

Yuba College
Academic Senate
M I N U T E S
October 16, 2008

Senators Present: Nickolson (president), May (vice-president), Boren, Buckley, Canto-Lugo, Davidson, Devries, Heaton, Kemble, Kitchen, Morgan, Ramsey, Willson

Guests: Althausen, Heilman, Michel, Stemmann, Trutna

Meeting was called to order at 12:00, if we ignore the technical difficulties with Tanberg. Thank goodness for the chocolate chip cookies supplied by Nickolson, of which I had one too many.

1. Agenda: approved.
2. Minutes: approved.
3. Committee reports
 - a. **A prelude:** Althausen, who had been led *under false pretenses* to attend the meeting, received a plaque and a standing ovation from the Senate, who honored him for over fourteen years of dedicated—and, it turns out, dedicated means *perfectly attended*—service. He actually misses meetings, he said, and promised to drop by occasionally.
 - b. **Constitution:** Canto-Lugo, Davidson
 - i. Canto-Lugo reported that the committee has only a few more changes, specifically to election procedures, before it will be ready to present to the Senate for feedback. Davidson reported that the majority of the changes involved changing YCCD to Yuba College, clarifying differences between college and district, clarifying the composition of the Senate (now that Woodland no longer holds positions on Yuba’s Senate), clarified terms to make descriptions of officers consistent, and the stray typo. The committee expects to be ready to make its presentation in three weeks.
 - c. **Administrative Evaluations Sub-Committee:** Boren, Buckley
 - i. Boren and Buckley handed out copies of the Ed Code and pointed to Sec. 87663 (i), which states that “Governing boards shall establish and disseminate written evaluation procedures for administrators. It is the intent of the Legislature that evaluation of administrators include, to the extent possible, faculty evaluation.” Boren managed to get ahold of an old handbook and, while the process is unclear on a number of issues, it was clear that hiring (and, by extension, evaluation?) was supposed to include faculty.

Buckley added that the State Senate stance parrots the language of the Ed

Code: the spirit of the law is to have faculty involved. Boren noted that other schools, such as Sierra, follows this policy (Sierra's Deans have a union with set procedures). Further, an administrator from Yuba's checkered past told Boren that, while at Yuba, he had followed the handbook as well.

May expressed concern that Dr. Harrington's assurance that faculty would be involved in hiring or evaluating administrators who "directly impact" the faculty seems to limit faculty involvement to just evaluations at level of division dean. Buckley noted that the Ed Code says nothing about positions "directly impacting" faculty. Davidson argued that the language of the Ed Code—"to the extent possible"—demands that administration be explicit about situations that would be make faculty representation impossible.

Davidson noted that, in business, you're either in or out of compliance. Here, he asked, does this mean the administration is acting outside of the law? Nickolson suggested we contact the state and ask that directly.

May wanted to be sure that our language reflects our interest in evaluating positive performances by administrators.

The main question remains: when revising a handbook, as we have been told is the case here, the usual policy is to default to the old handbook until the new one is in place. How is it that the old handbook is in limbo here? As May asked: what process was followed in placing the existing Administrative Procedures, Handbook, and Board By-Laws in limbo, and by whose authority was shared governance suspended? Administration seems to be winging it...

d. **FLEX:** Canto-Lugo

- i. Canto-Lugo reported that the committee met on Sept. 24 to determine what activities would or would not qualify for FLEX credit. Decisions so far include: 1) only workshops presented during college hour (Tuesday or Thursday at noon) or after 4:00 pm will be allowed on a regular basis; 2) retirement planning workshops (and other workshops like these) do not qualify for FLEX; 3) tenured faculty who are not on the Senate may apply for FLEX for evaluating full-time faculty. These changes would go into effect next year. Exceptions could be applied for, as in the case (as Willson suggested) of the nursing program, with their odd hours.

The process continues; in two weeks, Canto-Lugo will present again and asked that Senate members actually look at the material he had brought in two weeks earlier. The committee needs to study members' objections.

In passing, Canto-Lugo wondered what the administrative "sponsor" who appears on the committee list is all about. Every committee has one and, as May noted, that sponsor is often the new Vice Chancellor—ostensibly hired without faculty input because her position would not "directly impact" faculty. Yet here she is, sponsoring a number of committees (not to mention evaluating coordinator positions).

Canto-Lugo noted that the FLEX committee was not listed as sub-committee of the Senate in the College Council Handbook. Certainly just a typo.

- e. **Study Abroad** requested their report be postponed until next week.
4. **President's Report** (report follows the minutes)
 - a. Davidson raised a question on the President's Report of Oct. 2, in which Nickolson reported that she was requesting that personnel be supplied by the college to take minutes. Davidson wondered why the Senate was asking for this when the secretary is doing such a fine job. Applause, general approbation, etc. It's possible that Kemble blushed. He certainly beamed. Nickolson noted that Kemble's taking minutes effectively removes him from the discussion, as he is so busy taking notes. Kemble noted that this might be one source of the Senate's new-found efficiency.
 - b. Nickolson handed out a state Academic Senate announcement of the "Exemplary Program Award" and requested the Senate consider, and consult with constituents, possible nominations for the award.
 - c. Nickolson announced the Area A meeting (Area A being the largest group of Senates in California) on Oct. 25. The meeting will be at Yuba from 10:30-3:30. It will include, most importantly, lunch, but also reading over resolutions to be presented at the State meeting, updates, and so on.
 - d. Nickolson and President Mendoza have asked that the Senate and the Community College League of California come together to do a presentation on shared governance, looking at financial issues, disciplines, equivalence, hiring, etc. Nickolson noted that this is the 20th year of shared governance statewide, and will thus be a focus of the State Academic Senate this year. Heilman recommended recording this presentation for those unable to attend.
5. **Vice President's report** (report follows the minutes): no questions, a testament to May's style and clarity.
6. **Old Business**

- a. **Program Innovations:** Nickolson thanked Roger, who summarized his written position: that this is a great way for the college to stay current, but that since it deals directly with academic programs, it should be under the Senate's authority.
- b. **District Administrative Hiring Procedures:**
 - i. **Background:** unlike the past, this summer faculty began having problems with the administration and the Board (since Chancellor Harrington is a designate of the Board). Specifically, the Senate was not included in the hiring process for a District administrator (a Vice Chancellor). The reason given: this was a district-wide administrative position with little or nothing to do with faculty. As noted earlier in the meeting, this has turned out not to be true.

Nickolson expressed our disappointment to the Board, arguing that all administrative hires need diversity that includes faculty voice. Since then, the Board has argued that the Senate has stepped out of its purview, as indicated by the statement read in the last Board meeting (a copy of which is included in the President's report). As instructed by the Senate in the previous meeting, Nickolson and May requested a meeting with the Board; in response, they received a letter from President Houle urging us to "converse" with Dr. Harrington about the Statement.

- ii. They also received a memo from Director Alt about hiring process requirements, responding to their request for the status of the procedure. He had not responded earlier, he said, because the issues raised had been discussed in many meetings that included Dr. Harrington and May. He added that he is waiting until he receives input from classified staff as well.

Nickolson pointed out that all the Senate is requesting is a written assurance that faculty will be included in future hiring process. May dismissed this as a delaying tactic; he, Nickolson, Galamba, and Deena Matren had met with Alt in late August. They showed Alt the previous handbook and left believing they had agreed that this would be a good place to start. Instead, two months later, Alt sent an insulting email to Helen outlining times they had already supposedly met—and, suddenly, he couldn't offer anything in writing until receiving "feedback" from classified (from whom he had requested feedback just one week earlier).

And then, for our efforts, the Board made a Statement telling us that it is not appropriate for the Senate to meddle in the negotiations process.

It's time to respond, according to May. President Houle said to talk to Dr. Harrington, who has set up a meeting to discuss the Board's Statement. Our question, echoed by many in the room: where did they get the impression that our actions are related to negotiations?

A brief foray into questions of legality: at what point were the handbook and by-laws "chucked," as Willson put it; and, Davidson wondered, at what point was the district out of compliance? Willson noted that a memo Director Alt sent out on Nov. 2, 2007 suggested that the handbook policies had been suspended as early as last year.

Nickolson and May then presented a Statement in response to the Board's Statement, drafted by May and Nickolson, with assistance from the President of the State Academic Senate (statement follows minutes). We *must* respond, May argued, because the Board's Statement questions our efficacy and integrity. The Senate—as a whole, and when Nickolson spoke to the Dr. Harrington and to the Board—has emphasized Alt's role in three issues: 1) the administrative hiring fiasco; 2) the lack of EEO policies, and 3) problems surrounding minimum qualifications. The Senate has never discussed anything relating to negotiations. It may be convenient to say this is what we are doing, but it is not true.

Davidson praised the Statement and suggested (oh, so tentatively) that a list of the new Vice Chancellor's committee assignments be added to illustrate the way that she is, in fact, having a "direct impact" on the faculty.

Motion: to send the letter to each board member, with the corrections suggested by Davidson. Passed unanimously.

7. **New Business**

- a. Davidson expressed concern that the aggressive proselytizing of the preacher on campus the previous day, especially as it occurred the day that the college chose to hold a National Coming Out Day event (coincidentally, it turns out, though there are reports that the group had planned to respond in some way to NCOD), makes the LBGT community on campus feel unsafe. Davidson asked if, given the campus's attitude towards safety towards students, it would be appropriate for the Senate to pass a resolution about Proposition 8, which would take away the right of gays to marry. Would such a resolution help reassure students that Yuba College is still a safe place to go, and that that the Senate did not support the

previous day's actions? Davidson asked only that we think about this, and about what would be appropriate for the Senate to do.

Meeting adjourned at 1:00.

YUBA COLLEGE

Academic Senate

TO: Academic Senate Members
FROM: Helen Nickolson
SUBJECT: Weekly P Report
DATE: October 15, 2008

1. Board Meeting at Clearlake:

Report to the YCCD Board of Trustees—Wednesday, October 8, 2008

- I would like to thank Trustee Nicholaou for attending the Open Educational Resources meeting on September 12. We had about 22 participants. The workshop was informative and underscored the need for improving textbook costs for our students.
- Congratulations to our Auto Program Faculty for coordinating the Odyssey event and having some great displays. Also, congratulations to Betsy Julian and Dough Joksch for their participation and displays.
- The DSPS Office provided an excellent program on the First-Thursday- of- the- Month series highlighting access.
- College Information Day, coordinated by Kelly Boren and the Transfer Center staff, was held on September 24 and there were over 30 colleges and universities with booths. Our students were able to take advantage of this event and hundreds of high school students throughout the district were bused in to speak with college representatives.
- The State Academic Senate Conference will be held November 6-8 and several senators are planning to attend.
- The Area A Senate meeting will be held at Yuba College on Saturday, October 25th from 10:30 AM to 3:30 PM to review resolutions and issues prior to the Conference in November. President Mendoza will attend and welcome the participants. We expect approximately 30 Senate presidents and vice-presidents to attend, and we will also use CC Confer to communicate with those unable to travel to Yuba.
- Sadly, recent events at Yuba College have led to the following resolution and vote:

- Resolution: “The Academic Senate recommends to Chancellor Harrington and the YCCD Board of Trustees that Human Resources director Al Alt be placed on administrative leave with pay pending the result of Chancellor Harrington’s investigation into the harassment complaint filed by Dean Kevin Dobbs.”
- Full-time district faculty, at a district faculty meeting yesterday, voted unanimously to conduct a vote of no confidence on Director Al Alt.
- I hope that the drama taking place throughout our district can be resolved soon so that we may all return to a relatively stable environment and continue with our respective responsibilities

2. Written Response Read by Trustees at Board Meeting:

**REGULAR MEETING OF THE YCCD BOARD OF TRUSTEES
OCTOBER 8, 2008
- BOARD STATEMENT -**

The Board of Trustees of the Yuba Community College District values all employees and has adopted Board Policies which outline governance and shared decision making roles and personnel practices under which the Chancellor is directed to operate the District. Additionally, under the direction of the Chancellor, administrative procedures and handbooks are in place to further delineate the roles and responsibilities of Councils, committees, and teams of the District. In carrying out its fiduciary responsibilities, the Board maintains agreements with each collective bargaining group and contracts for management staff.

Additionally, since 2004, the Board has utilized *Principle Centered Employee Compensation* in providing direction to its District negotiating teams for working through the negotiation process with each collective bargaining group. This document was made public and officially adopted by the Board at its March 19, 2008 meeting, following four years of use.

Negotiations with YCFA began in February 2008, and the District has negotiated in good faith since that time. The District negotiating team, under the leadership of Director Al Alt, has utilized the Board's *Principle Centered Employee Compensation* chart, and acted consistent with priorities established by the Board at the onset of negotiations. The Board respects and values the faculty of the District and has provided these professionals with compensation and benefits that exceed their comparables in the marketplace. The Board will continue to operate under these principles in carrying out its fiduciary responsibility, as it has been so elected to do by the taxpayers of the District. This is inherent in title "Trustee", wherein the Board is entrusted with the public's dollars.

In response to recent activities by the Yuba College Faculty Association and the Academic Senates of Yuba College and Woodland Community College, the Board reiterates roles and responsibilities of faculty in the District as follows:

- 1) Consistent with California Title 5, Article 2, Section 53200, the role of each Academic Senate in the District is to address Academic and professional matters as outlined. It is inappropriate for the Senates to be engaged in the negotiations process.
- 2) The Yuba College Faculty Association, as a collective bargaining unit, is charged with addressing compensation and benefit matters of its member.
- 3) Each faculty member, as an employee of the District, has the right and opportunity to file a complaint if they deem there is such a need, using processes outlined in Board Policies and Administrative Procedures of the District. Such complaints will be properly investigated by the District with follow-up as appropriate.

The above established protocol exists to provide a professional and orderly process for carrying out the business of the District and to ensure high quality established programs and services for the students and communities it serves.

3. Per the Senate's direction, I requested a meeting with Board President Houle to discuss the Board's statement. The request was denied and George Galamba and I have been directed to meet with Dr. Harrington.
4. Parliamentary Procedure workshop on Friday, October 10
Dan Turner and Larry Michel held an excellent parliamentary procedure workshop. Approximately 14 people attended. Turner and Michel later indicated that they would be willing to have another workshop if there is interest.
5. Mentor Meeting on Friday, October 10
Tim May held a mentor meeting which focused on faculty evaluations. Rod Beilby and Angela Willson presented and did a great job explaining the procedure both from the faculty and the administrative sides. This meeting was very well attended and the group had numerous questions.
6. Meeting with Travis Smith, Al Alt, and Ken Nather to discuss the Writing Center Coordinator request
The meeting went well. We discussed areas that needed clarification on the request and we will meet again toward the end of October.
7. Per the Senate's direction, I requested the draft of the administrative hiring procedure of HR Director Alt. He responded that he is waiting for input from classified staff.
8. I requested information in early September from Dr. Harrington on the status of the internship program. Cathy Richter responded on September 16 that Dr. Harrington will follow up with YCFA and HR, but I haven't heard anything since then.
9. I participated in the meeting for the research position. We will meet again on November 18 to select candidates to interview and we will conduct interviews December 8.
10. We will have the Area A meeting here on Saturday, October 25.
11. We will have the presentation on AB1725 and shared governance on Friday, November 14.

YUBA COLLEGE

Academic Senate

TO: Academic Senate Members

FROM: Tim May

SUBJECT: Weekly VP Report

DATE: October 14, 2008

We held our second mentor meeting last Friday. The topic was evaluations and the tenure process. The two presenters were Angela Willson and Rod Beilby, who addressed questions and concerns that new faculty had concerning timelines for evaluation sessions, tenure hearings, and the process all divisions are to follow. Almost all of the new teachers were there and about a half dozen second and third year instructors. The discussion was excellent. The next meeting is November 7: Karen Trimble will discuss the resources available through information systems.

Our campus crisis continues...Helen and I have drafted a Senate Statement in response to the Board statement. Helen quite brilliantly is asking the past Senate presidents to sign it, along with our endorsement. It explains our Senate position on administrative hiring and the HR Office, drawing for authority language from AB 1725 and the traditions of collegiality at Yuba.

Monday will be the third meeting of the Senate Ad Hoc Committee on Hiring. What started as a casual discussion by colleagues in Math and Science concerning our interview process has turned into a major analysis of our hiring procedures. I will have a progress report for

next week's Senate meeting. I am organizing the notes from our last meeting for presentation to the group. I see some great suggestions for the Senate emerging from this group.

I have most of six Senate hiring committee members recruited for the automatic refill positions. (Counselor, Drafting, Librarian, Manufacturing Tech, Mass Comm, Philosophy.) We are trying to fill the committees early and appoint co-chairs so that the Senate and HR can co-sponsor orientation sessions before the next round of hiring. One thing that came out in the ad hoc hiring committee discussions is the inconsistency. HR has not held orientation sessions for the co-chairs and EEO's in the past. The Senate will insist on these sessions for all future hiring rounds. The co-chairs and EEO's will together go through the Senate hiring manual, then we will instruct the co-chairs to go through the manual basics with their committee members prior to screening.

Two minimum qualifications aps have been submitted: one in Learning Disabilities, one in Counseling. The packets are being distributed for review—one to Marsyville, one to Woodland, one to Lake.

“And remember: be happy in your work.” Colonel Saito, “The Bridge Over River Kwai”

**REGULAR MEETING OF THE YUBA COLLEGE ACADEMIC SENATE
OCTOBER 16, 2008
SENATE STATEMENT**

The Academic Senate of Yuba College is well aware of its duties and responsibilities as prescribed by Title 5 regulations. It is also aware of the traditions of collegiality, trust, and mutual respect that the Senate is attempting to preserve and protect. Accordingly, the Senate requests consultation with the Board of Trustees of the Yuba Community College District concerning two academic and professional matters.

The Academic Senate is deeply concerned that current administrative hiring practices represent an abrogation of collegiality in District relations with faculty. A respected tradition at this college has been faculty representation on administrative hiring committees. This tradition was validated by the shared governance intentions of AB 1725 Section 4, which asserts that faculty whose circumstances at work will be directly affected by the employment of an administrator are provided representation in all phases of the administrative hiring process.

A November 5, 2007 memo by the YCCD Human Resources Director declares that for all administrative hiring, no specified committee composition exists. In June of 2008, this HR policy led to the exclusion of faculty in all phases of the hiring process for the Vice Chancellor of Educational Planning and Services, an administrator who directly affects academic and professional matters involving the faculty of the District in areas such as flex, coordinators, etc.

Prior to its November, 2007 declaration, the HR Office had complied in all administrative hiring with the Administrative Procedures and Board Bylaws, adopted March, 1998, which specify a process that includes faculty in the composition of all administrative hiring committees. The hiring provisions of the AP and Bylaws Handbook had been adopted by the District in 1998 to preserve the long tradition of collegiality at Yuba College.

Accordingly, the Academic Senate requests that the YCCD Board consult collegially with the Senate, either directly or by designating a representative, in order to bring the District back into compliance with its own Administrative Procedures and Board Bylaws and with its traditions of trust and mutual respect.

Additionally, the Academic Senate of Yuba College asserts its responsibility to consult with the Board for the development of policy and recommendations for two programs vital to the governance of the District: the EEO Plan and the establishment of minimum qualifications for instruction. In both of these professional matters, the Board of Trustees has for years implemented shared governance by consulting with the Senate, deferring in the case of minimum qualifications to the knowledge and expertise of the faculty. The Senate is deeply concerned that the best efforts of our Senate representatives to develop a viable EEO Plan and to interpret in a coherent, consistent manner the minimum qualifications for instruction have been repeatedly obfuscated or delayed by the Director of Human Resources.

The Academic Senate of Yuba College is committed to a process of collegiality and shared governance in helping the Board of Trustees to carry out the business of the District. The concerns we have in the professional matters of hiring, the EEO Plan, and in minimal qualifications for instruction are an expression of our responsibility and leadership in the shared governance of the Yuba Community College District.

Helen Nickolson, Yuba AS President

Tim May, Yuba AS Vice-President

Former YCCD Academic Senate Presidents