



FACULTY SENATE MEETING

November 9, 2020

EXHIBITS



Minutes of the
MEETING OF THE FACULTY SENATE
November 2, 2020

APPROVED

PRESENT: Eduardo Aguilar, Lacey Craft, William Dalrymple, Alexandra Doyle Bauer, Kelly Falcone, Katy Farrell, Molly Faulkner, Jenny Fererro, Jason Jarvinen, Teresa Laughlin, Lawrence Lawson, Beatrice Manneh, Jackie Martin, Susan Miller, Kateri Mouawad (ASG), Ben Mudgett, Scott Nelson, Wendy Nelson, Patrick O'Brien, Candace Rose, Sabrina Santiago, Elizabeth Stephens, Craig Thompson, Fari Towfiq, Rocco Versaci, Ellen Weller, Reza Wrathall, Anastasia Zavodny

ABSENT: Erin Hiro, Adam Meehan

GUESTS: Barbara Baer, Vikash Lakhani, Leigh Marshall, Patriceann Mead, Hossna Sadat Ahadi, Jon Walker

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

CALL TO ORDER: The video conference meeting was called to order by Senate President Rocco Versaci, at 2:30 PM.

PUBLIC COMMENT: No Public announcements.

ANNOUNCEMENTS:

Hossna Sadat Ahadi announced that on Friday, Palomar College is welcoming the San Diego Chapter of the American Association for Women in Community Colleges. The event is called *I Am . . .* with a focus on healing or empowerment. Binary and non-binary faculty and students are welcomed to attend. It would be great if more faculty can attend as well. Senator Jenny Fererro will be speaking at the event.

Sadat Ahadi also reminded Senators about Phi Theta Kappa's call to action antiracism project scheduled for Friday, December 4. It's open to all students and they've worked really hard to share their experiences with racism and will share how to eradicate racism in education.

Senator and Articulation Officer Ben Mudgett reported that the Board of Governors is hearing second reading on correspondence-based education, International Baccalaureate and CLEP exam standardization scores working with the academic senate and competency based education. Just this morning, a group of Senators met with VP Sivert to talk about competency-based education. During the meeting, the group discussed the chancellor's need for colleges to complete an interest form and the group is cautiously interested but had some concerns related to funding and institutional support. Mudgett will stay in the loop and provide additional information to Senate as it becomes available.

Senator Ellen Weller reminded Senators about the Palomar College Chamber Singers and Chorale performance on Sunday, November 8. The cost is just \$10 and more information can be found here:

<https://www2.palomar.edu/pages/palomarperforms/event/palomar-choral-music-series/2020-11-08/>

Senate President Rocco Versaci reminded Senator's about Puente's *Everything you've ever wanted to know about Dia de Los Muertos* event on November 4th at 11:30 AM. The flyer was emailed to all Senators.

President Versaci asked Senators to review Information Item E: Governance Structure and email comments or suggestion to him no later than this evening. The item is on SPC's agenda for second reading on Tuesday, November 3.

Senate Vice President Jenny Fererro asked Senators to provide feedback on the resolutions as soon as possible. She along with Versaci will be attending the statewide academic senate plenary at the end of the week.

AGENDA CHANGES: No agenda changes.

APPROVAL OF MINUTES

Motion 1 MSC: Thompson/Towfiq

Faculty Senate approval of minutes dated October 26, 2020 as amended (see Exhibit 1).

The motion carried.

ACTION

A. Curriculum – No actions to approve.

B. Committee Appointments

Motion 2 MSC: Zavodny/Towfiq

Faculty Senate approval to confirm a committee appointment (see Exhibit 2):

CALM Committee – Adriana Guillen, Faculty at-large

The motion carried.

Senator and Committee on Committees Chair Anastasia Zavodny announced there is a Senator vacancy on Committee on Committees. Senator Wendy Nelson is interested in filling the position. Also, the call will go out today for a Senator to fill the Co-Chair position of DeqCC (Diversity, Equity, and Cultural Competency subcommittee) with a close date of Friday, November 6.

Motion 3 MSC: Towfiq/Aguilar

Faculty Senate approval to appoint Wendy Nelson to serve on Committee on Committees.

Committee on Committees – Wendy Nelson

The motion carried.

Senator Zavodny asked for clarification on the Guided Pathways Pillar Three lead voted on October 19. Senate selected a team with Glyn Bongolan as the lead to that position and she is not seeing that represented clearly in Guided Pathways materials. Senator Wendy Nelson stated she thought it was noted that Glyn Bongolan would represent this team but maybe we should reach out to Bongolan to confirm her intentions. Zavodny will reach out to Bongolan.

President Versaci shared that at Council this week, Senator Lawrence Lawson asked how Senate will they create actions and identify mechanisms in place to support the antiracism statement that was just approved. Versaci referenced the following statement:

'Be it resolved that, in matters related to district and college governance structures, the Faculty Senate will ensure that Faculty Senate representatives are sensitive to and take action toward advancing issues of equity, diversity, and inclusion.'

Versaci continued saying that we do get many committee appointments. But it shouldn't prevent us to live up to our resolution by being more specific and pointed when approving committee members.

Senator Zavodny shared that Committee on Committees is addressing this but first within the scope of the larger shared Governance Council structure that is coming. The committee will eventually have consideration of current committees, their functions and roles and will have the opportunity to go through the volunteer process for committees to make changes.

Both Senators Ben Mudgett and Kelly Falcone agreed that an easy first step that could be followed though right away is just adding an additional question to our committee volunteer questionnaire asking how would the applicant encourage and advance DEI in the work of the respective committee.

Senator Ellen Weller would like to see more faculty involved on the various committees and would like to know more about the faculty member who is applying by asking more questions about themselves. In addition, she thinks newer faculty don't become involved because they see the same faculty members serving on so many of the different committees.

Senator Wendy Nelson shared that she has heard some faculty members say they never felt like they had a chance to serve on certain committees because it was sort of a popularity contest. To make the process itself more equitable, Nelson has been advocating to change the process. Additional questions that are specific to the committee would be helpful.

Additional suggestions from Senators included giving Senators more time to review applicants, schedule additional Senate meetings to cover committee appointments, redact names from applications to make the process less biased, to know ahead of time how many committees the applicant serves on, and to embrace new faculty who may have fresh and better ideas that can serve the committee well.

Committee on Committees will be discussing these suggestions and will bring back some recommendations to Faculty Senate.

INFORMATION ITEMS

A. Part-time Instructor Equity (see Exhibit 3)

Senator Will Dalrymple began the discussion on equity for part-time faculty. This issue affects a majority of faculty on the campus but has implications for the entire body of faculty. Senator Dalrymple prepared a Faculty Senate Statement to serve as the framework for the discussion. He stated that this issue is systemic and consequently it can feel like there isn't much we can do as a Senate body. He suggested, however, this is far from the case and that our responsibility with respect to part-time issues is rooted in the mission of the community college, whose values include access, inclusion, diversity, and equity. These values are inclusive values that apply to us as an institution and we should be modeling those values.

Dalrymple continued to say that while Faculty Senate has purview over academic and professional matters and the union has purview over workplace condition issues like compensation, this separation of purview is a division created

by the system, at times effective but that frequently works against the needs of part-time faculty by failing to address the inseparable relationships between the two domains. We must recognize that how we frame and address academic and professional matters directly influence the gains that can be made in workplace conditions. To that end, we must recognize that, beyond purview, Faculty Senate has a significant sphere of influence, one we should take advantage of. At the level of the system, we have opportunities to work together not only with the faculty union, the Senate at the state level, and the chancellor's office but also to use our voice to reach, for example, media, legislators, and the larger community we serve in our quest for equity.

Dalrymple continued by specifying that of fundamental concern for part-time faculty are workplace issues, including pay, healthcare, office space and more. This document proposes that we look for opportunities for furthering part-time faculty equity, both under the umbrella of academic and professional matters, but also as an advocate in workplace conditions. Full-time and part-time faculty do share much common ground and the more that we can further these issues along, the stronger the faculty voice will be overall.

Senator Kelly Falcone thanked Dalrymple for preparing the document. Her challenge after reading the document was what does this all mean in terms of action. Dalrymple explained that he was hoping in the course of this discussion, we could begin the process of identifying things that can be done. Falcone added that she found a study on the ASCCC website that was shared at the part-time faculty institute regarding a type of salary sharing with full-time faculty. In addition, the study talked about maximizing class to class time and minimizing downtime which is what we try to do for students now. This strategy could be utilized when assigning class to our part-time faculty.

Senator Lawson thanked Dalrymple for the work he put into creating this statement and recognized some of the very important statements Dalrymple made in the document.

Senator Teresa Laughlin stated that she supports these efforts and went on to say that this problem is systemic and there are terrible economic incentives for part-timers to be exploited in this way but we have to come to grips with it and to facilitate equity for part-time and full-time instructors.

Senator Susan Miller agreed with Dalrymple but thinks it's really important to understand that for any sort of change to happen, we have to convince people who have power, who have space, who have the resources and ask them to give something up and that's tough to do. Dalrymple suggested perhaps there are opportunities for enlarging the pie, so to speak, so that such sacrifices are minimized. Miller and Dalrymple both agreed that some idealism can be useful and maybe gains can be made that no one thought possible.

Senator Eduardo Aguilar stated that he supports efforts to provide more equity to part-time faculty.

ASG representative Kateri Mouawad stated that some of the most influential people in her life have been part-time faculty at Palomar College and promised continued support for part-time faculty.

Senator Wendy Nelson shared some of her experience as part-time faculty. She realizes there is just "one pot" and now as a full-time faculty member, she would be willing to share more of that pot with part-time faculty and this is something that we should be thinking about.

Senator Craig Thompson asked Dalrymple to explain the distinction between what he is talking about and advocating for the 75/25 ratio. Dalrymple responded saying that a good percentage of part-timers would prefer to be full-timers and one of the key things we should be striving for is increasing that number up to and beyond that recommended minimum 75%. But the fact remains that there is a need for part-time faculty and there are faculty who only want to

work part-time. And so the question remains, for those people who want to be in that role, are they still protected? Are they still getting the benefits of working.

Patriceann Mead shared that Performing Arts Dept. already tries to schedule blocks for part-time instructors. But one of the things not being addressed in equity in part-time is the prioritization list that we now have to abide by which has hurt Performing Arts. There are part-time faculty who no longer teach for us because of the prioritization list. We have now eliminated some of our really wonderful part-timers. Because of that, just to keep that in mind when you're working your document.

Senator Laughlin also stated that the prioritization list is definitely a situation where it helps some people and hurts others but we were forced to do it and given the circumstances, this was the best we could do. Secondly, Laughlin believes that there is this false idea that there's only one way to cut the pie. Currently, it's said that full-time faculty get this much and part-time faculty get that much. So the faculty piece of the pie is $x + y$. We have been under these draconian efficiency standards where they're saying you have to have 85% fill rate, whether that is being taught by a part-time instructor or a full-time instructor, the college gets the same amount of money for a full-time equivalent student. So if we really want to change things, we make it so that everybody basically gets paid what they are worth. I would argue if it's a three unit class and 30 units is the load for a full-time faculty, part-time faculty for each class gets one-tenth of what they would if they were full-time faculty. And if that means that the district has to hire fewer consultants or stop getting into these legal battles, so be it.

President Versaci asked Senators to read through the document prepared by Dalrymple and come prepared to discuss this matter further at the next Faculty Senate meeting.

B. Chancellor's Office Opinion on Captioning & Cameras (see Exhibit 4)

Due to the absence of DE Chair and Senator Erin Hiro, Senator Falcone began the discussion by explaining that the exhibit are just the legal opinions. Every college has struggled with the cameras on requirement so the Chancellor's Office asked for and provided a legal opinion on this matter. The captioning area is important, but Falcone thinks Palomar is doing a good job of captioning. She encouraged Senators to read the cameras on requirement. Feedback from many faculty showed that many were not happy with the idea of not being able to require a camera on during class. After reading the legal opinions, Falcone believes it becomes very clear reflecting the challenges for students. The next step is to create our own policy.

Senator Weller requested that faculty be given reasonable time and instruction when asked to complete any online survey or questionnaire. And, Faculty Senate should be allowed to monitor the volume of these requests going out to faculty as well. Falcone responded by saying that this was a last minute thing that came from the Instruction Office and it had a due date in order to get it in the class schedule. Because ultimately, the reason Senator Hiro sent the survey out is because our students are having a lot of challenges. Students are taking classes that they literally can't pass because faculty are requiring a camera that they don't own and they weren't told about having to have a camera. This survey came about through student concerns and realizing that students have a right to know the cost of their education and we need to make sure we're upfront with letting them know if there are certain equipment or technology requirements. Weller finished by saying she understands the need but everything right now is urgent and it becomes an unfair burden on faculty.

Senator Laughlin asked if there was a distinction between a camera need for a lecture or an assessment. She is aware of camera requirements for some type of assessments. Falcone responded that right now, there is no distinction.

C. ASG's Conversations about Support for Struggling Students (see Exhibit 5)

ASG representative Kateri Mouawad thanked Senators for their concerns regarding this matter. Student complaints came primarily from STEM stating they had too many assignments, extra tight deadlines and lack of communication with their instructor. Unfortunately, Mouawad stated that this is one of the reasons for the high dropout rate in the STEM program right now. Instructors complained of lack of interaction with the students due to cameras being off and difficulty in communicating with the students. ASG wants an open and honest discussion with Faculty Senate about what can be done to improve student support in spring 2021—i.e. implement strategies that successful professors are using, such as giving more extra credit as incentives, applications for students to request extensions with deadlines from the beginning because of personal matters, discuss in person labs that are COVID-safety approved. ASG is preparing to send a survey to all students at the end of the semester.

Senator Ben Mudgett stated that he has incorporated some methods of flexibility for his students which are appreciated and much needed.

Senator Falcone added that in Poet's 2nd module, there is an assignment where you actually watch them employing equity-minded and culturally affirming teaching practices in virtual learning communities. We have that piece in Poet already. Maybe we can continue some type of a communication strategy that just reminds our faculty the importance of being relational, being intrusive, helping students and employing these instructional strategies that will help our students be successful. Additionally, Falcone thinks that we should do a survey for students where Faculty Senate and ASG collaborate together to send this out. She believes have an opportunity to ask some questions that would allow our students to share with us what is working for them and how the classes could improve. Once Senate gets this information, we can put that information together and get it out to faculty.

Senator Wendy Nelson highly supports this survey but suggests that the survey go out sooner than semester end. This allows faculty the opportunity to make changes or better choices for spring 2021.

Senator Candace Rose meets with her students regularly and her students often share experience they have with other classes such as students having to mail in assignments because their instructor doesn't know how to use Canvas. Let's look at this now.

Senators Falcone, Zavodny and Fererro volunteered to assist ASG with creating this student survey. It was also noted that it would be helpful to get Research & Planning to send out the email.

D. Exemplary Program & Hayward Awards (see Exhibit 6)

President Versaci asked Senators to review the exhibit and email any questions or concerns.

E. Governance Structure & Participation Handbook (see Exhibit 7)

President Versaci asked Senators to review the exhibit and email any questions or concerns.

REPORTS

President (Versaci)

In the past week I attended SSEC and IPC (see reports below). In addition, Jenny Fererro and I met with the EOC to go over our list of "asks" and their responses. It was a productive meeting. In terms of opening parts of campus for students and faculty to access Wi-Fi, they informed us that the parking structure and Lot 12 are wired for that, but they are looking for a consistent lowering of local Covid infections before deciding on opening those lots for the spring. As

for the idea of opening a designated building so that faculty members can sign up for times/rooms from which to teach classes, attend meetings, etc., they seemed open to the possibility after receiving clarification from Jenny and me.

SSEC (Versaci) SSEC met on Friday, October 23. Some highlights:

- Feedback was given on the Governance Structure Handbook. Two issues that came up and that will be carried forward to the SPC discussion on this matter involved clarifying the Umoja and Puente representatives on the Equity, Education, and Success Council. Someone had suggested adding that these individuals would be selected by the respective program coordinators and then approved by the relevant groups (e.g., if a staff member is named, then CCE would appoint). Also discussed was the issue of compensating students for their service on this and other councils, as several groups in the new structure have designated student members.
- Cindy Anfinson brought forth a proposal to develop a land acknowledgement statement, and several people volunteered to look into this/coordinate with other individuals and groups on campus who have done work in this area.
- We received an update from Olga Diaz about the Kumeyaay statue display, which will be installed near the end of the library. She also provided a report about the year-end SEA funding expenditures.
- We took a look at an equity plan developed at American River College, and discussed the possibilities of using it as a model for our own.
- A small group was formed to go through the PD webinars on equity in order to come up with a manageable number to recommend for Trustee onboarding.

SPC (Versaci) SPC next meets on Tuesday, November 3.

IPC Report (Versaci) IPC met on Wednesday, October 28. Some highlights:

- We discussed the Governance Structure Handbook, and various issues were raised, including the new “consensus” model that will require a 2/3 vote on issues and the raised/dismitted possibility of a “college hour.” The main part of the conversation was in how the formation of operational committees would unfold. This part of the governance change process has, perhaps, not been completely thought through, as the new structure is set to begin in the spring, yet councils have not been discussing what kinds of operational committees are going to be needed/how existing subcommittees are going to shift.
- Reminders regarding the PRP calendar: PRPs are due to the deans on Friday, 10/30, and IPC review of the PRPs begins on Friday, 11/6.
- There was some discussion of Early Alert/Starfish/Canvas, and the idea that we need a full discussion of Early Alert before moving on was repeated. Najib Manea offered some information about the “data sharing” part of full Starfish-Canvas integration. Basically there are two models—automated (which would allow the instructor to make settings that would trigger EA flags) and manual (which would give a small group of counselors/retention team members access to the information on Canvas). This part of the conversation has yet to take place, as both I and Shayla reiterated.
- The issue of “NameCoach” came up, and a few people asked about 1) the possibility of alternate, free methods that would achieve the same thing and 2) about the ability to use NameCoach outside of Canvas (it is possible to do this, Najib confirmed).

SSPC (O’Brien) The SSPC meeting for Wednesday, October 28, was cancelled.

HRPC No report.

FASPC There is currently a Senate-appointed faculty vacancy on this council.

PFF (Laughlin) No report.

Distance Education (Hiro) No report.

Guided Pathways (Nelson) Reports for GP are suspended until the GP Task Force gets up and running. The Senate will put out a call for the at-large faculty members shortly.

Policies and Procedures (Lawson) P&P next meets on Friday, November 6.

Budget (Ferrerro) The Budget Committee meeting for Tuesday, October 27, was cancelled.

TERB (Lawson) No report.

Professional Development (Falcone) No report.

Sabbatical Leave (Lawson) No report.

Faculty Service Areas (Mudgett) No report.

ASG (Mouawad)

- ASG is hosting a costume contest for students and continues to host virtual events for a better student experience.
- ASG will be hosting special meeting Monday, November 2, and will potentially switch to Monday's for their regular ASG meetings.
- Our students are currently being placed into various different shared governance committees that Palomar has open to student representation.
- ASG is working on increasing recruitment, and would like faculty support.
- We are finalizing our goals for the semester, and intend to start working on several ambitious projects, and will follow up regarding establishing communication campus wide.

ADJOURNMENT:

The meeting was adjourned at 4:00 PM.

Respectfully submitted,

Margaret Faulkner

Molly Faulkner, Secretary

EXHIBIT 2

November 4, 2020 Curriculum Committee Actions

The following curriculum changes, pending appropriate approvals, will be effective Fall 2020 and Fall 2021 (as indicated)

A. ACTION: New Credit Courses - effective Fall 2021													
	Subj.	Nmbr	Title	Short Title	Impacts	Trnsf.	Dist. Ed.	Mul.	Grade Basis	Open Entry/	Justification	Reqs	Orig.
1	ID	250	Interior Design Capstone	ID Capstone	No	CSU	Anytime/Fully/Partially Online	No	Grade/Passes/No Pass	Not Open Entry/Exit	Our program learning outcome states that should exit our program with a workplace or transfer-ready portfolio. This class will directly address the program outcome. A portfolio is required for applying to jobs, internship positions, and successfully transfer to a four year degree in any Interior Design program. This class will act as a bridge between school and the professional world.	Prerequisite: ID 100, ID 125 Prerequisite/C concurrent enrollment: ID 141	Jessica Newman

B. ACTION: New Noncredit Courses - effective Fall 2021													
	Subj.	Nmbr	Title	Short Title	Impacts	Trnsf.	Dist. Ed.	Mul.	Grade Basis	Open Entry/Exit	Justification	Reqs	Orig.
1	N GEOG	901	Careers in the Drone industry	Drone Careers	No	No	Anytime/Fully Online	No	Not Graded	Not Open Entry/Exit	Creation of a new non-credit course. Together, N GEOG 900 and N GEOG 901 will support the new Jumpstarting Your Drone Career Safely Program. Successful completion of the two courses will result in a Certificate of Competency.	No	Wing H. Cheung

November 4, 2020 Curriculum Committee Actions

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C. ACTION: Credit Course Changes - effective Fall 2021

	Subj.	Nmbr.	Title	Short Title	Impacts	Trnsf.	Dist. Ed.	Mult.	Grade. Basis	Open Entry/	Edits	Reqs.	Orig.
1	CSIT	128	Introduction to Data Science	Intro Data Science	No	CSU GE Area B4 (Math/Quan Reas)/I GETC Area 2A (Math Concpts & Quan. Reas.) Local Math Comp.	Anytime/Fully/Partial ly Online	No	Grade/Pass/No Pass	Not Open Entry/O pen Exit	Updating the course to reflect changes in transfer schools requirements such as UCSD to align with DSC 10 and UC Berkeley Data 8 as a transfer course into the lower division transfer degree of Data Science. Updated title, description, CB04, CB05, CB24, CB25, added MATH 56 or 60 or math eligibility process requisite, changed units from 3 to 4 units, changed hours from 2 lec and 3 lab to 3.5 lec and 1.5 lab, DE, SLOs, objectives, content, assignments and textbooks.	MATH 56 or MATH 60 or eligibility determined through the math placement process	Terrie Lynn Canon
2	ID	100	Introduction to Interior Design	Intro to Interior Design	ID 100 Impact Report	CSU GE Area B4 (Math/Quan Reas)/I GETC Area 2A (Math Concpts & Quan. Reas.)	Anytime/Fully/Partial ly Online	No	Grade/Pass/No Pass	Not Open Entry/O pen Exit	The only change we would like to make is changing the name from "Interior Design" to "Intorduction to Interior Design." This makes it clear that this is a class that students should take first, and that it requires no special knowledge.	No	Jessica Newman

3 *Pulled*

November 4, 2020 Curriculum Committee Actions

The following curriculum changes, pending appropriate approvals, will be effective Fall 2020 and Fall 2021 (as indicated)

D. Action: Requisites - effective Fall 2021

Course	Course Title	Requisite (s)	Proposal Type
1 ID 250	Interior Design Capstone	Prerequisite: ID 100, ID 125	New Credit Course
2 CSIT 128	Introduction to Data Science	Prerequisite/Concurrent enrollment: ID 141 MATH 56 or MATH 60 or eligibility determined through the math placement process	Credit Course Change

E. ACTION: Distance Education

The following courses may be offered as distance learning and meet Title 5 Regulations 55200-55210, effective Fall 2021

Course Number	Title	Scheduling	Distance Ed	Originator
1 ID 250	Interior Design Capstone	Anytime	Fully Online/Partially Online	Jessica Newman
2 N GEOG 901	Careers in the Drone Industry	Anytime	Fully Online	Wing H. Cheung
3 CSIT 128	Introduction to Data Science	Anytime	Fully Online/Partially Online	Terrie Lynn Canon
4 ID 100	Introduction to Interior Design	Anytime	Fully Online/Partially Online	Jessica Newman

F. ACTION: Technical Corrections - effective Fall 2021 - The following courses are removing the ENTT cross-listing.

C/L Depts.	Nmbr	Parent	Title	Remove	Remaining Course (s)
1 FASH/TA/ENTT	106A	TA	Basic Costume I: Technology	ENTT	FASH/TA 106A
2 TA/ENTT	107	TA	Lighting for Stage and Television	ENTT	TA 107
3 TA/ENTT	108	TA	Stagecraft and Scene Design for Theatre and Television	ENTT	TA 108
4 DBA/ENTT	120	DBA	Digital Television Studio Production	ENTT	DBA 120
5 DBA/ENTT	130	DBA	Radio Production	ENTT	DBA 130
6 DBA/ENTT	298C	DBA	Advanced Broadcast Internships	ENTT	DBA 298c

G. ACTION: Distance Education and Course Reviews

The following courses have completed the course approval process. Those eligible to be taught Distance Education meet Title 5 Regulations 55200-5521 and are indicated below. These proposals are effective Fall 2020.

Course Number	Title	Scheduling	Distance Ed	Originator
1 ACS 101	Intercollegiate Softball	Emergency Only	Fully Online, Partially Online	Karl Seiler
2 ACS 125	Intercollegiate Soccer	Emergency Only	Fully Online, Partially Online	Karl Seiler
3 ACS 130	Intercollegiate Volleyball	Emergency Only	Fully Online, Partially Online	Karl Seiler
4 ACS 145	Intercollegiate Football	Emergency Only	Fully Online, Partially Online	Karl Seiler
5 ACS 180	Intercollegiate Sand Volleyball	Emergency Only	Fully Online, Partially Online	Karl Seiler
6 AJ 100	Introduction To Criminal Justice	Anytime	Fully Online, Partially Online	Jack Hook
7 AJ 101	Criminal Evidence	Anytime	Fully Online, Partially Online	Jack Hook
8 AJ 104	Criminal Law	Anytime	Fully Online, Partially Online	Jack Hook
9 AJ 210	Basic Crime Scene Forensic Science	Anytime	Fully Online, Partially Online	Jack Hook
10 ASTR 210	Life in the Universe	Emergency Only	Fully Online	Scott Kardel

November 4, 2020 Curriculum Committee Actions

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11	AT	100	Auto Maintenance and Minor Repair	Emergency Only	Partially Online	Anthony	Fedon
12	AT	120	Automatic Transmissions and Drive Lines	Emergency Only	Partially Online	Anthony	Fedon
13	AT	130	Automotive Brakes	Emergency Only	Partially Online	Anthony	Fedon
14	AT	165	Automotive Air Conditioning	Emergency Only	Partially Online	Anthony	Fedon
15	AT	210	Specialized Automotive Electronics	Emergency Only	Partially Online	Anthony	Fedon
16	BIOL	101L	Introductory Biology: General Biology (Laboratory)	Emergency Only	Fully Online, Partially Online	Kimberly M.	Velazquez
17	BIOL	120	Animal Behavior	Emergency Only	Fully Online, Partially Online	Kimberly M.	Velazquez
18	CHEM	221	Organic Chemistry	Emergency Only	Fully Online, Partially Online	Adena	Issaian
19	DMT	100	Introduction to Diesel Mechanics	Anytime	Partially Online	Sergio	Hernandez
20	DMT	105	Heavy-Duty Diesel Tune-Up and Engine Analysis	Anytime	Partially Online	Sergio	Hernandez
21	DMT	110	Heavy-Duty Electricity	Anytime	Partially Online	Sergio	Hernandez
22	DMT	120	Air Brake Systems	Anytime	Partially Online	Sergio	Hernandez
23	DMT	125	Truck Transmission And Drive Lines	Anytime	Partially Online	Sergio	Hernandez
24	DMT	135	Basic Hydraulics	Anytime	Partially Online	Sergio	Hernandez
25	DMT	197	Diesel Mechanics Technology Workshop	Anytime	Partially Online	Sergio	Hernandez
26	DMT	200	Diesel Engine Rebuilding I	Anytime	Partially Online	Sergio	Hernandez
27	DMT	201	Diesel Engine Rebuilding II	Anytime	Partially Online	Sergio	Hernandez
28	DNCE	146	Choreography II	Anytime	Fully Online, Partially Online	Margaret	Faulkner
29	DNCE	210	Ballet III	Anytime	Fully Online, Partially Online	Margaret	Faulkner
30	ENGR	235	Engineering Mechanics - Statics	Anytime	Fully Online, Partially Online	Quan	Nguyen
31	ES	115	Natural Disasters and Environmental Hazards	Emergency Only	Fully Online	Lisa	Yon
32	FASH	110	Textiles	Anytime	Fully Online, Partially Online	Rita	Campo-Griggs
33	FASH	148	Digital Design for Fashion	Anytime	Fully Online, Partially Online	Rita	Campo-Griggs
34	FASH	155	World of Fashion	Anytime	Fully Online, Partially Online	Rita	Campo-Griggs
35	FIRE	151	Fire Fighter I Academy	Anytime	Partially Online	Ed	Sprague
36	KINE	125A	Aerobic Fitness Training Modes	Emergency Only	Fully Online, Partially Online	Karl	Seiler
37	KINE	128C	Wellness Modalities- Functional	Emergency Only	Fully Online, Partially Online	Lacey	Craft
38	KINE	140A	Beginning Tennis: Techniques and Analysis	No DE		Karl	Seiler
39	KINE	176	Athletic Training	Emergency Only	Fully Online, Partially Online	Lacey	Craft
40	KINE	190	Theory of Softball	Emergency Only	Fully Online	Lacey	Craft
41	KINE	205B	In Season Sports Conditioning II - Fine Motor Skills Maintenance	Emergency Only	Fully Online, Partially Online	Karl	Seiler
42	PHIL	122	Social and Political Philosophy	Anytime	Fully Online	Lee F.	Kerckhove
43	SPCH	170	Small Group Communication	Anytime	Fully Online	Marquesa	Cook-Whearty
44	WELD	100	Welding I	Emergency Only	Partially Online	Kevin	Powers
45	WELD	110	Shielded Metal Arc Welding	Emergency Only	Partially Online	Kevin	Powers
46	WELD	115	Gas Tungsten Arc Welding	Emergency Only	Partially Online	Kevin	Powers
47	WELD	120	Gas Metal Arc and Flux Cored Arc Welding	Emergency Only	Partially Online	Kevin	Powers

November 4, 2020 Curriculum Committee Actions

The following curriculum changes, pending appropriate approvals, will be effective Fall 2020 and Fall 2021 (as indicated)

H. ACTION: Technical Correction - effective Fall 2020												
Subj.	Nmbr	Title	Short Title	Impacts	Trnsf.	Dist. Ed.	Mul.	Grade Basis	Open Entry/Exit	Justification	Reqs	Orig.
CHDV	205A	Internship in Child and Family Services Lab	CHDV Internship Lab	None	CSU	Anytime/O nline	No	Grade/ Pass/No Pass	No	Added online distance ed. Updated CB26, removed CHDV 100 and CHDV 115, and 105 as prerequisites and updated methods of assessment	Prerequisite: CHDV 100 and CHDV 115 and CHDV 105 Corequisite: CHDV 205	Laurel Anderson

EXHIBIT 3

Nov 9 2020							
Name		Division	FT/PT	Committee	Position	Statement	Action
Natalie	Lopez	SBS	Full time	Guided Pathways Advisory Taskforce	Faculty at-large	As a Librarian, I have directed my work and energy toward pillar 3. In assuring students "stay on the path," I have provided meaningful interventions by creating online research guides for students to empower students to be more confident researchers, building equity-focused collections and showcasing them in online guides and by developing skillshops to help students stay on their path and be successful in their academic careers.	

Committee Appointments *Ballot Information*

To: Faculty Senate
From: Anastasia Zavodny
 Chair, Committee on Committees
Date of memo: November 6, 2020
Vote scheduled for: *November 9, 2020*

Call Information

Position: Senator Co-Chair
Committee: DEqCC Subcommittee
Report
Structure: Faculty Senate

Timeline of the Call

The call for this position was announced during the regular Faculty Senate meeting on Monday, November 2, 2020. Five (5) subsequent email reminders were sent to the Senate membership soliciting volunteers (four (4) of these calls originating from the Committee on Committees Chair). The period for volunteer submissions closed on Friday November 6, 2020 at noon PST.

Structure of the Call

The call for this position asked all volunteers to answer the following required questions:

- *Given the mission/role of the DEqCC Subcommittee, what makes you an ideal Senator co-chair of DEqCC?*
- *As Senator co-chair of the DEqCC Subcommittee, how would you engage and inspire others as an equity champion?*
- *What do you see as the biggest challenge(s) to advance equity, inclusion, and cultural competency at Palomar College? How would you overcome these challenges?*
- *How do you plan on staying current on matters of diversity, equity and inclusion?*

Volunteers

The volunteers for the position of **Senator Co-Chair** for the **DEqCC Subcommittee** are as follows:

- Eduardo J. Aguilar
- Lawrence Hamilton Lawson

Application materials for these volunteers follow below for your review. *All formatting is as submitted.*

Volunteer Information for Senate Ballot

Volunteer #1

Volunteer: **Eduardo J. Aguilar**

Question #1:

Given the mission/role of the DEqCC Subcommittee, what makes you an ideal Senator co-chair of DEqCC?

I bring a unique perspective into DEqCC. As a professor I am trained and/or have taught US History, American Indian Studies, Chicano Studies, and African American History. As a community member I have been involved in various grassroots organizations that promote social justice issues. Some of these include migrant, civil, and workers rights. Other issues include ending police brutality, civic engagement, and environmental justice. I been one of the advisers of MEChA de Palomar College and a mentee for the Puente Program for over four years. These two roles keep me in touch with students and issues they are facing. Finally I was part of a DEqCC committee for almost a decade in our neighboring community college. Equity is part of my personal values and principals.

Question #2:

As Senator co-chair of the DEqCC Subcommittee, how would you engage and inspire others as an equity champion?

I believe the best way to engage and inspire others is to lead by example and to walk the walk. We are all natural leaders in different ways. Sometimes you just have to encourage others to speak and share their ideas. The best way to engage others is to create a welcoming environment, maximize joy and connection, minimize fear, forget 'fit' and focus on helping individuals thrive, establishing a sense of belonging for everyone, offer spaces where respect and common vision are the main pillars. Everyone in the group must agree on the following; understand that quotas do not automate inclusion, and that inclusion is ongoing — not one-off training, not everyone is a wild fire, some are small flames or candles, but even those little flames and candles can spark new ideas and necessary actions. The best way to engage others is to let them shine and to listen and consider their ideas.

Question #3:

What do you see as the biggest challenge(s) to advance equity, inclusion, and cultural competency at Palomar College? How would you overcome these challenges?

The biggest challenges to advance equity, inclusion, and cultural competence at Palomar College is engaging all in constructive conversations about race, ethnicity, sexual orientation, gender identity, etc. To influence the minds that think we do not have a problem, figuring out the right steps we need to take to get there, the patience we will need to begin to see real results, and the enormous task of changing the current culture at Palomar College.

The best way to overcome these challenges is to see all of it with intersectional lenses, to think outside the box, to normalize these conversations, to understand that we are all in a different place in the equity journey. As a college we must never stop learning, and to not be afraid to be ahead of our time with these ideas.

To get there we must recruit a diverse group of passionate DEqCC committee members, identify the best actions and policies to get us there, seek funding so these actions can be institutionalized and move forward guided by data and a clear shared vision.

Question #4:

How do you plan on staying current on matters of diversity, equity and inclusion?

My professional and community involvement includes the Ethnic Studies Consortium meetings. This is a group of professors who teach and advocate Ethnic Studies programs and departments in higher education from across the county of San Diego. This organization includes members from Mesa College, University of San Diego, University of California San Diego, Cal State San Marcos, San Diego City College, San Diego State University, MiraCosta College, and Palomar College.

I also collaborate and work various grassroots groups that promote and advance these issues in the community. These groups include; The Association of Raza Educators San Diego Chapter, The Human Rights Council of Oceanside (a community organization born from one of my classrooms at MiraCosta College), and Activist San Diego to mention a few.

Volunteer #2

Volunteer: **Lawrence Hamilton Lawson**

Question #1:

Given the mission/role of the DEqCC Subcommittee, what makes you an ideal Senator co-chair of DEqCC?

There are a number of ideal candidates on Faculty Senate whom I would support over myself. However, in the event they are not able to apply, I would make a good candidate to lead the Faculty Senate's effort with DEqCC because of the work I have been doing in my department (ESL) advocating with and for our students across the campus through policy and curriculum, on Faculty Senate in regard to our antiracism resolution and focus, and on campus in regard to antiracism in terms of my nascent leadership on the White Allies for Antiracism at Palomar College and inclusive leadership on the Governance (Structure) Task Force and other committees. While lacking detail in this short form, my work in those areas provides a framework for the type of leader I would be on this committee. In addition to professional qualifications, my personal orientation toward diversity, equity, and cultural competence is a good fit for DEqCC's role and mission. The negative consequences of a lack of focus on diversity, equity, inclusion, and cultural competency within an institution or community disproportionately falls on the shoulders of our BILPOC peers, and the struggle against those negative consequences (and the struggle against the root cause of those consequences) also disproportionately falls on the shoulders of our BILPOC colleagues. White-identified folks need to step up and work with our BILPOC colleagues to take action for the values expressed by the DEqCC mission, and that's a personal reason I am submitting interest in this position.

Question #2:

As Senator co-chair of the DEqCC Subcommittee, how would you engage and inspire others as an equity champion?

For me, the main way to engage others is to not shut them down because they have different opinions--even if I disagree and know I will continue to disagree and feel the opinion isn't in line with my (or my group's) values. Sometimes, even strongly opposed views can lead to some useful insights. It's possible to hear and reflect on opposing viewpoints, take something meaningful from the conversation, yet still not deviate from the core values of a particular mission.

This was evident in the recent task force related to writing the antiracism resolution for Faculty Senate. There were concerns raised related to not supporting "Black Lives Matter" and to naming "institutional racism" in our document--views that I personally find problematic--but in providing space for those arguments to be addressed, while being clear yet civil about my concern with those viewpoints, value was gained in terms of framing, focusing, and solidifying the language in our document. Ultimately, this approach, I feel, was useful in crafting that specific document.

My orientation is that opposing viewpoints, even viewpoints in direct opposition to the values expressed by DEqCC's mission, should not be squashed or dismissed without public examination for three reasons. First, a good-faith (on all sides) examination allows the clear articulation of someone's meaning beyond a slogan or a superficial representation of a particular point of view. If a point of view collapses publicly under scrutiny, the larger group gains through the thoughtful dismissal of that particular point of view (whereas without such open discussion, the spectre of the unexamined or haughtily dismissed argument could continue to do damage to the larger group's goals). Second, if an argument mostly collapses but some insight is useful for the larger group's task, that's a benefit to the larger group's goals. Third, the opposing point of view may be more correct than incorrect and could help move the committee toward its goals.

That said, I also recognize that bad-faith arguments are sometimes levied as a distraction or a destructive force, so my thoughtful approach to assessing what's good faith and what is not would benefit this committee's leadership. For example, entertaining opposing viewpoints that are clearly intended to harm students, faculty, staff, and the institution in the area of equity, diversity, and cultural competence (such as, theoretically, unsupportive or hateful points of view toward DACA students or non-CIS gendered members of the Palomar College community) is not useful and could be harmful. There is a large space in public discourse for engaging opposing views made in good faith that does not extend to hateful points of view and/or points-of-view made in bad faith, and I feel well-equipped to civilly navigate the border between those two things.

So, to summarize, I would engage folks by exposing all arguments to sunlight, bringing forward those ideas and actions that move the committee forward in toward achieving the mission set forward by Faculty Senate, and speaking out against points-of-view intended to do harm to our equity and diversity goals and the folks those goals are meant to help.

In terms of inspiration, that strikes me as a part of this question that is difficult to answer without leaning into hubris. All I'd say here is that, over time, I have stood up for important ideals on our campus in a way that has inspired others to do the same in a way that moves our college forward, and examples of that are able to be brought forward by many folks on campus.

Question #3:

What do you see as the biggest challenge(s) to advance equity, inclusion, and cultural competency at Palomar College? How would you overcome these challenges?

There are a few challenges to advancing these issues at Palomar College.

The first issue is treating groups of people like a monolith. For example, DEqCC could bring forward an action plan meant to "benefit Latinx members of the Palomar College community," but the assumption that the plan would be seen by all Latinx members of the community as beneficial is problematic (and, to be frank, racist). Individuals have individual opinions not determined by race, creed, orientation, etc. Thus, a challenge for this group is to seek broad input and develop action plans that do the most good for a group or groups while at the same time understanding and acknowledging not all members of that group will publicly support that action plan as beneficial for their group--and may, actually, publicly denounce it. Understanding that reality, DEqCC should be very clear that no group is a monolith and that individual differences within (and not simply among) groups exists and have a communication approach that identifies and discusses the concerns and perceived disconnect respectfully but transparently.

The second issue, as I mentioned earlier, is that the burden (and remedying) of negative consequences has largely fallen on the shoulders of our BILPOC colleagues. They should not be doing the work of fixing institutional racism on their own. However, white-identified folks such as myself should also not be doing the work for our BILPOC colleagues--instead, it should be done **with** them. Sometimes, the result of that collaboration is to constantly check in with our BILPOC colleagues for every step taken--which can also be a large burden on them. Our BILPOC colleagues have jobs and lives, and it's not their duty to temperature-check every syllable every entity on campus utters on the issues of equity, diversity, and cultural competence. That said, the conversation cannot exist without their participation. So, the challenge is collaboration without overburdening. That's partially solved, long term, by supporting recruitment strategies that increase the diversity of our faculty and staff so there are more folks on board at Palomar College who can do this important work. That's partially solved, short term,

by bringing more white-identified folks up to speed on issues of equity, diversity, inclusion, systemic racism, and cultural competency so that there are more allies on campus who "get it" who can pitch in and enact some of the necessary change. That's also partially solved by constantly seeking input from BILPOC colleagues (or making space for them at the table) in such a way that says "your input and participation is valued and necessary but voluntary" where appropriate so that our BILPOC colleagues can decide for themselves how involved they want to be and don't feel required or tokenized.

Question #4:

How do you plan on staying current on matters of diversity, equity and inclusion?

I plan to continue to listen to voices who represent difference lived experiences different than my own through conversation, reading, and media consumption. I've learned so much this past decade on these issues, and I have a *lot* more to learn and understand. My main focus, right now, is on how institutions can improve the experience for our BILPOC colleagues so that they feel safe, included, and valued at an institutional level, and my learning and reading is related to that. My approach is to listen, vet, and implement, and my currency revolves around those three areas. I am continuing to learn how to have conversations with folks of all backgrounds around equity from my place of privilege. Staying current also involves continued reflection on my role, my experiences, and my viewpoints. Last, I stay current by monitoring counter-arguments and bad-faith arguments related to DEI issues because knowing what opposition may arise locally is helpful when designing action plans and communications around them.

Palomar College's Associated Student Government (ASG) and the Faculty Senate are asking for your feedback on your online learning experience this Fall semester 2020. This feedback will be reviewed and compiled into a report to provide to the faculty of Palomar College with the goal to increase online students success, retention, and satisfaction for Spring 2020.

This survey is not an evaluation of the course you are taking, rather it is an opportunity for you to tell us what is working for you and what we can do better. Please do not use any teachers' names or course names in your responses.

You will see three response sections below, one for feedback on ASYNCHRONOUS courses, one for feedback on SYNCHRONOUS courses, and one for overall feedback.

DEFINITIONS:

Asynchronous: does not require real-time interaction; instead, content is available online for students to access when it best suits their schedules, and assignments are completed to deadlines.

Synchronous: online or distance education that happens in real-time, often with a set class schedule and required login times.

FEEDBACK ON ASYNCHRONOUS COURSES

- What is your teacher currently doing that is helping you succeed in your asynchronous online class?
 - open-ended
- What do you like about the design of your asynchronous online class that supports your learning and success?
 - open-ended
- How could your online asynchronous class be improved to better support your success?
 - open-ended

FEEDBACK ON SYNCHRONOUS COURSES

- What is your teacher currently doing that is helping you succeed in your synchronous online class?
 - open-ended
- What do you like about the design of your synchronous online class that supports your learning and success?
 - open-ended
- How could your online synchronous class be improved to better support your success?
 - Open-ended
- During online synchronous class sessions, are you required to turn on your camera?
 - YES
 - NO

OVERALL FEEDBACK

What are the biggest challenges of online courses?

- open-ended

Did your online class provide a place within the class to ask questions and get help?

- YES
- NO

Did your online class provide information on how to be a successful online student?

- YES
- NO

Do you feel supported by the faculty and staff at your college?

- Not at all supported
- Somewhat supported
- Mostly supported
- Very supported

If you were required to attend synchronous class sessions online, were the times to meet outlined in the class schedule?

- Yes
- No
- Other:

Optional:

Is there anything else you would like to tell us?

- Open-ended

Faculty Senate Affirmation of Part-Time Faculty Equity And Support for Part-Time Bill of Rights

[DRAFT]

COMMUNITY VALUES

Whereas the mission of the community college is to serve the community.

Whereas access, inclusion, diversity, and equity are the fundamental values underlying that mission, arising from and appealing to our sense of justice and common humanity.

Whereas the community college ought to stand as a *model* of these values, particularly in its policies, procedures, and norms.

Whereas the Palomar Faculty Senate has itself recently affirmed these values for students, staff, and faculty.

STATUS, PURVIEW & THE SYSTEM

Whereas Part-Time faculty are, first and foremost, *faculty*.

Whereas PT faculty make up 76% of faculty, teach the majority of classes at Palomar, and are indispensable to its functioning.

Whereas the ASCCC has “multiple resolutions and papers supporting part time faculty and the importance of their voice....”

Whereas Resolution 1.02 of the ASCCC this semester was to “Develop a Resource to Communicate and Encourage Part-Time Faculty Leadership”

Whereas Part-Time status as a category is defined at the state level in California Education Code.

Whereas the history of 1988’s [AB 1725](#) underscores the fact that purview as it relates to PT faculty is an institutional construction, delineating separate roles for unions and senate.

Whereas AB 1725’s institutionalization in Title V’s call for a minimum 75:25 ratio of Full-Time to Part-Time faculty load means many current Part-Time faculty would, could, and should, in fact, currently *be* Full-Time faculty.

Whereas issues of Part-Time status are, by definition, systemic.

CONDITIONS (INCLUSIVE)

Whereas PT faculty are professionals, holding a least a master’s degree, often a terminal degree, and bring a wealth of experience to academic and professional matters.

Whereas PT faculty are frequently excluded from department planning, curriculum development, student outreach, and other matters of academic and professional value.

Whereas PT conditions are threatened by the end of a 150-year expansion in college enrollments, by the college’s precarious budget situation, and most recently by a global pandemic.

Whereas PT compensation is a fraction of FT compensation, effectively poverty-level, inadequate, including in terms of healthcare, with partial coverage offered to only 4% of Palomar PT faculty.

Whereas BIPOC are disproportionately represented among PT faculty.

PURVIEW & INFLUENCE

Whereas in academic and professional matters, the Faculty Senate is the voice of faculty purview.

Whereas the Faculty Senate moreover has a larger *sphere of influence* extending to workplace conditions and beyond.

Whereas the Faculty Senate has a voice with other institutional bodies.

Whereas the Faculty Senate has the power to work toward dismantling the systemic elements that stand in the way of PT faculty inequity.

Whereas the way we frame issues of Part-Time fitness for academic and professional matters directly influences the way the community, the college, the community college system, and the legislature think about workplace conditions including compensation and healthcare.

Whereas the lack of condemnation related to inequity may be understood as an endorsement of such inequity.

RESOLVED

Be it resolved that the Faculty Senate reaffirms its commitment to modeling its values and serving the full college community.

Be it resolved that, to that end, the Faculty Senate enthusiastically endorses Part-Time faculty access, inclusion, diversity, and, overall, equity.

Be it resolved that the Faculty Senate recognizes that the way we *frame* issues has power, and consequently it pledges to frame opportunities for PT equity as valuable opportunities for the college and the community as a whole.

Be it resolved that the Faculty Senate recognizes that purview is an institutional construction, systemic and intractable, one which frequently works against the needs of PT faculty, and consequently the Senate recognizes that exercising power within its purview must be *complemented* by exercising advocacy in its larger sphere of influence.

Be it resolved that the Faculty Senate will actively and affirmatively seek to facilitate PT equity within its *purview* over academic and professional matters, including...[eg 10+1+1 list]

Be it resolved that the Faculty Senate will also actively and affirmatively advocate for PT equity within its larger *sphere of influence*, which includes PFF, the administration, the board of governors, the ASCCC, the chancellor's office, the governor of California and other lawmakers, the media, the community, and with every other individual or body that might be beneficial.

Be it resolved that the Faculty Senate consequently supports a Part-Time Bill of Rights that brings together issues both within and outside the Senate's direct purview, holistically addressing the needs of PT faculty.

Be it resolved that the Faculty Senate upholds the full value and humanity of its PT colleagues.

Be it resolved that the Faculty Senate supports dismantling the two-tier faculty system and its "academic apartheid."



MARC LEFORESTIER
General Counsel
Office of the General Counsel

October 19, 2020

Legal Opinion 2020-11: Live Synchronous Online Classes and Real-time Captioning

The California Association for Postsecondary Education and Disability has asked the following question:

Is real-time captioning required in live synchronous online classes offered in California community colleges?

Answer:

An auxiliary aid or service is required if the class includes deaf or hearing impaired students. Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and relevant provisions of state law, require auxiliary aids or services to be provided to deaf and hearing impaired students to ensure they are able to participate in their educational program. In most cases, this requirement will be satisfied by the provision of real-time captioning in live, synchronous online classes. However, community colleges also must give “primary consideration” to the choice of aid or service requested by deaf or hearing impaired students, and weight such requests against the burdens they would impose upon the college program.

A. BACKGROUND

The COVID-19 Pandemic has caused California community colleges to move courses into an online format that often includes live, synchronous instruction. The California Association for Postsecondary Education and Disability (CAPED) asks whether real-time captioning is required by law to ensure deaf or hard of

hearing students have an equal opportunity to participate in live synchronous classes.

There are a number of different technologies available to make audio accessible to deaf and hard of hearing students. The National Deaf Center on Post-Secondary Outcomes describes them as follows:

- “Offline captioning” refers to captions that are added in the postproduction process. Offline captioning allows for the most accurate captioning possible.
- “Real-time captioning” refers to captions that are created in real-time while an event is taking place. Due to the nature of some events . . . some captions must be produced live. This type of captioning has a higher rate of errors and should be used only when offline captioning is not possible.
- “Speech-to-text” is an umbrella term used to describe an accommodation in which spoken communication and other auditory information are translated into text in real-time. A service provider types what is heard and the text appears on a screen for the consumer to read.
- “Open captions” refers to captions that are part of the video image. They are always present and cannot be turned off.
- “Closed captions” refers to captions that are encoded in the video signal. They can be turned on or off.

(“*Why Captions Provide Equal Access: Tip Sheet*,” University of Texas, Nat’l Deaf Center on Post-Secondary Outcomes.)¹

The question presented by CAPED focusses on live synchronous online classes. For purposes of this opinion, we assume that if these classes are being recorded, they are not being posted online and available to the general public, but the recordings are retained only for use by students enrolled in the class.²

¹ Available at <https://www.nationaldeafcenter.org/resource/why-captionsprovide-equal-access>, last visited Oct. 18, 2020.

B. ANALYSIS

The resolution of this question requires consideration of related provisions of federal and state law. Two federal laws are most relevant: Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in any program or activity operated by recipients of federal funds (29 U.S.C. § 794.); and Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination based on disability by public entities, regardless of whether they receive federal financial assistance (42 U.S.C. § 12131). The regulations implementing Section 504 and Title II are enforced by the United States Department of Education, Office of Civil Rights. In addition, state laws also impose obligations created by the Rehabilitation Act and the ADA upon state and local governmental entities. (Cal. Code Regs., tit. 5, § 55200.)³ These laws are described below.

1. The Rehabilitation Act, Section 504.

Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability in programs or activities that receive federal financial assistance from the U.S. Department of Education, including colleges, universities, and postsecondary vocational education and adult education programs. (29 U.S.C. § 794d; see also Cal. Code Regs., tit. 5, § 55200 [acknowledging that the ADA applies to distance education within the California Community Colleges].) To be protected under Section 504, a student must: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

³ Public posting of class recordings would raise additional issues under the Family Educational Rights and Privacy Act, California's student records privacy law (Ed. Code, §§ 76200 et seq.), and Section 508 of the Rehabilitation Act of 1973, which governs the electronic accessibility of publically-posted materials. These laws are not directly applicable to the issues addressed in this opinion.

Higher educational institutions must provide disabled students who qualify for Rehabilitation Act protection with necessary and appropriate academic adjustments and auxiliary aids and services to provide “an equal opportunity to participate in a school's program.” California community colleges therefore must provide their deaf and hearing impaired students with auxiliary aids or services to ensure they are not denied “the benefits of [or] excluded from participation in” an educational program. (29 Code Fed. Regs. § 104.44(d)(1).)

Relevant here, an auxiliary aid includes an “effective method[] of making orally delivered materials available to students with hearing impairments.”⁴ (29 Code Fed. Regs. § 104.44(d)(2).) Real-time captioning, as defined by the National Deaf Center on Post-Secondary Outcomes, will often be an appropriate auxiliary aid to ensure access to an educational program for a deaf or hearing impaired student.

2. The American with Disabilities Act, Title II.

The Americans with Disabilities Act of 1990 (ADA), imposes upon public entities, including state and local entities, similar obligations as Section 504 of the Rehabilitation Act, but does so without regard to the receipt of federal funds. (42 U.S.C. § 12100 et seq.) It also requires public entities to give “primary consideration” to the requests of individuals with disabilities to determine an appropriate accommodation to their circumstances. (28 Code Fed. Regs. § 35.160(a); see also Cal. Code Regs., tit. 5, § 55200 [acknowledging that the ADA applies to distance education within the California Community Colleges].)

Accordingly, the ADA also requires community colleges to provide appropriate auxiliary aids or services to deaf and hearing impaired students in live

⁴ Colleges are not required by the Rehabilitation Act “to provide [students] attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature” as an auxiliary aid. (29 Code Fed. Regs. § 104.44(d)(2).) Nor are colleges required to make adjustments or provide aids or services that would result in a fundamental alteration of the program, or impose an undue burden on the college.

synchronous online classes to ensure they have “an equal opportunity to participate” in classes. (28 Code Fed. Regs. § 35.160(a)(1).)

Under the ADA, the type of auxiliary aid or service that will be necessary to ensure effective communication of class content in real time may vary according to the method of communication used by the individual student, and according to the nature, length, complexity and context of the communication involved. To determine the appropriate auxiliary aid or service, the college must “give primary consideration” to requests of individual students with disabilities, and they must be provided in accessible formats, and in a way that is timely and protects student privacy and independence. (28 Code Fed. Regs. § 35.160(a)(2).)

It would appear that real-time captioning would in most cases constitute a timely and appropriate auxiliary aid or service to ensure participation by deaf and hearing impaired students in live online synchronous classes. Even so, colleges must also give “primary consideration” to a student request for an alternative auxiliary aid or service that could be provided without undue burden to the college or a fundamental alteration to the course. Accordingly, there may be situations where real-time captioning would not be appropriate to the circumstances of an individual student, but another aid or service would be preferable.

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October 19, 2020

Legal Opinion 2020-12: Online Class Cameras-On Requirements

Multiple Community College stakeholders have asked the following question.

Whether it is it permissible for California community college faculty to require students to keep their cameras on during live synchronous online instruction?

Answer:

While there is no express prohibition against faculty requiring students to attend live online synchronous classes with their cameras on, an indiscriminate cameras-on requirement risks violation of student privacy rights under the California Constitution, and potentially implicates other federal and state privacy and civil rights laws. However, if there are circumstances where full audio and visual student participation is essential to instruction, a carefully tailored cameras-on requirement might be appropriate. Community college districts should adopt policies to address these issues to ensure faculty and students are fully informed and that it respects concerns related to personal educational privacy, access, and equity.

A. Background

The COVID-19 pandemic, and the social and physical distancing it has required, has caused a large-scale transformation from in-person to live synchronous online instruction at all California community college campuses through at least the fall 2020 semester. With this change in the delivery of instruction, some faculty have instituted a practice of requiring students to keep their cameras on during such classes. As we understand it, the purpose of the

cameras-on requirement is to enhance the interactive nature of an online class, provide the faculty member with visual feedback during instruction, and facilitate the taking of attendance.

Many students object to this practice as an unacceptable intrusion into their living circumstances, which not only burdens their personal privacy but highlights existing equity gaps between students. Moreover, not all students have the technological resources to reliably maintain a video presence during their classes.

The College of the Canyons has adopted a policy statement that strongly disfavors a cameras-on requirement. (See Guidance for Synchronized Classes at College of the Canyons (Guidance), Aug. 18, 2020.)¹ The Guidance also illustrates the many reasons students oppose keeping their cameras on: they lack cameras, have limited Internet connectivity, have minor children with their own privacy concerns, are homeless,² and lack a private place to attend class. (Guidance, third unnumbered page.) The Chancellor's Office has also been informed that cameras-on requirements may trigger anxiety in students.

B. Analysis

The practice of requiring cameras to be on during live synchronous online instruction creates a potential conflict between the academic freedom of faculty to design and teach a course of study on the one hand, and on the other

¹ The Guidance is available at <https://onlinenetworkofeducators.org/wp-content/uploads/2020/08/Guidance-for-Synchronous-Classes-at-College-of-the-Canyons-8-18-20.pdf>, last visited Oct. 18, 2020.)

² It is notable that the California Legislature recognized this year that homelessness presents a particular barrier to academic success and amended various sections of the Education Code to add homelessness as an “extenuating circumstance” for students who receive financial aid but have failed to maintain “satisfactory academic progress.” (Asm. Bill 2416 (2019-2020 Reg. Sess.), §§ 1-7.) Faculty and community college districts should bear this in mind while considering the burdens a cameras-on requirement would place upon students.

hand student privacy rights and concerns related to the other barriers identified in the College of the Canyons' Guidance. The laws that inform how to weigh these competing and important public policy considerations are discussed below.

1. Academic freedom is an important foundation of higher education but is not absolute, and may be limited by community college districts to advance other competing policy interests

Faculty³ academic freedom to determine the mode of instruction is a bedrock principle, rooted in the First Amendment. The United States Supreme Court has recognized that to maintain an “atmosphere which is most conducive to speculation, experiment and creation,” a university must be able to determine “who may teach, what may be taught, [and] how it shall be taught.” (*Regents of University of California v. Bakke* (1978) 438 U.S. 265, 312.) But academic freedom is not without boundaries, and may need to bend to administrative demands: “Academic freedom thrives not only on the independent and uninhibited exchange of ideas among teachers and students, but also, on autonomous decision-making by the college.” (*Regents of Univ. of Mich. v. Ewing* (1985) 474 U.S. 214, 226 n. 12, underscoring added.) Accordingly, the Board of Governors has authorized community college districts to regulate academic freedom through “a policy statement on academic freedom” and “procedures . . . regarding the role of academic senates and faculty councils.” (Cal. Code Regs., tit. 5, § 51023.) Thus, community college faculty members’ rights to academic freedom are not absolute, and do not exist in a vacuum.

The regulation of academic freedom has already occurred in the distance learning context, where title 5 and local policies are both implicated. For example, faculty must be “prepared to teach in a distance education delivery method consistent with local district policies and negotiated agreements.” (Cal. Code Regs., tit. 5, § 55208(b).) In addition, “distance education includes regular effective contact between instructor and students, and among

³ “‘Faculty’ means those employees of a community college district who are employed in positions that are not designated as supervisory or management . . . , and for which minimum qualifications for hire are specified by the Board of Governors.” (Cal. Code Regs., tit. 5, § 53200.)

students, either synchronously or asynchronously, through group or individual meetings, orientation and review sessions, supplemental seminar or study sessions, field trips, library workshops, telephone contact, voice mail, e-mail, or other activities.” (§ 55204(a).)

Here, the decision to engage in distance education in the first instance, and the method of delivery, is a local decision based on specific circumstances, whether it takes place during or after the COVID-19 pandemic. Similarly, academic freedom must be weighed against a college’s right to establish policies that support and aid their students educationally, mentally, emotionally, and physically.

2. The Right to Privacy under the California Constitution

The California Constitution specifically provides for a right of privacy this is implicated by the cameras-on requirement.⁴ (Cal. Const., art. I, § 1.) A party asserting an unlawful invasion of privacy must establish that there is (1) a legally protected privacy interest, (2) a reasonable expectation of privacy under the circumstances, and (3) a serious invasion of the privacy interest. (*Hill v. National Collegiate Athletic Assn.* (1994) 7 Cal.4th 1, 39–40.) The California Supreme Court has explained the application of this balancing text. When an intrusion into privacy is limited, and confidential information is shielded from disclosure beyond those who have a legitimate need to know, privacy concerns will be lessened. However, if sensitive information is not safeguarded, or if the competing objectives can be accomplished by alternative means with less impact on privacy interests, the protection of the right to privacy is heightened. (*Hill*, 7 Cal.4th at pp. 37–38.)

Applying these principles to live synchronous online classes, it should first be noted that students have a strong, constitutionally-protected interest in pursuing their educational goals. (Cal. Const., art. IX, § 1.) This interest applies

⁴ We have only addressed the state constitution because its right of privacy is broader and more protective of privacy than the federal constitutional right of privacy as interpreted by the federal courts. (*American Academy of Pediatrics v. Lungren* (1997) 16 Cal.4th 307, 326.)

to online education, whether during a pandemic or not. If a student is participating in a live synchronous online class from where the student lives, the student's legally-protected privacy interest will be high. The home is traditionally protected most strongly by the constitutional right of privacy. (*Tom v. City and County of San Francisco* (2004) 120 Cal.App.4th 674, 685.) And in the context of a full class of students, at issue is the sum of all attending students' privacy interests, not merely the interest of a single student. Balanced against the students' privacy interests in their living circumstances is the faculty member's academic freedom to determine the mode of instruction.

A requirement that cameras remain on will likely enhance the interactive nature of an online class, provide the faculty member with valuable visual feedback during the course of instruction, and facilitate the taking of attendance. However, it would appear to be the rare situation where the faculty interest would outweigh students' collective interests in pursuing an education, and their privacy interests in their living circumstances. While perhaps not ideal, the faculty members' interests in interaction, feedback, and attendance can all be accomplished by alternative means. Students who voluntarily participate with their cameras on will in most cases provide meaningful visual feedback. In addition, audio participation and the chat feature available in synchronous online platforms will allow interaction and attendance taking, while maintaining student privacy interests.

There may be circumstances when full audio-visual student participation is essential to instruction. In such instances, the balance of interests may be different than is described in the paragraphs above. And the use of virtual backgrounds, if available, could further diminish student privacy concerns. These situations will need to be evaluated on a case-by-case basis, bearing in mind the principles described above, and carefully tailoring how best to protect student privacy interests.

3. Family Educational Rights and Privacy Act (FERPA)

FERPA protects the privacy of student education records, and may be implicated by recordings of online classes that contain student information. (20 U.S.C., § 1232g; 35 C.F.R. Part 99; see also Ed. Code, §§ 76200 et seq.) An

education record includes records, files, and documents that “(i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.” (§ 1232g(a)(4)(A).) Under the United States Supreme Court’s interpretation of FERPA, a video record of a live synchronous online class retained in a database would constitute a student record if the recording includes the student’s image or an audio recording that could be associated with the student. (See *Owasso Independent School Dist. No. I-011 v. Falvo* (2002) 534 U.S. 426.)

Accordingly, the recording of live synchronous online classes will be more likely to implicate FERPA if faculty are also requiring students to keep their cameras-on.⁵

4. The American with Disabilities Act (ADA) and the Rehabilitation Act of 1973

The ADA and the Rehabilitation Act protect the rights of disabled students, and may influence whether faculty may require cameras to be kept on during live synchronous online classes. (42 U.S.C. § 12131; 29 U.S.C. § 794.) Districts must ensure that disabled students are not denied “the benefits of [or] excluded from participation in” an educational program. (29 Code Fed. Regs. § 104.44(d)(1).) In the event that cameras-on requirements impact students with anxiety, or other mental disorders, community colleges will be required to accommodate the disability to ensure they are not discriminating against students based upon a disability. (28 C.F.R. § 35.130(b)(7); 34 C.F.R. § 104.44(a).)

Colleges are not required by the ADA to make adjustments that would result in a “fundamental alteration of the program,” or impose an “undue burden” on the college. However, allowing students to determine for themselves whether

⁵ Information about photos, video, and audio recording under FERPA can be found on the U.S. Department of Education web page: [FAQs on Photos and Videos Under FERPA](#). See also the Department of Education's guidance on [FERPA and Virtual Learning During COVID-19.pdf](#).

to use their cameras will not usually cause a fundamental alteration in the program, or cause an undue burden. The establishment of college policies will help ensure disabled students are not excluded from participation by the imposition of a cameras-on practice.

C. Recommendations

Districts should adopt policies strictly limiting or prohibiting faculty from instituting cameras-on requirements in order to protect against violations of student privacy, balance academic freedom, and ensure compliance with FERPA, California's student privacy law, and federal disability laws and their state analogs.

Colleges should adopt a cameras-optional approach that respects student concerns regarding privacy, access, and equity. Such a policy should address or include:

- Cameras should be presumptively optional for live synchronous online classes.
- If audio and visual student participation is essential:
 - Allow faculty to require cameras to be on, but only to the extent necessary, and with adequate notice to students;
 - Clearly identify the essential nature of video for instruction and consider a student's privacy or technical objections and create a confidential "opt-out" mechanism that allows a student to decline video participation;
 - Encourage faculty to consider an alternative to video participation such as audio participation;
 - Encourage the use of electronic video backgrounds; and
 - Allow students flexibility to turn off their cameras or mute audio unless needed.
- Encourage the use of the chat feature for attendance and discussion.

###

CVC Consortium Information

Two asks:

ASK 1:

ATRC has been asked by the CVC Consortium to flip a switch and make us a home college. That means that Palomar students who need a class we don't offer can log onto the consortium and sign up for a class without having to register at a new school.

Note: The state Chancellor's Office has required all California Community Colleges to be part of the Consortium.

ASK 2:

The DE Committee would like Palomar to apply to the CVC Consortium to become a teaching college, which means that the courses that we choose to put in the Consortium will be available to students outside of Palomar and from around the state. The DE Committee feels this will help small programs or those courses that are struggling with enrollment. This only applies to distance education courses.

Background: [CVC- Consortium](#)

Since the inception of the CVC-OEI, many California Community Colleges have been working together to address online achievement gaps and increase student access to fully-resourced online courses that propel them toward completion. Together these colleges form the CVC-OEI Consortium.

In May 2014, a Call for Participation was issued seeking colleges wishing to participate in the pilot phase of the CVC-OEI to begin in the spring of 2015. Over half of the California Community Colleges responded. A group of 23 pilot colleges were selected that represented, along with other criteria, a diversity of college demographics, geographic location, and technology.

In 2018, the CVC-OEI expanded the number of colleges from 23 to 57. While the first cohort focused on tutoring and readiness, the new colleges have a special focus on student equity. Colleges interested in joining the Consortium can [learn more about the process here](#).

[How it works](#) for students to look for classes.

Search for Classes

YOUR COLLEGE
☐ I don't have a home college
☒ I have a home college

Palomar College

SEARCH BY
☒ CSU BREADTH Requirements
☐ IGEC Requirements
☐ Course Name
☐ Keyword

SELECT A REQUIREMENT

CSU GE AI - Oral Communication

Find Classes

We found **74 transferable courses** for CSU GE AI - Oral Communication [Save this search](#)

Search Filters
Course Information
TERM
☒ Summer 2020
☒ Fall 2020
START AFTER
 Format MM/DD/YYYY

08/29/2020

END BEFORE
 Format MM/DD/YYYY

End Date

Teaching College
COLLEGE NAME

Any Institution

Sort by: OEI Consortium Results per page: 10

Foothill College
COMM1A - PUBLIC SPEAKING
 TUITION \$155.00
 Online Tutoring Online Counseling Quality Reviewed Student Readiness Support OEI Consortium
 UNITS 5.0 units TERM Sep 21-Dec 11
 TRANSFERABILITY IGEC ✓ CSU BREADTH ✓
 View COMM1A Details and Sections

Glendale Community College
SPCH101 - Public Speaking
 TUITION \$138.00
 Online Tutoring Online Counseling Quality Reviewed OEI Consortium
 UNITS 3.0 units TERM Aug 31-Dec 16, Aug 31-Oct 24, Sep 21-Dec 16, Oct 26-Dec 16
 TRANSFERABILITY

Other items to note:

- All classes designated online could be pulled into the consortium but certain courses can be withheld.
- Courses only become available after Palomar students are registered
- Palomar Courses will pop to the top of the Consortium search. They can see how many seats are in the class, very student-friendly enrollment.
- The college that teaches the course gets the FTES funding. But for home college, students still receive completion credit.
- Consortium classes would be on home school dashboard
- Will help CSU Ethnic Studies requirements, since not every college offers it.
- Home College signs a Financial Aid agreement, allows students to combine their units for better reward.
- All course data is based on assist.org.

For more more information, click FAQs [1](#) and [2](#).

Here is a great video for a deeper dive:

<https://asccc-oeri.org/2020/10/09/asccc-academic-academy-closing-general-session/>