

Santa Monica College Academic Senate
PERSONNEL POLICIES COMMITTEE: MINUTES
THURSDAY, OCTOBER 27, 2011
1:15 pm Science 251

Members Present: Jamey Anderson, Kay Azuma, Patricia Burson, Sandy Chung, Ida Danzey, Tracey Ellis, Andrew Nestler, Marcia Wade.

Guest Present: Robert Myers

- I. Minutes from 10/13 approved with correction of attendance list. Eve Adler has resigned from the committee, as she will be chairing the senate equity and diversity committee.
- II. Discussion of Whistleblowing Draft AR and BP with Bob Myers.

A copy of the CCCL whistleblowing BP and AR (7700) was distributed as model of a typical policy. In these documents, the whistleblower definition is limited to employees, rather than expanding that definition to include members of the public and other individuals. Senior staff has concern about our draft extending this definition to include students, contractors and members of the public. There are existing statutes that provide protection for anyone who refuses to follow an unlawful order. Students have conduct codes, and contractors can take legal action against the district. Limiting the ability to file a whistleblowing complaint to employees seems more prudent. (Note that in the CCCL document, *knowledge or suspicion* of the unlawful activity can still originate from a broad group, including vendors, students or third parties.)

There was a reprise of earlier discussions of the meaning of the phrase “unlawful activity” vs. “improper (governmental) activity” and which phrase more clearly captures the desired meaning. Both phrases are defined to mean any violation of state or federal laws, local ordinances or District policy. “Unlawful activity” is the phrase used by the CCCL document, as well as in most policies.

As far as the draft BP, it doesn’t need details out of the education code to be explicitly written out, and could be simplified.

It was agreed that Bob Myers would take our drafts and modify them in light of these concerns, bringing them back to us for discussion later in the semester, likely at the next meeting.

- III. Discussion of AR 3211.1 (Hiring Procedure for FT-faculty)

In discussing the reference checks, best practices documents (dated [2000](#) and [1989](#)) from the ASCCC (state academic senate) was found to be the source of the current AR language on reference checks—that they take place with screening committee chair and with notification of the screening committee of their results, prior to final interviews.

We are confronted with the task of balancing two sets of arguments about reference checks: On one side, the HR concern that the current language is not viable or

workable, given the way faculty hiring typically takes place at SMC, as well as the concern with faculty's exposure to legal liability; on the other side are the concerns of faculty that timely and transparent reference checks provide relevant and important information about candidates, and that if they take place at too late a stage, the size of the final candidate pool can be decimated. In addition, we should be making changes to the AR that we feel are best suited to the goal of having a sound faculty hiring process, not just altering policy to match practice.

Language was added to the working draft (item 7B) to address the concern about the timeliness of reference checks, so that screening committee chairs can be consulted if the final interview pool has dwindled to two or fewer candidates.

The issue of ranking candidates was briefly discussed. Because of the many possible outcomes, committees haven't been ranking candidates, but in cases where that ranking is deemed important, screening committee chairs should be free to communicate that information for the final interviews. Similarly, the committee chair should ascertain whether there are viable alternate candidates for the final interview.

Finally, the special circumstances section was discussed, in light of the fact that that section (item 8A) provides for long-term substitutes to be hired. This hasn't been done recently, although it would provide an alternate outlet for a decimated final interview pool. The reasons for not using this outlet include the problem that temporary full-time faculty hires may sometimes become permanent full-time faculty members, bypassing the full-time hiring process altogether.

IV. Adjourned at 2:40 p.m. Next Meeting 11/10 at 1:15 in Science 251.