



Chabot-Las Positas Community College District

Chancellor's Council

Tuesday, March 23, 2010

3:00-4:00 pm

District Office – CR#4

A

I. Review and Approval of Minutes-2/9/10

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II. LPC College Governance

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III. CLPCCD EPA Appeal

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IV. District Budget Study Group (DBSG) Memo

D

V. Budget Update

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VI. LPC Student Senate Resolution

VII. Full-time Faculty Hiring Procedures

VIII. Other

IX. Next Meeting: Tuesday, April 13, 2010
3:00-4:00pm
DO-Multipurpose Room

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

CHANCELLOR'S COUNCIL

Meeting of March 23, 2010

Meeting Minutes

Attendance:

Members:	Joel Kinnamon	Masi Quorayshi
	Michael Absher	Pedro Ruiz deCastilla
	Jeff Baker	Sarah Thompson
	Natasha Lang	Gordon Watt
	Jane McCoy	Laura Weaver
	DeRionne Pollard	Linda Wilson
Others:	Audrey Ching	
	Mary Anne Gulate (arrived for discussion of agenda item no. 7)	

Handouts:

- 1) Agenda – March 23, 2010
- 2) Minutes – February 9, 2010
- 3) Resolution No. 10-0910 – Russell City Energy Center – Appeal to the Environmental Appeals Board
- 4) March 4, 2010 Memorandum to Lorenzo Legaspi Re. Accreditation Recommendation #2
- 5) LPC College Governance
- 6) ASLPC Legislation Form – Brown Act Violation
- 7) LPC Academic Senate Resolution – Freedom of Speech
- 8) Board Policy 4312 – Recruitment and Selection Procedure for Contract Faculty
- 9) Board Policy 4312 Timeline
- 10) Full-time Faculty Hiring Procedures – Academic Senate Proposal

I. Approval of Minutes – February 9, 2010

Ms. Wilson requested that the minutes (page 4, paragraph 4, line 1) include the word departments for further clarification of the budgets.

Ms. McCoy made a motion, seconded by Ms. Wilson, to approve the Minutes of February 9, 2010 as corrected. Motion carried unanimously.

II. CLPCCD EPA Appeal

Dr. Kinnamon reviewed the Board Resolution to appeal to the Environmental Appeals Board of the Environmental Protection Agency on the permit which was issued by the Bay Area Air Quality Management District to build the Russell City Power Plant. He reported that the appeal was filed March 22, which meets the

required deadline. He pointed out the newspaper article on March 22 where the consultants to the City of Hayward reported that in 2050 the proposed site will be covered with water. The article also indicated how many hundreds of millions of dollars it will take to put things in place to prevent that from occurring. He reported that dialogue continues on this topic and we will wait and see where the appeal takes us.

Mr. Absher reported that the Chabot College Academic Senate is very concerned. Dr. Kinnamon reported that the Resolution adopted by the Faculty Association and presented at the March 16 Board of Trustees Meeting was very helpful. It was very helpful at the State level because you have constituency groups putting pressure on the Chancellor's Office and holding up bills that might benefit community colleges. With those kinds of pressures, it is really good that our Board is able to step back and say we need to do what we need to do. It serves as a good case study for environmental justice with our student population and socio-economic levels and access to health care.

Ms. McCoy brought up the issue of carbon emissions for a four-day work week during the summer.

Ms. Wilson questioned the status of discussions regarding summer work schedules, to which Dr. Kinnamon reported that he has not had this issue brought up to him nor has he discussed it with the Board.

Mr. Absher reported that last year members of the DBSG asked if they could look at that topic as a discussion point before the next decision is made. He is hopeful that this will occur.

Dr. Kinnamon reported that it was the Board's intent that their decision for a five day work week was a permanent change unless it is brought back to them for reconsideration.

III. District Budget Study Group Memorandum

Dr. Kinnamon reported that this memorandum formalized, as we go through responding to the Accreditation Recommendations, the request that DBSG complete the evaluation of the resource allocation process.

Ms. Thompson raised a point of discussion by DBSG around the timeline on the memorandum. She noted that this was not one of the recommendations that required a letter by October 15, and wondered if the October 1, 2010 deadline could be moved to after we have the responses for the Mid-term Report completed.

Dr. Kinnamon reported that the date could be pushed back. His goal is to have this completed prior to the budget development process during the 2010-11 academic year.

Ms. McCoy questioned if the District has reconsidered its proposal for a DBSG subgroup on Health Benefits. Dr. Kinnamon reported that this is a matter that they are addressing with the Faculty Association. Ms. Wilson reported that this is also a concern of Classified Staff as discussed in the recent Labor Management Meeting. It is SEIU's stance that this is a bargaining discussion.

Dr. Kinnamon reported that the District understands negotiable issues and what he would call our shared governance process of participation where everybody is involved and knowledgeable about issues at the District and Colleges; and he noted that they are very different.

Ms. McCoy reported that benefits are not a shared governance issue. Dr. Kinnamon reported that dialogue about anything is a shared governance issue. Dr. Kinnamon reported that it was not the intent to negotiate.

IV. Budget Update

Dr. Kinnamon reported that we are expecting negative COLA, no growth, and approximately \$2.9 million increase in expenditures over last year.

In response to a question raised by Ms. McCoy regarding cuts, Dr. Kinnamon reported that there are many discussions taking place. He will be discussing further the types of contingency plans that can be put in place.

Ms. McCoy expressed concern that to delay cuts of classes for the Fall Semester would be a disservice, especially for part-time faculty.

Ms. Thompson questioned if the District had a deadline date for options. Dr. Kinnamon reported that he will be looking at putting some thing together for the Board in the next two to three weeks.

Ms. McCoy questioned if there would be cuts to the Summer Session. Dr. Kinnamon reported that he thinks that is part of the dialogue, pointing out that if you look at our neighboring institutions, most have made cuts to Summer.

Ms. Wilson questioned if the discussions with the Board would be in Closed or Open Session. Dr. Kinnamon reported that some discussions would be in Open Session but any discussions regarding personnel or bargaining would be in Closed Session. He reported that if any proposed cuts had bargaining ramifications, the District would bring those issues to the bargaining table.

Dr. Kinnamon reported that the District will get more refined numbers as they work with the benefit providers. He noted that hopefully the numbers would go down. In addition, there are considerations being made at the Colleges on the replacement of SERP faculty positions and noted that there have been savings experienced.

In response to a question raised by Ms. Wilson, Dr. Kinnamon reported that it is his understanding that the programs in place were incentive programs that would make us healthier. Over time, our utilization would go down and thereby create a savings. However, in the near term, we might not see the benefit. Ms. Thompson reported that the costs per person would not go down immediately but that there would be incentives for schools to institute the programs.

Mr. Absher noted that this was a possible savings but that it wasn't a guaranteed savings. Mr. Absher noted that we can't continue to absorb increases of 20% every year.

V. Las Positas College Governance

Dr. Kinnamon distributed copies of the Las Positas College Governance document and memorandum as submitted by Dr. Pollard. The memorandum states that Las Positas College's Governance Rules and Procedures are incorporated in Board Policy 2015. At one point, Chabot College's Rules and Procedures were also incorporated in that Board Policy but have been pulled out. It is recommended that we do one or the other. Dr. Kinnamon reported that shortly after Dr. Barberena came, she was having difficulty accessing the policy and procedures for Chabot College's Governance structure. Dr. Kinnamon was able to find a copy of the old document and provided it to her. At that time he realized not having it in the Board Policy makes it difficult for folks and also makes it difficult for people to be knowledgeable. During the Accreditation Process, as we put more information on the web, the value of that to the team and one another supported why it would be good to include the document in Board Policy. It is his preference to incorporate them. It is his understanding that the document distributed was developed as part of the College's Master Planning process several years ago. This document, if incorporated in Board Policy, would have come to Council for review. As he reviewed the document, he noted that there are a few things that he would like to draw attention to:

Page 2 – While comparing the District and College documents, Dr. Kinnamon found discrepancies. Under A, “Rely Primarily”, the fourth bullet is written differently (standards and policies regarding student success) and is under “Mutual Agreement” on the District Policy.

Also on page 2, under A, “Mutual Agreement”, bullet four (regulations and procedures relating to health and safety) does not exist in District Policy.

In addition, on page 2, the language for "Rely Primarily" and "Mutually Agree" is written differently on Board Policy.

Dr. Kinnamon suggested that this issue be brought back for discussion at a later time.

Dr. Pollard reported that the document needs to be consistent with Board Policy. She will take the document to College Council for review and dialogue. Her question is about timing. She noted that the current Board Policy isn't their practice. If you change Board Policy to reflect current practices, in probably six months she will be coming back with a change to the LPC Governance Handbook. Dr. Kinnamon reported that he is comfortable with continuing until the process is complete and the new process presented.

Ms. Thompson questioned if the document is consistent with the one on-line. Dr. Pollard indicated that she would have that checked.

Dr. Kinnamon reported that he will have a conversation with Dr. Barberena to share with her the discussion today. He reported that when the College documents are complete, a revision to Board Policy 2015 will be submitted to the Board to include the College Governance Handbooks.

VI. LPC Student Senate Resolution

Mr. Quorayshi reported that this resolution was in response to the February 26 Board Meeting. As background, he reported that several students from Chabot College submitted requests to speak under Public Comments on an item on the agenda. They were asked not to speak during Public Comments and asked to wait until that agenda item was pulled, even though the students voiced concern that they had to go to class. Finally when the item was pulled, the Board Chair asked the students not to speak because it was a personnel matter. The Board approved the agenda item without hearing the students' concerns. Mr. Quorayshi read the resolution adopted by ASLPC. He reported that ASLPC expects the Board to make amends of this incident with an apology. It was also brought to his attention that the minutes did not reflect what actually occurred and therefore he requested a copy of the audio tape.

Dr. Kinnamon reported that he would agendize this at the next Meeting for his response.

Ms. Thompson read the demands outlined in a resolution of the Las Positas College Academic Senate which was unanimously passed on December 9, 2009. Ms. Thompson reported that their primary concern is the language in the Board Policy regarding obscenity and would like it revisited. She expressed concern

that the Board Policy may not be legal, citing a similar policy and lawsuit at San Francisco City College.

VII. Full-time Faculty Hiring Procedures

Dr. Kinnamon reviewed the key dates for Administrative Rules and Procedures (ARP) 4312 - Recruitment and Selection Procedure for Contract Faculty (handout no. 9). He also distributed copies of the current ARP 4312 (handout no. 8) as well as the Full-time Faculty Hiring Procedures (handout no. 10). He reported that the feedback he has received is concern that there is a significant difference from what was in the proposed document in 2005 and 2006 at Council. The second issue he has heard is that this Council is part of our Districtwide Shared Governance and the constituency groups should be looking at this document as well because we all work together and have a vested interest in the organization.

Ms. McCoy clarified that the changes in the Hiring Procedures are proposed by the Faculty Senate.

Dr. Kinnamon also reported that there has been feedback regarding contract implications related to the proposed language in the area of Management Rights, and that is a negotiable item.

Dr. Kinnamon reported that we have to determine how to proceed since there are two different documents. He suggested Council Members review the documents and this issue will be agendaized for the next meeting for discussion.

Ms. McCoy reported that the 2005 draft was not done with the shared governance process and was not vetted through the Chancellor's Council. Dr. Kinnamon reported that he reviewed minutes and it did come through Chancellor's Council. Ms. McCoy also reported that the 2005 document is significantly different than the 1991 policy, and even more different than this is to the 2005 document.

He questioned how Council would like to proceed. Dr. Kinnamon reported that he will leave this issue on the agenda for Council to provide feedback to the document handed out today and then we can determine what course of action we want to take. He reported that he asked Dr. Gularte to work with Senates and Administrators to review the documents.

Dr. Kinnamon noted that if the intention is to have something on which we can "mutually agree", then we will have to put together the right people.

Ms. Thompson indicated that she can't make that decision. She stressed that the Senate makes the decision and she brings it forward. It would be helpful to her if she could take the revised 1991 document and the document from last year as well as a list of concerns.

Dr. Kinnamon reported that there was so much reaction to the document that it was almost like we need to start over. He wanted the Council to hear it because he only heard reaction from those he interacts with.

Dr. Kinnamon reported that this item will be put on the agenda for the next Council Meeting and members should provide the documents to their constituent groups so they can provide input. If possible, written comments can be forwarded to Ms. Ching prior to the next meeting.

VIII. Other

Ms. Wilson questioned the ad in the Express that prompted the free speech resolution by the Faculty Senate. Ms. Wilson questioned the message we are giving the public.

Dr. Pollard responded that she took this issue seriously. She reported that when someone in the community asked her about the particular article in the Express and Naked Magazine, she responded that this is an educational process and students have freedom of press. However, it does speak to an equality issue. She expressed concern that it is an issue about the face of the institution at a time when people are already very hyper vigilant. In addition, faculty, staff and students have spoken to her and asked if she can do something about this. She voiced that at this particular point, "no."

It was pointed out that there is a phone number to call and complain.

Ms. McCoy noted that both the newspaper and the magazine are class products, and that should be kept in mind. Dr. Pollard noted that since the magazine is a product of a class, there may be a different responsibility than if it was a product of free enterprise. She will do some research.

There was a lengthy discussion on this issue. However, Ms. McCoy pointed out that she would personally feel more comfortable with this conversation if someone from that discipline were her to speak on their behalf. She voiced that this debate is merely airing emotional feelings.

Ms. Thompson suggested that the Express can be asked to hold an open forum where they can engage the public and hear peoples' concerns.

Ms. Thompson noted that at a previous meeting, Ms. McCoy brought up the issue of adjunct faculty and SLO's. The minutes indicated that Dr. Kinnamon reported that it would be completed in time for the 2012 mid-term report. However, she pointed out that it is becoming more and more apparent that they are dealing with inadequate levels of data because adjuncts aren't doing SLO's. She stressed that

we need a solution sooner rather than later so that data is complete enough to be able to show that they have gone through a cycle by 2012.

Ms. McCoy reported that the FA has proposed an MOU in relation to paying part-time faculty for their work.

Ms. McCoy reported that it is her understanding that Chabot College received a grant which was used to pay adjunct faculty to develop SLO's. Mr. Absher clarified that it was for training only.

IX. Next Meeting

Tuesday, April 13, 2010, 3:00-4:00 pm, District Office Multipurpose Room.

IX. Adjournment

The meeting was adjourned at 4:25 pm.

bb

4/12/10; revised 4/13/10