

## District Shared Governance Council (DSGC)

March 7, 2011

### Minutes

**Members Present:** Co-Chair Diana Bennett, Vivian Abellana, Donna Bestock, Peter Bruni, Kathy Fitzpatrick, Fermin Irigoyen, Teeka James, Raymond Parenti-Kurttila, Martin Partlan, Stephanie Samuelsen, Darnell Spellman, Sandra Stefani Comerford

**Members Absent:** Jing Luan, Heidi Hansen, Charles Jones, Rita Sabbadini

**Others Present:** Kathy Blackwood, Mike Celeste, Barbara Christensen, Harry Joel, David Mezzera

The meeting was called to order at 2:28 p.m. Professor Bennett said that District Chief Financial Officer Kathy Blackwood will act as Co-Chair in Vice Chancellor Luan's absence. Professor Bennett introduced Mr. Mezzera who acts as parliamentarian for the State Academic Senate. Mr. Mezzera will observe this meeting and provide recommendations to enhance the Council's current processes.

#### Review and Approval of Minutes

It was moved by Dean Bestock and seconded by Mr. Parenti-Kurttila to approve the minutes of the meeting of February 7, 2011. The motion carried, with two abstentions and the remainder of members present voting "Aye."

#### Statements from the Public on Non-Agenda Items

None

#### Board Policies

Ms. Christensen asked that a revision to policy 2.08, District Shared Governance Process, be added to the agenda. The revision is in item number 8(a) which defines a quorum as the presence of eleven members (which is fifty percent +1 of a 20-member Council). Because the Council's makeup does not always consist of 20 members due to varying circumstances, the recommended change defines a quorum as the "presence of fifty percent plus one of current members" rather than specifying an actual number. Some Council members said they would like to take this item to their constituencies for discussion; it will be on the agenda for the next meeting for first reading.

To aid with the understanding of the policies on non-represented employees, Council members were provided with copies of policy 5.01, Definition of Non-Represented Employees, and with a list of specific positions which fall under the non-represented categories.

Professor Bennett called for discussion of the policies which were on the agenda as action items. She noted that College of San Mateo's Academic Senate has not officially approved or disapproved these policies. She will not block consensus but will abstain from the polling and report to the Senate on the actions taken by the Council.

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

There was no discussion. Professor Bennett called for consensus polling, which resulted in one abstention and the remaining members at the (a) level ("I support the recommendation completely"); the recommendation will be forwarded to the Board of Trustees for action.

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

Vice Chancellor Joel said the recommended revision adds that the cost of dental insurance shall be borne by the District. Polling resulted in one abstention, eight members at the (a) level, and two members at the (b) level ("I support the recommendation with reservations"); the recommendation will be forwarded to the Board of Trustees for action. (Ms. Abellana was not yet present and was not counted in the polling.)

#### Policy 7.05, Admission of Non-Immigrant Aliens

Professor James said her constituency is unclear about which group of people is being addressed in item number 1. Professor Partlan said they are people who are not here as permanent residents and not planning to immigrate, such

as visiting artists. Ms. Blackwood added that they might also be in the country on a work Visa or be a family member of someone who is in the country legally. Professor James asked if the phrase, "...shall be eligible to establish residency" as stated in item number 4 refers to the cost of tuition. Ms. Christensen said it does; to clarify, the words, "for purposes of fee assessment" will be added at the end of that phrase. Polling on the amended revisions resulted in one abstention and the remaining members at the (a) level; the recommendation will be forwarded to the Board of Trustees for action.

Policy 7.73, Student Grievances

There was no discussion. Polling resulted in one abstention and the remaining members at the (a) level; the recommendation will be forwarded to the Board of Trustees for action.

Policy 8.00, Fiscal Management

There was no discussion. Polling resulted in one abstention and the remaining members at the (a) level; the recommendation will be forwarded to the Board of Trustees for action.

Policy 8.02, Delegation of Authority

There was no discussion. Polling resulted in one abstention and the remaining members at the (a) level; the recommendation will be forwarded to the Board of Trustees for action.

Policy 8.03, Authorized Signatures

In discussion regarding who signs independent contracts, it was noted that the Executive Vice Chancellor and/or Chief Financial Officer may designate such signers. Polling resulted in one abstention and the remaining members at the (a) level; the recommendation will be forwarded to the Board of Trustees for action.

Policy 8.08, Attendance Accounting

There was no discussion. Polling resulted in one abstention and the remaining members at the (a) level; the recommendation will be forwarded to the Board of Trustees for action.

Policy 8.11, District Budget

There was no discussion. Polling resulted in one abstention and the remaining members at the (a) level; the recommendation will be forwarded to the Board of Trustees for action.

Policy 8.12, Specially Funded Programs

Ms. Blackwood said this policy is recommended for deletion because it references programs for which the District no longer receives funding and which no longer exist. In response to a question from Professor James, Ms. Blackwood said that, although the District no longer receives funding from the State for major maintenance, it does have a fund for capital maintenance projects. Polling resulted in one abstention and the remaining members at the (a) level; the recommendation will be forwarded to the Board of Trustees for action.

Policy 8.13, Public Safety on District Property

Professor Partlan said the phrase "does not intend," as used in the following sentence, is vague: "The District does not intend to use electronic surveillance to monitor employees' work or work habits, unless suspected criminal activity is observed." Ms. Christensen said it means that surveillance is not intended to watch employees but to be available for viewing if a crime is committed. She asked if there were suggestions to clarify the meaning. Professor James suggested using the words "will not" instead of "does not intend to." This suggestion was accepted by Council members. Mr. Bruni asked if employees are notified that surveillance cameras are in place. Mr. Celeste said notices are posted. After this discussion, polling on the amended revisions resulted in one abstention and the remaining members at the (a) level; the recommendation will be forwarded to the Board of Trustees for action.

Policy 8.15, Purchasing

There was no discussion. Polling resulted in one abstention and the remaining members at the (a) level; the recommendation will be forwarded to the Board of Trustees for action.

Policy 8.17, Revolving Cash Fund

Professor James asked if the petty cash fund and revolving cash fund are the same thing. Ms. Blackwood said that, typically, the revolving cash fund is in a bank and the petty cash fund is kept in employees' desks. Ms. Christensen said the word "or" in item number 1 will be changed to "and" to clarify that both types of funds may be established. Professor James asked if the words "or when" in item number 5 should be removed to clarify that claims for reimbursement require both properly documented invoices and submission of a reimbursement claim form. Ms. Samuelsen said this change would reflect current practice; it was agreed that the change will be made. After this discussion, polling on the amended revisions resulted in one abstention and the remaining members at the (a) level; the recommendation will be forwarded to the Board of Trustees for action.

Policy 8.45, Transportation on District-Sponsored Events

Dean Comerford asked for clarification of a "clean driving record." Vice Chancellor Joel said it means zero points. This clarification will be added in item number 6. Polling on the amended revisions resulted in one abstention and the remaining members at the (a) level; the recommendation will be forwarded to the Board of Trustees for action.

Policy 8.70, Fees and Charges

Mr. Parenti-Kurttila said the Associated Students of Skyline College cannot support the added sentence in item number 6 and recommended that the policy remain unchanged.

Dean Bestock said Skyline management does not support the revisions. While they recognize the importance of collecting fees, there are a number of issues that can present unknown and unintended consequences.

Professor Irigoyen said the Skyline Academic Senate recommends a change in wording in item number 6:

Currently recommended: "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."

Suggested by Skyline Academic Senate: "Students whose fees are not paid or who have not enrolled in a payment plan or who have not applied for financial aid may be dropped from classes prior to the start of the term."

Ms. Blackwood noted that 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.

Mr. Spellman said the Associated Students of Cañada College support the recommendation. They believe that this plan, with the protection for students who have enrolled in a payment plan, works better than students holding spaces in classes and never showing up. He said this type of plan has worked well at Sacramento City College and is followed by most districts.

Professor James said AFT is not in support of the revisions. They are concerned about the most fragile students being affected in ways that cannot be predicted. Concerns include the timing of financial aid funds being received by students. Professor James suggested holding off until more information is gathered regarding which students would be affected. Professor James said that, in general, the idea of a payment plan is a good idea but more information is needed before implementing the dropping of students. Ms. Blackwood said this policy is not contingent on institution of a payment plan. Development of a payment plan will likely go forward whether or not the revisions to this policy are approved, and can include the provision that students who apply for financial aid will automatically be enrolled in a payment plan and will not be dropped from classes. Ms. Blackwood said it will take time to put a payment plan in place and to communicate the plan well and thoroughly. Professor James suggested moving forward with the policy but striking the added language in item number 6 at this time for good will. Ms. Blackwood said this could be done but she is very concerned about the skyrocketing bad debt from unpaid fees.

Ms. Fitzpatrick said the Classified Council at Skyline College has some concerns, including the probability of losing students during the first semester of implementation and the fairness of dropping students who register early and do not pay vs. students who register late and don't pay but are not dropped as quickly. They are also concerned about fees rising, in which case the \$200 debt limit would not get students very far. Ms. Blackwood said \$200 was the amount recommended by the Financial Aid directors as the amount of debt above which students shouldn't go because they have to pay the debt when they want to transfer. Ms. Fitzpatrick said that with a little more research, the Classified Council would probably be in favor of the policy because they are concerned about the rising debt.

Professor Partlan said Cañada faculty believe that students who are not paying their fees should not get priority seating. He said their concern is with the implementation of the drop. He suggested replacing the words "shall be dropped" with "may be dropped" in the new language in item number 6. He asked if there is a way to insure that students are notified and given an opportunity to present their forms instead of being silently dropped. Ms. Blackwood said that whenever students conduct registration on WebSmart, they are sent an email telling them how much they owe, and it would be possible to add the date they will be dropped from a class if fees are not paid. Professor Partlan asked if students could receive notice via U.S. mail during the first period of implementation. Ms. Blackwood said this would be very costly.

Professor Bennett said it appears that the language in item number 6 is not agreeable to the majority of Council members and suggested approval be held off until proper language can be worked out. Professor Partlan noted that Professor Irigoyen presented a proposal which has not been acted on. Professor James said she is not comfortable with the proposal and would prefer to keep the new language out of the policy for now. Ms. Fitzpatrick suggested adding language about late registration. Dean Bestock suggested that action on this item be withheld until the procedure for a payment plan is in place and the Council can see how it works. Ms. Blackwood reminded Council members that DSGC does not approve procedures. Dean Bestock said that information gained from a payment plan experience could inform the Council's ability to make a decision about the policy. Ms. Blackwood said it could take six to twelve months to put a payment plan in place, during which time the District would amass additional debt. The debt from unpaid fees is in excess of \$2 million.

Professor Partlan suggested using the consensus model to determine if 60% of the Council are at any one level on the recommendation brought by Professor Irigoyen. Polling resulted in three members at the (a) level ("I support the recommendation completely") and seven members at the (c) level ("I cannot support the recommendation"). Professor Partlan said that the proposal could go forward with the information that at least 60% of Council members could not support the recommendation and this would send a strong message to the Board.

Professor James said some Council members feel their suggestions were put aside and not voted on and said she would like to know if there is something in the policy on shared governance that defines what will trigger a vote. Professor James proposed to strike the new language in item number 6, let it go forward without that language, and continue discussions with the constituent groups about how to get students to pay their fees. She noted that this would not affect the development of a payment plan. Professor James added that faculty at CSM are concerned about how financial aid is working or not working and the trigger that could put students into the group who would be dropped.

Dean Bestock said she agrees that the problem with debt needs to be addressed. However, she believes that taking a recommendation to the Board with wide disagreement is not a good way to address the issue. She would prefer to continue to work on the policy with the objective of caring about students and the District's financial health at the same time. Dean Bestock said that President Stanback Stroud took the issue of student fees to the Chancellor's Cabinet and she asked Ms. Blackwood if she knows what transpired. Ms. Blackwood said some of the same concerns were raised but the discussion did not result in a directive. Ms. Blackwood said the problem is that many of the neediest students are going to be squeezed no matter what is done because of the state of the State. She said savvy students who figure out the system are going to get into classes. The community college system in California is not about access any longer and the District will not have enough money to help needy students. The best case scenario for next year includes dropping enrollment by 6.5% and this will affect the most vulnerable students.

Professor Bennett said she believes the policy should not go forward because it does not make a statement about what the Council can support. She recommended that it be on the agenda for further discussion at the next meeting. There was agreement with this recommendation. Ms. Blackwood offered to speak with any persons or groups on the issue.

Professor Bennett said that the seven policies presented for first reading should be taken to Council members' constituencies for discussion. They will be brought to the next meeting for action. The changes shown in blue are those which were added since the Council last saw these policies.

#### Council Meeting Protocol

Professor Bennett said she will get feedback from Mr. Mezzera and report to the Council at the next meeting.

#### Budget Update

Ms. Blackwood said the Governor reported that he does not have enough votes to place the temporary tax extensions on a ballot and there is a possibility of moving an election to later in June. She said it appears that some Republicans believe they are in a good position to negotiate, particularly with regard to public pensions. Ms. Blackwood said polling shows support for higher education institutions and for community colleges. However, there has been negative publicity resulting from a series of stories in the Los Angeles Times on massive waste in the Los Angeles Community College District's bond program.

Mr. Parenti-Kurtila asked what the deadline is for approval to put the temporary tax extensions on a ballot. Ms. Blackwood said the original date was March 10 but it is unknown at this time when a final deadline would be. There has been some talk about trying to get the extensions on a ballot by a majority vote because they could be considered an amendment; however, this strategy would be challenged and is not likely.

#### District Strategic Planning Update – Visioning

Professor Bennett distributed the visioning statement that was approved by the District Strategic Planning Committee on February 14. She asked that DSGC members take the statement to their constituencies for comments and suggestions. Professor James suggested that, in light of today's discussion, the phrase "equitable levels of access" be deleted. She also noted that life-long learning needs, as mentioned in the statement, are no longer in the Board of Trustees' statement of core values and principles. Professor Bennett pointed out that life-long learning courses are still offered through Community Education.

#### Closing Remarks

Professor James said she believes that discussion of issues by Council members should be completed before polling is undertaken. Professor Bennett said Mr. Mezzera was brought in to address this type of protocol and his recommendations will be presented to the Council for discussion. Professor James asked if Mr. Mezzera will be attending another meeting; Professor Bennett said it is not known at this time.

Mr. Parenti-Kurtila commended Professor Bennett and Ms. Blackwood for chairing the meeting effectively.

Professor Bennett reminded Council members that it is important to have a quorum present at each meeting.

#### Statements from Council Members/Agenda Building

None

#### Adjournment

The meeting was adjourned by consensus at 4:10 p.m.