

# RIO HONDO COMMUNITY COLLEGE DISTRICT PLANNING AND FISCAL COUNCIL MINUTES

Tuesday, December 9, 2014, 2:30 p.m., Board Room

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**Members Present:** Dr. Kenn Pierson (Co-Chair and VPAA), Dr. Vann Priest (Co-Chair and President AS), Henry Gee (VPSS), Myeshia Armstrong (VPFB), Robert Bethel (1<sup>st</sup> VP, AS), Katie O'Brien (2<sup>nd</sup> 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), Jeannie Liu (Faculty), Alex Ramirez (President, ASRHC), Janira Colmenares (ASRHC)

**Members Absent:** Dr. Gisela Spieler-Persad (Faculty), Julius B. Thomas (Faculty), Sandra Rivera (President, CSEA), Suzanne Frederickson (CSEA), René Tai (CSEA), Andrew Carpeña (ASRHC), Don Mason (Mgmt., AA)

**Staff Members Present:** Howard Kummerman (Dean, IRP), Reneé Gallegos (Recorder)

- I. **Call to Order** – Vann called the meeting to order at 2:35 p.m.
  - II. **Acceptance of Minutes** – Vann called for any edits to the minutes of November 11 and November 25, 2014. Consensus was reached to accept both sets of minutes.
  - III. **Co-Chair's Report** – Kenn announced we will discuss the status of the Instructional Equipment meeting in a bit. For now we will shift to AP review with the items before you today under new business.
  - IV. **New Business**  
**AP & BP Review (2 Items)**
    - AP 4101 Independent Study/Directed Study – Vann reported on the changes that the Academic Senate made in section six. We went from a maximum of 12 units down to 9. Most students take one course at a time. Senate felt that 12 units seemed excessive. Based on Fran's research on Directed Studies, she could not find one student that took a four unit course. Also, the non-repeatable clause was added.  
  
Jeannie asked a clarification question if Directed Study is in consultation with the instructor?  
  
Vann reported that this is above and beyond the regular curriculum. Kenn reported that it is similar to an internship program where the student interacts with an outside agency and under the direction of a faculty member. The CTE area has several students who participate in this type of activity.  
  
[Consensus reached.](#)
    - AP 4260 Prerequisites and Corequisites - Vann reported the changes made by Academic Senate in Section d., pages two and three.  
  
[Consensus reached.](#)
  - V. **Unfinished Business**
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- **Update re: Instructional Equipment - Sub-Committee Report**

Kenn reported that the committee met last Tuesday and invited Gary Van Voorhis to join in. Jeannie updated the chart with changes previously discussed updating the room upgrade costs from \$12,500 to \$15,000. This was to address concerns regarding unexpected costs, taxes and shipping on any equipment that is ordered. It is the hope of the committee that some rooms will not require the maximum level of funding. Gary is concerned that costs may rise further due to the nature of the equipment and because of oddly shaped rooms. Kenn has been very impressed with this group that has worked collegially to gather this information.

Gary also requested additional time to get vendors to come on campus to get accurate quotes. None of the vendors could come with short notice. Gary called Kenn yesterday and provided a new spreadsheet with all of the affected classrooms. This is in tandem with the subcommittees list. Gary is of the mindset that we do a total upgrade rather than piecemealing the upgrades. This has already increased costs across the board from 15k to 18k to be more realistic. Kenn discussed this with President Dreyfuss at his standing on 12/8 and she endorsed the delay. Kenn got a hold of Vann to inform him as well as the subcommittee members. The idea right now is to have the most accurate quotes from Gary to tighten up the numbers. We will have to trim our requests. Conceivably, we can address this during December and January to receive quotes and reconvene in early February. We also have the option of working on this electronically.

John Frala reported that the District has completed room usage studies in the past. With the way that technology is evolving, we are moving away from projectors and towards flat screen monitors that you can pick up for a good price. Google also offers a suite for \$35.00 that is compatible with a lot of the software that is in use today. Has anyone looked in to moving in that direction? Maybe the more expensive projectors are not necessary.

Kenn responded that we should involve IT in this discussion. These are all highly used classrooms. Some projectors have dropped off the list because they are not needed. We have done a lot in the short period of time given. We are getting educated while working through this process and also addressing concerns that have popped up. Gary was invited late in the game so we have to allow him time to do the research.

Adam is concerned with the rising costs. All he asked for was a computer for his Division so faculty could check it out. The projector is working fine. It was not his expectation to have the entire room overhauled. Perhaps it would be wise to go through this again maybe it is not necessary to have new cabling, etc. and we could save on some of the costs. His point is that there are other places that money needs to be spent such as on tubes used in Vann's classroom. Let's spend some money to fix the wires hanging out of the walls and not focus on major upgrades. That was never his intention for his assigned classroom it was purely quick fixes.

Kenn reported that the rise in costs is based on the walk through conducted by Gary and Carlos. Yes we can minimize costs if need be, but we also have to keep in mind that we cannot drop a projector just anywhere. Each room may have different obstacles due to the shape and size of the room as well as the type of materials the room is constructed from.

Myeshia reported that we have to look at this from Gary's perspective, equipment, labor, wiring that is going to compound the costs which will be significantly more than if we were doing the same at our homes. Each room has specific needs tailored to the architecture of

the room. We will have to flush out what is a smart classroom and how it is going to be used. She believed that Gary has those specs already.

Kenn reminded the group that we must not forget that Gary has just completed the Technology Master Plan for the college and we have not taken that into consideration as well.

Jeannie reported that when we initially started this process we were looking at quick fixes. Now it has snowballed from \$10k, \$12½k, \$15k, now it's at \$18k. Something is going to have to give. The immediate needs are disappearing before our eyes. Do all these classrooms need to be fully upgraded when there is such a need to have all these other items funded? Where do you draw the line in the sand? Adam doesn't need a total upgrade, Jeannie was asking for six projectors for Business classrooms that are in dire need. Where do we go from here?

Sheila suggested that if there is money left over, the subcommittee can prioritize the list with a two tier system. She thinks the missing link has been talking to the users of the rooms. Not everyone knows there are classroom standards. We need a clearer picture.

Kenn reported that we have already sought a needs list from the Division Deans which we prioritized. We can have the line-by-line conversation with Gary. He believes that Gary has a pull down menu on what makes a smart classroom that is modeled after the CTE building.

Katie reported that while maximizing the use of the classroom is our goal here, it will not do any good if people are not comfortable working with the new technology. There may be a training aspect involved as well.

Kenn recommended that the subcommittee move forward working on things electronically.

Jeannie requested that she be the only one to make edits to the spreadsheet to avoid confusion with different versions.

- **Four Year Degree Program Update** – VPAA reported that last Tuesday he attended a webinar along with Dean Slavich. The Four Year Degree proposal needs to be completed and received at the Chancellor's Office on Thursday, December 18 which is one week from Thursday. Kenn will be meeting with staff up in CTE tomorrow for a brief meeting. We have to ensure that we are having conversations with UC and CSU schools. We are not allowed to drop in pages and pages of data, but rather a brief and substantive proposal. We are still seeking clarity at the state level. To date there is no budget for this program. To that end we are doing our best to project and will give it the old college try. According to the Chancellor's Office, the mantra is "Show us how you are the best prepared to do this. Has the college thought about upper level GE and thought through courses, faculty, equipment and facilities?" Kenn asked a question during the webinar that as an example if a college is ready prior to the 2017-18 academic year, would they be able to start early? That was met with silence which is attributed to the many unknowns that are out there now.

John reported that he is pulling many items from our Accreditation report. The state is asking about funding. John has sections three, four and five. He is pulling data that is six pages in length that need to be condensed into one and it must be compelling. Some of the neighboring schools who didn't apply are now wishing they had. This may allow for more collaboration in the future. The state of Michigan has a similar program. John didn't know if the state is looking at how Michigan operates their program. Fresno is creating

their proposal from scratch. We have an advantage in that we already have things in place. The Board of Governors could not answer many of the questions that were asked. Since this will not take effect until the 17-18 academic year it is realistic that we can meet the timeline. We already have students asking where to sign up so there is a lot of interest out there now.

Kenn reported that given that the proposal is not finished, there is no way to bring it forward to PFC. He does not know what lies ahead with this except the proposal is going to be mailed on December 18<sup>th</sup>. The soonest that it would come to PFC is on February 10, 2015.

Katie suggested that PFC review the costs in February or March and then have the option to decide if we participate or not. As long as we know this is a proposal and not a commitment we can trust that is how we will proceed.

Robert has concerns that the \$84.00 per unit cost is not even double what we charge. If there is upper division work that needs to be completed, that piece affects the rest of the campus.

- **Responsibilities for PFC Communications** – Kenn reported that it has been a challenge this semester hearing comments about members not receiving their PFC items. We try our best to get things out in a timely manner typically on the Thursday or Friday prior to the PFC meeting. Last year we did not have this many complaints. If the delivery system is not working we must report it to Academic Affairs, take responsibility ourselves and work to find solutions. We have now taken steps to ensure that we have one mode of access. For this special meeting the agenda, minutes and BP/AP information were loaded to the PFC website. Members were then notified via meeting notice and as well as a secondary email that items were available. The back-up materials are now titled “Supporting documents.” Does this method work for everyone? Reneé is trying to get everyone on the same page and it is a challenge with this large committee.

It was the consensus of the members of PFC to send an email notification that documents are ready for viewing on the web. It was also requested to keep sending the accepted minutes out to the campus community as is past practice.

- **OCR/AP3435 Discrimination and Harassment** – Kenn cited the email on 11/26/14 from Dyrell on his last day with the district that he received notification from Julie Baenziger from the Office of Civil Rights (OCR). Ms. Baenziger reminded Dyrell that based on our signed agreement, the college has failed to fulfill the terms of the agreement and the college is long overdue in compliance with federal regulations. Kenn shared a chronology of the facts of what has transpired in the past 18 months (attached).

The bottom line is that we are at risk for losing all federal funds including financial aid for our students, grants, etc. Dyrell is gone now so Henry has been communicating with the OCR.

Henry reported that Julie is waiting to hear the outcome from today’s meeting from PFC. If the OCR puts us on an administrative enforcement, there is no time, we are done. We will lose our funding and there is no room for questions. We have had two years to complete the requirements agreed to between the District and the OCR.

Adam responded that he did not know all the specifics when work was being done on AP 3435. His question is what does the OCR want? The procedure should be in line with the

sample policy they provided? Why are we reviewing the procedure now? Will the draft procedure we have now satisfy the OCR? What do they want from us?

Henry reported that back in the May, Dyrell, Kenn and Adam agreed to the draft of AP 3435 and she was given the draft in May. We came to the PFC meeting in June, 2014 and did not agree. The minutes of June 24, 2014 reflect this.

Kenn pointed out that the discussion of Academic Freedom was linked to this AP 3435 in June. It was not mentioned in any of the previous versions nor at the sub-committee level. Can we say we are going with this as is? AP 4030 (Academic Freedom) is a separate issue and that has taken on a life of its own.

Vann reported that they discussed this at Senate Exec today. Robert would like to make a motion to revise section XX. of the AP with the following language:

#### XX. Academic Freedom

Rio Hondo Community College District Board of Trustees reaffirms its commitment to academic freedom, as defined in BP 4030, but recognizes that academic freedom does not allow any form of unlawful discrimination. Nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for specific community college program, course, or **any** activity, including **participatory/shared governance and representation of constituents**.

Henry responded that we are focusing on Academic Freedom again. We do not need to define that in the AP 3435. It is non-existent in the current version of AP 3435.

Vann reported that Senate is trying to make it clear that specific activities are covered under Academic Freedom.

Sheila asked if the OCR has seen this draft version with the added Section XX. language? If the OCR has seen this and it met the requirements why can't the language be added, six words shouldn't rock the boat?

Kenn responded that he does not want to rock the boat in the other direction. We were paring down this paragraph (XX). This is what he perceived from previous discussions and wanted to leave it more general. If we put specific college activities or programs that locks us in. More generalized language is all encompassing and that is the reason this language was included. When we get into prioritizing lists, we single out items.

Vann reported that the added language makes the faculty more comfortable.

Kenn was uncertain if the added language will change the OCR's acceptance of the AP.

Henry reported that Julie has been very responsive throughout this process and most recently. She wants to know the results today. Again, Henry reminded all that this started because a student filed a complaint with the OCR. The administrative determination agreement was agreed upon between the District and the OCR on January 30, 2013. To date we are still not in compliance. We are playing Russian roulette with Financial Aid and Grants. The OCR provided a template regarding the ways investigations are to be conducted. There were holes in our current procedure that make it weak.

Vann countered stating that this says nothing about our perceptions. It talks about how complaints are handled on campus it, it does not outline how complaints are dealt with. Adding six words makes the faculty more comfortable.

Alex asked why Academic Freedom even in here if it does not pertain to the AP?

Myeshia reported that she is in agreement with Alex. When you have an AP it identifies the steps and process. It is not a philosophical document and Academic Freedom seems a bit out of place in the context of this AP.

Jeannie stated that this AP technically says what we are going to do.

Sheila commented that Senate Exec met before this meeting and we are relieved and will be pleased if these few words are added. The pressure would be off and it is a concession to the faculty that we want it to say shared governance. Sheila can't see how the OCR would object to this language. We want to satisfy this large group by putting this in the AP. Yes it is philosophical in nature but it also dovetails to the second paragraph.

Kenn reiterated that this is about rocking the boat and the potential for losing federal funds. We don't want to go in that direction and that is his concern.

Sheila countered that it is rocking the boat here. Now we are haggling about six words. Whether to leave them in or out. They have requirement of us and Sheila cannot conceive that these six words would change OCR's acceptance of the AP.

Kenn is not convinced of that.

Alex replied that even if Henry asked today what happens if the AP is not accepted and we receive this punitive action?

Shelia responded that we need to find a way to deal with it.

Henry responded that we need to make a decision today.

Adam reported that he is fine with the draft with the addition of the new language. He can't imagine that the OCR would reject this.

Henry reminded the group that we must not forget that Federal law trumps any local policy or procedure, if there is a charge filed then we must conduct an investigation. We are at the point where we have the addition of these six words.

It was suggested that Henry ask the OCR if the new language is acceptable.

Henry proposed that we will put this question in writing to Ms. Baezinger with a cc: to Kenn and Vann so Henry is not accused of misrepresenting anything later on down the road. Fortunately, Julie is up in San Francisco so she will be able to respond quickly with out the time delay.

Alex asked if do not decide this today what happens?

Adam stated that just for clarification, are we consenting to the changing the language to read: Nothing in these policies and procedures shall be interpreted to prohibit bona fide

academic requirements for specific community college program, course, or **any** activity, including **participatory/shared governance and representation of constituents**.

So the recommendation from the PFC may or may not go forward to the Board? Is Adam understanding this correctly.

Sheila asked what if this is a conditional proposal?

Adam stated that he will not consense to any conditional proposals.

Henry asked if this is not acceptable then what happens? You leave the students in jeopardy of losing their financial aid.

Katie stated that she would like to consense to this. Then if the OCR does not accept the new language then we should meet immediately.

Howard reported that while he is not an official voting member of the PFC, he is in support of this recommendation to the President. Ultimately, the President can decide to move it forward regardless of what happens here in that financial aid is in jeopardy and the President has the authority to put the language forward for Board approval. In circumstances regarding the use of the minority report, its purpose was to ask for reasons why PFC did not consense, but that is still a recommendation from PFC.

Adam reported that if the President can change the language that PFC recommends that would probably disband PFC.

Vann read the last sentence of the paragraph with the added language. He asked if we have consensus?

Yes, although Henry and Kenn abstained.

Kenn reported that should the OCR accept the language, as well as completing the process here locally, this AP could go forward to the Board of Trustees on January 14, 2015 for implementation.

#### VI. Information Items – No Items

#### VII. Committee Reports – No Items

- Basic Skills
- Facilities
- IEC
- Program Review
- Safety
- SLOs
- Accreditation
- Staff Development
- Staffing
- Information Technology
- Technology

#### VIII. Announcements – No Announcements.

Unit Plan due date – December 12, 2014

Area Plan due date – January 23, 2015

IX. Public Comment – No public comments were made.

X. Adjournment – Next meeting February 10, 2015, 2:30 – 4:00 p.m., Board Room



## Chronology – AP 3435 Prepared by VPAA

**March 10, 2010** – Current version of AP 3435, “Discrimination and Harassment Investigations,” reviewed by Board of Trustees (10 pages, no section on “Academic Freedom”)

**March 1, 2012** – Complaint filed against Rio Hondo College involving an individual [student] alleging discrimination on the basis of a protected class.

**January 30, 2013** – Interim President Teresa Dreyfuss signs “Resolution Agreement, Rio Hondo College, Case Number 09-12-2101,” authored by the U.S. Department of Education, Office for Civil Rights (OCR), including the stipulations:

- “The College will replace its discrimination complaint procedures, AP 5530, Student Rights and Grievances, and AP 3435, Discrimination and Harassment Investigations, with the current Sample Community College District Model Policy and Procedures for Handling Complaints of Unlawful Discrimination issued by the California Chancellor’s Office . . .”
- “By April 2013 [OCR’s *emphasis*], the College will provide OCR with a draft of the new discrimination complaint procedure that meets the requirements of this Agreement.”

Dr. Dyrell Foster to begin revising AP 3435 in keeping with the OCR’s stipulations.

**February 6, 2013** – Dr. Adam Wetsman joins Dr. Foster in revising AP 3435.

**October 14, 2013** – Drs. Foster and Wetsman notify Sandy Sandello that revisions to AP 3435 may be moved along for PFC review (“section on “Academic Freedom” is included in new draft for review).

**October 22, 2013** – Drs. Foster and Wetsman provide Sandy Sandello with a “clean version” of AP 3435 that is not marked up with strike-throughs or colored text indicating source material provided by OCR, Academic Senate, or other sources.

**February 11, 2014** – AP 3435 appears on agenda for review. This was the “clean version.” Follow-up report states, “No action was taken [on agendaized BPs and APs] due to lapse of time. These BPs and APs will be rolled into the net PFC agenda for February 25<sup>th</sup> PFC.”

**February 25, 2014** – PFC reviews AP 3435. Follow-up report states: “Return after incorporating VPAA’s edits of grammar and punctuation, adding ‘ethnicity’ in the paragraphs. The AP only references race and both should be consistent. VPAA will work with Dr. Foster on incorporating the use of race and ethnicity in the policy. It was also suggested to add Military and Veterans in light of new legislation and to be consistent throughout our APs and BPs listing the same protected classes which have to be spelled out. It was suggested to take recently recommended language from BP 4030 and insert that into section twenty that outlines Academic Freedom so there is consistency in language.”

**April 1, 2014** – As a follow-up to the February 25, meeting, VPAA emails Sandy Sandello to confirm that “race and ethnicity” can be added to section 1, line 5 and “military and veteran status” can be used in section I, line 7 instead of “military veteran status,” but that the “clean version” reviewed by PFC may have been misleading in not identifying sources of revised language. The email also informs Ms. Sandello that “Section XX on Academic Freedom does not seek to reiterate the current policy on academic freedom (BP 4030) but rather to endorse it and discuss it within the framework of discrimination,” and that the subcommittee had been considering whether the language in the first paragraph of section 20 should be deleted or simplified.

**April 22, 2014** – VPAA provides a “verbal update” of AP 3435 to PFC. Follow-up report states: “Dr. Pierson reported that Dr. Foster and Dr. Wetsman collaborated and made vast changes to this AP which were recommended by Academic Senate. VPAA wants to take more time to review with Dr. Foster so the subcommittee on AP 3425 [*sic, 3435*] will need to be reconvened. Sandy Sandello will schedule.”

**April/May 2014** – Subcommittee on AP 3435 reconvenes.

**May 13, 2014** - Sandy Sandello emails subcommittee members: “I understand that the sub-committee met to discuss AP 3435; can you provide me a status of this procedure. Also, in the ‘preview’ packet you received AP 5530, Student Rights and Grievances. It did not make it back with edits—what is the status of this one – thanks.” Dr. Foster responds, “I have attached a version of AP 3435 which includes all of the recommended edits to date and the (color coded) references that support the recommended changes. It is our understanding the PFC has not seen this version of the procedure; therefore, we’d like to start over and send this procedure back through the review process with the attached document to reference the changes.” [Note: AP 5530 was consensed upon at PFC; reviewed by Board on October 8, 2014.]

**May 20, 2014** – Dr. Foster emails Sandy Sandello (ccs other subcommittee members), “I need to review the version of AP 3435 that I sent to you last week. I discovered that I have a couple of versions of it and I want to be sure that the version that moves forward is the most current, updated version, with all the edits to date.”

**May 28, 2014** – Dr. Foster emails Sandy Sandello (ccs other subcommittee members), “Attached is the most current, updated version of AP 3435.”

**June 24, 2014** – At a special meeting, with Dr. Vann Priest and VPAA chairing, PFC reviews the subcommittee’s recommended version of AP 3435. (See pp. 5-12 of PFC minutes for details of the discussion.) PFC does not reach consensus. According to p. 11 of the minutes, “The suggestion was to table AP 3435 until BP 4030 would be acted upon by Academic Senate at their first meeting and brought back to PFC, no later than October 2014 . . . VP Gee stated he does not consense to this decision.”

**November 26, 2014** – Dr. Foster emails Vice President Henry Gee stating he received a follow-up call from Julie Baenziger from OCR “regarding our fulfilling our resolution agreement; unfortunately, I informed her that I was not able to report any further progress at this time.” Dr. Foster also reports, “She further stated that since the college has failed to reach a settlement, the next step would be for the OCR to initiate enforcement action, which may lead to Rio Hondo College losing all federal funds.” (See email from Dr. Foster to Henry Gee.)

**December 9, 2014** – OCR/AP 3435 appears on PFC agenda for review under “Unfinished Business.”