



Action Item: *2 December 2008*

TO: ACADEMIC SENATE
FROM: EXECUTIVE COMMITTEE
PREPARED BY: RECORDING SECRETARY
SUBJECT: APPROVAL OF MINUTES

Recommendation Number 1:

It is recommended that the minutes from the following meeting of the Santa Monica College Academic Senate be approved as distributed:

Minutes of the 18 November 2008 Academic Senate Meeting

Present: Eve Adler, Brenda Antrim, Jan Austin, Barbara Baird, Dianne Berman, Teri Bernstein, Mary Bober, Fran Chandler, Mary Colavito, Guido Davis Del Piccolo, Gilda Feldman, Kathy Flynn, Ken Geddes, Candyce Goodfellow, Craig Hammond, Janet Harclerode, John Hoover, John Henderson, Janie Jones, Amber Katherine, Lesley Kawaguchi, Lucy Kluckhohn Jones, Helen LeDonne, Laura Manson, Walter Meyer, Pete Morris, Peter Morse, Andrew Nestler, Eric Oifer, Pauli Peter, Toni Randall, Vicki Rothman, Christine Schultz, Jacqueline Scott, Howard Stahl, Susan Sterr, James Stramel, Gary Strathearn, Michael Strathearn, Kathy Sucher, Richard Tahvildaran-Jesswein, Marc Trujillo, Sal Veas, Ted Wilkinson, David Zehr

Excused: Simon Balm, Suzanne Borghei, Greg Brookins, Ken Buckner, Judith Douglas, Georgia Farber, Tina Feiger, Nancy Hanson, Bill Lancaster, Melody Nightingale, Makoto Nishikawa, Lantz Simpson, Eleanor Singleton, Marci Spiegler, Esau Tovar

Absent: Rebecca Curtis, Richard Goldenson, Terry Green, Jennifer Jesswein, John Kennedy, Natalina Monteiro, Jim Pacchioli, Michelle Scholefield, Jim Smith, Robert Taylor, Robert Ware

Guests: Trustee David Finkel, Dennis Frisch, Elaine Roque, Jo Kidd, Lisa Lewis Burns

I. Call to Order – President Richard Tahvildaran-Jesswein called the meeting to order at 11:20 a.m.

II. Public Comments – Dennis Frisch distributed a handout on the budget. Frisch announced that the State cuts for CC's will probably amount to \$34 billion. SMC will see \$5-6 million in cuts just this year. The BOT has waived the faculty obligation number for this year. Frisch urges fac to go to the FA website and send letters to the California Legislature and Governor. See FA site for complete information.

Oifer announced that Richard turned 40 on Saturday. Happy Birthday!

III. Action Items

A. Approval of the Minutes for November 4, 2008. Unanimously approved.

B. Adoption of New Courses – Mary Colavito, Chair Curriculum Committ

Vote to approve: 44 in favor
Distance Education

ESL 14B: Pronunciation: Rhythm and Intonation
Philosophy 7: Introduction to Logic
Global Citizenship AA Requirement
Environmental Studies 7/Geography 7: Introduction to Environmental Studies

C. ASR05-08 – Right to Privacy – Howard Stahl, Chair Election and Rules Committee – Stahl explained the events that led up to this ASR. The District’s position is that no one’s personnel files were perused for a recent research project. Stahl disagrees.
To accept the doc as edited (see highlights) Vote: 42 in favor, 2 abstentions

Right to Privacy

WHEREAS every Californian has a constitutional right to privacy as stated in Article 1 of the California constitution,

WHEREAS California Civil Code Section 1798 specifically protects personal identifying information including one’s name, date of birth, age and **social security** number from release without prior written consent,

WHEREAS Article 18.5 of the Faculty Association contract states that “any information contained in a faculty member’s personnel file ... shall not be released to anyone ... without first notifying the faculty member”,

WHEREAS the District manages electronic databases that include information about each faculty member originally sourced from a faculty member’s personnel file and has not afforded an equal protection to this electronically sourced information as it has protected the original paper documents,

WHEREAS in the past, the District inadvertently revealed the **social security** numbers of certain faculty members without prior written consent,

WHEREAS the District recently released the names and ages of 570 female employees to facilitate an external research study without providing any prior opportunity for those women to **opt-in** or **opt-out** of this release,

WHEREAS a lack of privacy may have a chilling effect on faculty participation in future college initiatives,

BE IT RESOLVED that the Academic Senate of Santa Monica College calls upon the District to abide by its legal and contractual requirements with respect to personal employment data as stated in Civil Code Section 1798 and Article 18.5 of the faculty collective bargaining agreement.

Howard Stahl

Adopted by Executive Committee 11/11/08 – Vote 20 in favor to move to Full Senate on 11/18/08

Discussion:

Comment that Article 18.5 wasn't violated. Stahl indicates that in fact fac were not notified. Comment that the "resolved" is reasonable but may not agree with a possible FA grievance connected with this. Richard responds that if this is passed, he would bring it forward to the BOT and District. Clarification that no grievance has yet been filed. Statement that FA is hoping that this will prevent future problems. Clarification that this comes from Stahl as Chair of ERC, not as Chief Negotiator of FA. Correction that "social security" should be capitalized. Also "opt-in" and "opt-out" should not have hyphens. Also, there should be indication of who actually released this info. Stahl responds that we're not sure how the mailing labels were made or how they were delivered. However, the standard process was not used. Comment that the "resolved" seems "tame." It doesn't reflect the "whereas." Better may be that "the Senate at SMC expresses its displeasure with the District for this release of personal data and calls upon the District to abide" Stahl responds that this is being handled as a contract problem as well; as such the FA seeks the Senate's support on this issue. There may be a sharper resolution coming from the FA. Comment that release of personal information to other organizations on campus (releasing ages of employees for the purpose of offering them a "golden handshake") would be covered as well. This resolution allows individual fac to decide what is released and under what circumstances. Caution not to mention specific individuals in these discussions. Reminder that this has to do with any data, not just that which is age-related. Any individuals who may have been mentioned by name during the discussion were actually referred to as those who were not responsible for the recent release of information. Reminder that the language that has been omitted from the doc reflects the fact that under certain circumstances, the District has the right to access personnel files.

D. Full Time Hiring Ranking Committee Recommendations – Richard reviewed the background of the memo (see below) crafted by Richard and Lawson. They recommend that all twelve positions be funded, and they have not been ranked. We currently have about 44% FT faculty at the College. The District's goal is 75%. There is a longstanding agreement with the District to replace retirees. Five positions will not be enough. Cmmt viewed the disciplines that were skewed regarding 75%. District provided list of those that are in fact below 60%. Viability (institutional and discipline) was looked at carefully. SLO's and ILO's were included. Applications were scrutinized in three stages. There were 15 that emerged at stage 3. Confidential vote was taken. The twelve below had garnered a majority vote of the cmmt. Because all of the positions are of great need to the college and met the criteria set by the cmmt, they will be sent forward to Dr. Tsang.

(M/S Davis Del Piccolo/Katherine) To receive the recommendations: Vote: 44 in favor

TO: Chui L. Tsang, Superintendent/President

FROM: Richard Tahvildaran-Jesswein, Chair
Randal Lawson, Vice Chair
Academic Senate Joint New Faculty Position Ranking Committee

SUBJECT: Recommendation on New Full-Time Faculty Positions for Fall 2009

DATE: November 17, 2008

On November 14, the Academic Senate Joint New Faculty Position Ranking Committee met to prepare its recommendation to you for new full-time faculty positions for Fall 2009. The committee considered forty-one requests for new positions (including three requests for categorically funded positions). Prior to the meeting, committee members reviewed the individual departmental requests/rationales and comprehensive data provided by the Academic Affairs Office for requested positions. These data included:

- New Faculty Request Summary Data
- Changes in numbers of faculty by department from 1991 through 2009
- Enrollment Data supporting the New Faculty Request Summary Data—Spring 2008 Courses with Largest Enrollments; Spring 2008 High Enrollment Classes; Spring 2008 Low Enrollment Classes
- Program Review Executive Summaries
- Spreadsheet illustrating the number of full-time faculty hires needed to bring the full-time/part-time ratio to 60% for disciplines requesting new positions

For this year's process, the committee piloted a new procedure developed by a subcommittee. (The subcommittee procedure was revised slightly through discussion at Friday's meeting.) Based upon a new standard format established for submission of the departmental requests, the committee's deliberations occurred in three phases. (As in past years, the committee agreed to consider the three categorically funded requests separately.) First, all 38 requests were evaluated in terms of the requesting discipline's authentic engagement in the College's Student Learning Outcomes/Institutional Learning Outcomes processes. In the second phase, the remaining 31 requests were evaluated in terms of institutional and discipline viability, with a particular emphasis upon full-time/part-time faculty ratio and student enrollment data. This discussion resulted in 15 requests being forwarded to the next phase. Finally, committee members were asked to vote (by confidential ballot) for 10 of these remaining 15 position requests. The following unranked list of recommended positions represents the 12 requests that received votes from at least a majority of committee members:

Cosmetology
Dance
English—Developmental (C Level)
English—Developmental/Transfer
Kinesiology
Mathematics—Applied
Music—Jazz
Music—Voice
Nursing
(Philosophy and Social Science) Economics
Physics
Psychology—Developmental

In addition, the committee endorses the following position requests, provided that the District can confirm sufficient categorical funding to support them:

Counselor, Nursing (one-year position)
Counselor, EOP&S (tenure track position)
Nursing (one-year position)

We look forward to an opportunity to discuss these recommendations with you.

Discussion:

Clarification that each of the positions received at least 10 votes. Some administrators sat so as not to observe how individuals voted. Richard clarifies that ALL the positions that were requested are needed. The situation of a position first receiving many votes and then receiving substantially fewer was addressed by the process followed this year. It is felt that the 12 positions are desperately needed this year. Cmmt members who did not want to vote publically were over-ruled by Richard who insisted that all votes be public except for the last vote. The list is supposed to be alphabetical (add Philosophy and Social Sciences before Economics). Q if the District is able to hire two more positions, which they would be since none have been ranked. The Cmmt can reconvene if 14 positions became available, for example. Since none are ranked, any would be acceptable. Richard reminds us that last year, even though the positions were ranked, Dr. Tsang did not follow it. These are recommendations only. The College President has the authority to go outside of these. Richard will push to have all 12 hired. Dr. Tsang will make a decision after the upcoming budget summit. Suggestion that we emphasize the viability of the college and programs regardless the % of FT fac to PT. Mention that the process is too rushed. Richard responds that this is a process that the Senate is always open to improving.

E. Sabbaticals Committee Recommended Recipients – Walter Meyer, Chair
Sabbaticals Committee – Meyer presented sabbatical recipients names. Recipients were congratulated. Richard thanks Meyer and the cmmt for their good work. Richard points out that the District will provide a minimum of 8 sabbaticals each year. There are seven this year (decided by the cmmt). Richard has asked Lawson to roll over the remaining sabbatical. Expectation is that there will be possibly 9 next year (minimum). With the understanding that there were more applicants than those listed.

Ethan Gallogly
Judith Marasco
Dana Morgan
Pete Morris
Wendy Parise
Marc Trujillo
Carol Womack

(M/S Antrim/Buckner) Vote to approve: 42 in favor; 2 abstentions (sabbatical recipients)

Discussion:

Q about how these were chosen. Those chosen received mutual agreement and consensus. On the others there was not consensus. A matrix was used. Q about

whether this is a Brown Act ed cmmt. Response is that it is not. Request that the cmmt membership list on its website be updated. Trujillo offered his gratitude that this opportunity exists at a CC like ours. These go to the BOT, not the President; thanks expressed to the FA for keeping that in our contract.

F. Presidential Appointments – Accreditation Steering Committee and Personnel Policies Committee. Noted that the PPC needs another faculty member.

(M/S Bernstein/Morris) to approve these changes. Vote: 44 in favor

Dianne Berman, Chair Personnel Policies Committee
Eleanor Singleton, Accreditation Steering Committee Co-Chair Standard 3A
Simon Balm, Co-Chair of Technology (Accreditation)

G. Declaration of Vacant Seat – There have been problems with absentee senators, especially when there is a vote. Previously the Senate approved the President appointing vacant seats (Brewer and Taylor have resigned). Both these seats are now vacant and Richard will encourage their depts. to name replacements.

Vacant Seats: Kinesiology/Athletics and Communications

(M/S Morse/Kawaguchi) To declare these seats vacant. Vote: 44 in favor

Article IV. Recall and Removal of Senators and Officers

1. The Senate President may declare vacant the seat of any Senator who
 - a. Is unable to complete his/her term of office.
 - b. Is absent for three (3) consecutive meetings without prior consent of the Senate President or
 - c. Becomes ineligible to hold membership in the Senate.
2. Vacancies will be immediately filled in the manner described in *Article I, Section 4* of these By-Laws.
3. An electoral area may request a special election to recall the area representative and replace its Senator at any time upon petition of one-third of the members of the area.
 - a. The Senate President shall order an election within two (2) weeks of the receipt of the valid petition. If a majority of all voting faculty in the electoral area support the recall, the Senate shall hold a new election to fill the position within two (2) weeks.
4. A Senator may be removed by a two-thirds vote of the full Senate membership, and such vacancy will be immediately filled in the manner described in *Article I, Section 4* of these By-Laws.
5. An officer of the Senate may be recalled upon the receipt of a petition signed by one-third of the full Senate membership. Such a petition should be delivered to the Elections and Rules Committee. The officer shall be removed if two-thirds of the full Senate membership supports the recall. If the recall succeeds, the Senate shall hold a new election to fill the vacancy within two (2) weeks.

H. Department Chair Elections Results – Howard Stahl, Chair Elections and Rules Committee. The election results have been received. One dept, Kinesiology/Athletics, is tied.

Ronn Davis, Art
Fariba Bolandhemat, CSIS
Larry Jones, Photography/Fashion
Lisa Farwell, Psychology

(M/S Oifer/Trujillo) To carry these forward. Vote: 44 in favor

Discussion:

Richard has asked PPC to revisit the reg about dept chair elections. Some depts. have requested early elections (Nov). Also it is important to write the reg to allow this and also to send tied elections back to the dept for another vote rather than allowing the District to decide. The District has agreed to take the language the Senate proposes in its AR. District and Senate (and others) do not agree on whether the actual numbers should be released. The Senate position has been that the number of people who voted and for whom should be public information. Concern that the people on the list have not yet been notified. Richard responds that the Office of Acad Affairs said they had already announced this to the people on the list. Report that they did not. Richard will follow up on this. Clarification that all votes are private. Richard explains that it can be known that an individual votes but NOT HOW an individual votes. The new rule that we want in the AR is the same. It seems that Dr. Tsang has agreed to a runoff vote in Kinesiology/Athletics.

IV. Information Items

- A. President's Report – Richard Tahvildaran-Jesswein
 - 1. ASCCC Plenary Report

FALL 2008 RESOLUTIONS FOR DISCUSSION

14.0 GRADING

14.01 F08 Academic Dishonesty Richard Tahvildaran-Jesswein, Santa Monica College

Whereas, The Academic Senate for California Community Colleges adopted Resolution 14.01 – Student Academic Dishonesty and Grading – in Fall 2005 requiring the Senate “to investigate faculty legal and professional rights and obligations with regards to dealing with academic dishonesty, including options for grading, disciplinary action, definitions of academic dishonesty, a statement of best practices, and an explanation of student rights (p.1)”;

Whereas, The Academic Senate adopted Resolution 14.02 – Student Cheating – in Fall 2005 seeking clarification on System Office legal opinion L 95-31 “limit[ing] the ability of local faculty to fail a student for a single incident of academic dishonesty, and pending the result of clarification, to seek an appropriate Title 5 change”;

Whereas, The System Office has reiterated its position in legal opinion 07-12 but acknowledges that examining the constitutionality of failing a student because of an act of academic dishonesty is unwarranted given current Board of Governors grading regulations; and

Whereas, A change in regulation would fulfill the intent of Resolution 14.02 and Academic Senate 2007 recommendation to “Continue to review and revise Title 5 where applicable to academic dishonesty”;

Resolved, That the Academic Senate for California Community Colleges convene a group to review and where appropriate draft language to revise Title 5 grading regulations to allow for the failure of students for egregious acts of academic dishonesty;

Resolved, That the Academic Senate for California Community Colleges ensure that draft language reaffirm a student's right to due process when failure in the class stems from an act of academic dishonesty; and

Resolved, That the Academic Senate for California Community Colleges continue to promote the recommendations outlined in its 2007 adopted paper *Promoting and Sustaining an Institutional Climate of Academic Integrity* to educate faculty and students on issues of academic integrity, including prevention of cheating and *assurance of due process* in adjudication proceedings, and bring back a progress report no later than the Fall 2009 Plenary Session.

FALL 2008 RESOLUTIONS FOR DISCUSSION

**2.04 F08 Re-articulation of Accreditation Standard III.A.1.c
Richard Tahvildaran-Jesswein, Santa Monica College**

Whereas, Faculty members from across the state are concerned with the ambiguity of language in Accreditation Standard III, specifically III.A.1.c, which states, “faculty and others directly responsible for student progress toward achieving state student learning outcomes have, as a component of their evaluation, effectiveness in producing those learning outcomes,”;

Whereas, These concerns were first made known at the Fall 2007 Plenary Session and subsequently have been addressed by Marty Hittelman, President of the California Federation of Teachers, in a letter that has been widely distributed throughout the California Community College system;

Whereas, In naming “faculty” and not clearly articulating who the “others” are, III.A.1.c implies faculty members are primarily responsible for SLOs and therefore should be held to particular standards of evaluation that do not apply to the unnamed “others”; and

Whereas, Every member of a college community has a stake in and a responsibility to advance learning outcomes;

Resolved, That the Academic Senate for California Community Colleges work with Accrediting Commission for Community and Junior Colleges and Western Association of Schools and Colleges to draft new language that enumerates all parties responsible for student progress toward achieving stated learning outcomes, or strike the word “faculty” from III.A.1.c and present more general language pertaining to how a college and/or district is effectively producing and evaluating learning outcomes;

~~Resolved, That the Academic Senate for California Community Colleges affirm the position that it is important for faculty to develop and assess learning outcomes for their courses; and~~

~~Resolved, That the Academic Senate for California Community Colleges affirm that the ACCJC’s role is to evaluate a college/district’s effectiveness in producing learning outcomes.~~

B. Climate Change Task Force – Pete Morris, Co-Chair EAC – Morris presented penultimate draft for the ACUPCC Task Force (signed previously by Dr. Tsang) – first step in implementing this is to form a group to manage it, formalized by DPAC last week. Have met twice so far. First official meeting is this Thurs and every other Thurs after that. Meet in HSS261, 2-3:30pm. All are invited to attend. Contact Morris for more information.

C. Senate meetings. Senate will meet 12/2. We may meet during finals week in order to pass curriculum changes if needed (12/9).

D. Richard reviewed how to access online evals.

V. Old Business Discussion

VI. New Business Discussion

VII. Announcements

VIII. Adjournment – (M/S Harclerode/LeDonne) Meeting adjourned at 12:35 p.m.