

UPDATE ON STUDENT SENATE MEMORANDUM OF UNDERSTANDING

6.2

INFORMATION

Presentation: Linda Michalowski, Vice Chancellor
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Issue

This item presents an update on the status of the Student Senate Memorandum of Understanding (MOU) executed in October 2002 by former Chancellor Thomas J. Nussbaum and the California Student Association of Community Colleges (CalSACC). The MOU recognized CalSACC's Policy Board as the statewide Student Senate. The MOU was presented to the Board of Governors at its November 12-13, 2002, meeting as an *Information* item (*Attachment 1*). Since that time, significant issues have emerged that have necessitated a repeal of the MOU.

Background

In 1988 Assembly Bill 1725 (AB 1725) (Stats. 1988, Chap. 973) created a new structure for community college governance by establishing the California Community Colleges as a system and strengthening the role of faculty, staff, and students in shared governance at the local and state levels (*Attachment 2*).

AB 1725 required the Board of Governors to develop a plan, in cooperation with district and student representatives, to encourage greater student participation in governance. This plan was developed in conjunction with members of the Council of Student Body Governments and members of the Council of Chief Student Services Officers. The plan, entitled *Encouraging Greater Student Participation in Governance*, was presented to the Board of Governors in September 1990 (*Attachment 3*). The plan articulated a set of actions to be undertaken by the Board of Governors and System Office, as well as local governing boards.

Under the plan, the Board of Governors recognized the Council of Student Body Governments (CSBG) as the official organization representing the state's community college students before the Board of Governors, System Office, and other Statewide organizations dealing with community college issues and concerns. The CSBG was ultimately renamed the Student Senate

for purposes of the Consultation Process (the statewide shared governance program) and the Board of Governors *Standing Orders*. (Attachment 4.)

CalSACC has been in existence since 1986. This organization was preceded by the California Community College Student Government Association (CCCSGA), which disbanded in 1984. During the formative years of CalSACC there was a very strong collaborative relationship with the California Community Colleges Student Advisors Association (CCCSAA). CCCSAA financially supported an advisor to provide leadership support and guidance for the CalSACC Policy Board.

During the implementation of the student participation plan, the System Office opted to utilize the CalSACC Policy Board as the CSBG (or Student Senate) in lieu of creating a new student organization because it represented local campus student associations, regional boards, and a state board. Nonetheless, the Policy Board always retained two separate identities. CalSACC was unique to topics dealing with local, state or federal issues, including supporting/opposing legislation, assisting in the development of legislation with elected representatives, and developing leadership skill opportunities. The Student Senate (then known as the CSBG) dealt exclusively with issues under the jurisdiction of the Board of Governors, including representation on the Consultation Council and other advisory committees of the System Office.

Former Chancellor Tom Nussbaum executed the MOU with CalSACC on October 18, 2002. The MOU provided that the elected officers of CalSACC would be recognized as the statewide Student Senate as defined in title 5, California Code of Regulations, section 50002. The MOU further specified that up to \$100,000 of funding would be provided annually from the System Office operations budget to support the Student Senate in fulfilling its roles and responsibilities in state-level shared governance as defined in Education Code section 71040.

The System Office has contributed staff support for the Student Senate, including servicing pre-paid hotel rooms and air travel to minimize the extent to which students have to incur the hardship of out-of-pocket travel expenses. For the current fiscal year, which ends June 30, 2005, only \$33,000 has been spent directly for Student Senate travel because student representative seats on many committees and task forces were not filled until later in the year and only one Student Senate representative consistently attended Consultation Council and Board of Governors meetings. The Student Senate has two designated seats in Consultation (in addition to one for CalSACC) and is authorized to send two representatives to each Board of Governors meeting.

In May 2004 the Chancellor established the Student Issues Task Force to address issues raised by CalSACC regarding: a) the disposition of campus associated student organization revenues and b) the ability of campuses to utilize faculty vs. administrators as campus student organization advisors. The task force was directed to also address the relationship between the statewide Student Senate and CalSACC. The task force held two meetings, in October and December of 2004. Materials from those meetings are included here as *Attachments 5 and 6*. Strategies were developed to address student concerns about expenditures of student fee revenues and other income to campus student body organizations. Steps to address these issues that could be implemented by the System Office and other participant organizations in the work

group were identified. There was discussion of the benefits and disadvantages of assigning faculty advisors and the task force concluded that each campus should continue to exercise its own discretion and authority in that regard.

Analysis

The task force discussions of student representation, intended to set a course for improvement, identified several key problems pertinent to the CalSACC/Student Senate governance issues. Those issues are reflected below, along with indicating how the task force proposed their resolution and actions that have occurred to date.

Loss of CalSACC Membership

The task force expressed concern that in 2003-04 only 46 of the 109 colleges were paying dues to CalSACC for membership affiliation. This low participation rate called into question CalSACC's ability to effectively serve as a statewide body.

The historical trend of CalSACC membership is as follows:

FY 1999-00	72 colleges
FY 2000-01	51 colleges
FY 2001-02	52 colleges
FY 2002-03	39 colleges
<u>FY 2003-04</u>	<u>46 colleges</u>
FY 2004-05	31 colleges

Student Issues Task Force Proposed Resolution: Student representatives agreed to ask the CalSACC Policy Board to consider a revision to the institutional dues structure to reduce the cost for medium to large colleges and bring CalSACC dues in line with institutional dues charged by other organizations. A flat rate of \$200 for small colleges and \$400 for large colleges was proposed as an alternative to the current enrollment-based fee structure.

Actions to Date: The CalSACC Policy Board has not acted on changing the dues structure. Membership for 2004-05 has fallen to 31 colleges.

Dues Requirement Limits Participation

CalSACC's Constitution prohibits eligible candidates from running for the office of President, Vice President, Policy Director, Treasurer or Secretary unless they attend a dues-paying college. As such, associated study body representatives from seventy-eight colleges are barred from serving as statewide Student Senate officers. The prerequisite of paying institutional dues is not conducive to an open process for participation in shared governance at the state level. In addition, only those colleges sending representatives to the Spring Legislative Conference are allowed to vote for officers, further limiting statewide participation.

Student Issues Task Force Proposed Resolution: Student representatives indicated that the Policy Board would sponsor an amendment to the CalSACC Constitution to allow non-member college representatives to run for office. They also indicated that CalSACC was exploring the use of absentee ballots to enable colleges not attending the Spring Conference to participate in voting on the Constitutional changes.

Actions to Date:

1. Constitutional amendment - The CalSACC/Student Senate Policy Board sponsored a revision to the Constitution to eliminate the dues requirement for candidate eligibility. However, the amendment fell short of the required two-thirds vote of the membership required for adoption. The same sequence of events took place in 2003-04, making this the second time the CalSACC voting membership declined to accept its responsibility to provide an inclusive structure for the Student Senate.
2. Absentee ballot - CalSACC governing documents allow a voting delegate to participate in constitutional elections without attending the conference. However, the delegate has historically needed to travel to the conference location in order to cast a ballot. This year, CalSACC created an e-ballot mechanism to enable delegates to vote on the constitutional amendment without attending the conference. However, only three colleges expressed interest and only one college delegate actually cast an electronic vote.

MOU with California Community College Student Affairs Association

In 1986 there was strong collaborative relationship between CalSACC and the California Community Colleges Student Affairs Association. A CCCSAA advisor attended CalSACC meetings and assisted the organization with various activities, including establishing CalSACC financial accounts through the advisor's local campus, following local policies regarding expenditures and revenues. In 1997 the financial administration of CalSACC's funding was transferred to the Community College League of California (League). In 1998 the relationship between CalSACC and CCCSAA eroded and the advisor no longer served in the role of approving expenditures or verifying student eligibility to serve on the CalSACC Policy Board, as specified in the CalSACC's governing documents. The role of the advisor shifted from supervisory to leadership development only; that change was reflected in the governing documents of CCCSAA.

Two years ago, at the behest of the 2003-04 CalSACC Policy Board, CCCSAA submitted an MOU to CalSACC to formalize CCCSAA's support for statewide student representation and the collaborative relationship between the student advisors and student organizations. The MOU provided for CCCSAA to support and advise the Student Senate, but excluded any reference to CalSACC. CCCSAA informed the student representatives that it was not willing to formalize any relationship with CalSACC, but would support Student Senate activities conducted by the CalSACC/Student Senate Policy Board. CCCSAA was also clear that without a signed MOU it would no longer provide an advisor to support CalSACC/Student Senate activities. The Chancellor sought the advice of the Student Issues Task Force on this issue because CCCSAA

had requested that the Chancellor, as well as the President of the Chief Student Services Officers Association (CCCCSSOA), co-sign the MOU.

Student Issues Task Force Proposed Resolution: CCCSAA agreed to remove the signature blocks for the Chancellor and CCCCSSOA President, clarifying that the MOU only represents the relationship between CCCSAA and the Student Senate. Student representatives asked that CalSACC be included in the MOU. CCCSAA agreed to reference CalSACC, while being clear that CCCSAA would only support activities of the Student Senate.

Actions to Date: CalSACC refused to sign the MOU unless changes were made to explicitly encompass CalSACC. These changes were not acceptable to CCCSAA, resulting in a stalemate. As such, there is currently no official advisor for CalSACC, as required by their governing documents. Without the support and participation of advisors at the state, regional, and local level, the ability to achieve the goals of the organization has been compromised.

Additional Developments

Since the task force last met, the following developments have occurred:

Spring Legislative Conference Elections Contested – The 2005 CalSACC/Student Senate Spring Legislative Conference was held in Los Angeles on April 29-May 1, 2005. The purpose of the conference is to train student government leaders by offering an array of relevant workshops to become a certified student leader and to conduct elections for CalSACC Officers for 2005-06. There were only 31 colleges in attendance. The System Office supported the event, with the Executive Vice Chancellor and two other staff members providing workshops. The CalSACC elections process proved to be very contentious, resulting in the filing of grievances and the voicing of discontent with actions taken by the Elections Committee. Of the 31 voting delegates in attendance, only 29 cast ballots, 5 of which were cast as protest ballots abstaining from the entire election. At the conclusion of the conference, and prior to announcing the winning candidates, some conference participants stated intentions to file election grievances and others publicly stated they would not recognize the CalSACC officers-elect as their representatives. To date, it remains uncertain if and when the elections will be deemed official.

Loss of League Administrative Support – In 1997 the financial records and oversight for CalSACC revenues were passed from the CCCSAA advisor to the League. Since that time, League has provided CalSACC with administrative support, including office space and accounting services. Effective June 30, 2005, the League no longer maintains its administrative relationship with CalSACC. As such, the League will remove the property of CalSACC from its premises and close all financial records. This action leaves CalSACC with no mailing address, no office space for materials, and no banking services.

No Legal Standing – CalSACC is not recognized by the Secretary of State as a public, private or nonprofit organization. CalSACC was originally able to operate under the auspices of the particular community college district that employed the advisor. When financial records were transferred to the League, CalSACC was able to operate under the auspices of the League and its accountability mechanisms. No other community college organization has shown willingness to

provide CalSACC with administrative support because the absence of legal standing would result in significant exposure for any supporting organization. Currently, CalSACC does not have legal standing to open a bank account and there are no established accountability measures to ensure district membership funds sent to the organization are protected for legitimate activities.

Lack of Regional Support – Communication to and from the regions is essential to enable the Policy Board to adequately represent the interests of students at all colleges. This year, the Policy Board spent considerable effort to activate nonparticipating regions, particularly the far North, Sacramento and San Diego regions, which together represent 25 community colleges. Despite these efforts, the three regions opted not participate in CalSACC’s regional structure, nor do they meet informally. Other regions have experienced the lack of a quorum at regional meetings, causing critical Policy Board agenda items to be carried over month-to-month. In other instances, regional positions have been conveyed to the Policy Board without achieving a formal position representative of a particular region. Without support from the student advisors, a regional structure is virtually impossible to sustain.

No Website – Communication to and from college associated study body governments has been a significant barrier. The CalSACC website has not been active since July 2004. As a result, colleges and system representatives do not have ready access to CalSACC affairs. Furthermore, few know how to contact CalSACC because the website also served as an electronic mail box, which was also deactivated. The current Policy Board members use their personal e-mail accounts to conduct CalSACC/Student Senate business; however, a majority of the schools do not know how to contact the Board members. The Policy Board has made attempts to send direct mailings to student body governments; however, many have voiced concerns that information is received too late, if at all.

Open Meeting Law (Brown Act) Problems – Without a web site, complying with the Open Meeting Law requirements has become a significant challenge. Without the benefit of a web site to post meeting notices and agendas, the only mechanism for notification is the “sbgp-all” e-mail address alias list that is intended to reach all campus student body presidents. This list is not available to the public and students must rely on their local campus technology departments to keep the list current. In addition, there have been multiple occasions when regular or teleconference meeting agendas were not released in a timely manner to enable the Policy Board to legally conduct official business as planned.

Loss of Regular Meeting Location – Historically, the Policy Board held two-day meetings, using the System Office for the first day (Friday), and the League office for the second day (Saturday). This year, the Board opted to meet on weekends only, thereby precluding the use of the System Office. In October 2004, the League withdrew permission for CalSACC to its facilities during the weekend due to a serious infraction that occurred at its office. Since that time, the Policy Board has relied upon the goodwill of various colleges to host meetings. This has been problematic due to the limited number of colleges willing to assist and problems identifying host schools in a timely manner to allow sufficient time to arrange travel and hotel accommodations.

Board of Governors Student Members – CalSACC is named in Education Code section 71000 as the entity responsible for providing nominations to the Governor for his selection of student members of the Board of Governors. The organization has failed to initiate a solicitation of potential nominations despite repeated requests from the Governor's Office in anticipation of two vacancies that will occur as of July 1, 2005.

Repeal of the Chancellor's MOU with CalSACC became necessary in order to fulfill the system's responsibility to ensure effective student participation in state-level shared governance. Creation of a new representative Student Senate that has campus support for local and regional participation will ensure that the Board's shared governance framework goals for student participation are met. Those goals are:

- Improving and enhancing access to governance mechanisms
- Improving accountability
- Improving the quality and effectiveness of representation
- Improving communication and coordination

The Consultation Council at its June 16, 2005, meeting received an informational report on this issue (*Attachment 7*) and also heard from one of the Council's student representatives. No other objections were raised and two groups expressed support for the Chancellor's action.

Next Steps

The System Office is working collaboratively with the Chief Student Services Officers, the CCCSAA, the Academic Senate, and will engage the associated student body governments from all 109 colleges to ensure broad participation in the formation of a new statewide Student Senate. The CCCSAA and CCCCSSOA Executive Boards have committed to support a viable Student Senate with local support and a sustainable regional structure. An initial meeting will be held in early July and the elected student leaders from all colleges will be invited to a Presidential Summit in September to launch the new statewide Student Senate.

It will also be necessary to pursue an amendment to the Education Code to move responsibility from CalSACC to the Student Senate for submitting names to the Governor for consideration of appointment to the student seats on the Board of Governors. The reconstituted Student Senate, comprised of locally elected student body government representatives, will be the appropriate body to assume this responsibility given its primary role in state-level shared governance.

Conclusion

This item is presented to the Board of Governors for its information.

*Presenter: Marianne Estes
Student Senate Liaison*

List of Attachments

1. Board of Governors Item 4.4, *Student Senate MOU*, November 12-13, 2002
2. Regulatory References
3. Board of Governors Item 9, *Encouraging Greater Student Participation in Governance*, September 13-14, 1990
4. *Standing Order* No.333 from Article 3 of the Board's *Procedures and Standing Orders*
5. Student Issues Task Force Meeting Summary, October 8, 2004, including meeting material:
 - Committee Roster
 - Consultation Digest, April 26, 2004
 - Education Code Section 76060-76067
 - Excerpts from Student Fee Handbook
 - Legal Opinions re: Student Representation Fee: O 95-24, L 91-08, L 91-15, L 95-07, L 9/25/98
 - Board of Governors Item 9, *Encouraging Greater Student Participation in Governance*, September 13-14, 1990 (*See Attachment 3 above*)
 - Brief History of Student Senate
 - Resolution issued by Santa Rosa Junior College Student Senate, dated 5/3/04
 - Letter from California Community Colleges Chief Student Services Officers Association, dated August 5, 2004
 - Constitution and Bylaws, California Student Association of Community Colleges
 - Proposed Outline for Student Senate Constitution
6. Student Issues Task Force Meeting Summary, December 8, 2004
7. Consultation Digest, June 16, 2005