



Minutes of the  
MEETING OF THE FACULTY SENATE  
March 1, 2021

APPROVED

**PRESENT:** Eduardo Aguilar, Lacey Craft, Alexandra Doyle Bauer, Katy Farrell, Molly Faulkner, Jenny Fererro, Erin Hiro, Jason Jarvinen, Teresa Laughlin, Lawrence Lawson, Natalie Lopez, Beatrice Manneh, Leigh Marshall, Jackie Martin, Adam Meehan, Susan Miller, Kateri Mouawad (ASG), Ben Mudgett, Scott Nelson, Wendy Nelson, Sabrina Santiago, Elizabeth Stephens, Fari Towfiq, Rocco Versaci, Reza Wrathall, Anastasia Zavodny

**ABSENT:** William Dalrymple

**GUESTS:** Hossna Sadat Ahadi, Rachel Alazar, Cindy Anfinson, Stephanie Curry, Leslie Marovich, Patricia Menchaca, Tanessa Sanchez, Shayla Sivert, 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 COMMENTS**

Senator and Committee on Committees Chair Anastasia Zavodny asked Senate President Rocco Versaci why he sent out the recording of the last Faculty Senate meeting to all faculty since this isn't common practice. President Versaci stated that he was getting questions from faculty about fall 2021 COVID planning. VPI Shayla Sivert reported on the proposal for fall 2021 to Faculty Senate but wasn't releasing the information until it was finalized. Versaci wanted faculty to know what the proposal was looking like. Senator Zavodny added that she is not aware of meeting recordings being posted at this time and asked if all future Senate meeting recordings could be posted. Senate Secretary Molly Faulkner stated she has been posting the recordings to BoardDocs under the "Agenda" tab and will continue to do so. Senator Susan Miller commented that she received a lot of feedback from faculty regarding this matter and she appreciates that Senate is keeping faculty informed. That recording can be found here: <https://palomar-edu.zoom.us/rec/share/Cs54nSq6TSbAHhpN-GWwPWw0uTb8Vy1atKfpO51nazQdlIZBwe0yZO8euCgE003s.KHUjM8tbkPPNuZVc>

**ANNOUNCEMENTS**

Senator and TERB Coordinator Lawrence Lawson reported there is a CTA conference next week called *Advancing Equity on Campus & the New Deal for Higher Education* that has a focus on part-time and full-time equity at different campuses. Link to register: <https://cft.zoom.us/meeting/register/tJlscemgpzwsHNStrBTAYsYaRkUkGXNL5jIT>

ASG President Kateri Mouawad announced that Palomar is hosting Math Fields Day on March 6. *Bravura* is having their annual literature and poetry contest going on until March 17. Mouawad asked that faculty share this information with students.

## **AGENDA CHANGES**

President Versaci announced that following approval of minutes, Information Items A and B may be moved forward on the agenda as the presenters join the meeting.

## **APPROVAL OF MINUTES**

**Motion 1** MSC: Laughlin/Miller

Faculty Senate approval of meeting minutes dated February 22, 2021 (see Exhibit 1).

The motion carried.

## **INFORMATION ITEMS**

### **A. Brown Act Presentation (see Exhibit 2)**

President Versaci introduced presenter Stephanie Curry. Stephanie has been a faculty member at Reedley College for 20 years and holds master's degrees in history from Purdue University and library science from Syracuse University. Stephanie was hired as a librarian and has served on almost every committee on her campus. She has participated on her Academic Senate for 19 of her 20 years, served 11 years on leadership and served six years as president. Stephanie is currently on a release position as Reedley's Guided Pathways Coordinator.

The Brown Act of 1953 came out of a long history in California of back side deals where deals were given to people without a public hearing. The Act declares that public commissions, boards and councils and the other public agencies in California exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The idea of open and public is the heart behind the Brown Act. There is very few reasons why any discussions can occur in a closed session and almost nothing in the Academic Senate area that is included here. The whole idea is that when we elect or appoint persons to a board, we are not giving them the right to decide what's good for "the people. "The people must remain informed so they may have control over the instruments (boards) they've created and to make sure that these boards are doing things that are above board and out in public during a public meeting. This applies to all legislative bodies that includes governing bodies, appointed bodies, and some private entities.

In 1983, the Attorney General stated in a legal writing that an Academic Senate is legally mandated to follow the Brown Act. Our Board of Trustees, appointed or elected, fall under the Brown Act and any group that they commission (Academic Senate) is also under the Brown Act. Academic Senate is an advisory body to the Board of Trustees which means in our state regulations and Title V, Academic Senate is the only group in statute that can go directly to the Board of Trustees with recommendations. It was noted that Faculty Senate often makes recommendations to the College or to the Chancellor. The mere fact that the statute reads that Academic Senate "can" make formal recommendations or provide advice to the Board of Trustees, that alone makes it fall under the Brown Act. In addition, a college cannot just create an Academic Senate. The board, our Board of Trustees, must create an Academic Senate and since this Senate is in an advisory role, we must follow the Brown Act requirements.

Curry went on to say that bodies that report to the Board of Trustees is technically the only body, other than a body representing students (confirmed by Senator Wendy Nelson), that is covered by the Brown Act. Campus committees, advisory boards, councils on campus are not required to follow the Brown Act because they do not advise or report directly to the Board of Trustees. Many of these groups, however, do follow ideas taken from the Brown Act just to be more transparent but are not truly required by law to do so.

Senate committees that have a continuing subject matter jurisdiction (i.e., long-term committees on professional development, curriculum, equivalency, 10+1+1) or that has a meeting schedule fixed by resolution or formal action of the Senate is a Brown Act committee. If it's an ad hoc committee where you're just getting people together and saying we want you to do something for this amount of time and we want you to produce this product, it is not a Brown Act committee. A temporary or advisory Senate committee is created for a particular purpose or need, and its membership cannot exceed more than one-half of the Senate quorum. It's always a good idea to look at your governance structure and identify publicly which Senate committees are under the Brown Act.

There's always much confusion on campus about which committees or councils should follow the Brown Act. Many of these campus committees report to the college President and not the Board of Trustees. That is the significant difference.

Senate President Versaci requested clarification regarding Senate committees primarily Senate Council. Curry stated that executive councils that just create agendas and tasks like that generally don't fall under the Brown Act because they don't have a continuing jurisdiction over a subject matter, and they don't have specific dates and times of those meetings defined by resolution.

Senator and Articulation Officer Ben Mudgett inquired about FSA Discipline committee as to whether it is under the Brown Act. Curry suggested that it should follow.

Regarding meeting logistics, Curry stated that all meetings shall be open and public, and all persons should be permitted to attend any meeting. A meeting is a majority of the members together in the same location to hear, discuss, deliberate or take action. Decisions do not need to be reached to call it a meeting. Senate should not do what we call serial meetings. This is when one member says to another member that he or she has a great idea about this thing, and I think we should vote this way. Then that person goes to the next person and discusses it and then you've started daisy chaining the conversation. You're making decisions about documents and items and things like that without being in the presence of the meeting. Communicating via email falls into this category as well.

Agendas must be posted in a public place at least 72 hours in advance including weekends and be available 24/7. It must state the meeting time and name and title of the physical meeting location (COVID 19 Executive Order in place). The agenda should also be widely distributed. The agenda item should contain a brief description of the item but shouldn't exceed 20 words. Closed session items do not apply.

The expectation of a vote (action item) should be noted on the agenda. Secret ballots are not allowed. All actions taken by the Senate should be an open session and the vote of each Senator should be noted somewhere. The Senate can move information items to action during the same meeting if 2/3 of the body approves to suspend the rules and make the item an action item. A Google doc voting method is acceptable to be used for voting if anyone can see how each Senator voted and this should be reflected somehow in the meeting minutes.

Senator Fari Towfiq asked Curry about the Equivalency process and the expectation that the applications are confidential. Towfiq added that Palomar's Human Resources requires Equivalency committee members (a Senate committee) to sign a confidentiality form. Curry stated that this is a clear conflict because that committee should be following the Brown Act and any application for equivalency would have to be made available in a public area. Curry suggested seeking a review from general counsel or ask Human Resources to get a legal opinion on this matter and also maybe FSA Committee practices should be included. Curry also added that making these non-Senate committees, that would allow the committees to function in confidence.

Regarding Senate meeting recordings, those must be made available to the public and maintained for 30 days. Anyone can record the meeting and share it with whomever they choose.

During a closed session, the Brown Act authorizes topics that include 1) existing or anticipated litigation, 2) real property negotiations, 3) public employee appointment, evaluation and discipline, 4) labor negotiations and 5) security threats which never apply to Faculty Senate.

The intent of the Brown Act is to make meetings open and public. If there is substantial compliance, it is rare for a lawsuit to be filed for non-compliance.

Senator Anastasia Zavodny asked Curry about Faculty Senate Council meetings. She shared that the faculty constitution talks about the roles and matters that Council performs and it's more than just set the agendas. It also indicates that it is a regularly occurring meeting. Curry does not believe that it falls under the Brown Act because it doesn't have a specific jurisdiction of a full subject matter, like curriculum and it doesn't have a specific date and time. Curry confirmed that when the Council met specific days and times in the past, most likely those meetings should have been following the Brown Act.

ASG President Kateri Mouawad asked whether Brown Act meetings could exist via video conferencing post COVID. Curry replied that most likely that would not be allowed as the public must all be in the same room. New regulations will allow for more technology use.

Senator Lawson asked Curry about the space provided for a meeting that falls under the Brown Act. Curry stated that she is not aware of any space requirement but if a member of the public wants to make a public comment, they must be given that opportunity to speak.

## **B. Two STEM Positions & Grant Extension**

President Versaci shared that Palomar's Title V STEM grant that was scheduled to end in September 2021. Because of COVID, those funds won't be exhausted come September and a one-year extension will be requested. Two STEM positions funded by this grant also expire at the end of this academic year. Cindy Anfinson and Wendy Metzger hold the positions. He went on to say that we are now discussing whether to extend these positions to both Cindy and Wendy or to go out for a call for the two positions. These two positions fall under the "gray" area that Senate does not have sole jurisdiction over these positions. We are discussing this process with administration to come up with clear guidelines. After discussing this situation with VPI Sivert and Dean Menchaca, the consensus is that we extend the two positions to coincide with the end of the grant.

Cindy Anfinson went on to explain that the grant was awarded in 2016 and it is shared with CSUSM. The total award was for \$2.3 million and Palomar gets about \$500k per year and CSUSM gets about \$150k per year. The Department of Education allows colleges to request a no-cost extension for a year six. The primary reason for the carry-over of funds is the pandemic. Funds were primarily used for activities and tutoring and counseling in the STEM Center. When Palomar was shut down last spring, STEM let go of all of the student employees and short-term hourlies, and with no tutoring over the summer and very little in fall 2020, there are funds leftover.

Next, VPI Sivert shared that this jurisdictional issue mentioned by Versaci has been discussed with President Kahn, VP Lakhani and other members of the executive team in respect to the appointment of faculty to different kinds of positions, especially with grants. There have been no issues with this grant in respect to administering the grant so there is a level of support for continuing the positions without going out for a new call.

VP Patricia Menchaca stated it was very important to extend the sixth year to these two positions for many reasons. Whenever a new faculty coordinator is hired, while their main role is to ensure that everything that is occurring is academic and professional, there's also additional nonrelated work that includes understanding the expenditure guidelines as presented by the government. Palomar is held accountable to getting the work accomplished and it's a long learning curve to understand those guidelines. The objectives of the grant that can also put us into a position where we can be audited and must pay the money back for not completing the work. Menchaca is in favor of continuing the positions as they are to help ensure that Palomar is completing those objectives as agreed to with the Department of Education.

ASG President Mouawad asked if there was a current opportunity for ASG to have a voice in how the funds are used. Anfinson replied that the information was provided during the initial application process and the Department of Education approves certain activities and timelines and certain goals that the program must hit. Any changes to that information would have to be pre-approved. The Department of Education has not communicated any new information about revising activities due to COVID.

**Motion 2** MSC: Fererro/ Faulkner

Faculty Senate approval to suspend the meeting rules and move this item to Action today.

The motion carried.

This informational item was added to Action below.

**Motion 3** MSC: Mudgett/Fererro

Faculty Senate approval to move to Action.

The motion carried.

## **ACTION**

**A. Curriculum** – No Curriculum action necessary.

### **B. Two STEM Positions & Grant Extension**

**Motion 4** MSC: Towfiq/Faulkner

Faculty Senate approval to support the extension for the Title V/STEM Activity Director position for Cindy Anfinson and STEM Program and Curriculum Coordinator/Math Acceleration Lead position for Wendy Metzger for an additional one-year term ending September 2022.

Abstention: Kateri Mouawad

The motion carried.

### **C. Committee Appointments**

**Motion 5** MSC: Zavodny/Fererro

Faculty Senate approval of Anita Talone as the faculty co-chair for the Dean of CTEE Hiring Committee.

The motion carried.

Senator and Committee on Committees Chair Anastasia Zavodny reminded Senators that the faculty positions for the new councils have been approved by Faculty Senate and PFF. Splits were made for each of the council's in terms of how many Senate would be appointing and how many PFF would be appointing. Zavodny believes that PFF has sent out their call for volunteers for those positions today. There was some discussion at PFF about overlapping of the calls. There is also a timeline concern to get this information out since this month does have spring break.

Senate President Versaci shared the breakdown (see Exhibit 3). The PFF e-board voted that their two-college council faculty member representatives will be a co-president and one member would be a member of the e-board or staff. Versaci asked Senate to entertain a motion that would designate the Faculty Senate President and the Vice President as the appointees for the two faculty seats selected by Faculty Senate. Versaci went on to say that currently the college council will replace SPC. Faculty Senate has two positions on SPC: the Faculty Senate president and the past president. Versaci suggested since the VP does get some release time and the past president doesn't. He also didn't see any need to make any more name designations to the other Councils. The Senate president is already designated as a tri-chair of the Equity, Education & Students Success Council and is not included among the five faculty there.

Senator Zavodny questioned whether both the Senate President and the Senate VP should both be named as the designees. At some point, there may be a Senator that is more in tune or in alignment with the types of discussion that Senate might wish to appoint to that position.

Senator Lawrence Lawson also supported a Senator appointee being named along with either the Senate president or VP. Both Senate President and VP already have a lot of responsibilities and meetings to cover and he would like to see the second seat go to a Senator.

The new governance handbook can be viewed here.

[https://go.boarddocs.com/ca/pccd/Board.nsf/files/BXAPL964F4F0/\\$file/GovernanceStructure\\_and\\_Participation\\_Handbook.pdf](https://go.boarddocs.com/ca/pccd/Board.nsf/files/BXAPL964F4F0/$file/GovernanceStructure_and_Participation_Handbook.pdf)

**Motion 6** MSC: Laughlin/Faulkner

Faculty Senate approval to designate Senate president or Vice President as a designee to the college council and a sitting Senator as the second seat on that council.

Abstention: Kelly Falcone

The motion carried.

After the motion was passed, Senator Zavodny wanted to point out that the part-time faculty noted on the list represents an advisory vote only. Versaci added that the Faculty Senate calls for faculty positions will be going out to and opened for both full and part-time faculty to participate.

The new councils will start in earnest in fall 2021 but must be seated and start some planning this semester before the old ones are disbanded.

Senator Zavodny will get the call out and it will be similar to how we did the call for DEqCC in the sense that there will be information listed about each of the councils and the position and it will request a statement by the volunteer.

Because of the number of positions, a separate or longer Faculty Senate meeting may need to be called to approve the positions.

#### **D. BP/AP 4025 Revisions** (see Exhibit 4)

Senator Wendy Nelson reported that these revisions are not on the agenda for the Policies & Procedures meeting this Friday, March 5 so these can be discussed at the Faculty Senate meeting on March 8.

#### **E. Community Agreements by Senate** (see Exhibit 5) – Tabled.

### **REPORTS**

#### **ASG (Mouawad)**

- President Mouawad and Vice President Abeeha Hussain intends to present the student survey summary of findings at TERB at their next meeting. Senator Karen Galaviz is moving forward with launching another survey to gauge what information about the vaccine students need and will additionally ask for other student needs that haven't been met. ASG will allocate funds to help meet those needs, be it school supplies, student interaction, etc.
- ASG's AD-hoc bylaws committee is continuing to bring forward drafts of the ASG bylaws each meeting for improvement. ASG is open to recommendations on how to make their governing documents more equitable.
- ASG held their spring retreat on February 22 and confirmed for March 05 where several presenters will discuss leadership/skill building. All students are welcome to participate.
- Vice-president of Communications, Carissa Anderson, and the communications committee are working to market Math Fields Day, *Bravura*, and other campus wide events. Please inform your students of these events as well.
- Vice-president of Club Affairs, Taylor Bergeson, is working to give Zoom premium accounts to presidents of each respective club.

#### **President (Versaci)**

I met with two representatives from DEqCC—Lawrence Lawson and Hossna Sadat Ahadi—to discuss the next steps in plans to improve diversity in faculty hiring. We are working on three documents to eventually bring to DEqCC and Senate for discussion and approval: 1) a “best practices”/suggestions letter that will go to department chairs 2) a set of suggested revisions to the existing faculty hiring procedure and 3) a list of issues/asks to present to HR. The three of us plan to meet sometime during the week of 3/8 to share and discuss our individual work on our assigned tasks.

**SSEC (Versaci)** - SSEC met on Friday, February 26 (after this report was filed but before the 3/1 Senate meeting).

**SPC (Versaci)** - SPC next meets on Tuesday, March 2.

**IPC Report (Versaci)** - IPC met on Wednesday, February 24. Some highlights:

- The school is working on a change to fee payments whereby instead of having two weeks after registration to pay, there would be a set date by which all fees are due.
- The team addressing the various issues involving wait lists and permission codes is close to coming up with recommendations/solutions.
- VP Sivert discussed the tentative/developing plan for face-to-face class scheduling for Fall 2021 (the same presentation that she made at the 2/22 Senate meeting).

**SSPC** – No report.

**HRPC** – No report.

**FASPC (Antonecchia)** – No report.

**PFF (Laughlin)** - I have been actively involved in the shared governance and union meetings including:

- Eboard meets every second and fourth Thursday from 4-6 pm. The meeting agendas and minutes can be found here: <https://www.palomarfacfed.org/agendas-minutes>
- Governing Board Meetings:
  - o There was a special Governing Board Meeting on 2/16/21. The main topics of conversation was the Presidential search and Brown Act training
- Campus shared governance meetings:
  - o Budget meeting: we found out we were on enhanced monitoring from ACCJC and the P1 enrollment report shows we are 18% down in enrollments year over year in the fall.
  - o The weekly update on the COVID19 situation: Our very own Lesley Williams gave a very interesting and helpful lecture on how the COVID19 infects people and what we can do to protect ourselves. It was really great!
  - o Faculty Senate
  - o SPC
- Negotiations are starting up again. We met with the District on 2/18.
- Interaction with members: I have had with several meetings with members regarding various concerns about hiring practices, working conditions, and contract interpretation.
- Interaction with our CCE colleagues: We stay in close communication with our brothers and sisters in the CCE. We stand shoulder to shoulder.
- Meetings with Board members: We have regularly scheduled meetings with Governing Board members monthly.
- Food Distribution was February 20, 2021, we served 351 families. The next one is March 20, 2021.

There is great concern in several academic departments about deep cuts to classes for the Fall. The PFF is researching these management cuts to see how widespread they are. If you have concerns about this or any other issues, please email me at [tlainelaughlin@gmail.com](mailto:tlainelaughlin@gmail.com).

**DEqCC – Diversity, Equity, and Cultural Competence (Aguilar/Sadat Ahadi)**

DEqCC will be meeting on 2/26/2020. Will be discussing short and long-term goals as well as possible professional development workshops.

**Accreditation (Meehan)** - No report. The Accreditation Steering Committee meets Friday, February 26 at 11am.

**Distance Education (Hiro)**

The DE Committee will meet March 3 at 2:30 p.m.

Meeting ID: 981 0039 1117

Passcode: 017020.

Everyone is welcome.

**Guided Pathways (Nelson)** – No report.

**Policies and Procedures (Lawson)** – No report.

**Budget (Ferrerro)**

President Kahn visited the Budget committee and provided an update on our annual fiscal report to be submitted to ACCJC each spring- ACCJC wants us to continue to make progress over the next two years to avoid triggering more enhanced monitoring. Kendyl shared the P-1 Report, which included the data that Fall 2020 is down over 18% from Fall



2019. VP Borth provided information on the proposed Budget calendar for the upcoming year, as well as the budget assumptions and how they impact the multi-year projections.

**TERB (Lawson)** – No report.

**Professional Development (Falcone)** – No report.

**AB705 Subcommittee (Anfinson)** – No report.

**Sabbatical Leave (Lawson)** – No report.

**Faculty Service Areas (Mudgett)** – No report.

### **Credit for Prior Learning (Rose)**

These are the objectives on the CPL Scope of Work that have been completed by the CPL Coordinator, Candace Rose, since last fall, 2020.

#### **Objective 1: Integrate CPL into Palomar campus culture**

CPL campus events/meetings

- Fall and spring plenary CPL workshops
- Fall CPL updates - workshop with current CPL faculty
- Informational presentations to counselors
- Ongoing weekly meetings with the CPL Counselor, Tina Barlolong
- Meetings as needed with AO

Faculty engagement

- Ongoing work with faculty to identify CPL eligible courses

CPL Processes

Working with colleagues in IS, student services, instruction, admissions, records and evaluations, cashier's office

- Transcript
  - CPL is now transcribed and meets title 5 requirements
- Student Survey
  - Developed six questions about CPL as part of our current AB705 intake survey to identify potential CPL students and inform them of this opportunity
- Petition Form
  - GT form - working with BSA developer
  - Form is currently in the testing phase set to roll out in March
- CPL Database
  - 99 CPL eligible courses currently coded and identified with type of assessment
  - This database feeds directly into our GT form
- ACE IDs for evaluations TES system
- CPL and META (Curriculum database)
  - CPL is part of the review process in META
  - Moving forward, reports in META can be run to identify CPL courses

Informing students

- CPL Website updates working closely with ATRC
- CPL point of contact for students to guide them through the petition process

**Objective 2: Continue to institutionalize CPL at Palomar College.**

Continue to integrate CPL into shared governance

- Serve on the Curriculum Committee and report out CPL
- Serve on Faculty Senate and report out on CPL
- Report out to GP

**Objective 3: Continue to ensure that Palomar College incorporates superior practices in CPL and share with regional and state partners.**

Collaborate with CCCCC, ASCCC and CCCs

- Currently serve on the CCCCC CPL Workgroup
- Conducted several CPL Interviews
- Regional, state and national workshops
  - Presenting in and/or coordinating approx 20 events from Fall semester through March 2021 (not including the Palomar workshops listed above)
- Individual meetings and email correspondences with approximately 30 colleges/organizations throughout the state and nation to answer questions about our CPL processes and implementation

Military partners to establish CPL opportunities

- CPL partnership with the MC Communications and Electronics School
- Future partnership with CPPEN Training for Intel Data Engineers

**ADJOURNMENT:** The meeting was adjourned at 4 PM.

Respectfully submitted,

*Molly Faulkner*

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Molly Faulkner, Secretary