

Senators present:

Nena Baldizon-Rios
Morrie Barembaum
Emma Breeden
Shawn Cummins
Doug Deaver
Michael DeCarbo
Steven Deeley
Corinna Evett
Jim Granitto
Jim Isbell
Eric Hovanitz
Danielle Martino
Mary Mettler
Craig Nance
Nooshan Shekarabi
Barbara Sproat

Joyce Wagner

Non-Voting Members

CIC

Craig Rutan

ASG Representative

Vicky Tawil

Guests:

Steve Kawa

Juan Vazquez

Beth Hoffman

Denise Foley

Michelle Pilate

Aracely Mora

Narges Rabii

I REPORTS

A Vice President Steve Kawa – Facilities update

- 1 MNO – Maintenance and Operations
 - a A portion of the roof was not designed in a manner that could carry a warrantee.
 - b The State would not sign off on it as is.
 - c The roof was removed and replaced.
 - d SCC is now requesting that the contractor approve it with a warrantee.
 - e Financially, SCC believes the contractor owes SCC 1.2 million.
- 2 SC - Science Center
 - a There are three major claims for interior, electrical, and engineering.
 - b The contractors claim SCC owes them money, SCC disputes this and is waiting for settlement.
- 3 Parking lot at Newport and Santiago Canyon will be open this week.
- 4 G (?) – Gym/Athletics was delayed by the rain, but should be open December 2011.
- 5 H (?) – The rains delayed the Humanities building, but it should be open April 2011.
- 6 New entrances.
 - a SCC is meeting with the city for approval of the signalization and our contribution of \$700,000 K for the signal at Chapman (into the Albertson's parking lot).
 - i The road will open to the public after the G and H buildings are completed.
 - b A new entrance will open on Santiago Canyon into the new lot.
 - i There will be a signal and option to enter from either direction.

- 7 The loop road will move about 100 yards to the west of the C building, this will have an impact on the Children Center.

B President Vazquez

1 Budget

- a “Unfortunately, we are probably heading into the worst year ever for Community Colleges. In Sacramento there are a lot of contingency plans based on big assumptions.”
 - i The GOOD – Plan A:
 - aa The governor convinces the legislature to pass the 12 billion dollar tax extension (requires 2/3 vote).
 - bb This puts a measure on the ballot in June (guesses are the voters won’t pass).
 - cc In addition comes a reduction from 12% to 11% in the Community Colleges share of prop 98.
 - dd This equates to a 400 million dollar community college budget cut (8-10 million for the district).
 - ee The reduction may come in a combination of ways: apportionment cuts, categorical cuts, and/or workload cuts (a guess is a 7% reduction in workload).
 - ii The BAD – Plan B
 - aa The tax extension fails and the District looks at a 12-15 million dollar cut.
 - iii The UGLY – Plan C
 - aa The tax extension fails and prop 98 is suspended; a 20 -25 million dollar cut for the budget.
- b The District BAPR will meet and plan for A and B (no one wants to talk about plan C; if it comes, there will have to be a regrouping).
- c Some recommendations to the board will include:
 - i The percentage RSCCD sets aside in reserves (there is a legal 3% and RSCCD keeps 5%).
 - ii RSCCD still has the \$ 25 million ending balance from last year that can borrowed from.
 - iii RSCCD can borrow from retirement plans and the ending balance (about 55 million before borrowing from the County)
- d President Vazquez states “This coming year and the numbers we are looking at are the worst I have ever seen.”
 - i “Comparatively speaking to other Community Colleges we are doing very well.”
- e Some possible good news includes:
 - i The current \$ 126 million in Growth funds are not a target (at this time).
 - a This is a 2.21% growth funding in 2011-2012.
 - ii One time mandated cost funds will be distributed at end of January.
 - iii There will not be additional State categorical funding cuts.

- iv It does not look like there will be mid-year cuts.
- 2 New Hires
 - a The District is moving forward with the hires.
 - i There board seems to want to wait for March to confirm the June measures.
 - ii The administration wants to move forward for fear we may lose valuable candidates.
 - a The cost to move forward includes advertising and personnel hours lost.
 - b President Barembaum adds, “ Most of the positions are replacements, the possible new hires will only be an incurrence of five or six new positions district wide”
 - c The hires are also contingent on whether the state upholds the faculty obligation ratios.

President Barembaum requests that due to scheduling conflicts the Senate here from Professor Foley and her concerns regarding microbiology. There is no objection.

- A Professor Foley reads a prepared letter (appendix A), essentially:
 - 1 Microbiology 229 has two classes on the Spring schedule; each is full with a waitlist.
 - 2 Students are prepared, Faculty is prepared, the facilities are ready, the supplies are not.
 - 3 The request for reagents and equipment was made in 2009.
 - 4 At the last Board meeting, a partial list of supplies was approved.
 - 5 As it stands now, Professor Foley has supplies to meet only the first two weeks of the class.

B Interim Vice President Mora responds:

“I apologize to Denise and her colleagues for the unnecessary stress. We have been working on this diligently daily. Since last semester, a series of situations, some of them beyond our control, came together to create such stress and such tension. I need to tell you that we were faced with a choice about a month ago: do we [or do we not] pull the plug on these classes before students enroll. My heart is in my throat, we have all these students banking on these classes, and what we are doing is have our fingers crossed. All I can say is I am sorry and no one deserved the stress and you guys have been phenomenal. Anything we can do to solve this problem, we will. It is not about the money, it is things like things over [\$] 15,000 that have to go out to bid. It is a series of things. The interesting thing is that everyone has tried to do what they can. We are closer, but we are beholden to these companies, but because of the bid process, we end up in these situations.”

C Professor Foley reiterates that the administration at SCC has been phenomenal.

- 1 She contends Vice President Kawa has done amazing things to make this class happen.
- 2 She does not place any blame for this situation on the Faculty, Classified or Administration at SCC.

D Interim Vice President Mora acknowledges that:

“Everyone is doing all that they can. Once, after this gets taken care of, we must find ways to ensure that it does not happen again.”

I Return to REPORTS

C Interim Vice President Mora, “We will get through this.”

- 1 Due to Professor Rutan, SCC probably has the best Curricunet system in the state.
- 2 As of today, 50% of the Faculty is trained on Curricunet.
- 3 In regards to Title V, SSC has the Faculty team in place.
 - a In addition, SCC has been asked by UCI and CSUF to join them in some grant efforts.
- 4 In Fall, SCC reached the FTES target; the Credit side exceeded the target by 100 FTES. VP Mora contends this was “done by maximizing efficiency in the class room.”
- 5 The Spring FTES target is 2440; as of January 18 SCC is at 2200 FTES.
 - a VP Mora states, “I have asked the deans to work with chairs to help us be ready for the many scenarios. I am hoping the status quo schedule is enough to meet our target. If not, then I have asked the deans to add late start and/or second eight week classes. This may be the same thing for Summer and may be the same thing for Fall. In Cosmetology, we are training out the status quo students, and as it goes, we will lose that FTS and will need to find it somewhere.”

II Presentation the Senate and the Union.

A Michelle Pilati Vice President of the ASCCC begins with a couple of side notes:

- 1 Beware that SB1143 proposes moving the census date towards a more performance based funding.
- 2 Full time hires help lessen the workload in your department. When putting off full time faculty, think about the impact on workload. The Faculty should educate the board about full time faculty.

B Vice President Pilati presents to the Senate a power point found in Appendix B. Essentially, she presents to the Senate:

- 1 A history of AB 1725 and Education Code V
- 2 The argument that our governance should be participatory (by all Faculty) rather than shared.
- 3 The duties/responsibilities/charges laid out in the 10 + 1.
- 4 Definitions about “rely primarily upon” and “mutual agreement”
- 5 The needs for open and regular communication between the Senate and the Union.
 - i She introduces the idea of a “memorandum of understanding” between the two.
 - ii She discusses the need for clearly articulated roles and responsibilities; particularly which are distinctly Senate or Union, and which overlap.
- 6 The basic principles that should guide the Senate and the Union:
 - a Faculty are best served by two strong organizations.
 - b Bargaining agreements can strengthen the role of the senate
 - c The senate can strengthen with work of the union – calendars, faculty evaluation.
 - d Clear honest information and communication is essential
 - e Faculty-faculty conflict serves no one.

III Updates/Discussions

A **Professor Rabii** – Course Management Systems (Open Source) District TAG (Technology Advisory Group) Update

- 1 Open Source is software that is built and maintained by licensed programmers
 - a You need to have in house programmers to run the system.
 - b The customers pay to direct developers efforts towards the prioritization of removing bugs in the system.
 - c The company, or independent consultants, can also charge for training, installation, technical support, and/or customization of the software.
 - d It is free software but programmers are needed to maintain the system.
 - i It is estimated that the RSCCD would need to hire 40 to 50 programmers.
- 2 TAG has been directed to explore the viability of Blackboard, Moodle and Sakai.
 - a Preliminary investigations have found:
 - i Sakai holds about 1% of the market, the other two are roughly split.
 - aa It is a new startup company and has yet to be fully tested.
 - ii Many of SCC's transfer institutions use Blackboard or Moodle.
 - iii Almost all high schools use Blackboard.
 - iv The firewalls are not as secure on Moodle as those on Blackboard.
 - b Open source may be free software but requires paid programmers.
 - c The current license with Blackboard costs RSCCD \$217,000.
- 3 TAG will form a subcommittee to look further into these services.
 - a The subcommittee will be made of four full-time faculty and two adjunct faculty.
 - i The names of adjunct with experience, or currently use Moodle and/or Sakai should be forwarded to TAG.
 - b A criteria for evaluation will be created.
 - c A representative from each company will be invited to make a presentation.
- 4 TAG has secured a trial time for five faculty members at each college to test Turn-It-In.

B **Vice President Evett** requested that the Senate allow her to amend the Senate webpage to:

- 1 Create and post the councils', committees', task forces', and groups', contact and meeting information.
- 2 To remove the defunct governance taskforce.
- 3 The Senate wholeheartedly approved.

C **President Barembaum** discussed the New Faculty Development Academy.

- 1 The Committee is comprised by both Colleges: Senate Presidents, the VPs of Instruction and the VPs of Student Services, in addition Judy Chitlick, RANDOM BLANK and Ray Hicks sit on the committee.
- 2 The purpose is to regularly meet the soon to be possibly hired twenty faculty members and provide training in classroom management, technology in the classroom, etc.
 - a The same may be offered to the newly tenured Faculty.

- 3 The committee requests suggestions from all Faculty, forward ideas to President Barembaum.

D President Barembaum began the discussion of the redistricting of Senate representation.

- 1 It was proposed that the Senate investigate whether following the discipline lines would be effective.

E President Barembaum presented “A Call to Action”; the header reads: (Appendix C)

In recognition of the central role that [INSERT NAME OF YOUR INSTITUTION] has in meeting the educational and training needs in our community and, more broadly, in contributing to an educated U.S. citizenry and a competitive workforce, we pledge to do our part to increase in the number of Americans with high quality postsecondary degrees and certifications to fulfill critical local, state, and national goals. With the “completion agenda” as a national imperative, [INSERT NAME OF YOUR INSTITUTION] has an obligation to meet the challenge while holding firmly to traditional values of access, opportunity, and quality. (Appendix C)

- 1 It is unclear what action we are being asked to take at this time; please read the document and share with constituency.

F CIC Chair Rutan announced to all that participated in Curricunet training that the test courses had been removed and that anything submitted during the testing period must be resubmitted.

Professor DeCarbo moved to Adjourn.

Professor Cummins Second.

There was no dissent.

Appendix A

1/19/11

Dear members of the senate,

Thank you for letting me have the opportunity to address you. The reason for this is really just to inform you of a situation here that I believe is important for you to be made aware. However, if after hearing this statement you can suggest something, I would be grateful.

You may know that microbiology (Biology 229) is scheduled to be taught at SCC for the first time this coming Spring, only 1 week from this meeting date. This course has been long anticipated and planned. I was hired in the Fall of '06 specifically to plan and bring to fruition a microbiology program at SCC. Upon my hire, no one anticipated the long delay of the program, but the new science building had to be in place before we could offer the course. We simply did not have the facilities to offer the class. We now have those facilities and the course is in the schedule of classes. Students approach me daily and ask "Are we really going to have microbiology at SCC?" My answer was yes. I was confident in this response but had not idea about the problems I would have to make this happen.

Our problem is this. Despite making the equipment and reagent list (for the 2nd time) in February of '09, and despite the outstanding support and advocacy of the administration at SCC, I still do not have the equipment and supplies requested so long ago. When supplies started arriving in the new building, microbiology, for some reason was not addressed and the situation continues to the present. Just last night the board approved a "partial list" of supplies. We are missing some key items still. Steve Kawa and my dean, Martin Stringer continue to work with me to try to resolve this. However, members of my department believe it is crucial for you, the senate, to be made aware of our situation.

We do have microscopes. Those came in with the rest of the microscope order. I am told I do have laptops for the lab. I do not, however, have all the other necessary reagents and equipment to run this course. Microbiology is a reagent and equipment-intensive course. It cannot be taught with illustrations and paper exercises. It is very hands-on and uses lots of disposables, media, and equipment. It is expensive to run compared to very many other courses, including other biology courses, but it is a critical course for many students wishing to enter the health sciences, such as nursing programs.

Since the partial list of bids was only just approved last night, this means they still have not been ordered. They will not begin to arrive until after the course has started. The items that were removed from the bid for various reasons, will obviously not be ordered until a later date.

I am not sure where the problem or blame should be placed for this situation. I do know the blame does NOT belong anywhere on the SCC campus. The administration has been nothing short of extraordinary in their attempt to move this course forward and to try to overcome this current problem. Because of this situation, undue stress has been placed on me, my department, Kristi and Jonathan (our coordinators). And in reality, the bottom line is that the students have

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been shortchanged because of this problem: A problem that did not need to occur. The plan has been in place for quite some time. The requests were made long ago. The district committed to the plan. Why are we in this situation? And now that we are facing this dilemma, I am left wondering how to proceed. This is a discussion that will be ongoing with my administration as information is forthcoming as to the status of the orders to support this course.

You may guess that I am frustrated. I am. This situation should not have happened and I thought you should know about. I hope by my bringing this to your attention, whatever malfunction or deficit in action can be remedied for the future operation of our academic programs. I also hope to benefit from your support should the need arise to take some more direct action.

Thank you sincerely for your attention.

Denise Foley, Ph.D.
Associate Professor and co-chair of Biology
Santiago Canyon College

Appendix B

“A problem is a chance for you to do your best.”

Duke Ellington
Collegial or Participatory Governance

Michelle Pilati, Vice President Academic Senate for California Community Colleges

- “Honest disagreement is often a good sign of progress.”
Mahatma Gandhi
- “Truth springs from argument amongst friends.”
David Hume
- “Collegial, Participatory, or Shared?”
- Why not “shared”?
- Buy-in
- Better decisions - informed
- The Role of Senate in Governance
- Education Code
- Title 5 Regulations
- CALIFORNIA EDUCATION CODE
- Laws resulting from legislation
- Requires legislation to be changed
- Always supercedes Title 5 regulation
- Governance was amended by AB 1725 in 1988
- TITLE 5
- California Code of Regulations
- Derived by the Board of Governors from the California Education Code

- Division 6 - applies to California Community Colleges
- Regulation with the force of law

Academic Senates

EDUCATION CODE §70902 (B)(7)

“ The Governing Board shall ... ensure ... the right of academic senates to assume primary responsibility for making recommendation in the areas of **curriculum and academic standards.**”

- Academic Senates

TITLE 5 § 53203

- (A) Governing Board shall adopt policies delegating authority and responsibility to its Academic Senate.
- (B) Policies in (A) shall be adopted through *collegial consultation* with the Academic Senate.
- (C) Guarantees the Academic Senate the right to meet with or appear before the board.

- Academic Senates

TITLE 5 § 53200

- (B) Academic Senate means an organization whose primary function is to make recommendations with respect to academic and professional matters.
- (C) Academic and Professional matters means the following policy development and implementation matters:

The “10 + 1”

Title 5 Section 53200 (c)

- Curriculum, including establishing **prerequisites**
- **Degree & Certificate Requirements**
- Grading Policies

Title 5 Section 53200 (c)

- Educational Program Development
- Standards & Polices regarding **Student Preparation and Success**
- College governance structures, as related to faculty roles

Title 5 Section 53200 (c)

- ⑩ Faculty roles and involvement in accreditation process
- ⑩ Policies for faculty professional development activities
- ⑩ Processes for program review
- ⑩ Processes for institutional planning and budget development

● THE “PLUS 1”
Section 53200 (c)

Other academic and professional matters as mutually agreed upon.

● COLLEGIAL CONSULTATION
Section 53200 (d)

...the district governing board shall develop policies on academic and professional matters through either or both of:

1. **Rely primarily** upon the advice & judgment of the Academic Senate
2. Reach **mutual agreement** with the Academic Senate by written resolution, regulation, or policy

● TITLE 5 § 53203

(d) (1) When **rely primarily**:

the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.

● TITLE 5 § 53203

(d) (1) When **mutually agree (and an agreement has not been reached)**:

- Existing policy shall remain in effect except in cases of legal liability or fiscal hardship.
- Board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

● COMPELLING REASONS

These terms mean that ... in instances where a recommendation is not accepted the reasons for the board's decision must be in writing and based on a clear and substantive rationale

which puts the explanation for the decision in an accurate, appropriate, and relevant context.

--Participating Effectively in District and College Governance

● TITLE 5 § 53203 – MORE POWERS

(E) Academic Senate may assume responsibilities and perform functions as may be delegated by the Governing Board

(F) Appointment of faculty members to college committees shall be made by the Academic Senate - requires consultation with CEO or designee

● EDUCATION CODE

Section 87359 (b) Waiver of Minimum Qualifications and Equivalency

Section 87360 (b) Hiring Criteria

Section 87458 (a) Administrative Retreat Rights

● EDUCATION CODE

Section 87610.1 (a) Tenure Evaluation Procedures

“The faculty’s exclusive representative shall consult with the academic senate prior to engaging in collective bargaining regarding those procedures.”

● EDUCATION CODE

Section 87663 (f) Evaluation Procedures - Association shall consult with Senate

Section 87743.2 Faculty Service Areas - Association shall consult with Senate

● Basic Principles

❖ Faculty are best served by two strong organizations

❖ Bargaining agreements can strengthen the role of the senate

❖ The senate can strengthen the work of the union – calendars, faculty evaluation

❖ Clear honest information and communication is essential

❖ Faculty-faculty conflict serves no one

● Senates & Unions

- the authority of unions stems from their collective bargaining rights under the Rodda Act (1975)
- senates are charged with “academic and professional matters” and support the obligation to serve students

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- senates have greater capacity to *initiate* instructional & institutional change but they have limited sources of power
- unions have significant power that derives from the contract as a legally enforceable document
- union power is often “negative” in that contracts are more effective in preventing abuse than initiating positive change



Senate/Union overlap



a number of issues require senate-union collaboration



because local senates and union boards sometimes become rivals rather than partners, senates can take initiative in the relationship by recognizing the important role played by the union in suggesting language that formalizes the senate’s recognition of the need to bargain a variety of items. In the process, senates can imply and invite unions to bargain formal recognition of the senate’s role in its various 10 + 1 areas.



TITLE 5 § 53203 (f) – More Powers

The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this Subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.



Collaborative Agreements



Responsibility and authority must be equal



Good decision-making = cooperation and participation



Inclusion rather than exclusion



Clarify who makes the final decision



Learning is foundational to good collaboration



Collaboration is an investment in the future



Innovation and problem solving thrive in open and trusting environments



Required Consultation



Tenure Evaluation Procedures

Education Code, Section 87610.1

“The faculty’s exclusive representative shall consult with the academic senate prior to engaging in collective bargaining on these procedures.”

- Minimum Qualifications Review
Education Code, Section 87357

The board of governors shall establish a process to review at least every three years the continued appropriateness of the minimum qualifications, and the adequacy of the means by which they are administered. The process shall provide for the appointment of a representative group of community college faculty, administrators, students, and trustees to conduct or otherwise assist in the review, including particularly, representatives of academic senates, collective bargaining organizations, and statewide faculty associations.

- Faculty Service Areas
Education Code, Section 87743.2

Not later than July 1, 1990, each community college district shall establish faculty service areas. The establishment of faculty service areas shall be within the scope of meeting and negotiating pursuant to Section 3543.2 of the Government Code. The exclusive representative shall consult with the academic senate in developing its proposals.

- Developing A Model for Effective Senate/Union Relations
(ASCCC adopted paper, Spring 1996)

Academic senates and bargaining agents both represent faculty. Each has a unique, defined role, but faculty issues often overlap the areas of responsibility of both the senate and the bargaining agent. It is to the best interest of faculty that the two organizations cooperate and collaborate. With the complexity of challenges facing community colleges, it is expected that this would be a common situation in need of well-defined, agreed-upon strategies. The principles for the development of such a collaboration include significant participation by both parties, agreement by consensus, integrating the knowledge and expertise of all, representing points of view and interests rather than hardened positions, and an open, visible, informal process which generates steady, incremental progress.

- A final thought..
Collegiality requires an awareness of interdependence, a commitment to communication and the exchange of ideas, as well as a commitment to joint action in the interests of solving educational problems or setting educational policy.

- RESOURCES

- *Empowering Local Senates: Roles and Responsibilities of and Strategies for an Effective Senate*

- *Developing a Model...www.asccc.org papers and links to online Title 5 and Education Code*

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Appendix C

Please see attached: [CalltoAction_AACC.docx](#)