

COLLEGE OF MARIN ACADEMIC SENATE MINUTES

September 3, 2026

CALL TO ORDER: 12:45 PM

LOCATION: DH SS 241

Senators Present: Maria Coulson, Gina Cullen, Luna Finlayson, Cara Kreit, Caitlin Rolston, Rebecca Beal, Kristin Perrone, LyRyan Russell, Ian Sethre, Alex Jones, Shawn Nelson, Dave Patterson

Senators Absent: Kevin Muller, Logan Wood

Invited Guests: Mark Edward Osea (ASCCC Area B Representative; Articulation and Transfer Officer, Mendocino College) and Eric Wada (ASCCC Secretary, Folsom Lake College)

- I. **Agenda:** Approved (Kreit/Patterson)
- II. **Minutes from 8/27/2026:** Amended and Approved (Perrone/Jones).
- III. Public Requests: none
- IV. Officers' Reports:
 - a. **President Coulson:** Welcomed Eric Wada and Mark Edward Osea of the ASCCC — respectively the ASCCC Secretary and the Area B Representative — who attended as invited guests to present on collegial consultation and Senate purview.
 - b. **VP Cullen:** Offered her own welcome to the guests.
 - c. Committees:
 - i. **UPM (Luna Finlayson):** Reminder to complete the sunshining survey by Friday 9/4. UPM President Tim Wat has been very active in seeking feedback on what to negotiate.
- V. **Invited Guests: ASCCC Presentation on Collegial Consultation:** Within the overall California Community Colleges ecosystem, what is the legally defined relationship between the district and its faculty groups under Title 5?
 - a. Mark Edward Osea introduced himself as the Articulation and Transfer Officer at Mendocino College. Eric Wada introduced himself as a Biology faculty member at Folsom Lake College and Secretary of the ASCCC.
 - b. Effective participation as defined in the California Education Code (CEC) and Title 5 of the California Code of Regulations (CCR):
 - i. **“Shared governance” is not the Ed Code’s term.** The Education Code delineates the right to participate effectively.
 1. **CEC §70902(b)(7)** provides that, the governing board of each community college district shall do all of the following:
 - a. **Have Voice** — ensure faculty, staff, and students the opportunity to express their opinions at the campus level.
 - b. **Be Heard** — ensure that those opinions are given every reasonable consideration.
 - c. **Participation** — ensure the right to participate effectively in district and college governance.
 - d. **Leadership** — ensure the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.
 2. Faculty, staff, and students therefore have the right to be heard and to participate.
 3. To participate effectively means there must be shared involvement in the decision-making process. It does not mean there must be agreement, and it does not require the same level of participation from every group. The final decision rests with the Board — but the recommendations brought to it must be given reasonable consideration.
 - ii. **COM’s PGS Plan** states that the College “aspires to establish and practice transparency in decision making.” Osea observed that this is the overall goal; if it is not what faculty are experiencing, it falls to the Senate to investigate why.
 - ii. Collegial consultation under Title 5 — terminology and meaning

1. **5 CCR §53203(d)(1) — “Rely Primarily Upon.”** The regulation provides that the recommendations of the senate will normally be accepted; that only in exceptional circumstances and for compelling reasons will recommendations not be accepted; and that the governing board or its designee shall communicate its reasons in writing, if requested.
 - a. On what counts as a compelling reason: exposure to a lawsuit or a violation of law is compelling. “We can't get it done within a year” is not.
 - b. The obligation to communicate reasons for a rejected recommendation is triggered by a written request, and the Board may respond through a designee. Practically, this means the Senate should put its requests in writing.
2. **5 CCR §53203(d)(2) — “Mutual Agreement.”** Where the mutual agreement standard applies and no agreement is reached, existing policy remains in effect unless continuing it exposes the district to legal liability or causes substantial fiscal hardship. A governing board may act without agreement only after a good faith effort to reach agreement; in cases involving exposure to legal liability or fiscal hardship; and only for compelling legal, fiscal, or organizational reasons.
- iii. 10+1 and COM's Board Policy (**BP 3260**). COM is fortunate in that its Board Policy delineates all eleven areas of 10+1.
- iv. Where local policy is silent, the Education Code supersedes.
- v. **“Policies for” versus “processes for.”** The Senate has purview over policy in some areas but not over process, and over process in others but not policy. Accreditation process and Program Review process are Senate matters; the associated policy may not be. The distinction is important.
 1. According to the COM BP, Senate shall be relied primarily upon for “Processes for institutional planning and budget development.” This means how the planning and budgeting are done.
 2. Where the College has no policy of its own, the governing standard may live elsewhere, such as with the accrediting agency ACCJC, or in the Education Code.
- vi. **Senate matters named in the Education Code:** minimum qualifications, faculty hiring, and administrator retreat rights. Minimum qualifications and hiring are **jointly** determined; retreat rights fall under **rely primarily upon**.
- vii. Title 5 regulations:
 1. The **curriculum committee** is established **by mutual agreement** between the administration and the Senate.
 2. Appointment of faculty to committees, task forces, and other groups dealing with academic and professional matters is **made by the Senate, in consultation with the CEO or designee**. The union may also make appointments.
- viii. Collective bargaining.
 1. Bargaining covers benefits, calendar, conditions of employment, reassigned time, leaves, safety, grievances, performance review, and tenure.
 2. Title 5 contemplates agreements to consult, collaborate, share, or delegate. The union must consult with the Senate on evaluation, tenure, and faculty service areas, the latter because faculty service areas determine who may teach which course, implicating not only minimum qualifications but also assignment and workload.
 3. **Areas of joint interest:** academic freedom; academic calendar; enrollment, scheduling; performance review and tenure; faculty service areas; professional development (policy is Senate, versus the time required which is UPM); and procedures for reassigned time. In particular, the union can help ensure appropriate resources to support Senate leadership and committee work.
- ix. **Scenarios, Questions, and Suggestions**
 1. Scenario: the Board acts without consulting the Senate.
 - a. Can the Board vote to approve an item without consulting? Yes. The question is what recourse follows.

- b. Before going to the Board, Senate should attempt to resolve concerns with Administration. When the President and the Senate have a collegial relationship, issues can be raised in conversation.
 - c. The Academic Senate has the right to place items on the Board agenda. A Board decision can usually be delayed or redone.
 - d. If there is an ultimate breakdown, the Senate may request a Collegiality In Action (CIA) visit. If the Senate believes Title 5 is not being followed and the Board is in violation, it should connect with the Chancellor's Office, the ultimate legal authority.
 - e. A faculty union can also compel information from the Board, so keeping one's union abreast of any issues is worthwhile.
- 2. **Solidarity amongst campus constituents and groups:** The ASCCC guests suggested regular connection not only with **UPM** but with the **Classified** Senate and **ASCOM**. When a position is brought up by the Academic Senate and ASCOM, it catches the Board's attention.
- 3. **On what does and does not count as consultation.** According to the ASCCC, meeting with an individual faculty member or a single department does NOT constitute consultation with the Academic Senate.
 - a. Relatedly: when the Senate appoints faculty to committees, those appointees should be told that they represent the Senate in an official shared-governance space. Senate appointees to PRAC, for example, are officially representing the Senate. When those faculty report their concerns back to Senate, it's the Senates responsibility to act.
 - b. **If the Senate cannot find faculty willing to serve on committees,** the Board needs to hear about it. An accreditation team would see the absence of faculty involvement. If this is a concern, it needs to be raised formally.
- 4. **Desired outcome of a CIA visit** can vary. Some visits are simply about getting one's bearings and learning, with no conflict involved. Others are closer to repair work on existing damage.

VI. Adjourned: 2:03 PM

For more information about Academic Senate Minutes
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