

To: Shared Governance Council

From: Dr. John B. Cook, President

Action: **Denial of AUC Recommendation/Guests-at-Large to Trustee Committee**

Date: April 10, 2023

Next Steps: To be shared with STCC Board of Trustee on April 24th 2023

A recommendation was moved forward to the Shared Governance Council in February of 2023 by leaders from the All-Unit Congress (AUC). Details include the following:

“From the SGC, three members would rotate as guests-at-large to represent the campus voice during Internal/External Committee meetings. One AUC chairperson, the President of MCCC STCC Springfield campus, [and the] Steward of AFSCME for STCC Springfield. These individuals attend the SGC meetings and will be well-versed in campus happenings. They would be allowed to ask questions and provide comments in a method derived and described by BOT members.”

Also included in the proposal is a description that rotating members to the Trustee Committee would be “ex officio” and “non-voting.” Discussion by the Shared Governance Council of this recommendation occurred during the February and April meetings. The recommendation was also a point of discussion at multiple “MACER” meetings between administration and MCCC leadership, as well as an April AFSCME labor/management meeting.

After a great deal of diligence and consideration in light of the governance standard set forth by the New England Commission of Higher Education (NECHE), the request is denied: **what the All-Unit Congress requests on behalf of the two collective bargaining units is not possible in light of contracts, and what the AUC requests on its own behalf is denied in light of Trustee policy establishing the Shared Governance Council with associated protocols and procedures.** An extensive review of this decision is enclosed.

Notably, and as discussed at a Shared Governance Council meeting, faculty, and staff for that matter, need never feel any audience, including Trustees, are not keenly interested and invested in their specific work on behalf of, and with, students. For example, faculty can, and do, issue a broad call for stakeholders to attend the presentation of their academic program review. Faculty can also partner with their Dean to facilitate stakeholder visits to program labs or otherwise hold a program showcase event. As president, I would be pleased to move forward a SGC recommendation that revisits the past practice when Trustees, within the confines of the Massachusetts Open Meeting law, would engage in campus tours and hear directly from faculty about their unique and dynamic programs.

Background & Context:

With formal enabling via vote (June 27th 2022), the following specifics were established by the STCC Board of Trustees:

“A Shared Governance Council (SGC) is hereby formalized, and serves as the structure that ensures advisory input from college stakeholders through a consensus-model, and does so by providing recommendations to the STCC President; recommendations are high-level regarding institutional policies, planning and operations in support of the STCC mission, and the SGC will serve as a conduit that ensures college-wide feedback.”

Constituencies to be represented on the SGC were further defined by the Trustee motion, and included the All-Unit Congress, students, representatives from the two collective bargaining units, as well as members of President’s Cabinet. Importantly, as a public institution, the authority and structure of college governance is largely determined by Massachusetts General Laws (MGL). In MGL Part I, Title II, Chapter 15A, Section 22, the powers and duties of the community college boards of trustees are enumerated, including their ultimate authority over policy and operations. This statutory authorization has been described for the New England Commission of Higher Education (NECHE) as part of the 2021 Self Study, as well as during the 2023 focused visit regarding a Notice of Concern (Governance).

A key element in this decision is how the All-Unit Congress cannot represent either of the two collective bargaining units (MCCC or AFSCME), but with explicit reference, has done so as part of the recommendation. Related, a consultant utilized by STCC in the Spring of 2022 described in the final submitted report how “institutions that operate under a collective bargaining agreement must clearly differentiate between the roles of the unions and shared governance. The jurisdictions can sometimes blur and create confusion.”

Further, the relationship between a given union (Association) and Board of Trustees (Employer) cannot be bargained “outside the contract,” and the relationship is in fact already established. Specific to the MCCC contract, in Article II “Relationship between Association and Employer,” there is no avenue by which unit members meet directly with the Board of Trustees. To the contrary, at the college level, codified in the contract is a Management Association Committee on Employee Relations (MACER) with three members representing administration, and three representing the Association, to “discuss matters of mutual concern to the employee and the employer.” MACER is a codified part of the STCC system of governance, and as a longstanding internal forum, provides one avenue for unit member voice (including all full-time and part-time/DCE faculty). Lastly, the STCC MCCC Chapter has itself filed a grievance regarding establishment of the Shared Governance Council, and that process remains outstanding. Specific to the AFSCME contract, Article 2 “Scope of Agreement” and Article 4 “Management Rights” are germane. **Therefore, what the AUC requests on behalf of the two collective bargaining units is not possible in light of contracts.**

Regarding the AUC, and its own request to directly engage Trustees: it is illustrative to note that at one point in the past, All-Unit Congress By-laws included the statement that “the nature of [the] relationship must be fashioned and agreed upon by the Administration, Congress, and the STCC Board of Trustees.” As of June 2022, the Board of Trustees utilized their exclusive

policy authority to clarify roles by voting to establish the Shared Governance Council. This specific authorization now serves as a foundational reference not just for the All-Unit Congress, but by definition, for all STCC employees and students. This action by Trustees comports with the NECHE Standard (Governance/3) which describes “utilizing the institutional governance structure, the board establishes and maintains appropriate and productive channels of communication among its members.” As opposed to past, non-codified, approaches to AUC/Trustee engagement (e.g., the provision of comments by AUC leadership), a codified process has been formalized by the Board. Again, Trustees have established that formal recommendations specific to policy and operations are indeed invited, and are first submitted to the Shared Governance Council. Then with consensus via the Council, the STCC President brings forward recommendations to Trustees. **Therefore, what the AUC requests on its own behalf is declined in light of Trustee policy establishing the Shared Governance Council with associated protocols and procedures.**

NECHE Outlook:

The more narrowly reviewed AUC request invites a deeper consideration of the New England Commission of Higher Education (NECHE) Standard on Governance (Standard 3). Important given the Notice of Concern issued to STCC by NECHE, the past lack of clarity at the college specific to roles/responsibilities was a particular point of emphasis by the Commission. Language in the standard asks about a “system of governance,” with an eye in particular toward faculty, and their voice as it relates to curriculum. NECHE specifically asks how the “institution creates and sustains an environment that encourages teaching, learning, service, scholarship”... and how “the institution places primary responsibility for the content, quality, and effectiveness of the curriculum with its faculty.” Again, NECHE seeks to understand in a governance context, the particular relationship between faculty and curriculum.

In fact, STCC does indeed have a long-standing Curriculum Committee, which as a part of the system of governance, offers a forum for significant faculty voice. As a matter of protocol, curricular proposals and recommendations do not otherwise flow to the Board of Trustees for final approval. Syllabi also remain the domain of faculty. STCC can now also point toward a system of academic program review, formally established in the Fall of 2018, where faculty lead their respective programmatic assessment, including the opportunity to frame needs and teaching/learning initiatives. There are examples where faculty themselves have recommended substantial curricular change as part of program review, including in 2019, establishment of a meta-major for Business Administration with discontinuation of degrees in Entrepreneurship, Marketing and Management. Importantly, STCC is now also clear that formal discontinuation/closure of an academic program will come via vote by the Board of Trustees; such action by the Board occurred with the discontinuation of Biotechnology and Biomedical Engineering Technology in 2022 (see minutes from 4.25.2022 Trustee meeting).

NECHE also discusses administrators as part of the governance standard:

“the chief executive officer and senior administrators consult with faculty, students, other administrators, and staff, and are appropriately responsive to their concerns, needs, and initiatives. The institution’s internal governance provides for the appropriate participation of its constituencies, promotes communications”

STCC, via the Shared Governance Council, now has a systematic way by which participation is invited from constituents, consultation via recommendations is sought, and formal inclusion of student leadership is clear. By including senior administrators in the SGC, STCC can be explicit about how, for example, the Chief Academic Officer/Vice President of Academic Affairs, works "... in concert with the faculty and other academic administrators... for the quality of the academic program."

Other forums within the STCC system of internal governance that provide opportunities for constituent participation and communication would include the aforementioned MACER, AFSCME labor/management meetings, All-Unit Congress Standing Committees (Curriculum, Physical Campus & Budget, etc.), the STCC Emergency Response Team (ERT), the Antiracism & Inclusion Alliance (AIA@STCC), employee resource groups (HAHE Chapter, Black Professionals Group, LGBTQ Group), and the Distance Education (DE) Committee codified by MCCC contract. Not part of the formal governance structure, additional forums for employee participation would include Dean/School/Faculty meetings, Department Chair/Curriculum Coordinator gatherings, and Fall/Spring Professional Days that include workshops on a host of topics, with a call for workshop presentations issued in advance.

In terms of "effectiveness" which NECHE includes as an element of the governance standard, STCC can point to a number of collective undertakings which have yielded important outcomes that speak to success. These include establishment of a novel Health Science degree (including Mass Department of Higher Education approval in January 2019); navigation through the COVID-19 pandemic, including significant changes in operational practices and protocols (2020-2023) under exigent circumstances; development of an institutional Self Study (NECHE decennial accreditation, 2021); reform and revision of developmental mathematics (implemented 2022); awarding by the Commonwealth of Massachusetts (2022) of \$30 million in major capital funding to relocate the School of Health & Patient Simulation; and the anticipated adoption of the next STCC Strategic Plan (Momentum: 2023 – 2028). With each of these examples there was appropriate participation of constituents, a significant amount of communication, the identification and management of risk, consideration of relevant perspectives, and ultimately, advancement of the institutional mission.

To conclude, in alignment with the NECHE standard, the STCC Board of Trustees utilized their policy authority to clarify roles and responsibilities, and in particular, did so through establishment of the Shared Governance Council and associated protocols regarding recommendations. No action is therefore needed by Trustees with respect to this specific decision, and this decision will be shared with the Board at the April meeting. **Lastly, and again as described in the summary, faculty, and staff for that matter, need never feel any audience, including Trustees, are not keenly interested and invested in their specific work on behalf of, and with, students.** Faculty can, and do, issue a broad call for stakeholders to attend the presentation of their academic program review. Faculty can also partner with their Dean to facilitate stakeholder visits to program labs or otherwise hold a program showcase event. As president, again, I would be pleased to move forward a SGC recommendation that revisits the past practice when Trustees, within the confines of the Massachusetts Open Meeting law, would engage in campus tours and hear directly from faculty about their unique and dynamic programs.