

**Mission College Academic Senate
Ext. 5413
Unapproved Minutes
Thursday, November 2, 2006**

I. Call to Order/Roll Call

The meeting was called to order by President Cathy Cox at 2:12 p.m.

Senators	A	P	Senators	A	P
Abdeljabbar (Ext. 5250) Tech		X	Laird (x 5186) Social Science		X
Beggs (Ext. 5188) AAS		X	Malchow (Ext. 5370) Comm.		X
Brichko(Ext. 5222) CATA		X	Moles (Ext. 5113) ESL		X
Brodie (ASB Rep)		X	Ostrander (x5274) Student Dev.		X
Cogswell (Ext. 5388) AAS		X	Pembrook (x 5275) CommServ.	X	
Cox (x5165) Pres/Comm Service		X	Perlas (x5041) Student Dev.		X
Hernas (x5169) Comm Services		X	Thickpenny (x5287) CATA	X	
Juncker (x5229) Communication		X	Ting (x 5330) Math		X
Kashima (x. 5319) ESL	X		Vacancy (Math & AF)		
Guests: J.Brennan, J.Lucas,		X	Guests: H.Robles		X

II. Approval of the Minutes

The minutes for the October 10, 2006, meeting were accepted and approved as submitted (M/S/U – Juncker/Adeljabbar).

The minutes for the October 26, 2006, meeting were accepted and approved as submitted (M/S/U – Juncker/Laird).

III. Order of the Agenda

A request to move Item VIII.A ahead of Old Business and Item VII.B ahead of Item VII.A was approved (M/S/U – Juncker/Beggs).

IV. Oral Communication from the Public

There was no oral communication from the public at today's meeting.

V.I Information & Announcements (College & District)

1. Senator Perlas announced that Transfer Day will be held on Monday, November 6, 2006, from 10:00 a.m. to 1:00 p.m. in Center Space. She asked the Senators to encourage their students to participate in this event. There will be a large number of representatives from the universities.

2. Senator Moles reported the concerns of her Division Chair, Rachel Lowenberg regarding access to the district's budget. In the past, all budget accounts and their history were accessible through PARIS. There has been a major change in that budget administrators will only have access to their own accounts. Cathy advised that eventually all accounts will be accessible at a later date.

VI. Administrative Business/Actions/Appointments

A. President's Report – Please see President's written report attached to these minutes.

** In addition to the written report, Cathy reported that the Division Chair Council discussed a proposal presented by Trustee Schwartz recommending a change in the meeting schedule for the Board of Trustees. The proposal entails holding only one open session meeting per month and the second session is to be a closed session meeting per month followed by a Land Corporation meeting. This item was also discussed at District Council, and it was recommended that the item be pulled from the agenda. The item is still on the agenda for this evening's Board meeting. The Division Chair Council passed the following resolution regarding this matter:

“Whereas, The Mission College Division Chair Council is committed to improving open communication and access to its governance structures; and

Whereas, Reducing the frequency of open session meetings would result in a negative effect on public access and open communication; and

Whereas, Reducing the frequency of open session meetings would create an increased time for approval of positions, budgets, curriculum and other college business resulting in less effective service to students; and

Whereas, The authority delegated to the Chancellor for interim approval of college business items has been curtailed; and

Whereas, The Mission College Division Chair Council recognizes the Board's need to improve efficiency of its meetings and understands the effect of long meetings and late adjournments on staff; Therefore, Be It

Resolved, That the Mission College Division Chair Council requests that the Board of Trustees continue to hold two open business meetings per month; and Be It Finally

Resolved, That the efficiency of Board meetings and the negative effect on staff of late adjournments would be improved by holding closed sessions and Land Corporation meetings after the open session.”

At this time, it was requested that this issue be placed on the next MCAS agenda for discussion and action.

**Cathy continued with her report, advising the Senators that Betty Ensminger, Chair of the Curriculum Committee has requested that the following statement be read into the minutes:

“As the Chair for the Curriculum Committee, I strongly encourage the Senate to resolve our current situation so that the Curriculum Committee will be able to officially meet. Even though the committee members have not been meeting as a whole, the Articulation Officer (Yolanda Coleman), the Tech Review Chair (Kara Dworak) and I have been working on curriculum the whole time. We have all the course work proposed from last Spring and all the work from this Fall ready for first reads as soon as we can meet. Already we have missed the Spring deadline for 2007. We have only a few weeks to finish first and second reads if we are to get the curriculum to the Board for approval for Fall 2007. If we are delayed, it will be pushed off to

Spring 2008. It is imperative that we move forward with the curriculum or many programs will be impacted. Thank you for your efforts.”

** Cathy acknowledged that there have been many e-mails regarding a situation that developed last week. Bearing in mind the concerns of the MCAS relative to the Brown Act and the District Academic Senate's resolution, she asked Ed Kleppinger to put her in contact with the ACE attorney to determine how much it would cost to look into the matter. The Chancellor had offered to fund experts to resolve the question of the District Academic Senate Constitution and the Brown Act. She felt a preliminary research was justified. Cathy emphasized that she did not ask for ACE funds to be spent or for an opinion from the ACE attorney. The ACE attorney's response to Ed suggested that ACE provide the funds, and Ed took the issue to the ACE Executive Council who appropriately rejected the request. Ed sent out an e-mail to the Executive Council and copied both Angelica and Cathy. The ACE attorney subsequently gave a referral to another attorney who might be able to work for the Senate without any possibility of conflicting interests. The name and number of this referral is on file in the Senate office. Cathy acknowledged that she did not advise Angelica or the WVC Academic Senate of her request as she was only seeking information. In addition, Angelica has advised her that she and her Senate have no interest in further meetings to resolve the District Academic Senate resolution.

Discussion ensued, and it was noted that the Chancellor made his offer to fund an expert at a Roundtable Discussion and he reiterated his offer as he left the October 19th meeting of the Mission College Academic Senate. He did not propose a specific attorney or parliamentarian. Cathy reiterated her belief that she acted within the bounds of reason, seeking information on cost and whether or not the ACE attorney, the District's attorney or an outside attorney would be the most viable option. It was opined that the e-mails indicate an assumption that Cathy asked ACE to pay for a lawyer to undermine the WVC Academic Senate. Even if this Senate comes up with a name of an attorney or parliamentarian, the WVCAS will assume it is tainted. It was suggested that three persons be identified and left to the Chancellor to decide. At this point, Cathy reminded the Senate that this was an informational report, and action should be left to the appropriate agenda item.

** Cathy reported on the Fall Plenary Session of the Academic Senate for California Community Colleges. A summary of the Senate resolutions has been forwarded to the Senators and Cathy invited the Senators to contact her if they have any questions or want additional information. She noted that Mission College was well represented. In addition to herself, Ian Walton, Jane Patton, Cindy Vinson, and Aaron Malchow were present at the plenary. Aaron reported that it was a good experience. Hearing from other community college representatives on issues and sharing tales of woe was very interesting. He urged all Senator to try to attend at least one conference.

** Regarding the DBAC minutes, it was noted by a senator that the minutes state that Alex Braun had stated he would support the Budget Allocation Model to the Mission College faculty. It was noted that the MC Academic Senate did not approve the model nor did the Division Chair Council. Cathy replied that the process was adopted by DBAC and the model referred to covers the supplies and equipment budget, which addresses approximately 6% of the budget. Harriett remarked that Mission College has to be represented in the pilot study, which is currently being run simultaneously with the existing model. There is a need to identify whether it is viable. A

request was made that the Senate secretary research the Senate minutes on this matter and report back at next week's meeting.

As agreed, the order of the agenda was suspended and moved to Item VIII.A.

VIII. New Business

A. Discus & Consider Actions Relating to DAS Resolution

Two resolutions have been prepared and sent to the Senators for review prior to today's meeting. The Senators were provided with copies of both resolutions. At this time a motion to consider the first resolution was made (M/S –Ostrander/Moles), and discussion was opened to the floor. In accordance with Robert's Rules of Order, a resolution can be amended or reworded to perfection. The Senators discussed the "whereas" statements and the "resolve" statements, making several motions to strike certain language and incorporate language from the second resolution.

President Robles addressed the Senate, acknowledging a deep respect for the Academic Senate's authority. She stated, however, that the continued lack of participation is qualitatively and quantitatively affecting the college. The evidence lies in the fact that there is no schedule yet and no new curriculum. Her charge is to ensure optimum service for the students. Decisions that have to be made will be made at her level. Harriett stated that she supports any resolution that releases Mission College Faculty to participate in the college and district activities separate from the District Academic Senate resolution. Students must come first. The student representative, Jim Brodie, stated his opinion that the Administration and the Board take away from students; students do not come first. Although she understands his view, President Robles respectfully disagreed with Jim, stating that the faculty and the administration at this college work as a team and that she firmly believes that everyone here is here for the students.

The final resolution was accepted as perfected and read into the minutes as follows (M/S/U – Cogswell/Perlas):

"Whereas, The District Academic Senate successfully implemented the resolution of February 7, 2006, including the suspension of faculty participation in College and District Academic Senate committee work; and

Whereas, The Mission College Academic Senate recognizes the confusion in the interpretation of the Brown Act between the Mission College Academic Senate and the West Valley College Academic Senate; and

Whereas, The Mission College Academic Senate understands that the West Valley College Academic Senate is following their interpretation of what is right when resolving to lift faculty participation in College and District Academic Senate committee work; and

Whereas, The Mission College Academic Senate feels that the decision to lift the resolution resides with the District Academic Senate; and

Whereas, The Mission College understands the urgency of this crisis; Now, Therefore, Be It

Resolved, That the Mission College Academic Senate releases Mission College faculty to resume participation on college and district committees and all other forms of collegial and professional participation as an action separate from the lifting of the District Academic Senate Resolution; and Be It Further

Resolved, That the Mission College Academic Senate requests that the District Academic Senate meet as soon as possible to revise the District Academic Senate Constitution and Bylaws; and Be It Finally

Resolved, That the Mission College Academic Senate collegially requests that the District Academic Senate meet and resolve any differences.”

It was agreed that the resolution is to be sent out via e-mail to all users and a message will be sent to all faculty encouraging them to reconvene their committee meetings. In the near future, a list of committees that require faculty members will be sent out from the Senate office as well. Cathy urged the Senators to advise their constituents and encourage them to go back to work. Cathy thanked the Senators for their conscientious efforts to resolve the impasse while remaining within the parameters of the Brown Act. She reported that she had received a call from Trustee Schwartz regarding the concerns of the Senate relative to the Brown Act. She explained to him that the District Academic Senate adopted a resolution and the resolution was lifted by a separate entity. As soon as she made him aware of the concern, he recognized the issue and agreed with the MC Academic Senate’s interpretation. A Senator pointed out that at the last Board meeting, a Board member praised the WVC Academic Senate’s action, making a statement that was viewed by many as divisive. It is inappropriate for Board members to make such statements. Cathy will take the resolution to tonight’s Board meeting.

As agreed, Item VII.B will be addressed prior to Item VII.A.

VII. Old Business

B. Revisit China Recruitment Initiative

The Senators were provided with copies of a resolution prepared by Senator Malchow and updated information regarding the events that are of concern relative to the China Recruitment Initiative. Cathy explained for the benefit of new Senators, that a number of questions were raised last year about the allocation of Land Corporation funds to an International Students Program and the subsequent use of those funds for a trip to China by several Board members and others, with the goal of recruiting students.

A number of handouts were distributed with timelines and detailed information regarding the possible violations of the Brown Act, violations of the Board’s policy, and the misappropriation of funds. The Senators reviewed and discussed the documents presented.

It was noted that the minutes of the Land Corporation meeting of October 19th are not clear as to whether or not funding for the International Students Program was approved or not. It was explained that this program is not the same as the program housed at Mission College. It was intended to be a new program to function jointly at both colleges. Cathy explained that monies

allocated by the Land Corporation have to be expended before the end of the fiscal year and cannot be carried over unless they are specifically approved by the Board. She advised the Board of Directors of the Land Corporation that the MC Academic Senate had raised questions on the way in which money was allocated, but that the Senate did not have an issue with the concept of an International Students Program. She explained further that the plan initially proposed by Dr. Chong could not be funded with the reduced amount of money allocated by the Land Corporation. Interim President Robles and President Hartley were asked to develop a plan using the reduced amount allotted by the Land Corporation, and present it to the Land Corporation for consideration. They brought a well detailed plan for an International Students Program at both colleges on October 19, 2006. Cathy expressed her recollection that the Board's decision had been to accept the plan and carry the funds over to this year to fund the plan.

A motion was passed to extend the discussion on this subject, and the resolution presented was discussed. It was noted that there is some concern with regard to the statute of limitations, which is unclear in the Brown Act. It was also stated that the wording of the resolution follows the recommendations of the Brown Act relative to violations of the Act. As discussion continued, it was stated that the intent of the resolution was understood. People should not get away with wrongdoing. The Administration and the Board are already aware of the Senate's concerns, particularly as they relate to the shared governance process. The student representative asserted that the Board and the Administration need to be made accountable for their actions, and claimed that the administration is taking facilities away from the ASB right now.

Cathy, speaking as the Academic Senate President, stated that the Academic Senate has a clearly defined charge under Title 5. The Senate is responsible for academic and professional issues. Our strength as an Academic Senate is in the ten plus one. Although the concerns expressed are legitimate and real, it is her opinion that the Mission College Academic Senate is not the right body to make the request outlined in the resolution. It would be better coming from individual members of the public. This is a matter of taxpayer's money and how it is allocated. In her view, the Academic Senate has no business taking action in this area.

At this time, there was a call for the question and the motion to approve the resolution failed. It was stated that any individuals who wish to do so can take this matter forward. It was also agreed that this matter will be placed on the next agenda for further discussion.

A. Jt. Meeting of the Division Chair Council & MCAS to Consider Ranked Priority List of New Faculty Hires

Cathy explained that there has been some confusion about the joint meeting scheduled for the Division Chair Council and the Academic Senate. It is expected that the Division Chairs will attend next week's Senate meeting for final approval of the prioritized list. Cathy advised that the Division Chair Council prioritized the list slightly differently than the Senate's recommendation, and this will be addressed at next week's meeting.

Cathy reported that it is not expected that any new faculty positions will be filled. The list is necessary in the event that someone retires. The list might then come into play. It was reported that WVC has said it will fill three new positions. Cathy stated that she will look into the matter.

This item will be placed on next week's agenda to consider final approval of the prioritized list.

X. Correspondence, Publications, & Announcements

Correspondence

1. E-mail dated October 20, 2006, from President Robles re: the college's mission statement.

X. Correspondence, Publications, & Announcements (Continued)

2. E-mail dated October 30, 2006, from ACE re: the results of the vote on the tentative agreement.

3. E-mail dated November 2, 2006, from Chancellor Arterberry re: the selection of candidates for the Leadership Development Academy.

Publication/Minutes

1. A copy of the International Student Program Enrollment Enhancement Project submitted to the MWVCCD Land Corporation developed by President Robles and President Hartley.

2. The agenda for the November 2, 2006, meeting of the Board of Trustees.

3. The agenda for the November 2, 2006, meeting of the ACE Executive Council.

4. The approved minutes for the October 18, 2006, meeting of DBAC, and the agenda for the November 1, 2006, meeting of DBAC.

Announcements/Conferences

- **
1. The Academic Senate for California Community Colleges is hosting its first Teaching Institute on February 16-28, 2007, in Redwood City. The Institute will focus on fostering ideas and best practices that will improve the educational teaching environment and learning at our California Community Colleges. The registration fee is \$350.00, and applications must be received by January 22, 2007. Additional information is available from the MC Academic Senate Office.

XI. Future Agenda Items

No new items were introduced at today's meeting.

XII. Adjournment

The meeting was adjourned at 3:45 p.m. (M/S/U – Cogswell/Perlas). These minutes are respectfully submitted by Grace Hazán, Academic Senate Secretary.

**Mission College Academic Senate
President's Report
November 2, 2006**

A lot has happened in the two weeks since my last report, and I'm not sure that I'll be able to capture all of it – but here goes:

Wintersession: With the signing of a tentative agreement (subsequently ratified by the ACE membership!), the calendars for the next several years have been settled. Winter class schedules should be turned in immediately if they have not already gone in at this time.

Enrollment: Latest reports have MC enrollment down 7% for Fall. We'll need a "robust" winter and spring, and it's anticipated that we'll need to apply all of next summer to this year's enrollment to make our base.

Fall Plenary Session: I've sent out a separate summary to all MC faculty of some of the resolutions that passed at Fall Plenary. The session was truly wonderful, with terrific general session presentations on basic skills, myths affecting faculty diversity and hiring, and other topics, and it was terrific to have the chance to meet and talk with colleagues from all over the state who shared our commitment to community colleges and to students. A number of the resolutions which passed direct local senate presidents to work with their districts and/or the local senates to accomplish specific goals, and I will be agendaizing some of those topics over the coming months.

Finally, I want to say publicly that I appreciate the support of the faculty, staff, and administration have given to the MC Academic Senate over the past several weeks as we try to chart our path through our current difficulties. Everyone at Mission has behaved in a professional and collegial manner, which is the way the college should be. I truly believe that we are part of one of the best community colleges in the State, and after talking with others at Fall Plenary I am even more convinced of it.

SHARED GOVERNANCE AND OTHER MEETINGS

As usual, please remember that these are only some of my notes and not official minutes of the meetings.

GAP, 10/25

- Hiring of a clerical support person for accreditation is in progress. This will be a temporary position, just for the remainder of this semester and next.
- The college Mission Statement was tied. The members of GAP who were present voted; there was a tie once again. Harriett made the final choice, based on the fact that the new statement explicitly included the concepts "teaching", "learning", and "diversity", all of which are essential to our purpose.

- Enrollment and the schedule were discussed at some length. The issue was raised at the last Board meeting of whether or not a joint schedule could be produced with WVC, which may or may not be practical. However, other ways of scheduling classes might help us capture more FTES, such as scheduling classes with large wait lists into the largest classrooms

CBAC, 10/25

- Most of this meeting was an initial review of the process to be used in prioritizing the 140 requests (total = \$2.6 million!) received for one-time and ongoing money.
- The effect of the HBA issue was discussed – specifically, whether and how much money should be set aside to cover the shortfall that would occur if we can't declare our FTES from HBA this year. The concern was that since much of the one-time money is allocated to the college based on FTES, if we lose FTES then we'll lose some of the new money in proportion. It was decided to set aside \$400,000 of the money (simply not to allocate it now) until we see what happens with HBA. If the money is still available later, we can then spend further down on our priority list.
- A subcommittee – Worku, Queenie Chan, Dianne McKay, Jim Delongchamps, and Cathy Cox – will meet on Monday 10/30 to review the placement of requests into categories for prioritization based on the existing college Budget Allocation Model. Once this is finalized, requests will be distributed to the appropriate groups for prioritization (DCCs, GAP, SSC, etc.)

DISTRICT COUNCIL, 10/25

- I was not able to attend this meeting, due to preparations for the Fall Plenary Session, but Stephanie Kashima attended in my place.
- One issue that was discussed at some length and which Stephanie emailed me was a proposal by Jeff Schwartz to change the Board meeting schedule so that only one open business meeting would be held per month. There would be a second meeting each month for closed-session business and to allow the Land Corp to meet. There are various pros and cons to this proposal, and I will forward Stephanie's summary of it to the Senators for review.

ADMINISTRATIVE SERVICES COUNCIL, 11/1

- An item on the agenda concerned the Land Corporation and the opacity of the process by which money is allocated and disbursed once it's approved. The timelines and process for application are not clearly understood or accessible to most staff. It was also stated by finance staff that once the money is allocated by Land Corp to a particular request, there is frequently a long delay before information reached them to set up a line item in Datatel so that expenses can be billed back to the Land Corp. The money isn't actually sent to the District, it's only reimbursed once invoices are received, and if Land Corp doesn't get billed then the bills are paid by the District and not reimbursed (which could contribute to District budget problems).
- Another item of interest was brought up when it was mentioned that the Board's Audit and Budget Oversight subcommittee will be meeting this Monday at 5 p.m. This meeting is subject to the Brown Act, but it was felt that the agenda does not provide sufficient detail to ensure that interested parties will recognize topics of concern. Furthermore, the scheduling of the meeting was done without sufficient advance notice and consultation to ensure that support staff can be in attendance at the selected time.
- Board-approved procedures are being compiled by Christina Booth. It was mentioned that all employees – including part-timers and volunteers - who handle cash need to be fingerprinted. This can be arranged through a referral from the District Police Dept.

DBAC, 11/1

- Randy Castello made the point that the district's WSCH/FTE goal protects faculty against unreasonable class sizes. However, the goal needs to be set low enough by the District to be realistic. If many sections of classes are being cancelled because they don't have sufficient students to meet the goal, and if we're in danger of losing money because we don't make our enrollment base, then perhaps the District will need to allocate more money for associate faculty and allow a lower goal to be set that is achievable.
- The annual 311 report was distributed to members. The 311 report gives the actuals for the previous year's budget, and is reported to the State yearly.