Designing and Documenting a Clear Process for Decision-Making at MJC
3rd Planning Discussion

May 2, 2012

Summary:

"Participating effectively in district and college governance is shared involvement in the
decision-making process.

- "It does not imply total agreement;
- "The same level of involvement by all is not required; and
- "Final decisions rest with the board or designee"

The group refined the following statement (added to the definition of Participatory Governance
agreed on in April):

- *The most reliable information is provided in good faith to guarantee transparency, and stimulate participation, and foster relationships.*

The Workgroup recommends the groups listed below have formal representation and voting
privileges on College Council to ensure wide stakeholder representation and coordination of
strategic planning in all college committees and constituencies:

<table>
<thead>
<tr>
<th>Constituent Groups</th>
<th>Councils</th>
<th>College Committees</th>
<th>Academic Senate Committees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Senate</td>
<td>Instructional Administrator’s Council (IAC)</td>
<td>Staff Resource Advisory Council (SRAC)</td>
<td>Faculty Professional Development Committee (not represented on College Council)</td>
</tr>
<tr>
<td>CSEA</td>
<td>Student Services Council (SSC)</td>
<td>College Technology Committee (CTC)</td>
<td>Curriculum Committee (not represented on College Council)</td>
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<tr>
<td>YFA</td>
<td>College Management Council (CMC)</td>
<td>Distance Ed Advisory Committee (DEAC)</td>
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<tr>
<td>ASMJC Senate</td>
<td>Classified Staff Advisory Council (CSAC)</td>
<td>Facilities Committee/CDAC</td>
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<tr>
<td>Leadership Team Advisory Council (LTAC)</td>
<td></td>
<td>Diversity &amp; Community Committee</td>
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</table>

**Accreditation & Institutional Effectiveness (AIE)**

*(NOTE: the group did not reach consensus on whether AIE should be a committee of the Academic Senate)*
A full discussion occurred around the value of “good faith” and its role in participatory governance. The group felt that this should be the foundational value of all college decision-making.

Language from the University of Detroit, Mercy Shared Governance site, was recorded as a model for the MJC process:

“Even the best of structures cannot replace the need for good faith, good will, and the hard work that is part of listening, communicating, and sharing.”

The group discussed further investigation of the shared governance document developed by the University of Detroit, Mercy:

http://www.udmercy.edu/governance/structure/documents/sharedgovernancefinalproposal.pdf

(Note: UDM identified eleven “underlying principles” as foundational to their shared governance process. This format may be a possible way to shape the elements the workgroup identified below. UDM’s 11 principles: 1) thinking outside of the box; 2) common commitment to teaching and learning; 3) a new more stimulating environment as part of a new culture; 4) mission as a Catholic/urban university; 5) autonomy/don’t fix what ain’t broke; 6) communication is key; 7) encouragement of entrepreneurship; 8) assessment and accountability; 9) rights and responsibilities; 10) taking advantage of expertise; 11) involvement of all elements of the community.)

These attributes were identified by the group as fundamental in “good faith” decision-making:
1) Based in fact – everyone gets access to the same data and reports
2) Includes stakeholders affected by decision
3) Grounded in the good of the institution and student success

Decision-Making Processes that are based on “good faith” communication include these elements:

- Decisions are made within the appropriate, established process
- Due process and sufficient time for review and recommendation are included
- Good faith should be part of the college mission:
  - An honest attempt to come to agreement with no hidden agenda
- Meetings are publicized (website and email), documented (minutes), public (open to all stakeholders), and easily accessible
  - Discussions and recommendations are visible, transparent, and widely publicized (digital documents with opportunity for feedback)
- Models such as “Interest-based Bargaining” should be integrated

Behaviors related to specific issues were identified:

Emergent Issues

Develop and communicate a process to deal with emergent issues (e.g. open forums, extra meetings)

- Open Forums called when helpful. Can be called by the College Council or the Chief Executive
- Open Forums appropriate for issues such as budget or Accreditation

(Question: who should develop and communicate an “emergent situation process”?)

In cases of disagreement

- “Win-win” solutions should be prioritized
- Compromises should be prioritized when complete agreement is not possible
- These two approaches are minimum standards for all “good faith” efforts at collegial decision-making

Conflict Resolution

Deal with conflict in a collegial, respectful, honest way. This includes open, frank discussion without fear of retaliation. It includes fully valuing YCCD Board Policy 7717/4217, adopted February 11, 2009.

“Members of the Yosemite Community College District embrace the value of civility, which promotes mutual respect, fairness, concern for the common good, and politeness. The diversity of thought and ideas, on which an academic community thrives, is best maintained by a policy of respect and civility.”

- Adopt an approach of extending the “benefit of the doubt” to all participants.

  - There is a special responsibility of the Chair of any group and the right and responsibility of every member of the committee to ensure “safe conversation”

Assurance and Communication of “good faith” Decision-Making
- Regular professional development related to committee behavior
  - Link to contract language regarding consequences
- Discuss the “rules of engagement” at meetings
  - (LORENA AND CECE TO DRAFT A “MEETING CODE OF CONDUCT”) 
- Focus on relationships
  - Seek out colleagues with which a person disagrees and take time to come to an understanding outside of the specific committee

### These tasks were identified:

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Responsible Person</th>
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<tbody>
<tr>
<td>Determine what data are consistently used</td>
<td>Cece, Nora, Debi</td>
</tr>
<tr>
<td>Clear description of what is communicated and to whom</td>
<td>Brenda, John</td>
</tr>
<tr>
<td>Process (ombudsperson) to address unresolved concerns</td>
<td>Martha, Maurice, Kevin</td>
</tr>
<tr>
<td>Determine how master plans are used in process</td>
<td>Martha, Maurice</td>
</tr>
<tr>
<td>Draft effective practices of Committee Chairs</td>
<td>Cece, Debi, Allan</td>
</tr>
<tr>
<td>Draft a narrative addressing “Good Faith” in the MJC Decision-Making Process</td>
<td>Brenda, Jenni, Flerida, John, Allan</td>
</tr>
<tr>
<td>Draft a narrative outline of the participatory Governance model</td>
<td>Cece, Kevin, John or Allan (?).</td>
</tr>
</tbody>
</table>

Language was revised related to the 10+1 purview of faculty to include the definitions of “primarily rely” and “mutually agree”:

“Academic and professional matters means the following policy development and implementation matters:

**Primarily Rely:**

(d)(1) Governing board action: Rely Primarily

- Recommendations of the senate will normally be accepted
- Only in exceptional circumstances and for compelling reasons will the recommendations not be accepted
- If not accepted, board/designee communicate its reasons in writing, if requested

Title 5 53200

These five areas fall are deemed “primarily rely” issues as agreed upon by the MJC Academic Senate and YCCD Board of Trustees:

- Degree and certificate requirements
 Curriculum, including establishing prerequisites and placing courses within disciplines
 Grading policies
 Educational program development
 Standards or policies regarding student preparation and success

Reach Mutual Agreement:
(d)(2) Governing board action: Mutual Agreement
 If agreement not reached, existing policy remains in effect unless
  o Exposure to legal liability
  o Or substantial fiscal hardship
 If no policy or existing policy creates exposure to legal liability or substantial fiscal hardship
  o Board may act if agreement not reached
 If good faith effort first
 Only for compelling legal, fiscal, or organizational reasons

 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 and
 Other academic and professional matters as mutually agreed upon between the governing board and the academic senate