

Monday, March 25, 2019
Pasadena City College
Circadian
1570 E. Colorado Boulevard, Pasadena, CA 91106

President	Lynora Rogacs
Vice President	Shelagh Rose
Secretary	Matt Henes
Treasurer	Veronica Jaramillo
Adjunct Faculty	Beville Constantine (PCA)
Adjunct Faculty	Erika Ruvell (VAMS)
Adjunct Faculty	Richard Allen (CEC)
Adjunct Faculty	Dwane Christensen (Math)
Adjunct Faculty	Gayane Gerome (Counseling)
Business, Engineering, Technology	Earlie Douglas
CEC: Non Credit	Rhonda Williams
Counseling	Myriam Altounji (Alt)
DSPS	Rosemary Scott
English	Emily Fernandez Tim Melnarik
Engineering	Saeed Abedzadeh
Health Services	Paula Vento
Kinesiology	Terry Stoddard
Languages	Melissa Michelson Loknath Persaud
Library	Krista Goguen (Alt)
Mathematics	Lyman Chaffee Xiaodan Leng Grayer Andresyan (Alt)
Natural Sciences	Hector Agredano Susan Bower Bryan Wilbur
Performing and Communication Arts	Maria Fortuna Dean

Social Sciences	Bucky Bhadha
Social Sciences	Jennifer Fiebig
	Thea Alvarado (Alt)

Visual, Media & Performing Arts	Dave Cuatt
	Kris Pilon (Alt)

Absent

Parliamentarian	Vanessa Schulz
Counseling	James Aragon
English	Kathy Kottaras
Health Sciences	Blanca Rodriguez
Library	Ken Simon
Mathematics	Linda Hintzman
Performing and Communication Arts	Eric Larson
Social Sciences	Kaitzer Puglia
Visual, Media & Performing Arts	Rod Foster

Guests

Dean, Institutional Effectiveness	Crystal Kollross
Dean, Visual Arts & Media Studies	Joe Futtner
Director, International Students	Olivia C. Loo
VP, Human Resources	Bob Blizinski
Dean, Professional Development	Jason Robinson
Committee Chair, Professional Dev.	Valerie Foster
PCCFA	Mark Whitworth
Courier	Photographer

CALL TO ORDER: The meeting was called to order at 3:01 pm.

B. PLEDGE OF ALLEGIANCE led by T. Stoddard.

C. PUBLIC COMMENT:

Jennifer Fiebig: Encouraged faculty and students to take advantage of the Cosmetology's "fabulous services" such as coloring, haircuts, nails, facials, etc.

Support for the more inclusive version of Faculty Definition proposed by M. Henes of Regular Faculty: Senate Bylaws Article 3

M. Anderson, SLO coordinator and FT faculty said regular faculty on reassign time share experiences that are part of 10+1, enabling both her and others to create helpful and positive experiences for faculty and students to be their best.

Andrea Murray, Anthropology faculty member, Study Abroad Faculty Coordinator, primarily works with and supports faculty colleagues and students (program assistance and development and organization). Has contact with more students than in the classroom and little contact with administrators in this role. She is a faculty member (not a staff member, a manager or an administrator). Strongly supports an

inclusive definition of regular faculty in Article 3. Limiting the definition would disenfranchise those who manage faculty and student programs as faculty coordinators.

Derek Milne: Social Sciences Faculty with 60% Release Time to run PCC's College Honors' Program. References his term of "reassign exclusion" in response to several viewpoints relayed through a Bylaws Committee survey sent out 03/25/19 about excluding faculty on reassign time from being defined as regular faculty. He also stated the priority student transfer agreement between PCC and UCLA requires the program coordinator (D. Milne) be a faculty member. His reassign duties increases rather than decreases his direct contact with students. It is problematic to exclude some faculty on the basis of reassign time or how they might vote. Does not support disenfranchising faculty.

M. Kamandy: Design professor and division coordination expressed concern and disappointment with the 03/25/19 email from D. Cuatt regarding reclassification of faculty as non-faculty by the Academic Senate. Stated this type of email is a form of harassment and is prohibited by AB3050, Section 3, subsection a. His perspective, creativity and objectivity will never be diluted by participation with shared governance within the institution or by compensation received by his hard work in the form of reassign time. He has the highest allegiance as a faculty member to the students and in working with his campus-wide colleagues. Faculty should be compensated for their hard work without threat of reclassification in the eyes of any administrative body. "We need unity."

T. Knott Silva. Faculty lead and co-chair of Curriculum and Instruction has 100% release time. Everything she does is faculty driven and is for the students. Prefers recognition as a faculty member and colleague.

D Approval of March 11, 2019 Senate Board Minutes
MOTION to approve the minutes were made and seconded M. Henes and M. Altounji.
VOTE: Approved by majority. Abstain: K. Goguen, T. Alvarado and T. Stoddard.

E CONSTITUENCY REPORTS:

E1 PCCFA: No Report.

E2 Adjunct Faculty Report: B. Constantine:

Attended a very informative FA meeting for adjunct faculty pertaining to retirement. They did not have any HR representatives to answer many questions. Asked PCC to take adjunct faculty into consideration regarding areas of concerns.

Met with the Senate President to discuss proposal of awarding a gift of appreciation for those adjunct faculty serving many years at PCC.

Need for adjunct faculty space across the campus to better increase resources and experiences for adjunct faculty.

E3 Classified Senate: President Rogacs conveyed on behalf of Classified Senate President Denise Albright that the Classified Senate fundraising process of collecting recipes for a fundraising cookbook can include faculty recipes which can be submitted to Denise Albright.

E4 Associated Students: No report.

E5 Management Association: No report.

MOTION made and seconded by M. Henes and L. Chaffee to add a new Agenda Item that the President of the Senate address Brown Act Concerns.

Discussion. This motion is being requested in response to two emails relayed to the entire Senate Board this weekend on matters that will be referred to within Senate discussion.

New Item G: Brown Act violations

Item H Old Business

Item I New Business

Item J Officer's Report

Item K Announcements

Item L Adjournment

VOTE on Motion: Approved unanimously.

F. Academic Senate Consent Item C (Committee Appointments:

- Sonn Eidem (PCA) and Jacob Tucker (BET) as co-chairs of the CTE Standing Committee of Academic Senate
- Jennifer Kauk-Pepple, Susan Bower, and Lisa Ciletti to Life Sciences Coordinator Hiring Committee
- Khuloud Sweimeh and Darcy Mack to Chemistry Coordinator Hiring Committee
- Jerry Shi, Waimin Liu, and Bryan Wilbur to Earth and Space Science Coordinator Hiring Committee
- Thea Alvarado (Social Sciences) to the Distance Education Technologist Developer Hiring Committee
- Rohan Desai (Counseling), Annalisa Chang-Miller (Social Sciences) to the Educational Policies Committee
- Shelley Gaskin (Business), Joseph Hwang (Social Sciences), and Juan Leon (MACS) to the Distance Education Committee
- Sharis Amirian (Counseling), Paulette Koubek (ESL/Languages) to the Committee Support Committee
- Kathleen Dunn (Social Sciences) to the Safe Learning Environment Committee
- Elisabeth Choate-Ciletti (Natural Sciences), Sergio Barron (Business), Sarah Muno (Social Sciences) and David Matthews (MACS) to the Committee on Academic Freedom and Professional Ethics

MOTION to approve Consent Item C made and seconded by S. Rose and J. Fiebig.

VOTE: Approved unanimously.

G: Brown Act Concerns: Senate President L. Rogacs

Brown Act violations occurred through emails: There were two different emails, one defining about the definition of regular faculty and the other about Flexible Flex Guidelines, violated the Brown Act.

Parliamentarian Resource: Government Code 54952.2(b).

The initiator of this deliberation is referred to the sender as a "hub in a spoke email, serial communication". The Senate is the place for discussion to allow members of the public to see every discussion. Agenda item questions should be forwarded to the Senate President to pass on to the presenters. Senate's Bylaws state Committee Chair is to maintain communication with the Senate. In response to concerns from several Bylaws Committee members, President Rogacs said a Brown Act violation occurred when today's Bylaws Committee survey was sent to faculty. She knew the Committee had taken a vote on this matter but was unaware that the survey would be sent before the motion on the floor was to be discussed, as when M. Henes relayed the information to her about the survey, he indicated no timeline had been discussed.

H: OLD BUSINESS

1. Approve Flexible FLEX Guidelines: Jason Robinson and Valerie Foster.

MOTION made and seconded by D. Cuatt and T. Stoddard approving Agenda Item H1.

The Flexible FLEX Guidelines clarify Flexible FLEX events, and activities. V. Foster reviewed few minor changes that had been made. The obligation language has been removed. Consultation with adjunct faculty is a negotiable item. FA would have to determine if there is a certain amount of obligation hours that is not tied to one day as it has been in the past to be able to get flexible FLEX options.

J. Robinson answered questions pertaining to areas that listed on or could be added to the chart under Section II, B.

MOTION made and seconded by M. Henes and D. Cuatt extending discussion ten minutes.

VOTE: Approved unanimously.

MOTION made and seconded by M. Michelson and K. Pilon to suspend Robert's Rules to limit number of times someone can speak to a specific motion to twice for this agenda item.

ROLL CALL VOTE: YES: 14 No: 4 Abstain 12.

MOTION FAILS. 2/3 majority vote is required.

D. Cuatt expressed concern with Section V and proposed striking the final sentence.

V. Foster: The Flex Committee believes this proposed, inclusive list is an accurate representation of everything the Chancellor's office would count as Flex. The Committee provides guidance, and guidelines are a protection mechanism.

If a faculty member decides to go in their own direction, that they would take responsibility themselves if it were an inaccurate interpretation of the Chancellor's office and the College/District would not take ownership of this position.

MOTION to extend discussion ten minutes made and seconded by M. Michelson and K Pilon.

VOTE: Approved by majority. Opposed: M. Henes.

V. Foster said there is a process for explaining the justification of how a particular activity relates to a discipline. She presented a sample form that could be used for both listed and unlisted activities and commented on the tracking Process for Flex Obligation Hours. Form review would probably be handled by entire committee.

FRIENDLY AMENDMENT accepted by D. Cuatt and made and seconded by K. Goguen and T. Stoddard for specific language regarding appeal rests with the Flex Advisory Committee.

K. Pilon expressed concern with Section IV: Facilitation of Activities for increased Flexible Credit not being fair. V. Foster said this is a direct recommendation from the Chancellor's office. Flex Credit is not received for work an individual is already being paid for. Jason said at the beginning of academic year every faculty member will have some responsibility to develop a plan—report what their goal is, what they're planning to do and at the end to say what they've done.

FRIENDLY AMENDMENT accepted by D. Cuatt and recommended by J. Robinson and M. Michelson to change the word “workshop” to “workshop or activity” in Section III, sentence 1.

Summary of Changes

pp. 1-3: No Changes:
p. 4 Paragraph 1, sentence 1: Change word “workshop” to “workshop or activity”
p. 4 For last sentence in section V to read “The decision regarding the appeal rests with the FLEX advisory committee.”

VOTE to approve Agenda Item H1 with Friendly Amendments.

MOTION Passes by majority vote: No: 3; Aye: 17; Abstain: 8

No: K. Pilon, M. Michelson, H. Agredano

Aye: D. Christensen, T. Stoddard, M. Fortuna Dean; E. Fernandez; R. Allen, J. Fiebig; T. Alvarado, L. Persaud, S. Bower; B. Wilbur; R. Scott; R. Williams; K. Goguen; G. Jerome; M. Altounji; S. Rose, M. Henes

Abstain: B. Constantine; B. Bhadha; D. Cuatt; L. Leng; L. Chaffee; T. Melnarik; E. Ruvel; V. Jaramillo

H2. Approve BP and AP 3410: (2nd read) Nondiscrimination

MOTION tabled from the previous meeting to approve AP and BP 3410 on Non Discrimination.

Handout answering some of the questions from the last presented was sent to Senators as a handout.

VOTE: Approved by majority.

Abstain: T. Alvarado; K. Pilon, H. Agredano; M. Michelson; E. Fernandez; B. Constantine

H3. Approve BP and AP 3430 (2nd read) Prohibition of Harassment

B. Blizinski: The complaint process is the same used for AP 3410 (pp. 5-17)

X. Leng requested resource list. B. Blizinski said this information will be on the Title 9 website and within an information pamphlet.

In response to B. Constantine, there is a diversity requirement for shared governance, hiring committee representation.

Harassment Complaint Record Keeping: investigative report documents are kept in a separate legal file, separate from the Personnel file documents.

Investigation Recordings: All investigations have been recorded since Dr. Blizinski’s employment and will continue to be recorded and transcribed. Transcripts may be provided for an individual’s transcription.

In response to D. Cuatt’s concerns with Section 6 i., B. Blizinski explained that there are conversations with both the accused and the complainant to determine where this matter goes to determine if there is an actual violation or a misunderstanding. There is a difference between what a legal violation of the law and general harassment. AP3430 refers to anyone on campus and even those who may not be campus employees, such as vendors.

MOTION to extend by 10 minutes made and seconded by M. Michelson and K. Pilon.

VOTE: Approved by majority Vote. Abstain: H. Agredano, B. Wilbur, S. Rose, M. Henes, J. Fiebig

VOTE on MOTION approving Agenda Item H3 / AP 3430: Approved unanimously

H4: Approve Bylaws Article 3. (Original Motion made 03/11/19 to table until 03/25/19 Meeting)

MOTION made and seconded by K. Pilon and M. Michelson to re-table Agenda Item H4 indefinitely until Bylaws Committee decides to bring it back to the Senate.

Discussion

K. Pilon: The Bylaws Committee has not finished its work on this item. Based on both today's faculty survey and Public Comments, a lot of misconceptions need to be addressed. The Committee is just trying to interpret what the Regular Faculty definition is based on how it was last written. The Committee is not out to get people on reassign time.

M. Michelson: Supports tabling this item to make it more specific.

L. Chaffee supports discussion this date in light of today's Public Comments and the faculty survey.

S. Rose: The Senate has been waiting for a Bylaws revision at least 7 years. It has been agendized at least 5 times. Three years ago the Title 5 definition stating regular faculty are all full-time faculty was discussed by the Senate.

In response to T. Melnarik, President Rogacs said today's Public Comments would be available on the audio recording.

D Christensen and others did not receive today's faculty survey.

Secretary Henes is also a member of the Bylaws Committee and was the sole vote in opposition to sending the survey out and put forth the definition of Regular Faculty at the 03/11/19 Senate meeting. There is already a definition for adjunct faculty. He supports discussion on this matter and not tabling.

President Rogacs: The recent survey does not accurately indicate the original Bylaws wording, which does not reference individuals on reassign time, though the wording in the email that was sent out with the survey did reference reassign time.

MOTION TO EXTEND discussion by ten minutes made and seconded by L. Chaffee and M. Michelson.

VOTE: Approved by majority. No: H. Agredano

V. Jaramillo: The definition of regular faculty is not being shown on today's faculty survey. Several faculty in her area felt bias was shown towards those with reassign time in Faculty Survey question 4.

In response to D. Cuatt, President Rogacs said the current discussion is on the MOTION that was made on this agenda item.

L. Chaffee: Two weeks ago Senate discussion on this item was not about reassign time faculty not being considered regular faculty.

Secretary Henes Regular Faculty stated his definition is the most inclusive and should be discussed. The Senators vote behalf of faculty in their divisions and have the authority to decide what the definition of regular faculty is.

K. Pilon supports tabling the motion to discuss the Bylaws as it stands.

CALL THE QUESTION made and seconded by S. Rose and T. Stoddard.

VOTE on Calling the Question Passed: No. M. Michelson, D. Cuatt, T. Melnarik

VOTE ON MOTION ON THE FLOOR to table discussion indefinitely until the Bylaws Committee has finished its work on this item.

VOTE: MOTION FAILS ROLL CALL VOTE NUMBERS: Yes: 9 No: 18 Abstain: 1

No: S. Rose, M. Henes, V. Jaramillo, G. Jerome, D. Christenson, R. Williams, M. Altounji, P. Vento, T. Stoddard, K. Goguen, X. Leng, L. Chaffee, S. Bower, B. Wilbur, M. Fortuna Dean, B. Bhadha, J. Fiebig, T. Alvarado

Aye: B. Constantine, R. Allen, E. Ruvell, E. Douglas, R. Scott, T. Melnarik, M. Michelson, D. Cuatt, K. Pilon
Abstain: E. Fernandez

ORIGINAL MOTION ON THE FLOOR presented by M. Henes is that regular faculty means all full-time faculty.

Discussion:

M. Henes: Based on a word search in updated bylaws, regular faculty have the privileges to serve as Senate officers; to chair Senate subcommittees; to serve on Senate subcommittees; to serve as Senate representatives; to serve as alternates; to vote for Senate officers, changes to the Senate bylaws and for any initiative or referendum; to sign petitions to recall Academic Senate Officers, calling a meeting for initiative referendum and to amend the Bylaws. According to PCC FA contract, pg. 40, the definition as stated in Education Code 87661: "A regular employee is a permanent employee." ASCCC bylaws, Article 1, Section 1 faculty member definition states "Any employee of a community college district who is an employee in an academic division who is not designated as supervisory or management." In part of Title 5 (Ed Code) there is a stipulation that says faculty are not to be reclassified as non-faculty based on their duties should they have some sort of administrative or management part of their assignment.

MOTION to extend discussion ten minutes made and seconded by M. Henes and T. Stoddard.

VOTE: Unanimously approved.

Secretary Henes looked at bylaws and constitutions of various Southern California Community Colleges. Long Beach says full-time academic employees who are assigned to administrative position not more than 50%. Over and over he saw regular faculty are full-time faculty (some said full and part-time faculty). He is offering the most inclusive definition to put this to bed because it has been discussed for years and so the Senate can finally vote on it.

M. Michelson supports hearing more discussion and public comment and review from the survey.

L. Chaffee: Faculty coordinators play a large role in regards to faculty involvement.

D. Cuatt asked the Senate if anyone asked their constituents for input. With the exception of Secretary Henes', no hands were raised.

K. Pilon: There is a fundamental problem with the co-mingling of the definition of faculty by the Union or Title 5 with a definition created explicitly for Academic Senate activities.

S. Rose: Is this right place to have conversation about who regular faculty are. Senators are elected to represent their divisions and to report back what has happened within the Senate and to share input back with the Senate.

Changes to the bylaws go to a vote before the entire faculty. If faculty members are disenfranchised they would not have representation in the Senate or any faculty voice, not to mention the fact they have 5.5 hours of shared governance responsibilities that they would have no way of serving.

J Fiebig: Need to focus on being inclusive and keeping the language as such.

D. Christensen: Did not receive the survey, and this may be part of why the Brown Act is in place.

CALL THE QUESTION on the MOTION that the definition of Regular Faculty in the Senate Bylaws 3.1 should be all full-time faculty made and seconded by S. Rose and M. Henes.

VOTE to call the question passes Yes: Majority. No: M. Michelson, K. Pilon, T. Melnarik. Abstain: L. Chaffee, E. Ruvell

VOTE: MOTION Passes Yes: Majority. No: K. Pilon,
Abstain: B. Constantine, M. Michelson, L. Chaffee, T. Melnarik, E. Ruvell

I. NEW BUSINESS items to be added to April 8 Agenda.

I1 BP and AP 3540 1st read Bob Blizinski

I2 BP and AP 5012 1st read Olivia Loo

I3 BP 5700, Crystal Kollross

I4 Approve Bylaws Article 4

I5 Approve Bylaws Article 5

J. ACADEMIC SENATE OFFICER'S REPORTS:

1. President's Report

2. Vice President's Report.

3. Secretary's Report.

4. Treasurer's Report.

K. ANNOUNCEMENTS:

L. Rogacs to send out email requesting faculty observer request for the Senate Officers' election counting

L. ADJOURN MEETING: MOTION TO ADJOURN made and seconded by L. Chaffee, M. Henes.

VOTE: APPROVED