

**RIO HONDO COMMUNITY COLLEGE DISTRICT
PLANNING FISCAL COUNCIL MINUTES
Tuesday, September 23, 2014, 2:30 p.m., Board Room**

Members Present: Dr. Kenn Pierson (Co-Chair and VPAA), Dr. Vann Priest (Co-Chair and President AS), Henry Gee (VPSS), Robert Bethel(1st VP, AS), Katie O'Brien (2nd VP, AS), Dr. Kevin Smith (Secretary, AS), Sheila Lynch (Parliamentarian, AS), John Frala (ASCCC Rep, AS), Dr. Adam Wetsman (Past President, AS), Kathy Pudelko (President, RHCFA), Dr. Gisela Spieler-Persad (Faculty), Sandra Rivera (President, CSEA), Alex Ramirez (President, ASRHC), Andrew Carpeña (ASRHC), Janira Colmenares (ASRHC), Dr. Dyrell Foster (Mgmt., SS)

Members Absent: Julius B. Thomas (AS), Jeannie Liu (Faculty), Suzanne Frederickson(CSEA), René Tai (CSEA), Don Mason, (Mgmt., AA)

Staff Members Present: Howard Kummerman, Reneé Gallegos (Recorder), Michelle Yriarte (observer), Rebecca Green (Dean, Behavioral & Social Science), Mike Javanmard (Faculty)

- I. **Call to Order** – Vann called the meeting to order at 2:37 p.m.
 - II. **Acceptance of Minutes** – Vann announced that all 3 sets of minutes (August 26, September 9 and September 23) will be returned to PFC on October 14, 2014 after editing. We request your understanding as there have been other matters that have been on the forefront.
 - III. **Co-Chair's Report** – Kenn wanted to remind all parties that the planning process is underway. Approximately 27 of 105 program plans have been opened by planning teams. Howard reported that the due date for program plans is October 25. Kenn reported that some faculty members in Nursing were hard at work on their plans the day he attended their recent division meeting. Kenn also gave condolences to Sandra Rivera on the passing of her mother.
 - IV. **Superintendent's Report** – President Dreyfuss reviewed the budget assumptions for 2014-2015:
 - A. Revenue includes 0.85% COLA and 3.5% access (restoration) from State general apportionment.
 - B. Projected 2014-2015 FTES will be at the level of 13,050 FTES for both Credit and Non-Credit combined. Non-credit is already over cap.
 - C. Projected budget revenue addition from state categorical SSSP fund is approximately \$1,000,000.00. However, neither revenue nor expenditures reflect the Student Equity fund pending negotiation.
 - D. Expenditures include projected step, column increases, and salary increases of 0.553% to faculty, management and confidential, but does not reflect salary increase to classified staff.
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President Dreyfuss reported that if we do not generate enough FTES we will not be able to capture access (growth) dollars from the state. This is the reason for the Think Tank series of meetings as well as a variety of sub-committees that are working on implementing new strategies to boost enrollment.

President Dreyfuss indicated that STRS and PERS increase costs have to be built into the budget. Also, the District contribution of SUI, Worker's Compensation and part time retirement benefits has to be built into the budget. For Classified we also have to budget costs for Social Security, Medicare, medical, dental, and vision plans.

President Dreyfuss tasked PFC to come up with a plan of action with line items up to \$425,000 on one-time instructional equipment funds this fiscal year. A deadline of two months was proposed with the due date being November 23, 2014. These funds are in addition to the budgeted amount that the Board of Trustees approved in December 2013 and June, 2014 regarding instructional equipment, computer software/hardware, and facility maintenance items. Those items went through the annual planning process. Out of the half million dollars that PFC can work with, \$50-\$75,000 is earmarked for Library materials.

President Dreyfuss fielded the following questions:

1. Does the salary schedule include the negotiated increases? How about step and column, PERS and STRS increase included in the adopted budget? President Dreyfuss responded yes. She further explained the adopted budget is a rollover budget with some minor increases under object codes 4000 Supplies, 5000 operations, and 6000's equipment. For example, there is a minor increase in the Accreditation budget in preparation of the visit.

The personnel requests of one custodian that went through the planning process in 2014-2015 were also included in the budget. The additional budget augmentation under Oct. 8 board agenda of 45% Audio Visual Multi-Media repair technician for the classified position is not included in the adopted budget.

Increases to the minimum wage which affects student workers is also built into the budget along with equipment, facilities, and IT requests that went through the process with the Board of Trustees approval of the Budget augmentations in December 2013 and July 2014. Once the Board approves these requests, they are incorporated into the budget.

Adam asked when the Proposition 30 funding is going to end? What portion of the budget is subject to the 50% law?

President Dreyfuss responded that funding will end in 2017. Last Saturday she went to an event hosted by Assemblywoman Christine Garcia who emphasized to her community members to start to campaign and advocate for Prop 30 continuances. She also elaborated that the 50% law applies only to unrestricted general fund. As the dollar amount applied to 50% law spent last year (2013/14), President Dreyfuss reported that she will have a better idea in mid-October after all the calculations are completed. President Dreyfuss departed at this point of the meeting.

A discussion followed on how to proceed with recommendations for the \$425,000

Vann clarified that the President would like to see the dollar allocations not to exceed \$425,000 for instructional equipment.

Kathy reported that PFC needs to consider furniture again. There are many classrooms that are not in good shape. We have students that sit in chairs that are not up to par. This would be another example of a “No man’s land issue” because these things are not on a replacement schedule. Unexpected breakdowns in classroom equipment are another example, and we have to wait for long periods of time to get things replaced.

Howard reported that he can separate the planning request reports for Academic and Student Services. While not an official member of PFC, he can assist from a process standpoint. There were definitely items that were not funded. That way, PFC can get an idea of what people are asking for.

It was the consensus of the group to review planning documents from 2013-2014 and 2014-2015. Specifically, requests that relate to technology and equipment include furniture. The group also needs to be mindful of items that are not on these lists that have popped up. There is a two-month window of time to review the previous two years of requests and develop a recommendation using these one-time funds. Past reports will allow for cross checking of items that have already been funded and allow for ordering before the end of this year (2014).

Vann reported that he believes this is a good starting point because President Dreyfuss is demonstrating that she would like to have PFC involved in this area of the budget.

V. New Business

- AP & BP Review

Attached are Board Policies that have been revised (3 items):

BP 4030 Academic Freedom – Kenn printed out for clarification purposes and explained items in red font. Just to clarify, Roman numeral IV references the American Association of University Professors and of the Association of American Colleges’ “1940 Statement of Principles on Academic Freedom and Tenure.” That source was the genesis of this BP but not acknowledged as a source in the BP, so that was one change in red. We are adding the source to review now, but language from that statement is already incorporated into the document.

Other changes in red are a bit misleading, consequently, because they did not come from AAUP’s 1940 Statement. Kenn clarified that other changes in red font were suggested by Rio Hondo’s Academic Senate. It may be prudent to document the source of the recommendations next to those proposed by Academic Senate.

Adam recommended to include “Administration” in paragraph three, which mentions the Board, faculty, staff and students. This would be more inclusive.

Henry voiced his concern with Roman numeral I.F. The last sentence in paragraph F is derived from the 1940 Statement but does not include all the following language from the original 1940 Statement: “[faculty members] should at all times attempt to be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make

every effort to indicate that they are not speaking for the institution.” The corresponding sentence in paragraph F of the existing BP on Academic Freedom reads as follows: “faculty members should at all times attempt to be accurate and should indicate when they are not speaking for the College.”

Vann asked members to take a look at Section III, paragraph B. The sense of the clause of the 1940 Statement is already there in the language, which underscores “an obligation to respect the dignity of others, to acknowledge their right without institutional censorship or disciplinary action, and to express differing inquiry, instruction, and free expression.” With this language, we have an obligation to respect each other.

Henry reported that he wanted to be collaborative but sees a mixing up of the tenets of Freedom of Speech and Academic Freedom in the proposed new language.

Dyrell suggested that, based on the language that Henry is proposing, to remove the words “exercise appropriate restraint” but include language to “show respect for the opinions of others,” which is a reasonable and fair expectation. This is what we already practice.

Sheila felt strongly that this is consideration is important enough to bring back to Senate. Who gets to decide what is respectful? It comes back to a question of judgment that is not up to us to make that decision for the entire Academic Senate.

Vann reported that this is something that we aspire to that is philosophical and is not in any way meant to be punitive. In the spirit of others we are respectful and treat others with dignity, acting in an adult manner and showing restraint. Doesn't our AP 3435 on “Discrimination and Harassment” give us that same sense?

Adam suggested that “Administrators” be added in to the AP 3435, “Discrimination and Harassment.” What we should do is pass this right now with the term “Administrators” added in and bring it back to Senate for further review. It will take a few weeks to make revisions. The next Academic Senate meeting is October 7. It would probably be feasible to have it to the Board in November.

Kenn reported that the October deadline for movement on AP 3435, established by PFC in June 2014, may need to be extended for a consideration of BP 4030 to work its way through the review process. It would not be the first time PFC has taken longer on deadlines.

Sandra asked that paragraph G is meant primarily for faculty. Can we broaden this to include all members of the campus community?

Vann responded that when this AP was being edited, they refrained from changing too much language in that respect. He referenced the University of Oregon's Academic Freedom policy which does cover all parties, and he was hoping we could follow a similar model.

Henry reported that members of the community have the right to address the public. It goes back to using the phrase – constitutional protection of Freedom of Speech.

Vann, Henry, Dyrell, Sandra, and Alex will meet before October 7, 2014. Then BP 4030 will be forwarded to Academic Senate for review.

AP 7217 Faculty – Employment of Contract – [Consensus reached with the following edits.](#)

Faculty: Employment of Contract – Apologies that the draft of Oct. 12 is not the current AP on the website. There are three corrections that Vann reported in terms of edits:

- Line 1: Board of Trustee's.
- Section II, paragraph C: Senate language.
- Section III, paragraph C. BP7211 replaces CP 5165, BP 7210.

The order of paragraph C needs rearranging.

Dyrell has concerns about using consultants that serve on committees. Will they expect compensation? This practice may open the gate to that question. At Mt. SAC they were not voting members of the committee.

AP 7346 Employees Called to Military Duty – Kenn read aloud an email received earlier from Sandra: “I believe that AP7346 is a negotiable matter and should be referred to the collective bargaining teams. We have time, in my opinion, because this is a legally advisable AP and not a legally required. I have a call in to our Labor Relations Representative to confirm and the CCLC language itself makes mention of the negotiability of certain aspects of this AP. May we pull this item for now? CSEA could not consent to this at this time because we could be waiving our right to negotiate.”

Sandra reported that CSEA will review this AP this week and also has negotiations schedule on 10/6/14. So it may be resolved before the end of October.

VI. Information Item

BP 1400 Kenn reported that this Board Policy is outdated and is slated for deletion. This policy was created prior to the College having bargaining teams. More research was done by the President's Office and the BP is deemed obsolete. We are not bringing this forward today for action, only for informational purposes.

Sheila and Sandra requested if additional language regarding encumbering faculty could be added to this policy and also what the process is for deleting policies? It was recommended that this BP be returned to the October 14th meeting.

- CAI Update – Mike Munoz, Marie Eckstrom, Mark Littrell – The scheduled update was postponed since Marie's meeting regarding English assessment had not yet taken place.
- OEI Update – Rebecca Green, Mike Javanmard

Online Education Initiative (OEI)

Rebecca Green, Dean of Behavioral and Social Science and Virtual College supervisor, and Mike Javanmard, Instructor of Economics and faculty Distance Education Coordinator, gave an update on the OEI. RHC is one of 8 colleges selected in the state to participate in this important pilot that may redefine how online courses are delivered throughout the California Community College system.

Rio Hondo has been selected as a pilot college to assist with the implementation of the Online Student Readiness component of the new California OEI. A meeting is scheduled with Mike Muñoz, Gary Van Voorhis, Mike Javanmard, Virtual College Staff, Kenn Pierson, and Bonnie Peters, the Chief Student Services Officer for the OEI.

During Spring 2015, a few courses will be offered on the OEI "Exchange." Our courses for Spring will be offered in our current Blackboard platform. Each of the 8 pilot colleges has been asked to submit, for consideration, five online classes ranging from AJ to Anthropology, English to Political Science, and others. The faculty members who are teaching an online class this spring from the identified list of courses have each been contacted to see if they would like to submit their course for consideration. A committee of peer reviewers will look over the course, not for content or curriculum, but for design and to ensure the standards published by @one, which are considered industry standards for high quality online education. For the Spring classes, only Rio Hondo students will be able to enroll in the Rio Hondo taught classes.

Kenn reported that we received very short notice on this but views it as an opportunity to try something new and help shape its direction.

The following questions were asked:

- Will we be taking seats away from our students?
- How many faculty members have shown interest in this project?
- How does a student apply to this exchange?
- How does the recording of transcripts work?
- Does this help with Student Success?
- What happens if a student fails a class 3 times?

Rebecca asked questions during her webinar and the answers she received are listed below:

- Class caps for individual colleges will be maintained
- Do faculty association rights cover my faculty in the OEI? Yes. Additional discussions will be held once the OEI is up and running more fully.
- What about Rio Hondo policies? Do students have one year to challenge a grade? Yes, for the most part. The OEI may ask for some flexibility on a case-by-case basis.
- The teaching college gets all the FTES for the class taught, regardless of where a student's "home" college is.

- Could this hurt our late start online offerings? This is being discussed and nothing conclusive has been determined. This is not intended to hurt an individual college's enrollment.
- What's coming? Is it the plan to eventually do away with locally offered online classes, in our own CMS, and all online classes in California Community Colleges will be offered through the Exchange? Ms. Peters has responded at this point it is not the design to do away with local online courses. The OEI is to create another opportunity for students to take classes.
- What would motivate faculty to submit their course to the scrutiny of others? By participating, faculty will receive Professional Development funds if their class is selected for the Exchange and course structural changes are made. Any 508 compliance issues identified in their courses will be taken care of, at no charge, by the Exchange, including the captioning of all videos. Finally, it is an opportunity to gain satisfaction that your class meets industry standards for quality online classes, based on feedback from professional online course format reviewers

Rebecca Green stated that OEI is something you will start hearing a lot about. Think about "Travelocity." There are many flights offered there. That is what the OEI is—an online exchange for students to complete. They can go online click and see all the offerings. It requires students to go through a readiness model to be successful in an online environment. We have to design what we want our students to be able to handle online classes successfully. It was a decision to offer classes through the Exchange this Spring. Governor Brown is a huge supporter of this project.

Rebecca also reported that hybrid classes will not be included in this pilot. The ones on the list are general education courses.

Rebecca reported that two faculty members have expressed interest. If she only gets two, then that is all that will be offered to the Exchange. There will also be a new portal that is being developed for registering students. This is an attempt to make it easier for students to complete. The amount of work that has to come completed on the back side is mind boggling. She will report when she has more information.

Kenn left at this point of the meeting.

VII. Unfinished Business

VIII. Committee Reports

- Basic Skills – No report.
- Facilities – No report.
- IEC – No report.
- Program Review – No report.
- Safety – No report.
- SLOs – No report.
- Accreditation – No report.
- Staff Development – No report.
- Staffing – No report.
- Information Technology – No report.
- Technology – No report.

IX. Announcements – No announcements.

- X. Public Comment – No public comments.
- XI. Adjournment – Vann adjourned the meeting at 4:04 p.m. The next meeting will be held on October 14, 2014, 2:30 – 4:00 p.m., Board Room.

1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments

In 1940, following a series of joint conferences begun in 1934, representatives of the American Association of University Professors and of the Association of American Colleges (now the Association of American Colleges and Universities) agreed upon a restatement of principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure. This restatement is known to the profession as the 1940 Statement of Principles on Academic Freedom and Tenure.

The 1940 Statement is printed below, followed by Interpretive Comments as developed by representatives of the American Association of University Professors and the Association of American Colleges in 1969. The governing bodies of the two associations, meeting respectively in November 1989 and January 1990, adopted several changes in language in order to remove gender-specific references from the original text.

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to ensure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole.¹ The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.^[1]

Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

Academic Freedom

1. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.^[2] Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.^[3]
3. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they

1. The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

2. Boldface numbers in brackets refer to Interpretive Comments that follow.

should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.[4]

Academic Tenure

After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

1. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.
2. Beginning with appointment to the rank of full-time instructor or a higher rank,[5] the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution, it may be agreed in writing that the new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years.[6] Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.[7]
3. During the probationary period a teacher should have the academic freedom that all other members of the faculty have.[8]
4. Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case. The teacher should be permitted to be accompanied by an advisor of his or her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from the teacher's own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.[9]
5. Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

1940 Interpretations

At the conference of representatives of the American Association of University Professors and of the Association of American Colleges on November 7-8, 1940, the following interpretations of the 1940 *Statement of Principles on Academic Freedom and Tenure* were agreed upon:

1. That its operation should not be retroactive.
2. That all tenure claims of teachers appointed prior to the endorsement should be determined in accordance with the principles set forth in the 1925 *Conference Statement on Academic Freedom and Tenure*.
3. If the administration of a college or university feels that a teacher has not observed the admonitions of paragraph 3 of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning the teacher's fitness for his or her position, it may proceed to file charges under paragraph 4 of the section on Academic Tenure. In pressing such charges, the administration should remember that

teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility, and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

1970 Interpretive Comments

Following extensive discussions on the 1940 Statement of Principles on Academic Freedom and Tenure with leading educational associations and with individual faculty members and administrators, a joint committee of the AAUP and the Association of American Colleges met during 1969 to reevaluate this key policy statement. On the basis of the comments received, and the discussions that ensued, the joint committee felt the preferable approach was to formulate interpretations of the Statement in terms of the experience gained in implementing and applying the Statement for over thirty years and of adapting it to current needs.

The committee submitted to the two associations for their consideration the following "Interpretive Comments." These interpretations were adopted by the Council of the American Association of University Professors in April 1970 and endorsed by the Fifty-sixth Annual Meeting as Association policy.

In the thirty years since their promulgation, the principles of the 1940 *Statement of Principles on Academic Freedom and Tenure* have undergone a substantial amount of refinement. This has evolved through a variety of processes, including customary acceptance, understandings mutually arrived at between institutions and professors or their representatives, investigations and reports by the American Association of University Professors, and formulations of statements by that association either alone or in conjunction with the Association of American Colleges. These comments represent the attempt of the two associations, as the original sponsors of the 1940 *Statement*, to formulate the most important of these refinements. Their incorporation here as Interpretive Comments is based upon the premise that the 1940 *Statement* is not a static code but a fundamental document designed to set a framework of norms to guide adaptations to changing times and circumstances.

Also, there have been relevant developments in the law itself reflecting a growing insistence by the courts on due process within the academic community which parallels the essential concepts of the 1940 *Statement*; particularly relevant is the identification by the Supreme Court of academic freedom as a right protected by the First Amendment. As the Supreme Court said in *Keyishian v. Board of Regents*, 385 U.S. 589 (1967), "Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."

The numbers refer to the designated portion of the 1940 *Statement* on which interpretive comment is made.

1. The Association of American Colleges and the American Association of University Professors have long recognized that membership in the academic profession carries with it special responsibilities. Both associations either separately or jointly have consistently affirmed these responsibilities in major policy statements, providing guidance to professors in their utterances as citizens, in the exercise of their responsibilities to the institution and to students, and in their conduct when resigning from their institution or when undertaking government-sponsored research. Of particular relevance is the *Statement on Professional Ethics*, adopted in 1966 as Association policy. (A revision, adopted in 1987, may be found in AAUP, *Policy Documents and Reports*, 10th ed. [Washington, D.C., 2006], 171-72.)
2. The intent of this statement is not to discourage what is "controversial." Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject.
3. Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 *Statement*, and we do not now endorse such a departure.