

EXHIBIT I

April 27, 2020

MEMO re: Administrative Transfers and the dissolution of the Reading Services Dept.

To: The Members of the Faculty Senate

From: Tenured and Tenure-track Faculty Members in the Department of English

On April 14, 2020, acting VPI Sivert informed the Chair of the English Department (Kelber) of the district's plans for the Administrative Transfer of Katy Farrell and Erin Feld and the establishment of Reading as a discipline in the English Department.

The district's target date for the accomplishment of these actions is July 1, 2020.

The English Department acknowledges that this action is within the district's rights, but asks that the district refer to Article 7 of the Collective Bargaining Agreement and the specific, highlighted language below.

ARTICLE 7 - DISTRICT RIGHTS

7.1 It is understood and agreed that the District retains all of its powers and authority to direct, manage, and control its operations to the full extent of the law **except as specified in other provisions of this Agreement**. Included in, but not limited to, those duties and powers are the exclusive right to: determine the times and hours of operation including instructional times; determine the kinds and levels of services to be provided and the methods and means of providing them; establish its educational policies, goals and objectives within the scope of Assembly Bill 1725; ensure the rights and educational opportunities of students; determine staffing patterns; direct the work of its employees; determine faculty assignments; determine office assignments; determine the number and kinds of all personnel and select them; maintain the efficiency of the District operation; approve the curriculum within the scope of Assembly Bill 1725; cancel classes when necessary; build, move, or modify facilities; establish budget procedures and determine budgetary allocation; and determine the methods of raising revenue. The District also retains the right to hire, classify, assign, transfer, evaluate, promote, layoff, terminate, and discipline employees. The District reserves the right to make interim faculty appointments for new and/or vacant positions at any time, and also the right to make regular appointments in shorter than normal time frames in unusual circumstances.

7.2 The exercise of these powers, rights, authority, duties, and responsibilities by the Board, the adoption of policies, rules, regulations, and practices in furtherance of, and the use of judgment and discretion in connection therewith, shall be limited only by state and federal law, and the specific terms of this Agreement. This article shall not constitute a waiver of any right of the Federation or the Faculty Senate under the EERA or AB 1725, respectively.

7.3 In the event of a lawful emergency, the District retains the right to temporarily amend, modify, or rescind policies and practices referred to in this Agreement. Such suspension shall continue only for the duration of the emergency and only while such temporary suspension continues to be necessary. For the purposes of this Section, an emergency shall be one declared by national, state, or local government or a natural disaster such as earthquake, fire or flood. The District agrees that, in regard to a declared emergency and decisions made therein, the Federation shall have the right to subject such declaration and decisions made therein to the provisions of the grievance procedure when such declaration or decisions violate the provisions of this Agreement.

District/PFF Agreement Board Ratified 7/10/2018 17

Further, the English Department seeks the district's formal acknowledgement that Article 20.2.3 of the Collective Bargaining Agreement was not observed in the planning for these district actions. Specifically, the English Department was not consulted in the planning and therefore condemns the district's significant disregard of the contract.

20.2.3 Administrative Transfer

20.2.3.1 An administrative transfer is initiated by the Dean or first-level educational administrator directly responsible for a tenured (regular) and/or probationary (contract) faculty member. An administrative transfer will not take place unless the faculty member meets the minimum requirements for the targeted position and possesses the Faculty Service Area (FSA) for the targeted position.

20.2.3.2 An administrative transfer shall be determined by the affected Vice President(s) after consultation with the affected Dean(s) or first-level educational administrator(s) in charge of the departments, and after consultation with the affected Department Chairs.

20.2.3.3 If requested by a faculty member, a conference will be held with the affected Vice President(s) to discuss the reason(s) for the administrative transfer. A PFF representative also may attend such conference at the request of the faculty member.

In addition, the English Department cites the State Academic Senate's Resolution 01.06, "Department Organization":

Resolved that the Academic Senate support the concept of collegial decision-making in the review and evaluation of proposals which would change the organization or functions of specific departments within a college and/or district, and

Resolved that such proposals should be reviewed and approved by the appropriate faculty bodies, e.g. the department, the curriculum committee, and the academic senate.

Finally, the English Department takes this opportunity to offer these concerns as a cautionary tale to all who might be vulnerable in departments and programs where reorganization will almost certainly continue.



Minutes of the
MEETING OF THE FACULTY SENATE
April 20, 2020

APPROVED

- PRESENT: Richard Albistegui-Dubois, Jose Briceno, Melinda Carrillo, William Dalrymple, Alexandra Doyle Bauer, Erin Hiro, Teresa Laughlin, Lawrence Lawson, Jackie Martin, Adam Meehan, Wendy Nelson, Patrick O'Brien, Lillian Payn, Travis Ritt, Julia Robinson, Chris Sinnott, Craig Thompson, Fari Towfiq, Rocco Versaci, Jon Walker (ASG), Anastasia Zavodny
- ABSENT: Lori Waite
- GUESTS: Rachel Alazar (ASG), Lisa Cecere (Faculty), Lacey Craft (Faculty), Kelly Falcone (Faculty)

Please note: All votes are presumed unanimous unless indicated otherwise.

CALL TO ORDER: The video conference meeting was called to order by Senate President Craig Thompson, at 2:30 pm.

PUBLIC COMMENT: None.

ANNOUNCEMENTS:

Senator Teresa Laughlin announced the PFF meeting is set for 4:30 p.m. Thursday, April 23 via ZOOM and everyone is invited to attend. The Zoom address will be sent out Thursday morning.

Senate President Craig Thompson announced the Faculty Senate Council is awarding the 2019/2020 Gift of Time Award to the entire Palomar College community to honor the extraordinary and unflagging commitment to the students served during the Corona Virus Pandemic of 2020. A new clock will be purchased and placed on the wall in the Faculty Senate Conference Room.

Senator Erin Hiro asked for a Senator to replace her as the FSA Chair. She will be serving as the DE Coordinator next fall and cannot do both. FSA is an important committee because FSAs are the guidelines for full-time faculty. Every three years, the discipline FSAs must be reviewed. The FSA Committee's review will be 75% complete by the end of this semester but she needs a Senator to volunteer to finish the task. The time commitment is approximately two hours per week plus an hour-long meeting twice a month.

Senator Anastasia Zavodny requested the Senate discuss or take action on the Faculty Constitution. She said it is confusing that Senate selected a president elect who appears to be ineligible due to the constitutional provisions that the president should be elected from the current Senators and that in the event a Senator with one year left on his/her term is elected to a two-year term as President, the Senate membership will increase by one person for the one year. She pointed out that since the Senate just elected a president whose term ends in Spring 2020, it would set a new precedent which would contradict our Constitution. Senators disagreed as to whether this was a contradiction and discussion ensued. Zavodny added that she is concerned this precedent was not done in an agendized and discussed fashion. She added it is not a testament against the candidates for the position rather the Senate's commitment to clear

policy and procedures. Senate President Thompson responded that this item will go on the agenda next week under information for further discussion.

Senator Julia Robinson stated that the nursing program has completely shut down. Only electives are available online right now. Faculty are working on special projects.

Senator Chris Sinnott offered up an instruction project for extra credit making COVID-19 PPE masks. The instruction is available on Canvas. Contact him should you have any questions.

I.A.1, I.A.2, I.B.1, I.A.2,

AGENDA CHANGES: None.

APPROVAL OF MINUTES:

Motion 1 MSC: Sinnott/Robinson Faculty Senate approval of minutes of April 13, 2020 as amended (Exhibit I).
Abstentions: Travis Ritt

The motion carried.

ACTION:

A. Committee Appointments/Elections: None

B. Curriculum: Senator Wendy Nelson reminded Senators of the April 30th deadline for making changes to degrees, certificate descriptions and program outcomes for the mapper tool. The goal is to make the mapper tool go live in June for students. There will be a Phase I and Phase II for the mapper tool. The maps will be shared with all the discipline experts and chairs in early May.

Motion 2 MSC: Sinnott/Laughlin Faculty Senate approval of curriculum actions dated April 15, 2020.

The motion was amended. See Motion 3.

Motion 3 MSC: Nelson/Towfiq Faculty Senate approval to amend Motion 2 and approve curriculum actions dated April 15, 2020 as amended (Exhibit II).

The motion carried.

REPORTS:

A. Senate President: President Thompson noted the ASCCC meeting in Oakland and the Area D meeting in Long Beach were cancelled. Regarding the Faculty Hiring Procedures that haven't gone to the Governing Board, at the April 7, 2020 pre-agenda meeting, again this item was not included. Thompson asked President Kahn about this and Kahn recommended that Thompson meet directly with VPHR Linda Beam. President Kahn also stated that we could invite her to Faculty Senate to discuss the matter. Thompson asked Senators about the invitation and it was decided that VP Beam will be asked to come address Faculty Senate. Also during this pre-agenda meeting, Trustee NancyAnn Hensch asked VP Beam to send a letter to her explaining the issues she had with the Faculty Hiring Procedure. Lastly, President Kahn and VPI Shayla Sivert both had their respective contracts extended by the Governing Board.

B. Planning Council Reports:

SSEC - Thompson reported that SSEC has been meeting and last Friday they primarily discussed the Student Emergency Aid Program AB943.

SPC – Thompson reported that SPC met last week with a primary discussion on Prop. M funds. There is a fund balance of approximately \$151 million. Senator Teresa Laughlin invited Senators to attend the SPC meeting on Tuesday, April 21 via ZOOM. A Prop. M presentation slated for this SPC meeting with a list of “winners and losers” is available now at Board Docs.

[https://go.boarddocs.com/ca/pccd/Board.nsf/files/BNRSCN720D9D/\\$file/Prop%20M%20Project%20Update%20to%20SPC%204.21.20.pdf](https://go.boarddocs.com/ca/pccd/Board.nsf/files/BNRSCN720D9D/$file/Prop%20M%20Project%20Update%20to%20SPC%204.21.20.pdf)

IPC – Senator Travis Ritt reported the Faculty Hiring Prioritization committee met and prioritized 25 positions. In addition, four proposed hires from the last cycle that did not move forward were moved to the top of the list this year. Those four positions came from Child Development, Biology, Psychology and Business.

SSPC – Senator Julia Robinson reported they met on April 8th and primarily discussed the Covid-19 situation and department budgets. All faculty were encouraged to utilize Starfish, the early alert system. The CARES Act of \$7.5 million was also discussed.

- C. Palomar Faculty Federation: Senator Teresa Laughlin reported that PFF meets again on Thursday. Negotiations have been ongoing. A benefits subcommittee has met to try and figure out how to save some money on benefits. A health benefits survey of full-time faculty took place with two main resulting themes being faculty do not want to change their network of doctors and they still want a “free” option. Free options for either a Kaiser or Anthem HMO would exist. The current PPO would be available for a high buy-in or a lower buy-in with a high-deductible Kaiser plan. PFF will keep everyone apprised of what is going on.
- D. ASG: ASG representative Jon Walker reported that ASG is holding their elections this month. ASG is considering hosting more events online for students to be more involved.
- E. Guided Pathways: Senator Wendy Nelson reported that Meta Major’s names have been selected and those will be on Faculty Senate agenda next week. The group is also working on identifying leads for tasks and goals.
- F. Policies and Procedures: Senator Lawrence Lawson stated there are a few concerns present. Lawson mentioned AP3720 about “a no expectation of privacy” is referencing how the district will exercise their right to access all uses of district’s telecommunications to access information when an employee is out sick or not on duty. However, this line is preceded by a statement that says “except as outlined in a bargaining agreement.” Palomar’s union contract protects against it. AP4230, a policy about grading and academic record symbols states the description of pass and no pass. The grade SP (satisfactory progress) used for noncredit courses, the definition did not make sense and was revised. AP5015, which is about residence determination now includes a reference to Ed Code 76140. The last issue, regarding charging all students health fees regardless of whether they come to the main campus for classes or not, is also being discussed.
- G. Budget Committee: Senator Erin Hiro reported that the state monitor was on the Budget Committee Zoom meeting on April 14th. Palomar will get \$4.2 million less from the state than we thought because of Covid-19. There was no growth this spring so that results in less money as well. Summer enrollment likely won’t be as robust as originally thought due to Covid-19. The state’s Hold Harmless funds of \$3.6 million that we get while transitioning from a large college to a medium college is still available. The state rainy day fund was discussed and what Palomar needs to do to get some of that funding. Palomar is currently 8 over FON after current retirements. Senator Teresa Laughlin added that the CARES Act will provide additional money that we may use to cover our deficit.

H. Senate Committee Reports:

Enrollment Management Committee - Senator Richard Albistegui-Dubois reported that the committee discussed many of these same issues presented in the Budget Committee. Director Carmen Coniglio reported that we want to get away from borrowing summer enrollment practices because we are at the point that

leaves us with no flexibility. How to best end this borrowing practice, in phases or all at once is still under discussion. Program efficiencies was also discussed with administrators promising to protect small programs.

Accreditation – Senator Adam Meehan reported that the committee was ahead of schedule so setbacks caused by the COVID-19 situation will be not cause delays.

I. Other Reports: Tabled.

I.A.1, I.A.2, I.B.1, I.A.2,

INFORMATION ITEMS:

A. Council and the Brown Act: Senate President Thompson presented a document that outlined Brown Act guidelines for committees (EXHIBIT III). Thompson believes that the Senate Council is not subject to the Brown Act. The council meetings are transparent and open to the public. He stated that the meetings are really just planning meetings. The logistics of agendas, minutes, notice is what creates additional tasks that are cumbersome and unnecessary. Senate Secretary Erin Hiro stated that no formal votes take place during council but volunteered to produce a short council report for distribution, if needed. Senators shared their own interpretations of the document and how it relates with Article VI of the Faculty Constitution. Senators questioned decision making done in council sessions. A possible solution may be to create guidelines that the council will follow. It was decided to add this item to the agenda again next week.

B. Committee via ZOOM: Tabled.

C. ASG concerns regarding online teaching: Tabled.

D. Program Review: Tabled.

I.A.1, I.A.2, I.B.1, I.A.2,

ADJOURNMENT:

The meeting was adjourned at 3:50 PM.

Respectfully submitted,

Erin M. Hiro

Erin Hiro, Secretary