

Matthew Garrett, “Public Comment,” Bakersfield College Academic Senate, 4 May 2022

Esteemed Colleagues,

I speak today as an advocate for faculty voices and wish to draw your attention to four examples of administrative encroachment on the Senate’s Title V and Education Code rights:

Issue 1: After the [last senate meeting](#), faculty learned that the EODAC co-chairs convened another secret meeting and then in our final committee meeting they presented a charge that would circumvent Title V consultation with the Senate.¹ The chairs still [will not reveal who authored the charge](#) and [continue to withhold meeting minutes](#). The chairs also [interrupted faculty speakers](#), [eliminated nearly any substantive discussion](#), and again [tabled a faculty agenda item](#). The chairs flagrantly [counted non-members as voting members](#) and when that wasn’t enough [the chairs unilaterally approved a motion that lacked sufficient “yea” votes](#).

Issue 2: The administration has been appointing faculty to a district-wide committee that is making policy behind closed doors. This violates [Title V §53203\(f\)](#), which gives the Senate authority to staff committees. [Title V §53200](#) and [Education Code §87360\(b\)](#) also obligate the administration to consult with the Senate on 10+1 and on hiring issues, both of which this committee has been addressing without senate consultation. Please support Senate Agenda item 9G: a [resolution regarding the District EEO Advisory Committee](#).

Issue 3: Senate agenda item 8A includes [Proposed Administrative Procedure 4020](#), which devastates faculty primacy on curriculum. [Last November, the KCCD Board \(agenda item 6H\)](#) quietly approved a [subtle expansion of administrative authority](#) over curriculum and this new proposal would expand the administration’s authority to “submit content” and serve as the authority over the “review, approval, and evaluation process” This is a radical departure from [Education Code §70902 \(b\)\(7\)](#) which states that “The Governing Board shall ... ensure ... the right of academic senates to assume primary responsibility for making recommendation in the areas of curriculum.”

Issue 4: [Proposed Administrative Procedure 3900](#) (also agenda item 8A) would restrict our current practice of campus-wide free speech to as-yet undefined limited spaces to be determined by the administration. This mirrors a policy at Pierce College that was ruled unconstitutional in 2018 ([Shaw v. Burke](#)) and which cost Pierce College a quarter million dollars to settle. Again [in 2021, the threat of a lawsuit ended a similar policy in the LA Community College District](#). To make matters worse, the proposed KCCD draft invites additional liability by creating a different standard for non-students, potentially violating both the First and Fourteenth Amendment.

As you can see, the administration seems to be whittling away faculty purview guaranteed in Title V and Ed Code. Please do not surrender our voice to the administration.

Thank you.

1. Throughout most of 2021-22, faculty serving on EODAC repeatedly used public comment to ask the co-chairs to agendaize the review of the committee charge. The chairs refused, insisting they had no obligation to the Academic Senate, and silenced such requests by canceling meetings. In early April, the EODAC Co-chairs canceled another regularly scheduled meeting but then secretly convened select individuals to revise the committee charge. Co-Chair Rich McCrow later [asserted that \(a\) the subcommittee workgroup meetings to revise the committee charge were at the request of Teresa McAllister and with the consent of EODAC \(presumably in the Mar 1 meeting\); and \(b\) that only EODAC members participated in the small workgroup meetings.](#) However, Teresa McAllister denies ever requesting such a meeting, no faculty serving on EODAC seem to remember the committee discussing or approving the creation of a workgroup, and McCrow has ignored requests to share the Zoom recording link for the Mar 1 meeting that he alleges included such a discussion/request. Furthermore, invitations for the first of two unsanctioned workgroup meetings (April 8) were sent out by McCrow's executive assistant and recipients included two faculty who do not even serve on EODAC, one of which attended the first unauthorized workgroup meeting (even as faculty on the committee were unaware of the meeting). After learning of the April 8 secret meeting, Matthew Garrett emailed Dean McCrow on April 18 to request the inclusion of senate-appointed faculty in any future meetings. McCrow ignored that request and held a second unapproved meeting on April 19, which he revealed to the committee on Apr 20 just as the Senate meeting concluded. McCrow's email indicated a workgroup had produced a new committee charge and the co-chairs then brought it to committee on April 26, where they stifled any discussion and pressed forward counting non-member votes as needed.