

District Shared Governance Council (DSGC)
February 7, 2011
Minutes

Members Present: Co-Chairs Jing Luan and Ray Hernandez, Vivian Abellana, Donna Bestock, Peter Bruni, Fermin Irigoyen, Teeka James, Charles Jones, Raymond Parenti-Kurttilla, Martin Partlan, Rita Sabbadini, Darnell Spellman, Sandra Stefani Comerford

Members Absent: Diana Bennett, Kathy Fitzpatrick, Heidi Hansen, Stephanie Samuelson

Others Present: Linda Allen (for Kathy Fitzpatrick), Kathy Blackwood, Barbara Christensen, Harry Joel, Brian Tupper

The meeting was called to order at 2:27 p.m.

Review and Approval of Minutes

It was moved by Ms. Sabbadini and seconded by Dean Comerford to approve the minutes of the meeting of December 6, 2010. Professor James asked that the following statement be added to the section of the minutes referring to a letter which County Counsel received from Robert Bezemek, AFT's attorney: "Professor James said the portion of the letter read by Ms. Christensen was initially in the letter to illustrate the fact that the District was in fact negotiating the board policies, though the District claimed to not be negotiating but rather just in friendly conversation." The motion to approve the minutes as amended carried, with four abstentions and the remainder of members present voting "Aye."

Statements from the Public on Non-Agenda Items

None

Board Policies

Ms. Christensen presented Policies 1.05, 2.07 and 2.80 as information items. She said that 1.05 (Student Trustee) is within the purview of the Associated Students and 2.80 (Recognition: Honorary Degree; Presidential Medallion; Naming of Facilities) is within the purview of the District Academic Senate. The new paragraph in Policy 2.07 (Policy Development) was added at the request of the Board of Trustees.

Consideration was given to the remaining policies, as follows:

Policy 2.06, Rules and Regulations

The minor changes clarify that the review of policies is conducted in conjunction with the appropriate constituencies. Vice Chancellor Luan called for consensus polling on the revisions to Policy 2.06. The polling resulted in all members at the (a) level ("I support the recommendation completely") and the recommendation will be forwarded to the Board of Trustees for approval.

Policy 2.12, Employee Rights and Protection, Domestic Partners Rights, and Whistleblower Protection

New sections have been added regarding domestic partners rights and whistleblower protection, along with minor changes to the existing policy. DSGC members were asked to take the policy to their constituencies for review with the goal of approving the policy at the March 7 meeting.

Policies 5.02, Non-Represented Employees: Work Year and Workday, and 5.06, Non-Represented Employees: Conflict Resolution

There are minor changes to clarify meaning. Polling resulted in all members at the (a) level and the recommendations will be forwarded to the Board of Trustees for approval.

Policy 5.07, Non-Represented Employees: Health Benefits and Leaves of Absence

This is a new policy incorporating health benefits and leaves of absence for all non-represented employees: Managers, Academic Supervisors, Classified Professional and Supervisory Employees, and Confidential Employees. DSGC members were asked to take the policy to their constituencies for review with the goal of approving the policy at the March 7 meeting.

Policies 5.14, Academic and Classified Managers: Compensation and Benefits; 5.16, Academic and Classified Managers: Evaluation; 5.24, Academic Supervisors: Compensation and Benefits; 5.26, Academic Supervisors, Evaluation; 5.54, Classified Professional/Supervisory Employees: Compensation and Benefits; 5.56, Classified Professional/Supervisory Employees: Evaluation; 5.64, Confidential Employees: Compensation and Benefits; 5.66, Confidential Employees: Evaluation

After discussion by DSGC members and questions about job titles and classifications, Vice Chancellor Joel said he would withdraw these eight policies from consideration. He will clarify the language and bring the policies back for first reading at the March 7 meeting. Ms. Christensen said that Policy 5.01 (Definition of Non-Represented Employees) will also be sent to DSGC members and should help clarify the job classifications.

Policy 7.05, Admission of Non-Immigrant Aliens, and 7.73, Student Grievances and Appeals

DSGC members were asked to take the revised policies to their constituencies for review with the goal of approving the policies at the March 7 meeting.

Ms. Blackwood presented 11 policies from Chapter 8 and asked that DSGC members take the policies to their constituencies for review with the goal of approving the policy at the March 7 meeting. Most revisions are minor changes in language and terminology. In addition to these minor changes, Ms. Blackwood described the following revisions:

Policy 8.00, Fiscal Management: added #4 on the advice of the Community College League of California's Policy and Procedure Service; the District has been following this reporting requirement but it was not included in the policy.

Policies 8.02 and 2.04, Delegation of Authority: added two paragraphs at the beginning for general explanation. In #1, removed specific dollar amount for contracts which the Chancellor, Executive Vice Chancellor or designees may approve because the amount allowed pursuant to the Education Code changes each year. Deleted Policy 2.04 because it is incorporated into this revised policy.

Policy 8.11, District Budget: In #8, made the language more generic rather than naming specific student grants and loans because they tend to change over time. Added sentence to #12 to clarify the approval process for transfers from the reserve for contingencies.

Policy 8.12, Specially Funded Programs: recommending deletion of this policy because it does not apply to current practices and refers to program that no longer exist. Professor James asked about the reference to instructional equipment monies; Ms. Blackwood said it refers to money which the District used to get from the State but is no longer receiving.

Policy 8.13, Public Safety on District Property: This policy was reviewed extensively by Public Safety Department staff. Additions cover training, compliance with the Clery Act, and notification protocols. Mr. Jones asked if there are plans for public safety officers to be police officers. Ms. Blackwood said there is not. Mr. Jones asked for further explanation regarding the carrying of firearms as mentioned in #6. Ms. Blackwood said that occasionally, the District contracts with sheriff's deputies to work on District property and they are required to carry firearms. The language in #6 specifies that any such officer must satisfy training requirements. Vice Chancellor Luan suggested that Mike Celeste, Director of Public Safety, be asked to attend the March 7 meeting at which action is expected to be taken on this policy.

Professor James said that, because of construction, some normal walkways are blocked and people walk on the edge of roads. She asked if this issue is covered under this policy. Ms. Blackwood said the policy calls for a safe work and learning environment; the issue of safe pedestrian pathways would be a procedure.

Policy 8.45, Transportation on District-Sponsored Events: added information on requirements for drivers of vehicles for College-sponsored events. Dean Comerford asked if it is acceptable for students to drive to events in carpools. Ms. Blackwood said it is permissible but they would not be covered by District insurance. Professor James asked if students would be covered by District insurance if riding in a vehicle rented by a College or the District. Ms. Blackwood said that such a vehicle must be driven by a person who complies with the requirements listed in #6 and that students riding in the vehicle would be covered by District insurance.

Policy 8.70, Fees and Charges: There are two proposed changes:

1. addition of the following sentence in #6: "Students whose fees are not paid and who have not enrolled in a payment plan shall be dropped from classes prior to the start of the term."
2. deletion of the following sentence in #9: "A student whose eligibility for financial aid has not been certified prior to the first day of classes shall not be permitted to register until all applicable fees are paid except as covered in "7" above."

Ms. Blackwood said the first issue arose because there are many students holding spaces in classes but who never show up. She said implementation procedures will be written and the revised policy will be phased in over a one-year period, with extensive communication about the changes. A payment plan will also be devised. Ms. Blackwood said the new policy will help with enrollment management.

Mr. Jones asked if there would be changes in job descriptions or added staff to monitor which students have paid fees. Ms. Blackwood said monitoring is done through Banner and no staffing changes will be required.

Several Council members expressed concern about the revisions, particularly the issue of when financial aid checks are received by students and how that might affect students being dropped from classes. Ms. Blackwood said the new payment plan that will be devised should be a solution to this problem; students who apply for financial aid will be automatically enrolled in a payment plan which will be activated if their financial aid checks have not come through. Professor James said the revisions could have unintended and dire consequences for students and she would like to consider not moving on this policy until the procedures are worked out. Ms. Blackwood said the specifics of the payment plan are not yet worked out and it will take some time for the procedures to be written. She said that DSGC is not a procedure approving body. She added that many students are being harmed by the current policy. She offered to meet with any constituency to answer questions and clarify the proposed changes.

Council Meeting Protocol

Professor Hernandez reminded Council members that at a previous meeting, Dean Bestock suggested a discussion be held regarding how the Council conducts business using the consensus model. The Council agreed to engage David Mezzera, a professional parliamentarian who works with the State Academic Senate. Professor Hernandez, Vice Chancellor Luan, Dean Bestock and County Counsel met with Mr. Mezzera and, after discussion, it was agreed that he will attend a DSGC meeting as an observer if approved by the Council. Dean Bestock said Mr. Mezzera is very knowledgeable and she believes this would be helpful as he can provide tools to help discussions move more smoothly. If Council members grant approval, Mr. Mezzera will attend the March 7 meeting. After that time, a meeting will be scheduled at which Mr. Mezzera will offer suggestions; this meeting will be open to anyone wishing to attend. Mr. Mezzera might also present a future workshop on consensus meeting management. Council members agreed with this arrangement. Professor Hernandez will send an email to Council members to see if anyone is interested in participating in a work group to aid in implementing Mr. Mezzera's recommendations.

Budget Update

Ms. Blackwood said the Governor's proposed budget, released on January 10, calls for one-half of the \$25 billion budget deficit to be solved by cuts and the other half by extending taxes scheduled to expire in June. The extension of current taxes covers the surcharge on income tax, increases in the sales tax and vehicle license fee, and the reduction in the dependent deduction on the State income tax. The proposed reductions include:

- cuts to Health and Human Services, including MediCal, CalWORKs, and the Department of Development Services.
- cuts of \$500 million each to the UC and CSU systems and \$400 million to community colleges. There are no proposed cuts to K-12 education. SMCCCD accounts for 2% of the State community college budget; therefore, the District's share of the \$400 million cut is approximately \$8 million.
- community college fee increase from \$26 to \$36 per unit, generating \$110 million which would be put toward growth; this would, in effect, ask the colleges to educate more students with less money.
- deferring an additional \$129 million from the 2011-12 fiscal year to October 2012; this brings the total deferrals to \$961 million for community colleges, which is approximately 20% of total funding.
- changing the census date from the fourth week to the twelfth week in order to eliminate counting of students who drop after the fourth week.
- shifting some services, such as juvenile offenders and parole, to local government responsibility.
- closing redevelopment agencies; the monies would go to the State in the first year and then to the counties to pay for the services currently being covered by redevelopment funds.

Ms. Blackwood said her sense is that the State Chancellor's Office believes there might be a way around the change in the census date by arguing that community colleges are actively working on student success initiatives and this could have significant unintended negative consequences. While there likely is no way to get around the \$400 million cut, community colleges will argue that the \$110 million generated from the student fee increase should be subtracted from the \$400 million, resulting in a net cut of \$290 million.

Ms. Blackwood said this scenario – a combination of tax extensions and cuts – is the best case. By mid-March, the legislature must approve putting the tax extensions on the June ballot. If the extensions are not on the ballot, or if they fail, the deficit will be solved with budget cuts only. If that occurs, community colleges should plan for \$700-\$800 million in cuts.

Ms. Blackwood said there is a possibility that the District will move from a revenue limit to a basic aid district, i.e. student fees and property taxes combined will exceed the State's revenue limit; the District would keep all of those funds and no longer be dependent on State revenue. The District is now \$9 million away from becoming basic aid; therefore, there cannot be cuts to the District greater than that amount. Because the revenue limit will drop, the District may "back into" basic aid. In response to a question from Mr. Parenti-Kurttila regarding the advantages and disadvantages of becoming a basic aid district, Ms. Blackwood said that being a basic aid district is advantageous because property taxes are more stable than State revenue. Whether the District becomes basic aid will depend on whether the tax extensions are successful and on the final budget that should be passed in October.

Ms. Blackwood said she had set aside \$4 million for mid-year cuts but there are no mid-year cuts in the Governor's proposed budget. Consequently, she will ask the Board of Trustees for approval to run a deficit budget for next year rather than having to plan for deep cuts. Professor James asked what it means to run a deficit budget. Ms. Blackwood said it means that the District will spend more than it will take in for the year and will spend some of its reserves, which will have the \$4 million that had been set aside for mid-year cuts. Dean Comerford clarified that the District will not spend more than it actually has, but rather will go into the reserves. Ms. Blackwood said this is correct. Professor Partlan said it is understanding that the District has funds to stave off painful cuts for next year but will need to reduce the budget by approximately 8% after that. Ms. Blackwood said no one can predict what will happen in 2012-13. She agreed with Professor Partlan that planning for cuts should continue.

Ms. Abellana asked if there might be a need to tap into the student senate accounts, which at College of San Mateo total approximately \$150,000 per year. She said thousands of dollars are spent for senate members to attend out-of-town conferences and retreats and she said this does not make sense to her because there are more important matters to consider. Ms. Blackwood said it is up to the students to make decisions on how to spend their monies. Professor James suggested that student governments could decide to support such things as scholarships, mini-loan funds and other needs on their campuses, just as they have provided funds when disasters occurred.

District Strategic Planning Update – Visioning

Vice Chancellor Luan said there is no update because the Strategic Planning Committee is still working on the visioning statement.

Closing Remarks

Ms. Abellana asked if it is appropriate for DSGC to discuss rates for parking tickets on campus. Vice Chancellor Luan said this will be taken under advisement to see if it is an appropriate topic for the Council.

Ms. Abellana asked if evaluation for faculty has been discussed. Vice Chancellor said this is not an appropriate topic for DSGC as it is a matter for AFT.

Statements from Council Members/Agenda Building

None

Adjournment

It was moved by Mr. Parenti-Kurttila and seconded by Ms. Abellana to adjourn the meeting. The meeting was adjourned 3:47 p.m.