

District Shared Governance Council (DSGC)
October 4, 2010
Minutes

Members Present: Co-Chairs Jing Luan and Ray Hernandez, Vivian Abellana, Diana Bennett, Donna Bestock, Peter Bruni, Patiane Gladstone, Fermin Irigoyen, Teeka James, Raymond Parenti-Kurttila, Martin Partlan, Rita Sabbadini, Darnell Spellman

Members Absent: Jennifer Castello, Sandra Stefani Comerford, Kathy Fitzpatrick, Charles Jones, Stephanie Samuelsen

Others Present: Harry Joel, Kathy Blackwood, Barbara Christensen, Cliff Heap

The meeting was called to order at 2:20 p.m.

Vice Chancellor Luan asked attendees to introduce themselves and to identify the constituencies they represent.

Review and Approval of Minutes

The minutes of the May 3, 2010 meeting were approved, with four abstentions and the remainder of those present voting "Aye."

The minutes of the May 17, 2010 meeting were approved, with six abstentions and the remainder of those present voting "Aye."

Review of Proposed 2010-11 Meeting Dates

There were no comments on the proposed calendar; Outlook invitations will be sent to all members.

Statements from the Public on Non-Agenda Items

None

Board Policies

Ms. Christensen said that following the accreditation site visits, the Accrediting Commission said the District needed to do a better job updating its Rules and Regulations. Since then, staff has been working on updating all Rules and Regulations, with the appropriate departments drafting necessary revisions.

The first group of policies listed on the agenda (2.13, 2.19, 2.25, 2.28, 2.60 and 7.21) were brought to DSGC at an earlier date and were subsequently withdrawn because AFT filed a demand to negotiate. The changes shown in blue in the policies presented today were made in response to those concerns.

Professor James said it is her understanding that AFT negotiators and the District have not reached a conclusion on these policies. Vice Chancellor Joel said he told AFT Chief Negotiator Joaquin Rivera that the District needed to move forward with these policies and that if there were further concerns, they should be expressed at a DSGC meeting by Professor James, who is the AFT representative. Professor James said she does not believe AFT has signed off on the changes and that the demand to negotiate still stands, especially with regard to policy 7.21. Vice Chancellor Joel said the District does not believe the policies are negotiable but is discussing them as a courtesy only. Vice Chancellor Luan said that, pending clarification, these proposed revisions could come back to DSGC for action at the next meeting. Ms. Christensen summarized the proposed revisions as follows:

2.13, Dissemination of Employee Information: Following discussions with AFT, the changes shown in blue were made at AFT's request. AFT also asked that the policy define "employee information and personal data," "employees," and "disclosure." The District declined this request because it is not District practice to include definitions in Rules and Regulations.

2.19, Nondiscrimination: The proposed revisions were approved by DSGC but AFT subsequently asked to negotiate this item. AFT asked that #3 be removed because the procedures for AFT are included in the contract. The District agrees that the AFT contract language prevails over Rules and Regulations; however, the District elected to keep #3 because this policy covers all employees, not just AFT.

2.25, Prohibition of Harassment: Proposed revisions were brought to DSGC for first reading but were not acted upon. AFT subsequently asked to discuss the matter with the District. AFT submitted a 14-page document which they wanted to be the policy. The District prefers a shorter policy but will include some of the material in the document to develop procedures to go with the policy. Ms. Christensen will send a copy of the 14-page document to DSGC members.

At this point, Professor James said she believed it was unfair for Ms. Christensen to present information on conversations with AFT with no one present from the AFT negotiating team. She said it is appropriate that Ms. Christensen describe the policies and have DSGC members take them to their constituencies, but asked that all conversation regarding what AFT wanted or did not want be stopped. She said she sent an email to Vice Chancellor Luan stating her belief that AFT's demand to negotiate with the District on policy 7.21 had not come to conclusion, and she received no response. Vice Chancellor Luan said he received the email but there was not a question or request for response expressed in the email.

Vice Chancellor Luan said it is not the practice of DSGC to invite constituencies to comment; rather, it is the responsibility of each constituency's representative to present feedback and concerns. Ms. Christensen is presenting information because she is the person responsible for Rules and Regulations revisions for the District. Professor James said Ms. Christensen's role should not be to tell the group what AFT wanted and did not want but, rather, to speak for the District. Ms. Christensen said she is presenting information about changes pursuant to conversations with AFT and also giving reasons why the District is electing to not make requested changes.

Professor Partlan asked if it is fair to say that AFT has not responded to the changes the District made as a result of discussions with AFT. Professor James said she understands that there has been no conclusion to the discussions. Professor Partlan asked if DSGC can review the policies and move forward, with no implication that AFT has agreed to the changes. Professor James said AFT believes they are collective bargaining issues rather than shared governance issues and the negotiations are not finished. Vice Chancellor Joel said that the District agreed to hear AFT's concerns and took them under advisement. He said that at the last negotiating session, he requested of Mr. Rivera that Professor James express any further concerns to DSGC; Mr. Rivera replied "okay." Chief Financial Officer Kathy Blackwood said she heard this exchange and agreed with Vice Chancellor Joel's recollection. Vice Chancellor Luan noted that changes were made in response to discussions with AFT. Professor James said that does not mean that AFT agreed to those changes.

Vice Chancellor Luan asked Ms. Christensen to resume providing descriptions of changes for DSGC members to take to their constituencies for review.

2.28, Safety: Injury and Illness Prevention Program: The deletion in #3 and changes in #5 should be shown in blue as they were made as a result of discussions with AFT. A link to the District's Injury and Illness Prevention Program was also added.

2.60, Resignations: The deleted sentence in #4 should be shown in blue as it was deleted at the request of AFT.

7.21, Speech: Time, Place and Manner: All changes shown in green should be shown in blue instead.

Professor Partlan asked for clarification on which of the policies discussed above are included in the policies AFT believes to be negotiable; Professor James said all of them are included.

Having finished with discussion of policies with which AFT expressed concern, Ms. Christensen continued with discussion of other proposed policy revisions, as follows:

1.70, Board Action on Legislative Issues/Political Activity and 2.07, Policy Development: The current policy is shown in black and proposed revisions in red. The District subscribes to a service through the Community College League of California, which constantly monitors changes in laws and Title 5. Most of the recommended revisions are due to League recommendations and updating of language.

6.33, Copyrighted Materials: Proposed revisions were reviewed by the District Academic Senate. Professor Hernandez said this policy falls within the purview of the Academic Senate and is presented to DSGC as information only.

7.73, Student Grievances and Appeals: Proposed deletions are for the purpose of removing procedures from the policy. The procedures, which are directives on how to carry out the policy, will go with the policy.

8.28, Hazardous Materials: A link to the District's Chemical Hygiene Plan and Hazardous Materials Communication Plan is being added.

Vice Chancellor Joel reviewed the proposed revisions to Chapters 3, 4 and 5 policies. He said most changes were made to update language and to address compliance issues. The following questions were raised by DSGC members:

4.35, Payroll Deductions: Ms. Sabbadini asked if #3(a)(6) should include AFSCME as well as CSEA; Vice Chancellor said it should and the change will be made.

5.02, Non-Represented Employees: Work Year and Workday: Professor James asked if "under normal circumstances" should be changed to "unless otherwise specified" or other language to clarify the meaning. Vice Chancellor Joel said he will review and clarify the language.

After discussion of policies regarding Non-Represented Employees, Managers, Academic Supervisors, Classified Professional/Supervisory, and Confidential Employees, Vice Chancellor Joel said he would remove the following policies from consideration in order to review them further and clarify meaning: 5.02, 5.06, 5.14, 5.16, 5.24, 5.26, 5.54, 5.56, 5.64 and 5.66.

Ms. Christensen said that proposed revisions will be brought to DSGC throughout the year. The Vice Presidents of Student Services are working on Chapter 7 policies and CFO Blackwood is working on Chapter 8. After revisions are approved by DSGC, they will be taken to the Board of Trustees for final approval.

Professor Partlan asked who is responsible for implementing the policies. Ms. Christensen said Human Resources and Administrative Services are responsible for implementing the policies relevant to their areas.

Vice Chancellor Luan said that changes made as a result of discussions at today's meeting will be posted on the SharePoint site and will also be emailed to all DSGC members.

Professor Bennett suggested that the policies be available on a public site so that constituents can be given a link to review them. Professor Partlan noted that, because DSGC meetings are public meetings, all documents must be public. Vice Chancellor Luan and Professor Hernandez will work on making them available. Professor Irigoyen suggested that the documents be clearly labeled as drafts in order to avoid confusion when viewed publicly.

Ms. Christensen announced that the student trustee has resigned. The Board of Trustees will begin review of policy 1.05, Student Trustee, at their October 13 meeting. No action on a revised policy will be taken before bringing recommended revisions to DSGC. Mr. Spellman, President of the Associated Students at Cañada College, said the three Associated Students Presidents would like to have representation on the Board while the policy is being reviewed and suggested that the three Presidents rotate that role at Board meetings. Ms. Christensen suggested that the Presidents bring that request to the Board. Mr. Parenti-Kurttila said students are also working on drafting a document regarding the student trustee. Ms. Christensen suggested that in order to maintain an orderly process, the students wait until the Board has conducted its review of the policy.

District/College Budget Update

CFO Blackwood said the media is reporting that there is agreement on a State budget and that it will be adopted by the legislature on October 7. The District receives no State funds until a budget is passed. The Board of Trustees granted permission to do internal borrowing in order to make payroll; there has been no external borrowing to date. The Board adopted the final 2010-11 District budget which includes the 2% growth believed to be agreed to in the State budget. The District budget is balanced and includes a deficit factor in case not all expected funds come through.

There were no legal challenges to Measure G. Some funds were spent in the fall and more will be spent in spring for classes and student services. Professor James asked if Measure G funds are being allocated in the same way as other funds. CFO Blackwood said some of the funds had to be allocated in the adopted budget in order to permit spending any funds for the fall. She said that recommendations on allocations will be come to the Chancellor's Cabinet and she does not know at this point if the allocated funds will stay the same and how the unallocated funds will be finally allocated. Professor James asked if Measure G funds can be used to supplement categoricals. CFO Blackwood said the Measure G language regarding student services could apply to categoricals but the intent of the Board was clearly to use the funds to add classes. Ms. Gladstone asked if funds can be used to restore services such as DSPS which were badly hurt by budget cuts. CFO Blackwood said these are considered categoricals. She said it is important to remember that this is considered one-time money and cannot be used for ongoing purposes.

Closing Remarks

None

Statements from Council Members/Agenda Building

None

Adjournment

The meeting was adjourned by consensus at 3:55 p.m.

