
Fw: Flexible Calendar Title 5 Language

From Mullins, Terrance <tmullins@Cerritos.edu>

Date Fri 3/7/2025 10:34 AM

To fac-sen-list <fac-sen-list@Cerritos.edu>

Dear Senators,

Please find below an email from Dr. LaTonya L. Parker, ASCCC Vice President, confirming that the Senate does have purview over flex as a matter of 10+1 and the official flex guidelines. Additionally, she emphasizes that the flex guidelines established by ASCCC/CCCCO are mandatory and not subject to modification through collective bargaining.

Respectfully,

Prof. Terrance Mullins

President, Faculty Senate

Cerritos College

tmullins@cerritos.edu

From: Parker, LaTonya <LaTonya.Parker@mvc.edu>

Sent: Thursday, February 27, 2025 9:48 AM

To: Mullins, Terrance <tmullins@Cerritos.edu>

Subject: RE: Flexible Calendar Title 5 Language

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Professor Terrance Mullins,

Thanks for your inquiry regarding the Flexible Calendar Title 5 language. The California Community Colleges Board of Governors acted in November to approve Title 5 changes to the Flex Calendar regulations (link to BoG agenda item). The workgroup of constituent representatives that included ASCCC appointed members, It is important to note that during workgroup meetings, Vice Chancellor Stankas was very candid about ensuring guidelines include local control where feasible and flex activities are inclusive of all interest groups. With the regulations approved by the BoG and awaiting chaptering by the Secretary of State, the workgroup is in the process of aligning updated Flex Calendar guidelines with Vision 2030 and developing guidance for the field. The workgroup's deadline for final review of guidance recommendations is Friday, February 28, 2025.

These are complex questions regarding governance, collective bargaining, and compliance with Title 5 and the Flexible Calendar Program (Flex Cal). Hopefully the responses to follow help break down each of

your concerns to provide some clarity on the issues.

1. Can the local governing board bypass the Title 5 requirement for collegial consultation on 10+1 matters if the district and faculty union address these exclusively through collective bargaining?

Title 5 and the regulations governing academic and professional matters within the purview of academic senates in collegial consultation (the 10+1) establish a framework for shared governance, requiring collegial consultation between the academic senate and the governing board. Title 5 outlines that the local governing board must engage in collegial consultation with the academic senate on these matters. Title 5 §53200(c)(8) is most specific to the Flex Calendar: “policies for faculty professional development activities.”

The governing board cannot bypass Title 5’s requirement for collegial consultation by relying exclusively on collective bargaining. The consultation requirement on 10+1 matters is embedded in law, and while collective bargaining agreements can cover many aspects of faculty rights and responsibilities, they cannot override the statutory requirement for consultation with the academic senate on the areas defined under 10+1.

While “policies for faculty professional development activities” is the area of purview, in practice, the implementation of those policies, processes for determining professional development activities, and processes for requesting and being selected for professional development opportunities varies by college and district, with varying roles for academic senates and unions dependent on college and district. It is not always clear which elements of process are within the academic senate purview, and which are within the union purview.

2. Can the requirements for participating in the Flex Calendar Program be modified locally through collective bargaining without the involvement of the local academic senate or shared governance?

The Guidelines for the Implementation of the Flexible Calendar Program establish the requirements for participation, and these guidelines include a role for faculty and the academic senate in shaping the program’s parameters. The Flexible Calendar Program (2002) located on the Chancellor’s Office website can be found in the following link: [Flex Calendar Guidelines](#). Collective bargaining cannot override the guidelines for the Flex Calendar Program or development of local policies for faculty professional development, especially if it removes the involvement of the local academic senate or shared governance.

Modifying requirements would need to involve the academic senate. Even if collective bargaining agreements may influence operational aspects, the academic senate and faculty are crucial stakeholders in shaping the policy structure of Flex Calendar activities.

3. Can the faculty union, through collective bargaining, transfer decision-making authority over Flex Calendar Program activities to the administration, removing the role of the local academic senate, shared governance, and faculty feedback?

The faculty union cannot unilaterally transfer authority over Flex Calendar Program activities to the administration through collective bargaining in a way that eliminates the involvement of the local academic senate and shared governance. The guidelines for the Flex Calendar Program explicitly require faculty involvement in the planning, approval, and evaluation of activities. The academic senate has a defined role in ensuring policies for these activities meet the program’s goals and guidelines. Collective bargaining cannot bypass these roles. The role of faculty in determining the content and approval process of Flex Calendar activities is tied to academic freedom and shared governance, which cannot be disregarded by a labor agreement.

4. Is it appropriate for the Flex coordinator to bypass the local academic senate and work directly with the faculty union on collective bargaining efforts to modify the local Flex Calendar Program requirements?

It is not appropriate for the Flex Coordinator to bypass the local academic senate in favor of working directly with the faculty union on modifying Flex Calendar Program requirements, given that such requirements are embedded in policy.

The Flex Coordinator, as part of their role, should be coordinating with the academic senate to ensure compliance with the program's guidelines and ensure shared governance. Working directly with the faculty union on modifications to the Flex Calendar Program, without consulting or reporting to the academic senate, undermines the shared governance process and could lead to non-compliance with both Title 5 and the Flex Calendar Program Guidelines. Any modifications to local policy and guidelines should involve the academic senate, which has a statutory role in making recommendations related to academic and professional matters.

Conclusion:

In summary, Cerritos College may consider compliance with Title 5 regulations, the Flexible Calendar Program guidelines, and shared governance principles. Modifying the Flex Calendar Program, altering the decision-making authority, or bypassing the academic senate cannot be done solely through collective bargaining. The academic senate and its consultation are key, as is adherence to the established program guidelines. These principles maintain academic integrity and safeguard faculty rights.

You may want to consult with a legal or compliance expert familiar with the California education code and collective bargaining agreements to ensure compliance.

Best regards,
LaTonya

Additional info:

Professor Terrance Mullins, through the California Community Colleges Chancellor's Office guidance and guidelines we make decisions about what takes place at the local level. But equally important the guidelines provide us collegial opportunities to create Flexible Calendars that impact our communities. Here are the resource links for the prior guidelines, acknowledging that some information may need to be adjusted once the new regulations are chaptered and updated guidelines are released:

Guidelines for the Implementation of the Flexible Calendar Program By The Faculty Development Committee of the Academic Senate for California Community Colleges:

https://www.asccc.org/sites/default/files/publications/FlexibelCalendar_0.pdf

Guideline for the Implementation of the Flexible Calendar Program by the Faculty Development Committee of the Academic Senate for California Community Colleges in Cooperation with the Chancellor's Office Program Staff Adopted April 3, 1993 Revised April 2007

https://www.cccco.edu/-/media/CCCCO-Website/Files/Educational-Services-and-Support/x_flex-calendar-guidelines-04-07-ada.ashx?la=en&hash=77282276BDF03861256E416105D978F4509F510B

Title 5 (section 55726) mandates the development of an agreement between the local district and any employee designated to participate in staff, student, and instructional improvement activities; in lieu of classroom instruction; or other normal faculty activities.

The format and provisions for this agreement should be developed collegially and locally. While these local agreements will vary from college to college, there are two provisions which should universally prevail.

(1) Faculty should decide which activities are appropriate to replace time.

(2) Plans proposed by faculty should be reviewed and monitored by faculty.



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