



STRATEGIC PLANNING COUNCIL AGENDA

Date: April 6, 2004
Starting Time: 2:00 p.m.
Ending Time: 4:00 p.m.
Place: SU-18

CHAIR: Amador

MEMBERS: Barton, Bishop, Cater, Cuaron, Dimmick, Dowd, Drinan, Eberhart, Frady, Giese, Halttunen, Jay, Madrigal, Magana, McCluskey, Millet, Miyamoto, Owens, Patton, Soto, Spear, Wallenius, 2 Additional Faculty Senate reps

RECORDER: Baldridge

	Attachments	Time
A. <u>MINUTES</u>		2 min.
1. Approve Minutes of March 2, 2004		
B. <u>ACTION ITEMS/SECOND READING</u>		30 min
1. BP 6310 – Risk Management	Exhibit B1	
2. BP 6810 – Illness/Injury Prevention	Exhibit B2	
3. BP 5030.6 – Fee Exemption for International Students	Exhibit B3	
4. Student Learning Outcomes Task Force Report and Recommendations	Exhibit B4	
C. <u>ACTION ITEMS/FIRST READING</u>		
1. Recommended Changes to BP 111 and Attendant Procedures	Exhibit C1	
2. Recommended Procedure 6536 – Equipment Replacement Procedure	Exhibit C2	
3. Technology Master Plan Task Force Membership Clarification	Exhibit C3	
D. <u>DISCUSSION/INFORMATION ITEMS</u>		
1. Calendar Items for Budget Priorities 2003-04 AIP Final Evaluation and Annual Governance Evaluations		10 min.
E. <u>REPORTS OF PLANNING COUNCILS</u>		20 min.
1. Administrative Services Planning Council – Jerry Patton		
2. Human Resource Services Planning Council – Jack Miyamoto		
3. Instructional Planning Council – Berta Cuaron		
4. Student Services Planning Council – Joe Madrigal		
F. <u>REPORTS OF CONSTITUENCIES</u>		20 min.
1. Administrative Association – Ken Jay		
2. Associated Student Government – Amador Soto		
3. Confidential/Supervisory Team - Jo Anne Giese		
4. CCE/AFT – Becky McCluskey		
5. Faculty Senate – Steve Spear		
6. PFF/AFT – Mary Ann Drinan/Mary Millet		
G. <u>OTHER ITEMS</u>		



STRATEGIC PLANNING COUNCIL MINUTES

April 6, 2004

The regular meeting of the Palomar College Strategic Planning Council was held on Tuesday, April 6, 2004, in SU-18. The meeting was called to order at 2:04 p.m. by Dr. Sherrill L. Amador.

Roll Call

Members Present: Amador, Barton, Bishop, Cater, Cuaron, Dolan, Dowd, Eberhart, Frady, Jay, Kelber, Madrigal, McCluskey, Owens, Patton, Roach, Soto, Spear, Versaci, Wallenius

Members Absent: Dimmick, Giese, Halttunen, Miyamoto, Snyder

Guests Present: Jenny Akins (for JoAnne Giese), Barbara Baldridge, Sue Doran (for Mike Dimmick)

A. Minutes

MSC Roach, Cater

The minutes of the meeting of March 2, 2004, were approved.

B. Action Items/Second Reading

1. Proposed BP 6310 – Risk Management

MSC Spear, Dowd to approve BP 6310 and forward to the Governing Board for approval. **Exhibit B-1**

2. Proposed BP 6810 – Illness/Injury Prevention

MSC Spear, Dowd to approve BP 6810 and forward to the Governing Board for approval. **Exhibit B-2**

3. Proposed BP 5030.6 – Fee Exemption for International Students

MSC Spear, Dowd to approve BP 5030.6 and forward to the Governing Board for approval. **Exhibit B-3**

4. Student Learning Outcomes Task Force Report and Recommendations

The back-up materials for this item had been sent to the SPC members via e-mail on March 5. Student learning outcomes was one of the items the Accrediting Commission had asked us to address. Brief discussion ensued. Steve Spear noted that student learning outcomes is a faculty matter. The faculty takes very seriously the role that the faculty and the Senate play in this. The Senate has recommended a change in the reporting relationships of the Learning Outcomes Council and Coordinating Committee. Mr. Spear will send the Senate's recommendation to Ms. Baldridge so that it may be included as an amendment on the governance structure form on the agenda for the next meeting. There is concern that everyone should recognize that academic and professional matters are the purview of the Senate. Dr. Amador stated that we must trust the faculty on the council to do what is right for this institution in terms of learning outcomes. Administrative support will be here because all of us are responsible for the accreditation of the institution. This item will be brought back to the May 4 meeting for action. **Exhibit B-4**

C. First Reading**1. Recommended Changes to BP 111 and Attendant Procedures**

Steve Spear presented proposed revisions to BP 111 – Dealing with Threats or Acts of Violence and its accompanying procedures. **Exhibit C-1** Mr. Spear has not removed any language from BP 111 but has added language dealing with abusive conduct. He took the language from AB 1582, a proposed Assembly bill. Current laws dealing with “harassment” in the workplace apply only to people who belong to a protected “class,” such as ethnicity, disabled, veterans, etc. However, studies have shown that approximately 2/3 of workplace harassment is “status-blind.” Dr. Spear stated that some of this status-blind harassment has occurred at Palomar College. He also stated that abusive conduct at Palomar College sabotages work performance, negatively affects morale, damages the educational environment, affects victims’ psychological and/or physical health, and creates increased health costs to the District. Dr. Spear asked that each of the constituent group leaders take this back to their members for discussion and approval.

Rocco Versaci noted that AB 1582 died in committee. One of the problems was that small businesses opposed it because it opens the door for an employee to claim they have been abused, which then makes the employer responsible for conducting investigations. He would be in favor of simplifying the language or perhaps inserting the words “hate speech.” Dr. Versaci stated his concern that a policy like this could make the District vulnerable for employees who don’t like the way they are talked to or perceive something as being abusive, opening up the floodgates for a lot of costs we do not need to bear.

Dr. Amador reported that she has had the District counsel review this matter, and what Dr. Versaci stated is absolutely true. One of the reasons the bill has died is because of the liability abusive behavior puts on any organization. However, we certainly need to look at ways to address the issue appropriately. It is going to take not only something legally, but it also involves the way we all behave. Some of the behavior lately has not been good. As a result, people feel more free. We must all be responsible for our own behavior to make sure that the positive behavior we exhibit is reflected in the way our students behave and the way we behave among peers, etc. This is a cultural as well as a legal issue. We need to have some discussion on the appropriate way to address this matter, whether it be revision to the Board policy, a code of ethics, a professional standards committee, or sometimes the unions take on the responsibility. It is a very complicated legal thing, yet all of us are trying to do the right thing so that we don’t have the unacceptable behavior that makes people feel uncomfortable and harassed.

Sue Doran stated that when you have others to corroborate the situation, letters, and e-mails, all of which are absolute proof that abusive conduct has occurred, there is nothing in place at Palomar College that allows it to be taken care of. The person can be spoken to, but it doesn’t mean they have to stop.

Jason Roach asked if this matter has been addressed for student relations with faculty and staff or between students. Bruce Bishop reported that there is language in the Code of Conduct that is similar to that which Dr. Spear is proposing and what is in the proposed legislation. He stated that we should hold staff to at least as high a standard of behavior and responsibility as we do students. There is no code of conduct for faculty or staff, with the exception of the language in BP 111.

Bonnie Dowd noted that BP 111 is in place, but apparently is not being followed. She also noted that when she has called people accountable for their actions, she has been accused of harassing them. She is concerned about having something in place that could be used as a way of finding a way to get rid of her because she speaks her opinion. She asked that before we go forward with a change in this policy, we think of all the ramifications. The Senate is putting forward constitutional changes to the faculty that would include a philosophy statement about a code of conduct for faculty, an ethical procedure by which when there are situations, rather than there being a public airing and a public display of both sides of the issue, it would be done through an investigative process. That is being done this week on other issues that have come forward. She stated that each of the groups need to look carefully at this issue.

It was agreed to bring this item back for more discussion at the May 4 meeting.

2. Recommended Procedure 6536 – Equipment Replacement

Jerry Patton and Ken Jay presented a new procedure for equipment replacement. **Exhibit C-2** It was suggested that the second sentence should read, “Technology equipment will be eligible for replacement on a three- (3) year cycle . . .” Following discussion, it was agreed to bring this item back for action at the May 4 meeting.

3. Technology Master Plan Task Force Membership Clarification

Steve Spear requested that the membership of this task force be clarified by indicating that the seven faculty representatives be indicated “Seven Faculty Divisional Representatives (in addition to Co-Chair) – Appointed by the Faculty Senate.” There was consensus that this change be made.

D. Discussion/Information Items

1. Calendar Items for Budget Priorities

In the unlikely event that extra funding is received, we should have our prioritized lists of needs ready. There is also a possibility that we will experience cuts, so each area should be looking for places these could be made. We need to use our planning process and bring forth proposals to SPC. We will start the discussions at the May 4 meeting. An SPC meeting will need to be held on May 18. Mr. Patton and Dr. Amador answered questions from SPC members as to why some Divisions did not make their share of cuts in 2003.

Dr. Amador stated that increases for this year will not be entertained in the areas that failed to make their cuts last year. There are things that we must do as an institution, and they will not be easy. The mobs in the audience at Board meetings indicating that they didn’t want to cut people put us in this situation. Now we are in a situation where we are going to be very close to our 3% reserves. Regardless of the scenario, we still have the problem of spending more than we are taking in. Dr. Amador stated that we run a very inefficient operation in instruction compared to other districts. Because of that, we must expend more money. Becky McCluskey stated that CCE agrees with this evaluation of the situation. It is better that SPC deal with the problem than to have the mob action.

Ken Jay stated that if SPC, as a group, agrees on a course of action and it doesn’t get accomplished, the credibility of our process comes into question. Who will take it seriously the next time? It becomes mob rule – whatever you can muscle.

Dr. Amador stated that Mr. Patton received from SPC and the four Vice Presidents a list of where the cuts were going to be made. We all trusted that. In fact, some even cut more than they were supposed to cut. It wasn’t until after the adopted budget that we learned what had occurred. Some areas did what they were supposed to do, and others did not. Mr. Patton will make a presentation to the Governing Board at its next meeting on the state of the budget this year and the deficit that is expected for next year because this is a progressive problem that just keeps getting worse.

It was noted that we are in a hiring freeze and are asking everyone to purchase only what they absolutely need. Hopefully, our ending balance will be greater than anticipated. The only positions that are being filled are those with categorical funding and one we need to fill because of matched funding.

Barbara Kelber asked for clarification on the mob action and what exactly happened. Dr. Amador responded that instruction did not make their cuts. They failed to make \$650,000 in cuts. That included ADAs, efficiency within instruction of how it is run, and what is known as “administrative support costs,” not administration. Administrative support and reassigned time for instruction are very expensive at Palomar compared to all of our benchmark colleges. Dr. Kelber asked if the classified staff would have preferred to have those positions cut last year. Would they have preferred the faculty not try to help them? Tricia Frady stated, “That’s not the perception here. Our concern is that all the planning councils came up with a plan. Each division was to take a hit. Not all of them followed through. Now are we going to go back to the table and each division is going to take the hit again. So certain divisions are going to lose multiple classified staff, instead of each taking their own hit. That is our concern. We don’t want to lose any classified staff. Don’t misunderstand us, we want help from everybody. There

was a plan – we wanted it followed.” It was noted that the ADAs were championed by the faculty, but there were numerous other classified positions in other divisions that didn’t have that support.

Dr. Amador stated that we still have the dilemma of not having cut \$945,000 last year and what that does for next year. The concern of the groups that did take the cuts being asked to make additional cuts is not going to be well accepted. We are going to have to deal with it.

Dr. Kelber asked if Dr. Amador has hopes that when the faculty contract is settled, we will be more efficient. Dr. Amador responded that she has hopes, but she is only on one side of the table. Most of the inefficiencies are still in there at this point. Bonnie Dowd pointed out that many of these inefficiencies go back to 1946. Dr. Dowd has an accounting background and has served on the Revenue Allocation Committee almost every year since she has been here. The matrix moves, but no one knows where the revenue is coming from because there isn’t a stream that ensures increased revenue. Her salary has not gone up during the past six years, but all her expenses have. That is exactly what is happening with the District. Our inefficiencies have peoples names attached to them. How do we become efficient and not eliminate people? We all want to hold on to positions in our areas because we think we can’t work any other way. It is very hard to think out of the box, but we need to figure it out because at some point, we’re going to have to pay.

2. 2003-04 AIP Final Evaluation

The 2003-04 Annual Implementation Plan Final Evaluation will be discussed at the May 18 meeting. Those responsible for input were asked to provide that information to Barbara Baldrige by May 11.

3. Annual Governance Evaluations

Dr. Amador noted that last year, an evaluation of Strategic Planning Council was done. As a result of that process, when we discussed the outcomes, we decided that we should have training. We were in agreement that SPC would go through an evaluation, as well as the VP’s councils this year. Michelle Barton explained last year’s evaluation of SPC. Evaluation forms for all councils for this year will be sent out on April 12. Participants will be asked to complete and return them within two weeks. On May 4 or 18, the results of the SPC self-evaluation will be brought back to SPC. The results of each of the planning council’s self-evaluations will be discussed with them. Bonnie Dowd commented that the training sessions held last year were most beneficial to those who serve on the councils.

E. Reports of Planning Councils

1. Administrative Services Planning Council

Jerry Patton reported that at the ASPC meeting the budget was discussed. Directors will submit their requests at the next meeting, which will then be forwarded to SPC. At RAC last week, it was agreed that the employees need to help formulate solutions; we don’t want to have someone else tell us what to do.

2. Human Resource Services Planning Council – There was no report.

3. Instructional Planning Council

Berta Cuaron reported that the IPC had met on March 24 and worked on setting priorities for next year. They are working on faculty positions for 2005-06.

4. Student Services Planning Council

Joe Madrigal reported that the SSPC had met on March 24, but because there was not a quorum, they only discussed the fee payment policy, which will be coming through the process. They also discussed strategies for bringing their budget requests forward for 2004-05. Mr. Madrigal will be reviewing the budget cut process with the SSPC members next week.

F. Reports of Constituencies

1. Administrative Association – There was no report.

2. Associated Student Government

Amador Soto thanked everyone for their help on Spring Fest. Tomorrow's ASG meeting will involve amendments for their constitution.

3. Confidential/Supervisory Team

Jenny Akins reported that CAST echoes the concern of CCE and the Administrative Association regarding the budget.

4. CCE./AFT – There was no report.

5. Faculty Senate

Steve Spear reported that the Faculty Appreciation Tea will be held on May 6. The Senate passed a draft of the instructional hire form. They passed the Student Learning Outcomes Task Force structure request. The Senate is making some constitutional structural changes, which will be coming out soon. They are also in the process of conducting elections and appointments for various things. New Senators' election will begin later this week. New TERB board members will begin a little after that. They are looking for a new Professional Development Coordinator because Judy Eberhart is retiring. They have completed the administrators' evaluations and are making appointments to discuss them with the individuals.

6. PFF/AFT – There was no report.

G. Pending Items – There were none.

H. Other Items

1. April 20 Meeting Canceled – Next Meeting May 4

Dr. Amador reminded the group that the April 20 meeting has been canceled. The next meeting will be May 4.

There being no further business, the meeting was adjourned at 3:45 p.m.

Proposed New Policy

BP 6310

Risk Management

The Board is committed to the establishment of a risk management program that is consistent with all legal requirements for community colleges. The primary concern of such a program shall be the safety and health of students, faculty, staff, and the public and the protection of District property and assets. In order to ensure that the District is conducting its operations as safely and efficiently as possible, the Board authorizes the Superintendent/President or designee to develop and maintain a risk management program that includes identification, prevention, mitigation, and assumption or transfer of risks through appropriate agreements, purchase of insurance, pooling with other agencies or other risk financing practices. The ultimate goal shall be successful implementation of safety and loss prevention/control practices and the maintenance of adequate insurance programs. An annual report on the program shall be presented to the Board.

The Superintendent/President may delegate to a staff member the authority to administer and adjust claims up to \$10,000 with the advice and concurrence of the Assistant Superintendent/Vice President for Finance and Administrative Services. The Board shall approve settlements in excess of \$10,000. These limits notwithstanding, the Board will accept settlements made by an insurance carrier in the name of the District under terms of applicable insurance policies.

Government Code Sections 935 et seq.

Proposed New Policy

BP 6810

Illness/Injury Prevention

Pursuant to the Labor Code and California General Industry Orders, the Board of Trustees recognizes the necessity of an injury/illness prevention program. No employee shall be required to work under unsafe or hazardous conditions or to perform tasks that endanger their health or safety. The District shall make every reasonable effort to ensure that working conditions and equipment are maintained in compliance with federal, state, and local laws and regulations.

The Board expects all employees to use safe work practices and to report and correct any unsafe conditions that may occur. The Superintendent/President shall name a manager to serve as the safety officer for the District. The safety officer shall be responsible for maintaining implementation procedures for this policy in accordance with federal, state, and local laws. These procedures shall include the development of safe and healthy work practices through education, training, and enforcement.

Labor Code Section 6401.7; Cal-OSHA Safety Orders Section 3203

BP 5030.6 – Fee Exemption for International Students

Palomar College shall charge a nonresident capital outlay fee and an application processing fee to citizens and residents of a foreign country per Education Code 76141 and 76142. A student who demonstrates economic hardship is exempt from the capital outlay fee and the application processing fee. The exemption is authorized, on a per semester basis, when a student meets the eligibility criteria for benefits under the Aid to Families of Dependent Children program, the Supplemental Income/State Supplementary Program, or a general assistance program.

B-4

Baldrige, Barbara

From: Baldrige, Barbara
Sent: Friday, March 05, 2004 9:58 AM
To: Amador Soto; Becky McCluskey; Berta Cuaron; Bonnie Dowd; Bruce Bishop; Dale Wallenius; Jack Miyamoto; Jerry Patton; Jo Anne Giese; Joe Madrigal; Judy Cater; Judy Dolan; Judy Eberhart; Julie Ivey; Kenneth Jay; Lynda Halttunen; Michael Dimmick; Michelle Barton; Perry Snyder; Rocco Versaci; Sherrill Amador; Steven Spear; Tricia Frady; Wilma Owens
Cc: April Woods; Barbara Baldrige; Beth Pearson; Carmen Eckman; Cheryl Ashour; Diane Veach; Donna Greene; Herman Lee; Janeice Pettit; Jayne Conway; Josie Silva; Marilyn Lunde; Mark Vernoy; Michael Rourke; Norma Bean; Petra Caballero; Robyn Gladish; Suzanne Holt; Suzanne Lee
Subject: Student Learning Outcomes Task Force

Memorandum

DATE: March 5, 2004
TO: SPC Members
FROM: Sherrill L. Amador, Ed.D.
Superintendent/President
SUBJECT: Student Learning Outcomes Task Force

Attached is the final report on the Student Outcomes Initiative from the Student Learning Outcomes Task Force. Because we will not have an SPC meeting on March 16, the Task Force wanted to make sure SPC members had this information in time to possibly approve the structure at the April 6 meeting. I wanted to be sure all constituent groups had a copy of the initiative proposal to give ample time for discussion within your groups.



Learning Outcomes Initiative

The Task Force members believe the learning outcomes initiative proposal provides the first year direction for Palomar College's institutional effort to assess student learning outcomes and promote student learning and success.

The proposed governance structure and budget to support the learning outcomes initiative represents the work of the Student Learning Outcomes Task Force. The task force was created by the Strategic Planning Council to address the 2003-2004 Annual Implementation Plan Objective:

Develop processes for measuring student learning outcomes and integrate into a formal method of review of academic programs and certificates the creation and evaluation of student learning outcomes on a course, program, and degree/certificate level (ACC).

This objective was a recommendation by the Accrediting Commission. Palomar must provide to the Commission by April, 2005, a progress report on the recommendation.

Attachments: Governance Structure Group Request
Governance Organizational Charts (2)
Learning Outcomes Initiative Budget Proposal



GOVERNANCE STRUCTURE GROUP REQUEST

Request submitted by Barbara Kelber/Sherrill Amador					Date 2-25-04				
Proposed Name of Requested Group Learning Outcomes Council; Coordinating Committee									
x	Council	x	Committee of Council		Subcommittee		Task Force		
Action Requested:			x	Add		Delete		Change	
Role, Products, Reporting Relationships: <p>The Learning Outcomes Council, guided by the Coordinating Committee as the core working group, will develop a college-wide system for the assessment of learning, consistent with the Principles of Assessment. The Council's role and function will be refined and modified as the institutional initiative for the assessment of learning develops. The Learning Outcomes Council has the responsibility for performing the following duties as well as identifying additional tasks which will enhance and improve student learning and success.</p> <p>DUTIES:</p> <ol style="list-style-type: none"> 1. Create ongoing dialogue and encourage engagement of faculty and staff in the assessment of student learning. 2. Develop and implement systems for identifying learning outcomes at the course, program, and institutional level. 3. Develop and implement assessment processes. 4. Establish and implement a process for the collection, analysis, and distribution of assessment data. 5. Based on evidence and feedback, implement plans and strategies for improvement in student learning. 6. Based on evidence and feedback, engage in ongoing review and revision of the institutional processes for assessment. 7. Develop and implement institutional celebrations of learning successes. <p>PRODUCTS:</p> <p>Design and provide feedback to:</p> <ul style="list-style-type: none"> • students about their own learning progress • faculty, discipline/departments, and programs • planning councils • the community <p>REPORTING RELATIONSHIPS:</p> <p>Faculty Senate for ratification of its action and then via the Vice President for Instruction and the Superintendent/President to the Governing Board.</p>									
Meeting Schedule: Council: First Thursday, 2-3:30 p.m.; Coordinating Committee: 3 rd , 4 th Thursday, 2-3:30 p.m.									
Co-Chairs: Vice President, Instruction and Faculty Senate Representative									
Members: <ul style="list-style-type: none"> • Seven Faculty Members representing divisions appointed by Faculty Senate • Five Faculty coordinators* to include <ul style="list-style-type: none"> < Faculty Senate Member < Curriculum Committee representative < Co-Chair appointed by Faculty Senate • Two Part-Time Faculty Members, one vocational, one academic • Faculty Professional Development representative 									

- Faculty Institutional Review representative*
- President
- Vice President for Instruction/Co-chair*
- Vice President for Student Services*
- One Instructional Dean
- Student Services Dean
- Director of Institutional Research and Planning*
- One Confidential and Supervisory Team Member appointed by CAST
- One Administrative Association Member appointed by Administrative Association
- One Classified Unit Employee appointed by CCE/AFT
- Supervisor, Evaluations and Records

* Members of the Coordinating Committee

Reviewed by Strategic Planning Council:

Comments:

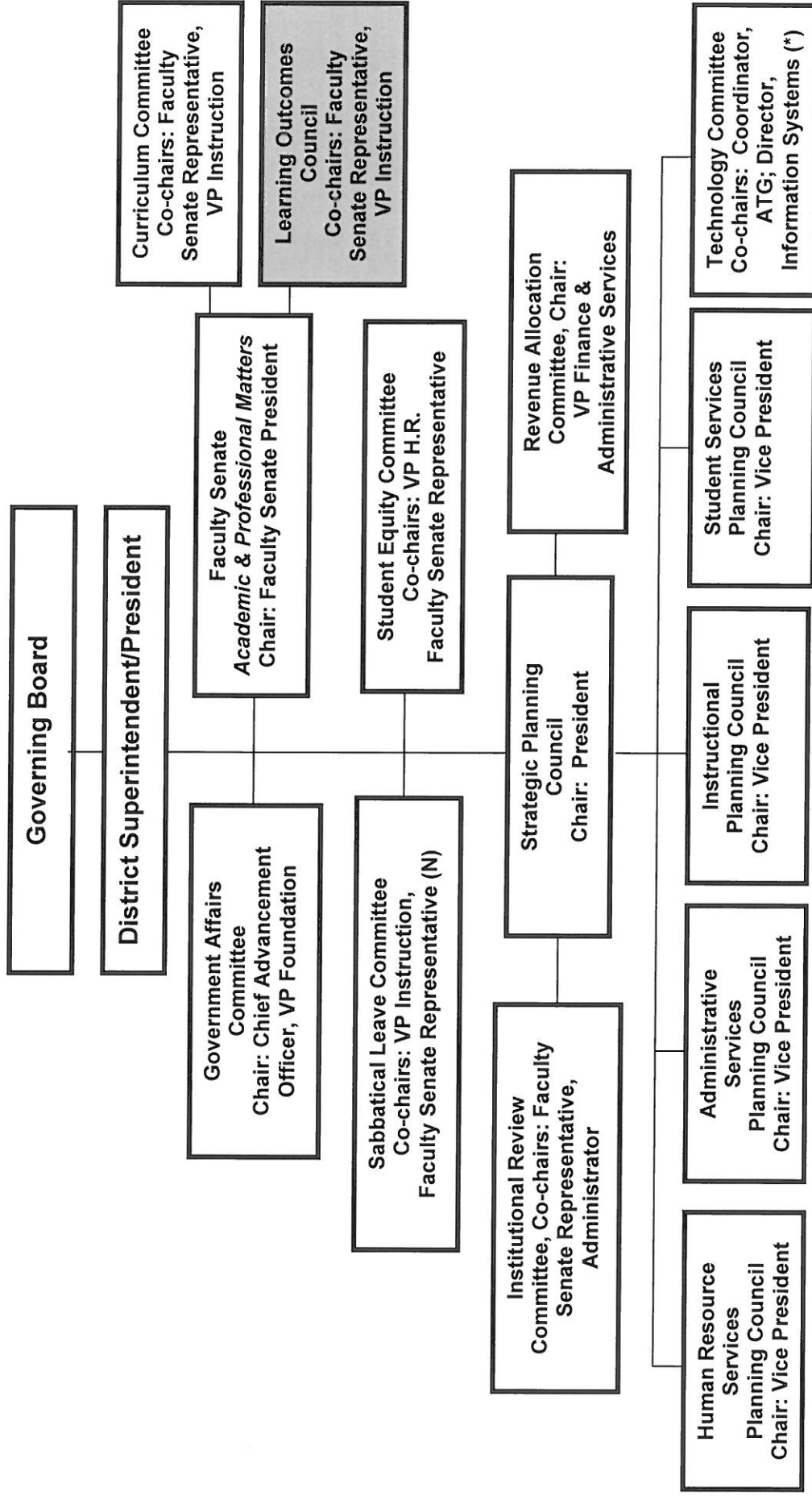
4-6-04

First Reading

Approved/Denied

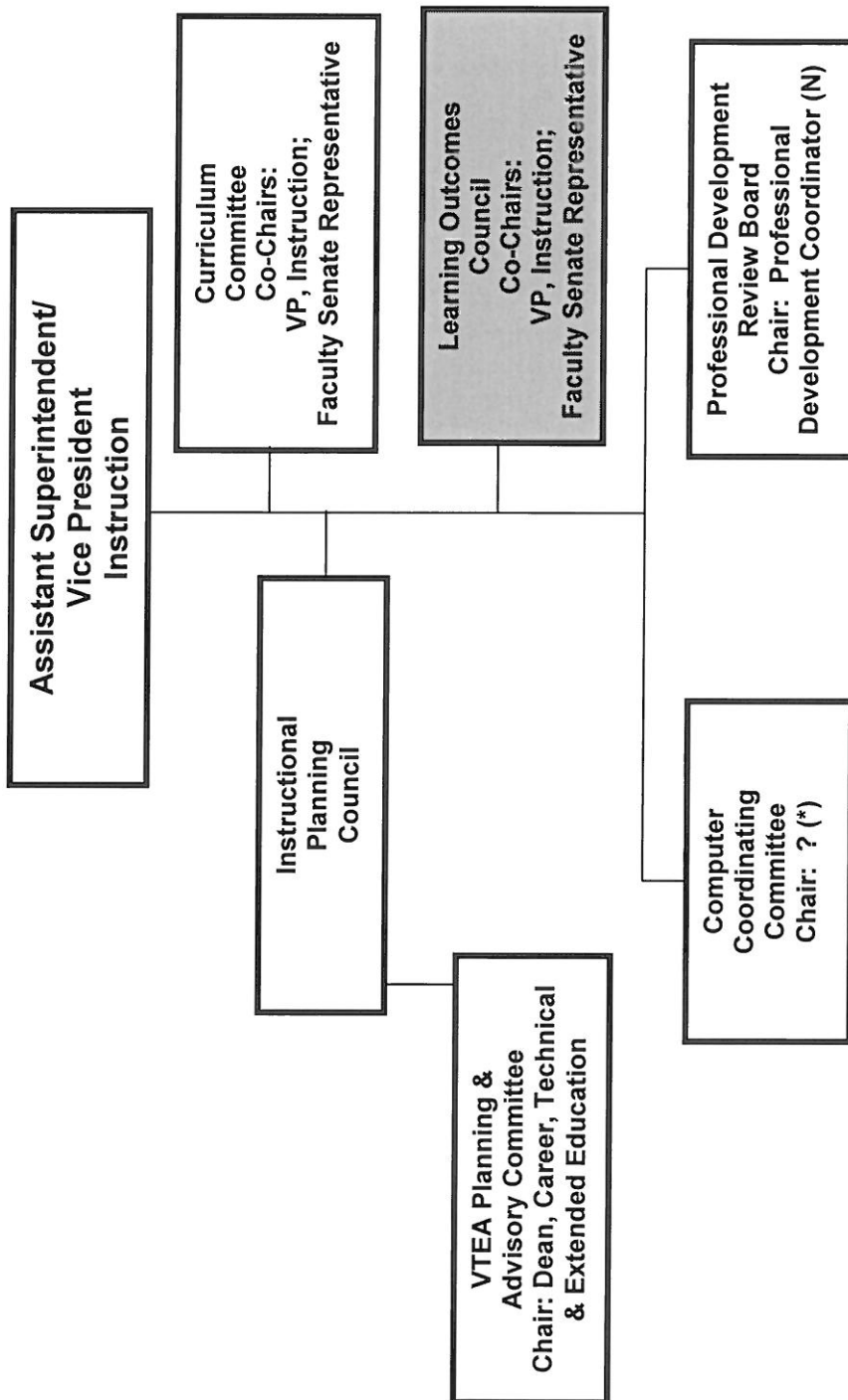
Palomar College Governance Structure 2003-04

Proposed Change



* = Not reviewed by SPC N = Pending PFF negotiations

Instruction Governance Structure 2003-04



Committees/Council Chaired by Vice President, unless noted
* = Not reviewed by SPC
N = Pending PFF negotiations

**Learning Outcomes Initiative
Budget Proposal
2004-2005**

Faculty Coordinators (5), one year assignment, 1.3 FTE .50 Co-Chair .20 Coordinators (4) (Actual cost estimate \$145,000)	\$35,000
Institutional Research Analyst, 1 FTE, Range 53 Start date January, 2005	30,050
Sr. Office Specialist, .45 FTE, Range 14 Start date September, 2004	11,450
Supply/Travel Budget	3,500
Computer set-up	2,500
Office Space to be identified	?
Estimated Cost	\$85,000

Bring back 5/4

TO: Strategic Planning Council

FROM: Steve Spear, Earth Sciences Department

SUBJ: Recommended changes to BP 111 and attendant procedures

I have attached hereto some proposed modifications to the Governing Board's Policy and Procedures 111 which deal with threats or acts of violence. As you look through the proposed changes, you will notice that I have not removed any language. What I have done is added language dealing with "Abusive Conduct". Current laws dealing with "harassment" in the workplace only apply to people who belong to a protected "class", such as ethnicity, disabled, veterans, etc. However, studies have shown that approximately 2/3 of workplace harassment is "status-blind" (Namie and Namie, 2003). Unfortunately, over the past several years we have suffered some of this status-blind harassment here at Palomar College. The proposed changes are taken from proposed legislation AB 1582 (Koretz and Negrete-McLeod, 2003)(attached).

Abusive conduct at Palomar College sabotages work performance, negatively affects morale, damages the educational environment, affects victims' psychological and/or physical health, and creates increased health costs to the district.

I submit these proposed changes for your consideration.

Attachments:

- A. Proposed Change in Policy.
- B. Text of AB 1582.
- C. Some useful references.

Proposed Change to BP 111 & Procedures 111.

Proposed Change in Policy:

BP 111. Dealing with Threats, ~~or~~ Acts of Violence, or Abusive Conduct

The district will not tolerate threats, ~~or~~ acts of violence, or abusive conduct by students, employees, or members of the community and will take immediate disciplinary action when such threats are made or abusive conduct occurs, including immediate suspension, when appropriate, until the investigation is completed. It is inappropriate to use threats or abusive conduct in an attempt to intimidate, prevent work from being completed, or in any way interfere with providing a safe workplace and learning environment. ~~GB 10-11-94~~

Proposed Change in Procedure:

111. Guidelines for Dealing with Threats, ~~or~~ Acts of Violence or Abusive Conduct

Introduction.

Palomar College is committed to providing a safe learning and working environment that promotes mutual respect and is free of harassment and physical, and psychological threat and abuse. The District has developed and disseminated several policies and procedures to deal with safety issues including the policies on Sexual Assault and Sexual Harassment, procedures to respond to a bomb threat, policy and procedure on drugs and alcohol, and guidelines for dealing with abusive people. With the increase in workplace violence, the Palomar Community College District affirms its commitment to providing a safe workplace for all employees that is free from hostility and other inappropriate behaviors and language that a reasonable person would find threatening, intimidating or humiliating.

Palomar College will make every effort to prevent workplace violence and to reduce the exposure to workplace trauma and abuse. The District will provide a program of education and service including training for all employees in recognizing signs of potential for violence and in emergency response procedures. The District will provide a crisis response team to assist employees in the event of a workplace trauma. Employees are encouraged to utilize the Employee Assistance Service for Education (EASE) program to receive support in handling any difficulties that may arise.

Definitions.

Violence – intense and extreme behavior used to frighten, intimidate, injure, damage, or destroy another person or property.

Threat – a direct or implied expression of intent to inflict physical harm and/or actions that a reasonable person would perceive as a threat to physical safety or property.

Threats can be verbal, written or physical. Regardless of the intensity of the verbal threat, employees should report all threats as soon as possible. The following may be warning signs of potentially violent behavior:

1. Ominous threats – include description of what the violent person plans to do such as “bad things are going to happen to so and so” or “that guy is overdue for an accident.”
2. Threatening actions – such as intimidation of others or attempts to instill fear, menacing gestures, and flashing of concealed weapons.
3. Bizarre expressions – such as perceiving that the world is falling apart or expressing a highly overstated sense of entitlement to a promotion or work schedule that was denied.
4. Obsessive Behavior – such as repetitious statements about holding a grudge against a co-worker, supervisor, or student, or, in some cases, a stated fascination with an unrequited romantic interest.

Abusive conduct – is conduct that a reasonable person would find hostile, offensive and unrelated to Palomar College’s legitimate interests, activities and programs. Abusive conduct may include but is not limited to verbal abuse such as derogatory remarks, insults and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating or humiliating or the gratuitous sabotage or undermining of a person’s work performance. A single act normally would not constitute abusive conduct, unless especially severe and egregious.

Because it is sometimes difficult to discern intent, jokes about threats of physical acts of violence will not be tolerated.

This policy is not intended to interfere with an individual’s free speech or right to self-expression. However, the District will not tolerate any expression of violence, or potential violence or abusive conduct. Such expression is cause for disciplinary action.

Reporting Threats and Abusive Conduct.

When an employee becomes aware of a threat, he or she shall immediately notify his/her supervisor or the ~~Campus Police Director~~ Chief of the Palomar Police Department. Even when a threat is told “in confidence”, the employee shall report the threatened action as soon as possible.

If the supervisor is not available, the employee should notify the next level of supervisor or the ~~Campus Police Director~~ Chief of the Palomar Police Department. If a student is involved, the Director of Student Affairs should be notified. If an employee is making a threat of violence, the Vice President for Human Resource Services should be notified. If a community member is involved, the ~~Campus Police Director~~ Chief of the Palomar Police Department should be notified. Employees are authorized to contact the individual they determine can respond to their concern or to deal with the individual making the threat.

Employees should not contact 911 or the Sheriff’s office unless there is a threat of immediate danger. However, when in doubt, call the Sheriff’s office.

When an employee observes a confrontation with a potentially violent individual, he/she should watch for clues that help is needed and monitor the situation closely while alerting others to summon assistance (~~Campus Palomar Police Department~~, supervisor, etc.)

Implied or direct threats of violence should not be taken lightly or viewed as harmless “blowing off steam”. When reporting threats, employees should try to include as much of the following information as possible:

1. who made the threat

2. against whom was the threat made
3. the specific language
4. any physical conduct by the threatening party which would tend to substantiate that the individual intends to follow through on the threat
5. the names of any other witnesses to the threat or behavior
6. the time and place where the threat or threatening conduct occurred
7. threats of violent conduct by the alleged perpetrator before this incident
8. any other information which will help the District conduct its investigation and help the District ensure that the threat will not be carried out

Threats of violence are quite different from verbally abusive behavior. Abusive conduct should be reported to the Vice President of Human Resource Services as soon after the incident as possible.

Investigation.

Each threat, ~~or~~ act of violence, or incident of abusive conduct will be investigated immediately by the appropriate administrator.

Students who engage in threats, ~~or~~ acts of violence, or abusive conduct will be disciplined in accordance with the Rules and Regulations for Student Behavior. A student who makes a threat and presents a danger by his/her presence shall be suspended until the completion of the investigation. The student will be directed not to return to class until notified by the Director of Student Affairs.

Employees of the District will be disciplined through the disciplinary procedure established for the appropriate employee group. An employee who makes a threat and presents a danger by their presence on the job shall be suspended for the remainder of the day. The employee will be directed not to return to work the following day and to call the supervisor for further instructions.

In all cases, the District will take all threats of violence and abusive conduct seriously and will not tolerate any behavior implied or actual that poses a threat to employees or students. The District will pursue the investigation promptly and thoroughly, will involve the Sheriff's office if necessary, and will take every precaution based on the information known to minimize the risk of a violent act occurring.

Notification.

The District will inform employees and students with a need to know of alleged threats. The District will do everything possible to warn all possible victims of the risk so that they take reasonable precautions. Where the threat is against the workplace or District as a whole, the District will warn all potentially affected individuals. The Grievance Officer of the CCE/AFT or PFF will be informed when threats are made by a member of the bargaining unit.

In the event an employee or student obtains a restraining order against another person, the student or employee is encouraged to report this information to his/her supervisor/instructor and/or to the Campus Police to assure a safe work/learning place. A description of the individual (photograph, if available) against whom the restraining order is filed should be provided to Campus Police.

TEXT OF PROPOSED ASSEMBLY BILL 1582

BILL NUMBER: AB 1582 INTRODUCED
BILL TEXT

*Died in
Committee*

INTRODUCED BY Assembly Member Koretz
(Coauthor: Assembly Member Negrete McL eod)

FEBRUARY 21, 2003

An act to add Part 12 (commencing with Section 9200) to Division 5 of the Labor Code, relating to employment .

LEGISLATIVE COUNSEL'S DIGEST

AB 1582, as introduced, Koretz. Abusi ve work environments.

Existing law makes it an unlawful empl oyment practice for an employer, including any person acting dir ectly or indirectly as an agent of the employer, to harass any empl oyee because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical co ndition, marital status, sex, age, or sexual orientation.

This bill would make it an unlawful em ployment practice to subject an employee to an abusive work environmen t, as defined, and would specify that an employer, as defined, is vicariously liable for a violation committed by its employee, but would prescribe certain affirmative defenses. The bill would als o make it an unlawful employment practice to retaliate against an employee because the employee has opposed an unlawful employme nt practice under the bill or has made a charge, testified, assisted , or participated in an investigation or proceeding under the bil l. The bill would specify that it is enforceable solely by a privat e right of action, would authorize injunctive relief and would lim it an employer's liability for emotional distress to \$25,000 where t he unlawful employment practice does not result in a negative em ployment decision, as defined. The bill would provide that an aggrieved employee may elect to seek compensation under the bill or th e employee's workers' compensation remedy, but may not accept workers' compensation and bring an action under the bill for the sa me underlying behavior.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds a nd declares all of the following:

(1) The social and economic well -being of the state is dependent upon healthy and productive employees.

(2) Surveys and studies have documente d that between 16 percent and 21 percent of employees directly expe rience health-endangering workplace bullying, abuse, and harassment , and that this behavior is three times more prevalent than sexual ha rassment alone.

(3) Surveys and studies have documente d that abusive work environments can have serious effects on targeted employees, including feelings of shame and humiliati on, stress, loss of sleep, severe anxiety, depression, post -traumatic stress disorder, reduced immunity to infection, stress -related gastrointestinal disorders,

hypertension, and pathophysiological changes that increase the risk of cardiovascular diseases.

(4) Surveys and studies have documented that abusive work environments can have serious consequences for employers, including reduced employee productivity and morale, higher turnover and absenteeism rates, and significant increases in medical and workers' compensation claims.

(5) Unless mistreated employees have been subjected to abusive treatment at work on the basis of race, color, sex, national origin, or age, they are unlikely to have legal recourse to redress such treatment.

(6) Legal protection from abusive work environments should not be limited to behavior grounded in protected class status, such as is provided under employment discrimination statutes.

(7) Existing workers' compensation plans and common-law tort actions are inadequate to discourage this behavior or provide adequate redress to employees who have been harmed by abusive work environments.

(b) It is therefore the intent of the Legislature in enacting this act:

(1) To provide legal redress for employees who have been harmed psychologically, physically, or economically by being deliberately subjected to abusive work environments.

(2) To provide a legal incentive for employers to prevent and respond to mistreatment of employees at work.

SEC. 2. Part 12 (commencing with Section 9200) is added to Division 5 of the Labor Code, to read:

PART 12. ABUSIVE WORK ENVIRONMENTS

9200. As used in this part, the following terms have the following meanings:

(a) "Abusive conduct" is conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. In considering whether abusive conduct is present, a trier of fact should weigh the severity, nature, and frequency of the conduct. Abusive conduct may include, but is not limited to, repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the gratuitous sabotage or undermining of a person's work performance. A single act normally will not constitute abusive conduct, unless especially severe and egregious.

(b) "Abusive work environment" is a workplace where an employee is subjected to abusive conduct that is so severe that it causes physical or psychological harm to the employee.

(c) "Conduct" is all forms of behavior, including acts and omissions of acts.

(d) "Constructive discharge" is (1) abusive conduct, (2) which causes the employee to resign, and (3) where, prior to resigning, the employee brings to the employer's attention the existence of the abusive conduct, and (4) the employer fails to take reasonable steps to eliminate the abusive conduct.

(e) "Employee" is an individual employed by an employer, whereby the individual's labor is either controlled by the employer or the individual is economically dependent upon the employer in return for labor rendered.

(f) "Employer" includes all individuals and private corporations, partnerships, associations, and unincorporated organizations that

compensate individuals in return for performing labor. "Employer" also includes the state or any subdivision thereof, any county, city, city and county, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, the California State University and the University of California.

(g) "Malice" is the desire to see another person suffer psychological, physical, or economic harm, without legitimate cause or justification. Malice may be inferred from the presence of one or more factors such as outward expressions of hostility, harmful conduct inconsistent with an employer's legitimate business interests, a continuation of harmful, illegitimate conduct after the complainant requests that it cease or demonstrates outward signs of emotional or physical distress in the face of the conduct, or attempts to exploit the complainant's known psychological or physical vulnerability.

(h) "Negative employment decision" is a termination, constructive discharge, demotion, unfavorable reassignment, refusal to promote, or disciplinary action.

(i) "Physical harm" is the material impairment of a person's physical health or bodily integrity, as documented by a competent physician or supported by competent expert evidence at trial.

(j) "Psychological harm" is the material impairment of a person's mental health, as documented by a competent psychologist, psychiatrist, or psychotherapist, or supported by competent expert evidence at trial.

9201. It is an unlawful employment practice under this part to subject an employee to an abusive work environment.

9202. An employer is vicariously liable for an unlawful employment practice in violation of this part committed by its employee.

9203. It is an affirmative defense to an action for an abusive work environment that the employer exercised reasonable care to prevent and promptly correct the abusive conduct and the aggrieved employee unreasonably failed to take advantage of appropriate preventive or corrective opportunities provided by the employer. This defense is not available when abusive conduct culminates in a negative employment decision.

9204. It is an affirmative defense to an action for an abusive work environment that the complaint is grounded primarily upon a negative employment decision made consistent with an employer's legitimate business interests, such as a termination or demotion based on an employee's poor performance, or the complaint is grounded primarily upon an employer's reasonable investigation of potentially illegal or unethical activity.

9205. It is an unlawful employment practice under this part to retaliate in any manner against an employee because he or she has opposed any unlawful employment practice under this part or because he or she has made a charge, testified, assisted, or participated in any manner in an investigation or proceeding under this part, including, but not limited to, internal proceedings, arbitration or mediation proceedings, and legal actions.

9206. Where a defendant has been found to have committed an unlawful employment practice under this part, the court may enjoin the defendant from engaging in the unlawful employment practice and may order any other relief that is deemed appropriate, including, but not limited to, reinstatement, removal of the offending party from the complainant's work environment, back pay, front pay, medical expenses, compensation for emotional distress, punitive damages, and attorney's fees.

9207. Where an employer has been found to have committed an unlawful employment practice under this part that did not result in a negative employment decision, the employer's liability for damages for emotional distress may not exceed twenty-five thousand dollars (\$25,000) and the employer may not be liable for punitive damages. This section does not apply to individually named co-employee defendants.

9208. This part may be enforced solely by a private right of action.

9209. An action commenced under this part may be commenced no later than one year after the last act that comprises the alleged unlawful employment practice.

9210. Nothing in this part may be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any other law of this state.

9211. The remedies in this part are in addition to remedies under the workers' compensation laws. However, a person who believes that he or she has been subjected to an unlawful employment practice under this part may elect to accept workers' compensation benefits in connection with the underlying behavior in lieu of bringing an action under this part. A person who elects to accept workers' compensation may not bring an action under this part for the same underlying behavior.

References

- Harvey, J., 1989, The Abilene Paradox and Other Meditations on Management, Lexington Books, New York.
- Koretz, P., and Negrete-McLeod, G., California State Assemblypersons, 2003, AB 1582, February 21, 2003, amending Division 5 of the Labor Code adding Part 12, Section 9200+.
- Labor Occupational Health Program, 1997, Violence on the Job: A Guidebook for Labor and Management, University of California, Berkeley.
- Namie, G. and Namie, R., 2003, The Bully at Work, Sourcebooks, Inc., Naperville, IL.
- Neuman, J., and Baron, R., 1998, Workplace violence and workplace aggression: evidence concerning specific forms, potential causes and preferred targets. *Journal of Management*, 24: 391-419.
- Yamada, D., 2000, The phenomenon of 'workplace bullying' and the need for status blind hostile work environment protection. *Georgetown Law Journal*, 88:3.

AP 6536

Equipment Replacement Procedure – replacing capital equipment at Palomar College

1. In general, capital equipment replacement will be consistent with the District financial depreciation schedule. Replacement of technology equipment will be on a three (3) year cycle and other equipment will be on an eight (8) year cycle. *Note - this procedure does not apply to equipment donated to the College or purchased with Categorical funds.*
2. Final decisions on equipment replacement under this procedure will be based upon considerations of eligibility, priority and critical needs.
 - a. Replacement decisions will reflect the critical need for equipment to maintain College operation.
 - b. Eligibility for initial consideration will be given in order of priority to:
 - i. Equipment that is no longer functional (inventoried);
 - ii. Equipment that is three (3) or eight (8) years old, respectively (inventoried);
 - c. Replacement priority will be given in the following order:
 - i. Equipment necessary for health/safety or in the management of institutional risk.
 - ii. Equipment used in instruction.
 - iii. Equipment used in administrative and academic support.
3. Process
 - a. There will be a non-prioritized assignment of capital equipment replacement funds as follows:
 - i. President's Office
 - ii. Instruction
 - iii. Student Services
 - iv. Finance & Administrative Services
 - v. Human Resources Services
 - b. Administrators in conjunction with Planning Councils will be assigned initial responsibility to identify equipment for replacement based upon the criteria of eligibility, priority and need as indicated above.
 - c. Recommendations are directed to the Strategic Planning Council through the appropriate Planning Council and Vice President. The Strategic Planning Council may seek additional information and clarification prior to approvals.
 - d. Strategic Planning Council may determine an appropriate retention of available replacement funds for emergency purposes.

Request submitted by: Patrick Schwerdtfeger and Mark Vernoy				Date: 9-15-03, 4-6-04			
Proposed Name of Requested Group: Technology Master Plan Task Force							
<input type="checkbox"/>	Council	<input type="checkbox"/>	Committee	<input type="checkbox"/>	Subcommittee	<input checked="" type="checkbox"/>	Task Force
Action Requested:		<input checked="" type="checkbox"/>	Add	<input type="checkbox"/>	Delete	<input type="checkbox"/>	Change
<p>Role, Products, Reporting Relationships:</p> <p>Role: The Technology Master Plan Task Force is charged with developing a comprehensive, District-wide technology programs and services plan tied to the 20-year Educational and Facilities Master Plan. This plan will include an assessment of the current state of technology within the Palomar Community College District as well as a long-term plan for technology resource allocation, including staffing, equipment replacement, facilities, and funding that will facilitate educational and administrative innovation and learning outcomes assessment.</p> <p>Product: To this end the Task Force will publish the <i>Palomar Community College District Technology Master Plan</i> by December 2004.</p> <p>Reports to: Superintendent/President</p> <p>Meeting Schedule: First and third Thursdays, 1-3 p.m.</p> <p>Co-Chairs: Faculty Member—Appointed by the Faculty Senate Administrator—Appointed by the Superintendent/President</p> <p>Members: Vice-President, Instruction Vice-President, Student Services Vice-President, Administrative Services One Instructional Dean—Appointed by the Vice-President for Instruction One Student Services Dean/Director—Appointed by the Vice-President for Student Services Director of Information Systems Seven Faculty <u>Divisional</u> Representatives (in addition to Co-Chair)—Appointed by the Faculty Senate Academic Technology Coordinator One Classified Representative—Appointed by CCE/AFT One Instructional Computer Lab Technician—Appointed by CCE/AFT One Information Systems Network Specialist/Assistant—Appointed by CCE/AFT One CAST Representative—Appointed by CAST One AA Representative—Appointed by the Administrative Association Network Services Manager Academic Technology Supervisor Director of Institutional Research and Planning Manager, Human Resource Services Two Student Representatives—Appointed by ASG Systems Program Manager Training Coordinator</p>							

If change is requested, attach current structure and list proposed changes.

Reviewed by Strategic Planning Council:

Comments:

10/7/03 First Reading

On November 4, 2003, agenda

11/4/03 Approved

"Divisional" added to Faculty Representatives 4-6-04