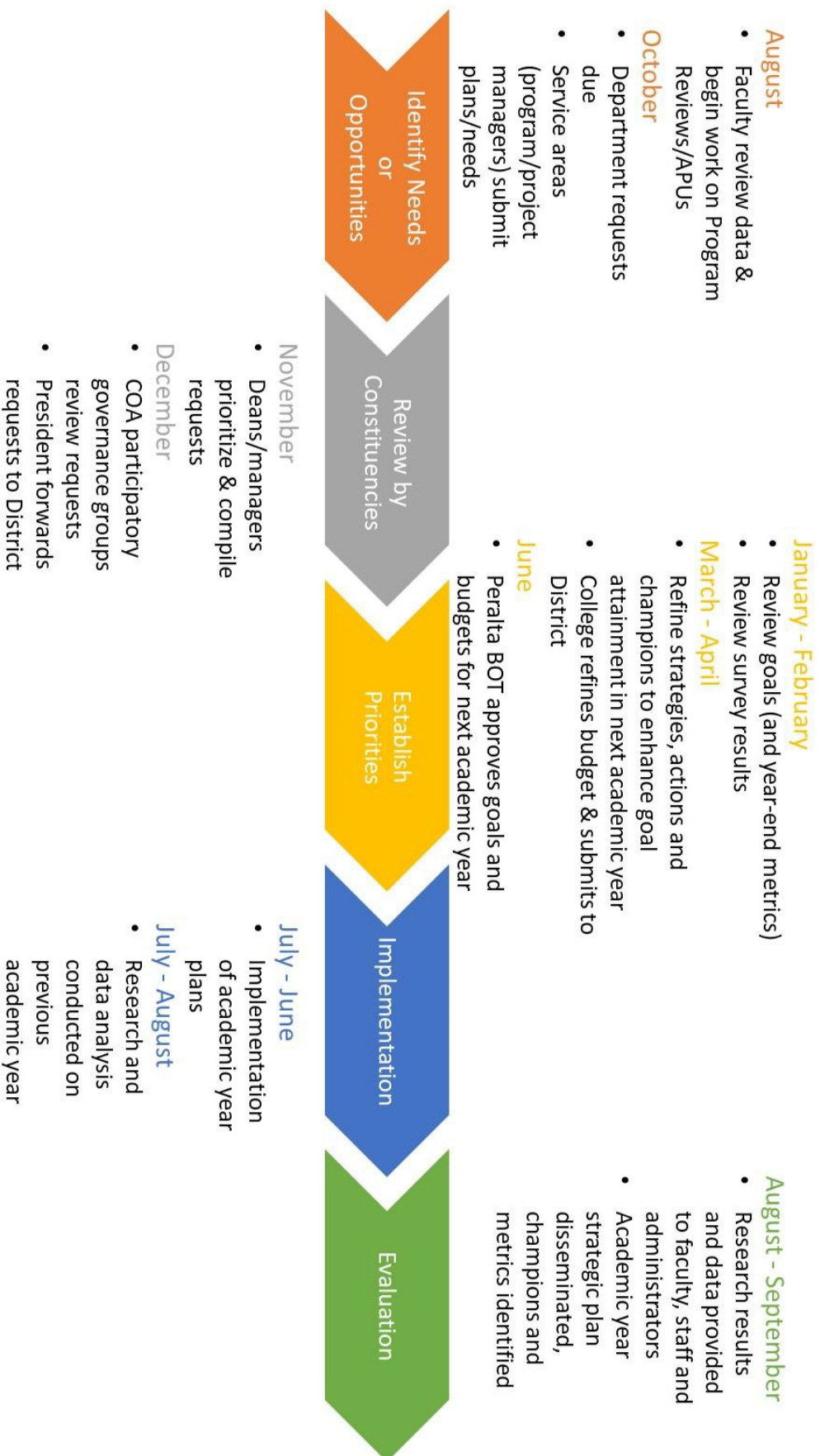
#### Step 4: Implementation

- Resources outlined in APUs and/or unit plans are funded based upon budget availability
- APUs and/or unit plan action priorities are implemented
- Actions are continuously analyzed and refined to meet student success goals and institutional effectiveness

#### Step 5: Evaluation

- Data is collected to analyze plan effectiveness
- Analysis of benchmarks are assessed for areas needing continuous improvement
- Revisions are included in the following year's program reviews and/or unit plans

College of Alameda's integrated budget and planning cycle is an active, annual process that recurs each academic and fiscal year. A typical timeline for the process is depicted on the next page.





## Appendix A: Participatory Governance Committee Guidelines

### Open Meetings

All governance meetings are open to the public, including the entire college community.

### Responsibilities of Committee Members

Committee members are responsible for preparing for and attending meetings, participating in decisions, communicating with representative constituencies and contributing to informed decision making. Committee members should inform the chair if they must miss a scheduled meeting.

### Responsibilities of Committee Chairs

Chairs are responsible for soliciting agenda items from committee members, preparing agendas and meeting materials in advance of meetings and distributing agendas and meeting materials to the college email list (e.g. COA-FAS) at least 72 hours in advance of the meeting.

Chairs are also responsible for:

- Writing agenda/meeting notes/committee report-out or identifying a committee volunteer to write meeting notes.
- Monitor agendas and meeting notes to ensure that there is follow-up on all committee actions.
- Co-chairs should communicate in advance of meetings (either in person or virtually) to prepare agendas.

Agendas items should be described as clearly as possible. The agenda should indicate whether items are action items or discussion items.

Meeting notes (or minutes) should provide attendance information. All actions taken by the committee should be noted. Chairs are responsible for posting committee documents and information to a committee website. Committee documents include: agendas, meeting notes, supporting documents.

Committee website information should also include: meeting dates, meeting times, and committee membership. Chairs may identify a committee member to maintain the committee website. The Institutional Effectiveness Committee is responsible for ensuring that committee websites remain current.

### Participatory Governance Committee Appointments

Committee appointments that are not based on position shall be appointed as follows:

- Administrative appointments are made by College President
- Faculty appointments are made by Faculty Senate President
- Classified Appointments are made by Classified Senate President
- Student appointments are made by Student Senate President

Committee chairs should make requests for appointments in writing by the start of fall semester.

### Committee Meeting Schedule

- All meetings will take place during fall and spring terms.

- A quorum shall consist of 50% + 1 of voting membership.

### Committee Vacancies

A committee can only function with regular attendance of its committee members. Committee members who are unable to attend the regularly designated committee meeting time should inform the chair so a new appointment can be made.

### Committee Terms

Committee members, other than by position appointments, will have a term limit of two years with two renewal for a maximum of six continuous years.

### Committee Meeting Dates

College participatory governance committees will meet on Tuesday, Wednesday, and Thursday to mitigate conflict with District participatory governance committee scheduled on Monday and Fridays.

### Committee Composition

Committees will be comprised of 3 of each (staff, faculty, and administrator) and 1 student. Person's appointment "by position" will count as one of the representatives.

### Committee Chair/Co-Chair

Each participatory governance committee will be jointly chaired by a faculty member and an administrator.

### Ex-Officio Members

Committees can invite additional people to join the committee as resource experts, facilitators, or District personnel as liaisons. These members will be ex-officio with no voting rights.

## Appendix B: Committees: Charges, Composition, Reporting

### Participatory Governance Committees

College Council <a href="http://alameda.peralta.edu/college-council/">http://alameda.peralta.edu/college-council/</a>	
<b>Committee Charge</b>	The College Council is advisory to the College President. It is charged with the responsibility to deliberate issues and concerns which affect the entire college community, particularly those involving budget, curriculum, facilities, and safety; to develop and oversee the institutional plan of the college; and to engage in other planning efforts as required, such as strategic planning, and mission and goals statement.
<b>Type of Committee</b>	Participatory Group
<b>Committee Reports to</b>	College Council
<b>Meeting(s)</b>	4 <sup>th</sup> Wednesday, 2:30 p.m., L237
<b>Membership</b>	Faculty (3) Staff (3) Administrator (3) Student (1)

Accreditation Oversight Committee	
<b>Committee Charge</b>	The College Accreditation Oversight Committee is responsible for defining characteristics of quality and excellence and presenting evidence that such quality and excellence is being achieved. This is achieved through the college self-study report. The Committee is also responsible for monitoring and examining the progress of recommendations made by the accreditation evaluation team. Quarterly reports on progress will be given to College Council and reflected in the Institutional Plan. The Committee is composed of those who either served on the Steering Committee of the Accreditation Self Study or are serving in the designated positions.
<b>Type of Committee</b>	Participatory Group
<b>Committee Reports to</b>	College Council
<b>Meeting(s)</b>	Monthly
<b>Membership</b>	Faculty (3) Staff (3) Administrator (3) Student (1)

**Facilities & Technology Committee** <http://alameda.peralta.edu/facilities-committee/>

<b>Committee Charge</b>	<ol style="list-style-type: none"> <li>1. Advise on the development of facilities and technology planning processes and timelines;</li> <li>2. Recommend funding priorities for Building Funds;</li> <li>3. Receive and review facilities and technology proposals from department, program areas and/or the District Physical Plant Office;</li> <li>4. Recommend representatives to serve on District facilities and technology committees</li> <li>5. Recommend procedures and policies affecting technology, facilities and physical environment of the campus;</li> <li>6. Review the State’s Specialization Report and the Five year Master Plan for campus compliance and make recommendations to ensure compliance;</li> <li>7. Establish Subcommittees to assist with the planning for building renovations and remodels;</li> <li>8. Sponsor facilities orientation and technology workshops for the College community.</li> <li>9. Recommend campus technology standards</li> </ol>
<b>Type of Committee</b>	Participatory Group
<b>Committee Reports to</b>	College Council
<b>Meeting(s)</b>	4 <sup>th</sup> Thursday, 3:00 p.m., A149
<b>Membership</b>	Faculty (3) Staff (3) Administrator (3) Student (1)

**Health and Safety Committee** <http://alameda.peralta.edu/safety-committee/>

<b>Committee Charge</b>	<p>Responsible for recommending college policy in the areas of health, wellness and safety. Inspects college facilities and program areas to promote a healthy, safe, and secure environment. Reviews health and safety problems and recommends activities for corrective action. Assists in training staff and students regarding potential health and safety hazards and disaster recovery for the college, district, and the community.</p> <p>Responsible for recommendations relating to the planning and use of college facilities as it relates to health and safety matters. Assists in the development and planning of major capital improvement projects as it relates to health and safety matters. Routinely review and monitor campus compliance with ADA and 504 and make recommendations to ensure compliance.</p>
<b>Type of Committee</b>	Participatory Group
<b>Committee Reports to</b>	College Council
<b>Meeting(s)</b>	4 <sup>th</sup> Thursday, 2:00 p.m., A149
<b>Membership</b>	Faculty (3) Staff (3)

Administrator (3)  
Student (1)

### Institutional Effectiveness Committee (IEC)

<http://alameda.peralta.edu/institutional-effectiveness-committee/>

<b>Committee Charge</b>	The mission of the Institutional Effectiveness Committee is to ensure that the college maintains a set of ongoing and systematic institutional processes and practices that include planning, the evaluation of programs and services, the identification and measurement of institutional learning outcomes and the use of data and assessment results to inform decision-making, recommending enrollment management strategies (including scheduling, instructional and student support strategies to enhance access, success, persistence and goal attainment).. All of these activities are accomplished with the purpose of improving programs and services and increasing student success and institutional quality.
<b>Type of Committee</b>	Participatory Group
<b>Committee Reports to</b>	College Council
<b>Meeting(s)</b>	3 <sup>rd</sup> Thursday, 2:00 p.m., L237
<b>Membership</b>	Faculty (3) Staff (3) Administrator (3) Student (1)

### Student Success Committee

<b>Committee Charge</b>	The Student Success Committee (SSC) supports academic and student support programs in accordance with the Educational Master Plan and college mission. The charge of the Student Success Committee is to increase student success and completion. This integrated approach fosters student-centered guidance, tutoring, assessment, orientation, equity, and associated support and instructional programs in accordance with the Educational Master Plan, Basic Skills Plan, Equity Plan, Student Success and Support Plan, and college mission through an integrated approach.
<b>Type of Committee</b>	Participatory Group
<b>Committee Reports to</b>	College Council
<b>Meeting(s)</b>	3 <sup>rd</sup> Wednesday, 12:00p.m.
<b>Membership</b>	Faculty (3) Staff (3) Administrator (3) Student (1)

**Budget Committee** <http://alameda.peralta.edu/budget-committee/>

**Committee Charge**

- 1) review budgetary policies, processes, and timelines developed by administration at COA and the District, provide feedback and help communicate them to COA faculty and staff
- 2) receive and review budget proposals from departments and/or program areas; review administrative recommendations for funding such proposals
- 3) review priorities developed by administration with regard to the overall College Budget with respect to Unrestricted General Funds (Fund 1 thru 10), Instructional Equipment (Fund 14), VTEA (Fund 16), Instructional Supplies (Fund 17), Discretionary Funds, Facilities Revenues and other cash receipts, and communicate such priorities to faculty and staff recommend funding priorities for overall college budget;
- 4) review (as information item) Categorical Funding budgets (i.e., DSPS, EOPS/CARE, CALWorks, Matriculation);
- 5) sponsor budget orientation and purchasing procedure workshops for the College community

<b>Type of Committee</b>	Participatory Group
<b>Committee Reports to</b>	College Council
<b>Meeting(s)</b>	2 <sup>nd</sup> Wednesday, 12:00 p.m., A149
<b>Membership</b>	Faculty (3) Staff (3) Administrator (3) Student (1)

## Operational Committees

<b>Department Chairs <a href="http://alameda.peralta.edu/department-chairs/">http://alameda.peralta.edu/department-chairs/</a></b>	
<b>Type of Committee</b>	Operational Group
<b>Committee Reports to</b>	Vice-President of Instruction
<b>Meeting(s)</b>	2 <sup>nd</sup> Tuesday, 12:00 p.m., L237
<b>Membership</b>	By department chair election

<b>Managers Meeting</b>	
<b>Type of Committee</b>	Operational Group
<b>Committee Reports to</b>	President
<b>Meeting(s)</b>	2 <sup>nd</sup> Wednesday, 9:00 a.m., A149
<b>Membership</b>	By position

<b>Academic Deans</b>	
<b>Type of Committee</b>	Operational Group
<b>Committee Reports to</b>	Vice-President of Instruction
<b>Meeting(s)</b>	Tuesday, 9:00 a.m., A144
<b>Membership</b>	By position

<b>Student Services Council <a href="http://alameda.peralta.edu/student-services-council/">http://alameda.peralta.edu/student-services-council/</a></b>	
<b>Type of Committee</b>	Operational Group
<b>Committee Reports to</b>	Vice-President of Student Services
<b>Meeting(s)</b>	1 <sup>st</sup> Friday, 10:00 a.m., A149
<b>Membership</b>	By position

<b>Student Grievance Committee ( Allied Health Student Grievance Committee, Student Academic Grievance Committee, and College Grievance Committee)</b>	
<b>Charge</b>	The committee is responsible for conducting hearings on student grievances in regard to complaints involving the interpretation, application or alleged violation of district policies and procedures--student grievances alleging mistake, fraud, bad faith or incompetence in the academic evaluations of student performance. This committee is mandated by law to afford students the opportunity of due process (see Ed. Code Section 76224).
<b>Type of Committee</b>	Operational Group
<b>Committee Reports to</b>	Vice President of Student Services
<b>Meeting(s)</b>	As Needed
<b>Membership</b>	VP of Instruction, Chair, Administrative Representative (1), <i>Alt. Administrator (1)</i> , Faculty Representative (1), <i>Alt. Faculty Representative (1)</i> , Student Representative (1), <i>Alt. Student Representative (1)</i>

## Participatory Constituent Committees

### Academic Senate <http://alameda.peralta.edu/academic-senate/>

#### Committee Charge

Title 5 section 53200 (b): Academic Senate means an organization whose primary function is to make recommendations with respect to academic and professional matters. Section 53200 (c) “Academic and professional matter” means the following 11 (or, 10+1) policy development and implementation matters:

- Curriculum including establishing prerequisites and placing courses within disciplines
- Degree and certificate requirements
- Grading policies
- Educational program development
- Standards or policies regarding student preparation and success
- District and college governance structures, as related to faculty roles
- Faculty roles and involvement in accreditation processes, including self-study and annual reports
- Policies for faculty professional development activities
- Processes for program review
- Processes for institutional planning and budget development
- Other academic and professional matters as mutually agreed upon between the governing board and the academic senate

Academic Senate meetings are open and all faculty are encouraged to communicate regularly with their Senate representatives. The Senate is responsible for appointing faculty to college and district participatory governance committees, peer review teams, and various college and district ad hoc committees.

<b>Type of Committee</b>	Participatory Constituent Committee
<b>Committee Reports to</b>	Academic Senate
<b>Meeting(s)</b>	1 <sup>st</sup> and 3 <sup>rd</sup> Thursday, 12:00 p.m., L237
<b>Membership</b>	Tenure, Tenured-track and part-time faculty representatives from the Instructional Division(s) and Student Services-Counseling department.

### Curriculum Committee (a sub-committee of the Academic Senate)

<http://alameda.peralta.edu/curriculum-committee/>

#### Committee Charge

Responsible for policy formulation in the areas of curriculum, certificates, degrees, GE requirements and certification, course and program approvals. Reviews all new courses, curriculum proposals, new programs and other curriculum changes. Reviews courses and programs for compliance to Title V regulations. Prepares summary of curriculum actions on an annual basis.

<b>Type of Committee</b>	Participatory Constituent Committee
<b>Committee Reports to</b>	Academic Senate
<b>Meeting(s)</b>	1 <sup>st</sup> and 3 <sup>rd</sup> Tuesday 1:00 p.m., L237
<b>Membership</b>	A. Full-time (tenure and/or tenure-track) and Part-time faculty from the Instructional Division and Student Services-Counseling Department. B. By Positions: Vice-President of Instruction, Vice-President of Student Services/Designee, Articulation Officer (one of whom is faculty from Instructional or Student Services-Counseling Department), Library Faculty Representative, Curriculum Specialist, Distance Education Coordinator, SLO Coordinators, and ASCOA Representative.



### Professional Development (a sub-committee of the Academic Senate)

**Committee Charge**

Plan, promote, and implement major staff development activities and events for college-wide participation. Responsible for the final review of applications for funds for staff development activities to ensure compliance

with state guidelines and college goals.

**Type of Committee** Participatory Constituent Committee

**Committee Reports to** Academic Seante

**Meeting(s)** 1<sup>st</sup> Monday, 12:00 p.m., A228

**Membership**

- Faculty Representatives (3) one of whom serves as Chair
- Administrative Representatives (3)

Classified Representatives (2)

### Distance Education (a sub-committee of the Academic Senate)

**Committee Charge**

**Type of Committee** Participatory Constituent Committee

**Committee Reports to** Academic Senate

**Meeting(s)**

**Membership**

### Open Educational Resources (a sub-committee of the Academic Senate)

**Committee Charge**

**Type of Committee** Participatory Constituent Committee

**Committee Reports to** Academic Senate

**Meeting(s)**

**Membership**

### Student Learning Outcomes (a sub-committee of the Academic Senate)

**Committee Charge**

**Type of Committee** Participatory Constituent Committee

**Committee Reports to** Academic Senate

**Meeting(s)**

**Membership**

### Equivalency (a sub-committee of the Academic Senate)

<b>Committee Charge</b>	
<b>Type of Committee</b>	Participatory Constituent Committee
<b>Committee Reports to</b>	Academic Senate
<b>Meeting(s)</b>	
<b>Membership</b>	

### Guided Pathways (a sub-committee of the Academic Senate)

<b>Committee Charge</b>	
<b>Type of Committee</b>	Participatory Constituent Committee
<b>Committee Reports to</b>	Academic Senate
<b>Meeting(s)</b>	
<b>Membership</b>	

### Classified Senate <http://alameda.peralta.edu/classified-council/>

<b>Committee Charge</b>	
Classified Senate includes all members of the full-time Classified Staff and part-time permanent staff members. The College of Alameda Classified Senate represents the concerns and interests of the Classified Staff in participatory governance, collects, evaluates, and disseminates information for the classified staff, and promotes staff professionalism and development. The Senate is responsible for representing all classified in the participatory governance processes of the college and district (See: Education Code Section 70901.2, California Administrative Code Title 5 Section 51023.5). The Senate is responsible for appointing classified representatives to college and district participatory governance committees.	
<b>Type of Committee</b>	Constituent (Share Involvement) Group
<b>Committee Reports to</b>	Classified Senate
<b>Meeting(s)</b>	3 <sup>rd</sup> Friday, 2:00 p.m., L237
<b>Membership</b>	Classified Staff from all departments/divisions

### Associated Student Body (ASCOA) Senate <http://alameda.peralta.edu/student-government/>

<b>Committee Charge</b>	
The ASCOA Student Senate is responsible for appointing students to college and district participatory governance committees. The ASCOA also meets regularly with the College President at the President's Cabinet to discuss student issues or concerns. Students have a responsibility to gather information from these meetings and to disseminate this information and collect feedback from their student peers.	
<b>Type of Committee</b>	Collegial Consultation Committee
<b>Committee Reports to</b>	<b>ASCOA</b>
<b>Meeting(s)</b>	F Building
<b>Membership</b>	Elected student representatives

## Appendix C: Meeting Agenda Template



\_\_\_\_\_ Committee

### Meeting AGENDA

Date and Time:

Meeting Location:

Meeting Chair(s):

Recorder:

Topic	Facilitator	Action	Materials
Purpose of Meeting:			
1. Call to Order			
2. Reading of the Purpose of the Meeting			
3. Approval of Minutes & Action Items			
4. Approval of Agenda			
5. Reporting Committees (if applicable)			
6. Discussion Items			
7. Review of Action Items			
8. Future Agenda Items			
9. Future Meeting Dates			
10. Adjournment			

## Appendix D: Committee Report-Out Template



### Committee Report-out Template

For \_\_\_\_\_ (name of constituent group)

*The purpose of this template is to help representatives report back to their group about what happened at a committee meeting. This is not meant to replace the minutes (which are often not available until the next meeting), but rather to quickly disseminate information, especially if there are items of special concern to the group.*

#### Committee Action Items – relating to or affecting this group

- 1.
- 2.
- 3.

#### Request for constituent group feedback on the following

- 1.
- 2.
- 3.

Reported by:

## Appendix E: How to Post Meeting Agendas and Minutes

1. Committee chair(s) must post meeting Agendas on the Committee's website as well as distributed via email to all committee members at least 72 hours in advance of the meeting.
2. After a committee meeting, Committee Chair(s) must post meeting minutes to the Committee's website as well as email them to all of the committee members at least 72 hours after the meeting has occurred.
3. All College of Alameda Participatory Governance Committees have a website linked via the College's Leadership and Governance's page:

<http://alameda.peralta.edu/about-us/leadership-governance/>

4. Committee Chair(s) can contact the President's Office for a login and password for their Committee's website.
5. Each Committee's website should be kept current and have a means to contact committee representatives. Information available on the website should include, but not be limited to:
  - a. Roles and responsibilities of the Committee
  - b. Committee Chair(s) name and contact information
  - c. Membership (including areas represented)
  - d. Term limits
  - e. Minutes
  - f. Agendas
  - g. List of scheduled meetings

## Appendix F: Title V: California Code of Regulations

### Section 53200

Definitions. For the purpose of this Subchapter:

- a. "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.
- b. "Academic senate," "faculty council," and "faculty senate" means an organization formed in accordance with the provisions of this Subchapter whose primary function, as the representative of the faculty, is to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this Subchapter, reference to the term "academic senate" also constitutes reference to "faculty council" or "faculty senate."
- c. "Academic and professional matters" means the following policy development and implementation matters:
  1. curriculum, including establishing prerequisites and placing 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; and
  11. other academic and professional matters as are mutually agreed upon between the governing board and the academic senate.
- d. "Consult collegially" means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:
  1. relying primarily upon the advice and judgment of the academic senate; or
  2. agreeing that the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

### Section 53206. Academic Senate for California Community Colleges

- a. An Academic Senate for the California Community Colleges has been established through ratification by local academic senates or faculty councils so that the community college faculty of California may have a formal and effective procedure for participating in the formation of state policies on academic and professional matters.

- b. The Board of Governors recognizes the Academic Senate of the California Community Colleges as the representative of community college academic senates or faculty councils before the Board of Governors and Chancellor's Office.

#### Section 51023. Faculty.

The governing board of a community college district shall:

- a. adopt a policy statement on academic freedom which shall be made available to faculty;
- b. adopt procedures which are consistent with the provisions of sections 53200-53206, regarding the role of academic senates and faculty councils;
- c. substantially comply with district adopted policy and procedures adopted pursuant to subdivisions (a) and (b).

#### Section 51023.5. Staff

- a. The governing board of a community college district shall adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance. At minimum, these policies and procedures shall include the following:
  - 1. Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this section, management and non-management positions or groups of positions shall be separately defined or categorized.
  - 2. Participation structures and procedures for the staff positions defined or categorized.
  - 3. In performing the requirements of subsections (a)(1) and (2), the governing board or its designees shall consult with the representatives of existing staff councils, committees, employee organizations, and other such bodies. Where no groups or structures for participation exist that provide representation for the purposes of this section for particular groups of staff, the governing board or its designees, shall broadly inform all staff of the policies and procedures being developed, invite the participation of staff, and provide opportunities for staff to express their views.
  - 4. Staff shall be provided with opportunities to participate in the formulation and development of district and college policies and procedures, and in those processes for jointly developing recommendations for action by the governing board, that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.
  - 5. Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff until it has provided staff an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section.
  - 6. The policies and procedures of the governing board shall ensure that the recommendations and opinions of staff are given every reasonable consideration.
  - 7. When a college or district task force, committee, or other governance group, is used to consult with staff regarding implementation of this section or to deal with other issues which have been determined to significantly affect staff pursuant to subdivision (a)(4), the appointment of staff representatives shall be made as follows:

- A. The exclusive representative shall appoint representatives for the respective bargaining unit employees, unless the exclusive representative and the governing board mutually agree in a memorandum of understanding to an alternative appointment process.
  - B. Where a group of employees is not represented by an exclusive agent, the appointment of a representative of such employees on any task force, committee or governance group shall be made by, or in consultation with, any other councils, committees, employee organizations, or other staff groups that the governing board has officially recognized in its policies and procedures for staff participation.
  - C. When the task force, committee or governance group will deal with issues outside the scope of collective bargaining, any other council, committee or staff group, other than an exclusive agent, that the governing board has officially recognized in its policies and procedures for staff participation may be allowed to designate an additional representative. These organizations shall not receive release time, rights, or representation on such task forces, committees, or other governance groups exceeding that offered to the exclusive representative of classified employees.
  - D. In all cases, representatives shall be selected from the category that they represent.
- b. In developing and carrying out policies and procedures pursuant to subsection (a), the district governing board shall ensure that its actions do not dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another. In addition, in order to comply with Government Code sections 3540, et seq., such procedures for staff participation shall not intrude on matters within the scope of representation under section 3543.2 of the Government Code. Governing boards shall not interfere with the exercise of employee rights to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards. It is the intent of the Board of Governors to respect lawful agreements between staff and exclusive representatives as to how they will consult, collaborate, share, or delegate among themselves the responsibilities that are or may be delegated to staff pursuant to these regulations.
  - c. Nothing in this section shall be construed to impinge upon the policies and procedures governing the participation rights of faculty and students pursuant to sections 53200-53204, and section 51023.7, respectively.
  - d. The governing board of a community college district shall comply substantially with the provisions of this section.

#### Section 51023.7. Students

- a. The governing board of a community college district shall adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance. Among other matters, said policies and procedures shall include the following:
  - 1. Students shall be provided an opportunity to participate in formulation and development of district and college policies and procedures that have or will have a significant effect on students. This right includes the opportunity to participate in processes for jointly developing recommendations to the governing board regarding such policies and procedures.
  - 2. Except in unforeseeable, emergency situations, the governing board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity



- to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.
3. Governing board procedures shall ensure that at the district and college levels, recommendations and positions developed by students are given every reasonable consideration.
  4. For the purpose of this Section, the governing board shall recognize each associated student organization or its equivalent within the district as provided by Education Code Section 76060, as the representative body of the students to offer opinions and to make recommendations to the administration of a college and to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students. The selection of student representatives to serve on college or district committees, task forces, or other governance groups shall be made, after consultation with designated parties, by the appropriate officially recognized associated student organization(s) within the district.
- b. For the purposes of this Section, district and college policies and procedures that have or will have a “significant effect on students” includes the following:
    1. grading policies;
    2. codes of student conduct;
    3. academic disciplinary policies;
    4. curriculum development;
    5. courses or programs which should be initiated or discontinued;
    6. processes for institutional planning and budget development;
    7. standards and policies regarding student preparation and success;
    8. student services planning and development;
    9. student fees within the authority of the district to adopt; and
    10. any other district and college policy, procedure, or related matter that the district governing board determines will have a significant effect on students.
  - c. The governing board shall give reasonable consideration to recommendations and positions developed by students regarding district and college policies and procedures pertaining to the hiring and evaluation of faculty, administration, and staff.
  - d. Nothing in this Section shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiations or negotiated agreements between collective bargaining agents and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining agents as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to the regulations on academic senates contained in Sections 53200-53206.
  - e. The governing board of a community college district shall comply substantially with policies and procedures adopted in accordance with this Section.

**Curriculum Committee (Title 5 §55002):**

Established by mutual agreement of administration and senate. Title 5 §55002 [Education Code section 70902 \(b\) \(7\)](#) states, “The governing board of each district shall establish procedures to ensure the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.” [Title 5 section 53200](#) lists “curriculum, including establishing prerequisites and placing courses within disciplines” as one of the “academic and professional matters” regarding which the academic senate shall make recommendations to the administration of a college and the governing board of a district.

In addition, [Title 5 Section 55002](#) gives curriculum committees the responsibility for recommending to the governing board in areas regarding curriculum, including new or modified course approval, grading policies, prerequisites, and others. Title 5 Section 55002 states that the curriculum committee “shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college and/or district administration and the academic senate.”

#### **Faculty Appointments to College Bodies Title 5 §53203 (f):**

The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.

[Education Code section 70902 \(b\) \(7\)](#) states, “The governing board of each district shall establish procedures to ensure . . . the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.” [Title 5 section 53200](#) lists “curriculum, including establishing prerequisites and placing courses within disciplines” as one of the “academic and professional matters” regarding which the academic senate shall make recommendations to the administration of a college and the governing board of a district.

#### **Employee Definitions**

Education Code - EDC

TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060] ( Title 3 enacted by Stats. 1976, Ch. 1010. )

DIVISION 7. COMMUNITY COLLEGES [70900 - 88922] ( Division 7 enacted by Stats. 1976, Ch. 1010. )

PART 51. EMPLOYEES [87000 - 88270] ( Part 51 enacted by Stats. 1976, Ch. 1010. )

CHAPTER 1. Provisions Applying to All Employees [87000 - 87164]

ARTICLE 1. General Provisions [87000 - 87018]

87000.

Unless the context otherwise requires, the definitions set forth in Sections 87001 to

87011, inclusive, shall govern the construction of this part.

87001.

(a) "Academic employee" refers to a person employed by a community college district in an academic position.

(b) "Academic position" includes every type of service, excluding paraprofessional service, for which minimum qualifications have been established by the board of governors pursuant to Section 87356.

(c) Wherever in this code or any other code, the term "certificated employee" or any similar term is used in reference to community college employees, it shall be deemed a reference to academic employees of the community colleges.

(d) Wherever in this code or any other code, the phrase "position requiring certification qualifications," or any similar phrase is used in reference to positions in the community colleges, it shall be deemed a reference to academic positions in the community colleges. Nothing in this part shall be construed as repealing or negating any provisions in this code or any other code concerning employees of community college districts for purposes of retirement benefits under the State Teachers' Retirement System by referring to those employees as academic employees.

87001.5.

(a) "Classified position" includes every position that is a part of the classified service as defined in Sections 88003 and 88076.

(b) "Classified employee" refers to a person employed by a community college district in a classified position.

87002.

(a) "Administrator" means any person employed by the governing board of a community college district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Educational administrator" means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.

(c) "Classified administrator" means an administrator who is not employed as an educational administrator.

87003.

(a) "Faculty" or "faculty member" means those employees of a community college

district who are employed in academic positions that are not designated as supervisory or management for the purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service have been established by the board of governors adopted pursuant to subparagraph (B) of paragraph (1) of subdivision (b) of Section 70901 or subdivision (a) of Section 87356. Faculty include, but are not limited to, instructors, librarians, counselors, community college health services professionals, handicapped student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisory, nonmanagement community college certification qualifications.

(b) Any employees who are employed in faculty positions but who perform supervisory, management, or other duties related to college governance shall not, because of the performance of those incidental duties, be deemed supervisors or managers, as those terms are defined in Section 3540.1 of the Government Code. The incidental "supervisory" or "management" duties referred to in this subdivision include, but are not limited to, serving as a faculty member on hiring, selection, promotion, evaluation, budget development, or affirmative action committees, or making effective recommendations in connection with those activities.

Note: Authority cited: Sections 66700, 70901 and 87001, Education Code. Reference: Sections 87001, 87002 and 87003, Education Code.

### **3540.1.**

As used in this chapter:

- (a) "Board" means the Public Employment Relations Board created pursuant to Section 3541.
- (b) "Certified organization" or "certified employee organization" means an organization that has been certified by the board as the exclusive representative of the public school employees in an appropriate unit after a proceeding under Article 5 (commencing with Section 3544).
- (c) "Confidential employee" means an employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.
- (d) "Employee organization" means an organization that includes employees of a public school employer and that has as one of its primary purposes representing those employees in their relations with that public school employer. "Employee organization" shall also include any person of the organization authorized to act on its behalf.
- (e) "Exclusive representative" means the employee organization recognized or certified as the exclusive negotiating representative of public school employees, as "public school employee" is defined in subdivision (j), in an appropriate unit of a public school employer.
- (f) "Impasse" means that the parties to a dispute over matters within the scope of representation have reached a point in meeting and negotiating at which their differences in positions are so substantial or prolonged that future meetings would

be futile.

(g) "Management employee" means an employee in a position having significant responsibilities for formulating district policies or administering district programs. Management positions shall be designated by the public school employer subject to review by the Public Employment Relations Board.

(h) "Meeting and negotiating" means meeting, conferring, negotiating, and discussing by the exclusive representative and the public school employer in a good faith effort to reach agreement on matters within the scope of representation and the execution, if requested by either party, of a written document incorporating any agreements reached, which document shall, when accepted by the exclusive representative and the public school employer, become binding upon both parties and, notwithstanding Section 3543.7, is not subject to subdivision 2 of Section 1667 of the Civil Code. The agreement may be for a period of not to exceed three years.

(i) "Organizational security" is within the scope of representation, and means either of the following:

(1) An arrangement pursuant to which a public school employee may decide whether or not to join an employee organization, but which requires him or her, as a condition of continued employment, if he or she does join, to maintain his or her membership in good standing for the duration of the written agreement. However, an arrangement shall not deprive the employee of the right to terminate his or her obligation to the employee organization within a period of 30 days following the expiration of a written agreement.

(2) An arrangement that requires an employee, as a condition of continued employment, either to join the recognized or certified employee organization, or to pay the organization a service fee in an amount not to exceed the standard initiation fee, periodic dues, and general assessments of the organization for the duration of the agreement, or a period of three years from the effective date of the agreement, whichever comes first.

(j) "Public school employee" or "employee" means a person employed by a public school employer except persons elected by popular vote, persons appointed by the Governor of this state, management employees, and confidential employees.

(k) "Public school employer" or "employer" means the governing board of a school district, a school district, a county board of education, a county superintendent of schools, a charter school that has declared itself a public school employer pursuant to subdivision (b) of Section 47611.5 of the Education Code, an auxiliary organization established pursuant to Article 6 (commencing with Section 72670) of Chapter 6 of Part 45 of Division 7 of Title 3 of the Education Code, except an auxiliary organization solely formed as or operating a student body association or student union, or a joint powers agency, except a joint powers agency established solely to provide services pursuant to Section 990.8, if all the following apply to the joint powers agency:

(1) It is created as an agency or entity that is separate from the parties to the joint powers agreement pursuant to Section 6503.5.

(2) It has its own employees separate from employees of the parties to the joint powers agreement.

(3) Any of the following are true:

(A) It provides educational services primarily performed by a school district, county board of education, or county superintendent of schools.

(B) A school district, county board of education, or county superintendent of schools

is designated in the joint powers agreement pursuant to Section 6509.

(C) It is comprised solely of educational agencies.

(l) "Recognized organization" or "recognized employee organization" means an employee organization that has been recognized by an employer as the exclusive representative pursuant to Article 5 (commencing with Section 3544).

(m) "Supervisory employee" means an employee, regardless of job description, having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct them, or to adjust their grievances, or effectively recommend that action, if, in connection with the foregoing functions, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.