

District Shared Governance Council (DSGC)
September 21, 2009
Minutes

Members Present: Co-Chairs Patty Dilko and Jing Luan, Linda Allen, Diana Bennett, Connie Beringer, Jenny Castello, Megan Eznekier, Denisse Gonzalez, Cliff Heap, Ray Hernandez, Teeka James, Virginia Medrano Rosales, Alma Núñez, Martin Partlan, Stephanie Samuelsen

Members Absent: Charles Jones, Marsha Ramezane, Steffi Santana

Others Present: Barbara Christensen, Jacqueline Solorzano

The meeting was called to order at 2:16 p.m.

Review and Approval of Minutes

It was moved by Professor James and seconded by Professor Hernandez to approve the minutes of the meeting of May 4, 2009. The motion carried, with four abstentions and the remainder of those present voting “Aye.”

Public Comments

None

Board Policy Revisions

Professor Dilko said the Chapter 6 policies listed on the agenda (6.04, 6.19, 6.21 and 6.90) are within the purview of the Academic Senate and are being brought to the Council for review only.

Professor Dilko reminded Council members that the policies listed on the agenda which are preceded by an asterisk were presented at the May 4 meeting and were to be discussed with constituencies and brought back to today’s meeting. It was moved by Dean Beringer and seconded by Ms. Allen to approve those new or revised policies.

Professor James said faculty is concerned about Sections 2.28(5), 2.29(2) and 2.51(2), which call for the Chancellor to establish procedures related to the policies. She suggested that more specification is needed and that more dialog is warranted. Professor Dilko said these three policies will be set aside for further discussion; they were removed from the group of policies within the motion on the floor.

Regarding Section 2.60, Resignations, which states that “When accepted by the Chancellor, the resignation is final and may not be rescinded,” Professor James said faculty asked if it happens often that employees want to rescind resignations. Professor Dilko said it does happen, especially as employees are getting information on retirement issues. She said the policy addresses the fact that a final decision must be made at some point. Professor James asked if resignation is synonymous with retirement; Ms. Christensen said it is because an employee must resign when he/she retires. Ms. Samuelsen said resignation and retirement are two separate things and that this is a sensitive area. Dean Beringer pointed out that this policy addresses only resignations. With this clarification, Professor James and Ms. Samuelsen said their concerns were satisfactorily addressed.

Professor James expressed concern about Section 2.20, Equal Employment Opportunity, which states that “The District shall demonstrate its commitment to the cultural competence of its employees and students through policies, procedures, training programs, services and activities which promote diversity and mutual respect within the District work force and student body, without regard to gender, ethnicity or ability.” She said faculty believes the last phrase, “without regard to gender, ethnicity or ability,” is exclusionary and should either be expanded or deleted. Ms. Christensen agreed and suggested that the sentence end with “. . . which

promote diversity and mutual respect within the District work force and student body.” Dean Beringer amended her motion to include this change.

Professor James said faculty believe that in Section 2.19, Nondiscrimination, it is not clear to whom the phrase “he or she” refers in 2.19(2). After discussion about possible ways to clarify the meaning, Dean Beringer suggested the following:

The District, and each person who represents the District, shall provide access to its services, classes, and programs *to individuals* without regard to national origin, religion, age, sex or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because ~~he or she is~~ *they are* perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

Ms. Christensen agreed with this clarification; Dean Beringer amended her motion to include this change.

Professor James said she thought it was previously stated that Section 2.13, Dissemination of Employee Information, would be removed on the recommendation of County Counsel. Ms. Christensen said her recollection was that it was being revised to allow more information to be released if an employee grants permission to do so. Ms. Christensen said she will check further with Vice Chancellor Harry Joel and County Counsel; this section was removed from the motion on the floor for approval.

Professor Dilko called for polling of appointed members on the motion, which includes approval of:

- 2.19 Nondiscrimination, as amended
- 2.20 Equal Employment Opportunity, as amended
- 2.60 Resignations
- 7.03 Eligibility Requirements for Admission of International Students
- 7.07 Non-Resident Tuition Fees

There were eleven “a” votes (I support the recommendation completely) and four abstentions. Because at least 60% of members present were at any one level in accordance with Section 2.09, the recommendation to approve will be forwarded to the Chancellor.

Vice Chancellor Luan left the meeting at 2:55 p.m. to attend another meeting which he chairs.

Professor Dilko called for return to discussion of Sections 2.28 Safety; Injury and Illness Prevention Program; 2.29 Sexual Assault Education, Prevention and Reporting; and 2.5, Reporting of Crimes. She noted that the area of concern is the manner in which procedures are established. She said that the Council advises on policy while it is within the purview of staff to develop procedures. Professor Partlan said there might be cases in which groups disagree with a procedure established by the Chancellor or designee(s). He asked if there is a policy on how procedures are developed. Professor James added that some procedures are inadequate and that there is also a lack of communication and training on procedures. Ms. Allen agreed, saying that rash judgments could be made during situations while employees are trying to figure out proper procedures. Professor Dilko said there are many procedures and some are College-specific while others are Districtwide. Professor Dilko asked Ms. Christensen to see if information on this issue included in the Community College League of California (“League”) Policy and Procedure Services to which the District subscribes.

It was moved by Professor Partlan and seconded by Dean Beringer to approve Section 2.51, Reporting of Crimes, as presented. Hearing no further discussion, Professor Dilko called for polling of appointed members. There were eight “a” votes, one “b” vote (I support the recommendation with reservations), one “c” vote (I cannot support the recommendation) and four abstentions. Not 60% of members present were at any one level. Ms. Gonzalez, who had abstained from voting, changed her vote to “a” and the motion then had 60% of members present at level “a” and will be forwarded to the Chancellor.

Ms. Medrano Rosales asked what would happen if consensus is not reached when the Council is polled. Professor Dilko said the issue could still be presented to the Board of Trustees for approval, with details of the polling and with written rationales for votes from any members who wish to submit them. Alternatively, the issue could be sent back to staff for revision.

Ms. Christensen said she would like to withdraw Section 2.28 to make sure it is in accord with the sections on student conduct and disciplinary sanctions in Chapter 7.

It was moved by Professor Partlan and seconded by Professor Hernandez to approve Section 2.29, Sexual Assault Education, Prevention and Reporting, as presented. Hearing no further discussion, Professor Dilko called for polling of appointed members. There were nine “a” votes, 2 “b” votes and three abstentions. Because 60% of members present were at one level, the recommendation will be forwarded to the Chancellor.

Ms. Christensen briefly described the policies being presented to the Council for the first time, which members will take to their constituencies for discussion:

1.00, The San Mateo County Community College District – it is recommended by the League to have such a policy. This policy was brought to the Council last year and was subsequently revised to address concerns about restricting employees from using their District titles and/or employment designations while exercising citizen rights.

2.25, Prohibition of Harassment – the League’s version was brought to the Council last year. It has been further revised since that time because staff subsequently decided there was much in the District’s old sexual harassment policy that should be included.

2.55, Emergency Response Plan; 7.20, Student Equity, 7.21; Speech: Time, Place and Manner; 7.22 Student Credit Card Marketing; 7.23 Athletics – all recommended by the League.

Ms. Christensen said Sections 7.69, Student Conduct and 7.70, Student Disciplinary Sanctions are being withdrawn from consideration in order to (1) work with County Counsel in light of the shooting incident at Skyline and (2) make sure these policies are in alignment with Section 2.28 as noted above.

Professor Dilko explained that the four sections in Chapter 6 went through the same consensus building process at the three Colleges’ Academic Senates and at the District Academic Senate, and they will now go to the Board of Trustees for approval. She gave a brief description of the revisions and of the new Section 6.19.

Closing Remarks

Professor James said she hopes Council members will feel free to bring all concerns of their constituencies for discussion at the meetings.

Agenda Building

Professor Dilko said discussion of District Rules and Regulations Section 2.09, District Shared Governance Process, will be agendaized, specifically to address (a) polling of members who were absent when an issue was discussed and (2) possible development of a process to round numbers when considering whether 60% of members polled are at one level. Professor Dilko requested that members discuss these issues with their constituencies. Professor Partlan will also check to see if these areas are covered in Robert’s Rules of Order.

Adjournment

The meeting was adjourned by consensus at 3:50 p.m.