

Minutes of the
MEETING OF THE FACULTY SENATE
October 19, 2009

APPROVED

PRESENT: Bruce Bishop, Monika Brannick, Valerie Chau, Haydn Davis, Ralph Ferges, Marty Furch, Brent Gowen, Lawrence Hahn, Barb Kelber, Teresa Laughlin, Stan Levy, Jackie Martin-Klement, Linda Morrow, Patrick O'Brien, Kathleen Sheahan, Perry Snyder, Diane Studinka, Fari Towfiq, Judy Wilson

ABSENT: Molly Faulkner, Roger Morrissette, Sue Norton

GUESTS: Ann Hong, Shannon Lienhart, Fergal O'Doherty, Gary Sosa, Rocco Versaci

CALL TO ORDER: The meeting was called to order by the president, Monika Brannick, at 2:00 p.m., in Room SU-30.

Approval of Minutes:

Motion 1 MSC Chau, Gowen: Faculty Senate approval of the minutes of October 12, 2009, as amended. The motion carried.

Public Comments: Monika Brannick responded to a request by a Senator to place an item regarding the PC3H committee on an upcoming agenda. She noted that the PC3H committee is not a Senate committee and therefore does not report to the Senate. As an official governance committee, it falls under the purview of the Strategic Planning Council.

Announcements: There were none.

Motion 2 MSC Gowen, Levy: To suspend the agenda to discuss item J under Reports, Learning Outcomes Council/Basic Skills. The motion carried.

Learning Outcomes Council/Basic Skills: Fergal O'Doherty and Gary Sosa provided information on the Action Plan and Expenditure Plan which will be forwarded to the Chancellor's Office in compliance with the requirements of the system-wide Basic Skills Initiative (BSI). Each college is required to complete a 2009-10 Action Plan, specifying planned actions and respective effective practices that will be implemented to reach long-term goals supported by BSI funds.

O'Doherty and Sosa also provided data on the long-term goals (5 years) for ESL/Basic Skills Action Plans. Discussion followed regarding several topics: the Escondido Teaching and Learning Center (TLC) and the plans for expanded hours of operation; staffing issues and requests for reassigned time, which will be reviewed by the PFF; the relationship between the tutors at the TLC and the existing tutoring program located in the San Marcos campus library; upcoming Professional Development opportunities to increase cultural sensitivity; faculty inquiry groups, in which interested faculty members may engage in discipline-wide exploration on improving student performance.

O'Doherty added that efforts continue on the development of space for a Teaching/Learning Center on the San Marcos campus.

A question and answer period followed.

PFF: Grade Dispute
Policy Legal Options:

Senators were provided copies of Palomar's Student Grade Dispute Policy and Procedures, as well as information from Jeffrey Boxer, Counsel to the Palomar Faculty Federation (PFF). Shannon Lienhart provided details regarding the PFF's request to analyze the proposed Policy and Procedure on Grade Change Disputes, approved by the Faculty Senate on February 2008, and currently being reviewed by the Policies and Procedures Task Force. The PFF is concerned with the proposed Formal Grade Dispute Resolution Procedures, which call for a formal hearing by an Academic Grade Review Panel, consisting of (a) the Vice President for Instruction (b) 1 faculty member from within the discipline of the class in question (c) 2 faculty members at-large appointed by the Faculty Senate and (d) 1 student representative appointed by the ASG.

Lienhart expressed the PFF's concern that this procedure would put Review Panel faculty in a position to take potential disciplinary action (including possible termination) against another faculty member, given that the Grade Change policy provides that the determination of the student's grade by the instructor shall be final "...in the absence of mistake, fraud, bad faith, or incompetency." The panel would be called upon to make these judgments, and the PFF cannot defend faculty members in disputes against fellow faculty; consequently, the faculty members would be vulnerable. The Counsel to the PFF, Jeffrey Boxer, recommends that the District follow Education Code §76232 precisely in establishing this Policy and Procedure, leaving the final determination with the administration and allowing for PFF representation for the faculty member involved.

Lienhart read from the letter from Jeffrey Boxer, Counsel to the Palomar Faculty Federation: ...A claim based upon instructor committing fraud in assigning a grade is a species of illegal behavior occurring at the workplace. An instructor engaged in bad faith when assigning a grade involves potentially illegal behavior and can form the basis of insubordination. An instructor charged with incompetency in grading runs the disciplinary gamut of medical conditions protected under disability law to attacks on tenured status and a myriad of topics in between. Even mistake, which at first blush appears to address inadvertent behavior, could later be central to a faculty discipline situation if the District believes that the mistake is egregious enough...

Lienhart emphasized that the PFF will reject the district's proposed Grade Dispute Policy and Procedures at the level of the Task Force, believing that California Ed Code §76232 provides the appropriate mechanism to address grade dispute issues.

Senators discussed the need to address the issues brought forward by the PFF and thanked Lienhart for bringing the information to the Senate. Discussion involved concerns about the details of Ed Code §76232, as one Senator noted that the Ed Code procedure leaves the final determination with "the chief administrative officer, or his or her designee." The indeterminate "designee" might be a cause for concern. It was recommended that the Senate and the PFF engage in further discussion, and this item will be brought back for consideration at an upcoming meeting.

Committee
Appointments:

Motion 3

MSC Levy, Gowen: Faculty Senate approval of the following committee appointment:

Sabbatical Leave Committee
(08-11) Languages and Literature
Pam McDonough, English

The motion carried.

Motion 4 MSC Laughlin, Chau: Faculty Senate approval of the following appointment of a peer review committee chair. This approval is required for faculty who are department chairs, as well as for faculty who teach/counsel in departments that have an administrative director instead of a faculty chair.

Terry Humphrey, Behavioral Sciences
Chair: Haydn Davis

Bob Vetter, Physical Education
Chair: Hugh Gerhardt

The motion carried.

Curriculum:

Motion 5 MSC Laughlin, Chau: Faculty Senate ratification of the Curriculum items dated October 7, 2009. The motion carried.

Policies & Procedures: Brent Gowen stated that Senators were provided with copies of BP & AP 4232, Pass/No Pass Grading Option, several weeks ago. Lengthy discussion has occurred over the past several weeks, focusing on specific wording: "Students may not repeat a course on a ~~CR/NC~~ P/NP basis ~~a course~~ taken previously ~~taken~~ for a letter grade."

This wording was originally intended to protect students' GPA's; however, members of the Task Force and the Senate have noted circumstances in which a student would want to repeat a course on a Pass/No Pass basis after taking the same course for a letter grade. Discussion followed.

Motion 6 MS Laughlin, Gowen: Faculty Senate approval of AP & BP 4232, Pass/No Pass Grading Option for non-transferrable courses only, and that the document be forwarded to the Task Force for final review. The motion was eventually tabled.

Some Senators felt that the policy should be re-worded to apply to situations in which the student initially received a failing grade, rather than "a letter grade." After additional discussion, Senate members agreed to table the motion until specific revisions can be made, after which the document will be brought back for discussion.

Motion 7 MSC Gowen, Chau: To Table Motion 6. The motion carried.

PFF Named Positions
On IPC and SSPC:

Shannon Lienhart attended last week's Senate meeting to ask for the Senate's support of the PFF's intention to seek named positions for representation on the Instructional Planning Council (IPC) and the Student Services Planning Council (SSPC). PFF currently has named positions on the Human Resources Planning Council and the Finance & Administrative Services Planning Council.

It was suggested that this discussion be postponed until the informal gathering of the Faculty Senate, the Palomar Faculty Federation Executive Board, and Negotiations Team, scheduled for later in the day; however, some Senators suggested that because no formal decisions will be made at that gathering, the discussion should move forward at the present time.

Lienhart expressed concern over the Senate's delay in taking action on this item. One Senator noted that this issue has been discussed by the Faculty Senate even prior to the PFF bringing it forward, and some Senate members feel that because this involves issues regarding the roles of various constituencies in shared governance, the Senate should proceed with careful deliberation.

Lienhart again emphasized the PFF's intention to go forward to the Strategic Planning Council with the request for seats on both the IPC and the SSPC, noting that the PFF hopes for but does not require the Senate's support.

Motion 8

MS Wilson, Snyder: Faculty Senate support of the Palomar Faculty Federation's request for representation on the Instructional Planning Council and the Student Services Planning Council. The motion was eventually tabled.

Discussion continued, as Senators acknowledged that the PFF and the Senate look at the issue from different perspectives. Specific concerns were raised about the work of the IPC in relation to prioritization for hiring, an example of an area in which, perhaps, the PFF should not play a representative role. Senators requested the opportunity for further clarification regarding these distinctions. Lienhart responded that PFF representation would allow for diverse opinion and a potentially different perspective on various issues, providing additional protections for the faculty with regard to negotiable items.

Due to the lateness of the hour and the need to address another agenda item, Motion 8 was tabled and will be returned to the agenda for Action next week.

Senate members emphasized their appreciation and support of the PFF for all they do on behalf of faculty.

Motion 9

MSC Wilson, Morrow: To table Motion 8. The motion carried.

Motion 10

MSC Morrow, Furch: To extend the meeting until 3:35. The motion carried.

Assessment and Data
Management Software
for SLOs:

Marty Furch provided information over the past few weeks on the District's plan to purchase and begin implementation of the data-management software "TracDat." Data was provided on the examination of the software by members of the Learning Outcomes Council, specific faculty who were invited to participate, and representatives from Academic Technology, Information Systems, and the Instruction office.

Senate members were also provided with an overhead presentation of the software at last week's meeting, which provided examples of screens relating to course review and program review. A question and answer period followed the presentation.

Motion 11

MSC O'Brien, Wilson: Faculty Senate support of the district's purchase of "TracDat" software. The motion carried.

ADJOURNMENT:

The meeting was adjourned at 3:34 p.m.

Respectfully submitted,

Barb Neault Kelber, Secretary