

MINUTES

A special meeting of the Board of Trustees of the Santa Monica Community College District will be held on Thursday, May 15, 2003 at the Santa Monica College Madison Campus, Room 120, 1310 – 11th Street, Santa Monica, California. The public meeting will convene at 12:30 p.m.

I. ORGANIZATIONAL FUNCTIONS**A. CALL TO ORDER – 12 noon****B. ROLL CALL**

Herbert Roney, Chair - Present
Dr. Margaret Quiñones, Vice-Chair - Present
Carole Currey - Present
Dr. Dorothy Ehrhart-Morrison - Present
Dr. Nancy Greenstein - Present
Dr. Patrick Nichelson - Present
Annette Shamey - Present
Allison Sandera, Student Trustee – Present for Public session

II. CLOSED SESSION - 12 noon**III. PUBLIC SESSION - 1:05 p.m.****IV. COMMUNICATIONS OR PUBLIC COMMENTS**

Larry Rosenzweig	Eric H. Roth	Daniel Crönen
Mary Dowell	Wai Ting Yau	Sam Iravani
Lantz Simpson	John DeGraffencied	Patrisse Cellors
Gordon Dossett	Julia Wallace	Roberta Tseng
Leslie Kawaguchi	Ely Yeraldyn	Sabrina Smith
John Verdugo	Margaret Rhoads	Amy Lopez
Fran Chandler	Terez McCall	Joanna Baker
Robert Flores	Veronica Jauregui	Sara Falugo
Ann Maddfox	Bruna Faustino	Marcos Lazaro
Fran Manion	Heidi Pendergast	Hank Jameson
Pat Halliday	Barbara Siegel	Ricky Manoff
Mel Welch	Gary Garcia	Dina Cervantes
Luis Barrera	Jose Gutierrez	Petra Wolfe
Kelly Johnston	Jo Kidd	Steven Kativar
Lily Vickson	Aron Kingsley	Benjamin Merritt
Patricia Mantabe	Leon Sankey	Lil' Alex
David Burak	Rosalyn Glantz	Lee Peterson
Cynthia Holquin	Paul McKim	Charles Donaldson
Steve Peterson	Mary Engler	Bill Zimmerman
Stanely Nowak	Michael Schwartz	Chason Smith
Tom Mobley	Jerry Rubin	Miguel Reyes
William Hogan	James Lemmon	Charls Holquin
Stuart Sam	Chris Morimoto	Big Mike
Mina Chow	Mariza Mendoza	Charles Ahrens
Jacqueline Chak	Victor Bautista	

V. **MAJOR ITEMS OF BUSINESS**

- #1 Resolution Accepting the Recommendations of the Administrative Law Judge, as Amended by the Board, Regarding Discontinuance of Programs and Layoffs of Faculty and Staff in those Programs

VI. **ADJOURNMENT:** The meeting was adjourned at 3:37 p.m.

The next regular meeting of the Santa Monica Community College District Board of Trustees will be Monday, June 2, 2003 at 7 p.m. (5:30 p.m. if there is a closed session) Santa Monica College Board Room and Conference Center, Business Building Room 117, 1900 Pico Boulevard, Santa Monica, California.

BOARD OF TRUSTEES

Santa Monica Community College District

ACTION

May 15, 2003

MAJOR ITEMS OF BUSINESSRECOMMENDATION NO. 1RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGE, AS AMENDED BY THE BOARD, REGARDING DISCONTINUANCE OF PROGRAMS AND LAYOFFS OF FACULTY AND STAFF IN THOSE PROGRAMS

It is recommended that the Board of Trustees adopt the following resolution concerning the recommendations of the Administrative Law Judge regarding discontinuance of certain academic programs and the resulting layoff of affected academic employees:

WHEREAS, pursuant to Education Code sections 87740 and 87743, on March 10, 2003, the Board of Trustees adopted a Resolution discontinuing the following academic programs: 1) Architecture 2) Fashion Design and Merchandising 3) Geographic Information Services 4) Interior Design 5) Office Information Services 6) Public Safety 7) Recreation 8) Respiratory Therapy 9) Tourism/Hospitality and 10) Transportation Technology, effective with the 2003-04 academic year.

WHEREAS, the Superintendent/President was directed to and did send notice of non-re-employment to those affected academic employees.

WHEREAS, a hearing was held on May 5, 2002 to determine whether cause existed for the non-reemployment of certain academic employees.

WHEREAS, a Proposed Decision was issued by the Administrative Law Judge Recommending that 1) Notice shall be given to employees occupying full-time equivalent academic positions identified in Finding 1 that their services will not be required for the 2003-04 academic year because the reduction and discontinuance of particular kinds of services. 2) The accusation is dismissed as to respondents Childress, Kidd, McKay, Mantabe, Mobasheri, Travis and Welch. 3) Notice shall be given to respondent employees in inverse order of seniority, except for those persons identified in the immediately preceding paragraph of this Order, against whom the Accusation is dismissed and who are not subject to this layoff proceeding. 4) In the event that subsequent to this Decision the district determines to retain any individual within a group sharing the same hire date and FSA, and the District had not, as of the date of the hearing in this matter, applied the approved tie breaking method to determine the order of termination pursuant to Education Code section 87414 and the collective bargaining agreement, then the district shall retain all individuals within that same group.

WHEREAS, the Administrative Law Judge's Proposed Decision makes a finding under Legal Conclusions at paragraph 5 relative to Respondents Hogan and Sam which under Order Number 4 would require, if adopted, that these two individuals both be retained in the event that the district restores all or any portion of the Architecture program and it is the opinion of the Board of Trustees that the ALJ's Legal Conclusions No. 5 and Order No 4 are inconsistent with Article 16 and Appendix I of the collective bargaining agreement between the District and the Santa Monica College Faculty Association and as this issue relates to possible reemployment rights of Respondents Hogan and Sam exceeds the authority of the ALJ.

THEREFORE, BE IT RESOLVED that the attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Trustees of the Santa Monica Community College District as its Decision in the matter with the exception of Legal Conclusion No. 5 and Order No. 4. The Board of Trustees hereby directs that the tie in date of hire between Respondent's Hogan and Sam be broken by lot and that their respective seniority for all purposes, including any reemployment rights, be based on the result of the outcome of the tie breaking process.

BE IT FURTHER RESOLVED that Respondents Hogan, Sam, Johncola, Bermudez, Brandt, Stevenson, Verdugo and Walters will not be reemployed for the ensuing 2003-04 academic year. This decision shall be effective on May 15, 2003.

BE IT FURTHER RESOLVED that the Superintendent/President or her designee is hereby directed to give notice on behalf of the Board of Trustees as required by Education Code sections 87740 and 87743 to the affected employees.

Comment: This recommendation is based upon a balance of budgetary and academic considerations of the programs proposed for discontinuation. Fashion Design and Interior Architectural Design can best maintain viability for students with a truncated ("pruned") course offering. The balance can also be served by merging classes in the area of Office Information Systems with Computer Information Systems. The District has provided the required notice that Respiratory Therapy will be discontinued in two years and will continue to offer courses jointly with East Los Angeles College until the program is concluded.

MOTION MADE BY:	Dorothy Ehrhart-Morrison
SECONDED BY:	Patrick Nichelson
STUDENT ADVISORY:	Abstain
AYES:	5 (Ehrhart-Morrison, Nichelson, Quiñones, Roney, Shamey)
NOES:	1 (Greenstein)
ABSENT:	1 (Currey)