

Academic Senate Meeting Minutes

NOV 21, 2024
2:20 P.M. - 4:15 P.M .
MC SEC –354

([HTTPS://WVM-EDU.ZOOM.US/J/94677189943?PWD=L3DLyZJT0R4ADQ2N2NWMMMLMAWPUQT09](https://wvm-edu.zoom.us/j/94677189943?pwd=L3DLyZJT0R4ADQ2N2NWMMMLMAWPUQT09))

Meeting ID: 946 7718 9943, Passcode: 248314

Also using Brown Act Teleconferencing option from 24196 Loma Prieta, Los Gatos, CA, 95033

Membership

[x] Joanna Sobala, AS President	[x] Christine Tuato’o, Creative Arts & Communication
[x] David Piper, Associate Faculty	[x] Max Sklar, Science, Technology, Engineering, Math
[x] Samir Magid, Associate Faculty	[a] Lauren Javier-Tolentino, AS Vice President, Science, Technology, Engineering, Math
[x] Daniel Arias, Bus. & Educ & Service Industries	[x] Helen Sun, Science, Technology, Engineering, Math
[x] Willy Kwong, Bus. & Educ & Service Industries	[x] Michele Hittleman, Counseling & Learning Services
[x] Lania Williams, Public Safety, Health & Wellness	[x] Theresa Lawhead, Counseling & Learning Services
[x] Brenna Wundram, Public Safety, Health & Wellness	[x] Priscila Moreira, ASG Representative
[x*] Matthew Johnston, People, Culture and Society	[x] Jonah Pirnejad, ASG Representative
[x] RaeAnn Ramsey, People, Culture and Society	[x] Liz Bogatin-Starr, Administrative Assistant
[x] Elaine Wong, Academic Services	
Guests: Karen Chan, Executive Director of Faculty Union; Ngoc Chim, Vice Chancellor of Finance; Kate Disney, President of Faculty Union; Meg Farrell, President of West Valley Academic Senate	
*online and/or excused	

I. Call to Order

Quorum met 2:23pm.

II. Approval of Agenda

MOTION to approve Agenda as written. (S. Magid/R. Ramsey) (M/S/U) None opposed. No abstentions. Unanimous.

III. Approval of Meeting Minutes (A)

October 24 and November 11, 2024 Meeting Minutes postponed until December 5th Senate meeting to correct October 24 and review November 11 final minutes.

Senator David Piper: Point of Order that October 24 meeting minutes have some improprieties to address. Senator RaeAnn Ramsey’s Point of Order referred to a Motion that Senators had moved, seconded, and voted upon. Activity after that Point of Order is in question.

IV. Oral Communication from the Public (3 minutes/person) (I)

None

This portion of the meeting is reserved for persons desiring to address the Senate on any matter not on the agenda. No action will be taken.

V. Information & Announcements (College & District) (5 minutes) (I)

Senator David Piper: This is especially to Newbies on the Senate. As a Senate, we need to read the Academic Senate Constitution and ByLaws, the Brown Act and Robert's Rules of Order. I've gone back to AY 22-23 and the meeting minutes have a lot of improprieties and inappropriate behavior in the minutes that have been approved and do not sit well with our Constitution nor Robert's Rules of Order, nor the Brown Act. It would behoove us to educate ourselves at least on policy and practice.

Senate President Joanna Sobala: The District Academic Senate AI Taskforce is having their first meeting Friday, Nov 22, 10am, which will mostly be planning. I sent the meeting link yesterday morning.

The next and last Senate meeting of the semester is Thur, Dec 5 after Thanksgiving.

This portion of the meeting is reserved for College and District announcements. Items should be limited to one minute per person. Topics requiring additional time may be put on the agenda for a future meeting.

VI. Unfinished Business

None

VII. New Business

1. Updates and District Professional Development Support Information from Chancellor Davis. (Bradley Davis) -- 15 min (I)

Senate President Joanna Sobala welcomed Chancellor Brad Davis and emphasized Senators' interest in hearing updates on the District, free college tuition, and professional development for faculty.

Chancellor Brad Davis: The main reason for my visit today is to encourage everyone to either take advantage or get the word out regarding our Land Corporation Professional Development funds. Each year the Land Corporation sets aside about \$150K for employees at both colleges in the District who are interested in securing a degree or certificate for further education. Usually, the minimum award is \$4K a year. We also have several people who are pursuing EdDs, PhDs in a discipline, or master's degrees and are getting full tuition remission. Degrees do not have to be in specific disciplines. Sometimes we have unspent funds. Since the start of the program, we've sent 400 people through the program. If you are interested in learning more about the program and how to take advantage of these resources, reach out to Gloria Gutierrez in my office. Program must be prospective. People start applying in spring semester for programs beginning in Fall25. Awards are renewable each year for the duration of the program.

Please share with faculty so people can take advantage and not leave money on the table.

District updates:

- New partnership with Sutter Health following 6 months of planning
 - Subrato Land Corporation has left 75-year lease with the District
 - Sutter Health now has a 95-year lease with the District providing rental revenue from the Mercado and the adjacent office buildings owned by the District next to Mission College
 - Physicians and Nurses to begin moving into the two towers in the next 6 months
 - 900-bed acute care hospital is planned in the remaining space
 - Many opportunities for pedagogical partnerships with Mission College Nursing, healthcare technologies
 - Secured ability to have internships and practical trainings for our students, faculty, and staff. as part of the agreement

There will be more discussion through MC President Office, VP of Instruction, the Curriculum Committee, the Academic Senate, and others about ways to maximize the partnership. We want to expand opportunities to provide the next generation of healthcare workers to the Valley and, along with our free tuition campaign, give our students real opportunities to be healthcare providers.

- New food services at both colleges
 - Partnership for food services. Companies will design a point of service program where the district could eventually move into a free food program for every registered student at both colleges. Students would have 3 free meals a day during school week and a meal swipe card.
 - RFP results to be in December before end of semester.
 - It's possible we may continue with the same providers but in a little different direction or we may have a completely new food service program at both colleges.
 - Plan to date is to take advantage of both colleges campus center spaces, expand coffee offerings, bring in 2-3 or more food providers to meet the diverse and varied tastes of our students.
 - ASG concern to offer food options for evening hours, Fridays and perhaps Saturday and not be contained to a Mon-Thur. 8-5 schedule is part of planning.
 - Many national food providers are applying.

Also looking to maximize our foundation and scholarships to further support and minimize expensive materials and supplies. The District for the first time in its history is giving out more than a million dollars in scholarships raised through our philanthropic efforts.

Dr. Shawna Dark, a prior VP of Academic Technology of UC Berkeley, is hired as district's new Vice Chancellor of Information and Educational Technology. Dan Borges is retiring in December.

Special Board meeting is Dec 16 with 2 new trustees to be sworn in to our Board of Trustees.

Thank you, Joanna and Senators, and have a great end of semester and happy holidays.

2. District/College Budget Training (Ngoc Chim, Danny Nguyen, Kate Disney, Karen Chan) -- 45 min (I)
Senate President Joanna Sobala: ASCCC has focused on the role of Academic Senates in budget processes and

giving recommendations on these as one of the 10+1. Budget training is one of Senate's goals this year. Today's training and discussion gives budget basics.

Ngoc Chim, Vice Chancellor of Finance, presented a high level of the budget process at the district level.

- Sept/Oct: The WVMCCD Budget Process starts with Efficiency goal done in Sept/Oct as finance and a committee made up of administrators and faculty work through the tentative budget. The FTES goal is established with the District Enrollment Management Committee (DEMC), also made up of faculty and administrators. The Efficiency goal and FTES goal are rolled into the Associate Faculty Funding Model that allocates funding for part time faculty.
- Position Control: The District maintains its own position control outside of the Human Resources system. It is an inventory of all permanent positions district wide and is 80% of budget and monitored carefully to pay for people's salary and benefits on a monthly basis. Vacated positions and new hires are updated in the position control and cross-checked with HR twice a year and reconciled with the payroll system. This is allocated within our Resources Allocation Mode (RAM).
- Fixed Costs: There's a component for the district and the colleges: legal fees, utilities, maintenance agreements that change yearly as costs increase, plus costs of departments determined through justification, quotes, and supporting documents. VPAS Danny Nguyen goes through a similar process at the college. Most of the fixed costs were moved from the college to the district the past several years.
- Revenue Projections: County provides data to project our property tax revenue. We look at enrollment trend, actual revenue, and projected FTES to come up with the revenue for tuition as it relates to residents and non-residents.
- Resource Allocation Model: We fund by various positions, 677.30 total positions in Final Budget 2024-25.
- Associate Faculty Funding Model summary breaks out the \$32MM Associate Faculty Funding Budget District wide based on Total Resident and Non Resident FTES goals.
- Resource Allocation Model flow chart shows allocation of available resources to Unrestricted General Fund and Restricted Funds (Pass through).
- Unrestricted General Fund is allocated from Position Control to the college. The college has its own process to allocate to the various depts of the college. But we did build in a component of the Student Centered Funding Formula (SCFF) to have an incentive. District wide there are some contingency holding, e.g. Part time faculty medical benefits that are moved to the college as part time faculty are hired.
- Free parking, childcare, health services are built into fixed costs.
- SCFF built into model is not from the State but is internal money that we're allocating. We're not receiving SCFF funding from the State.
 - Consists of 25% of the college's operating budget
 - SCFF has a 70/20/10 split with an equity component and a success component where State looks at MIS data. WVMCCD goes through a similar process where IS office provides the MIS data of the certificate degrees and students with waivers and financial aid. Looking at the FTES data, we allocate a percent of funding that is not tied to the State. We're providing

- some incentives to grow our degrees and certificates to support student equity and student success components.
- SCFF is a minor part of budget allocation that was added to model to align with state, but is all internal funds and does not dictate all allocations. If it was just enrollment, WV has historically been the larger college and would see more appropriation. The SCFF acknowledges metrics around access to students, PELL recipients, English and Math completion during the first year, students making a living wage, gaining certificates, helping to factor that in, in addition to FTES. Academic Senate weighed in on this four years ago.
 - The State is rebasing the SCFF next year using this year as the base. If funded through the State, our district would not get the COLA unless we grow along with the increase in the formula. In our current allocation we calculate in the annual COLA.

Danny Nguyen, VP of Administration Services, gave an overview of the Budget Process at the College level and what it means for us at the campus level, and covered the budget cycle, timeline, and our budget development so Senators will know how to plug in and when those activities are happening. Most of the time was spent talking about the integrated budgeting and resource allocation process.

- Calendar: State Budget Workshop (Jan). Integrated Budgeting & Resource Allocation (Jan-April) mostly led by Ngoc Chim in spring. Position Control, Allocation Models, Fixed Costs (Apr). Tentative Budget (Apr-May). May Revise/State Budget (May). Year-end Processing (June-July) and what our fund balance looks like. Final Budget (June-August). Board Approval/Final Budget Load (September)
- Administrative Services submits the Mission College budget detail by April 18 to the District for the tentative budget and on September 9 the Board of Trustees reviews the Fourth Quarter Financials and Budget Adjustments.
- Tentative Budget: Sometimes there is a misconception about whether we can spend with the tentative budget. We can. This year, we're piloting moving up our integrated budgeting and resource allocation. Then we can spend the allocations we're making as part of our budget for programs and program review units that had been held until College Council review in late May. This will be a critical piece.
- Mission College's Total Operating Budget is \$1,520,874 including the internal funds based on SCFF support. The operating budget is in addition to the fixed costs and positions and is mostly a function of the base budget modified based on the SCFF component.
- Parts of Integrated Budget approach are the Unrestricted General fund, about \$59MM, and lots of Grants and Categoricals, including Land Corp lease dollars and Workforce fee based program dollars, Entrepreneurial Commissions from ancillary services or rentals, and fiduciary funds on behalf of our students. A total of \$93MM that we oversee.
- Budget Principles: Support the College's Mission and Strategic Educational Master Plan (SEMP) goals. Include broad participation. Use data and outcomes in decision-making to consider both costs and benefits, e.g. Program Review. Assess spending patterns and budgeting practices and adjust, particularly mid-year when needed to address changing circumstances and emergent needs and account for unspent funds. Consider a long-term perspective and use long-range forecasts, e.g. multi-year requests, to ensure the alignment of resources supports both short-term and long-term priorities, e.g. 5-year goals.

- Integrated Planning and Resource Allocation process wants to fund innovation and improvements and identify resources from multiple budgets processing going on at the same time and does help align with our institutional plans and goals the best we can.
- Everything starts with Program Review and Assessments identifying what those needs are in program and administrative/operational units. Assessments are done and action plans and goals are put in place. Resources are then requested and go through a prioritization process. Divisions, deans, chairs have these discussions at the division level. Some divisions meet more regularly than others. Ultimately requests go to Instructional Council, Student Services Council, Executive Cabinet and then from there those rankings go to CBAC for review. CBAC usually honors the priorities. CBAC may ask a few questions to help validate and may make recommendations to move some things up based on the College's goals and priorities, but mostly leave the rankings where they are. CBAC does the funding and funding analysis across all of our budgets and funding sources, sometimes for 200 requests, and makes final recommendation to College Council to review and recommend to the President. The President for the most part honors the recommendation, may ask hard questions and can advocate for certain areas for college initiatives, professional development, college events. Then comes the budget development work. The prioritization list is ongoing and our guide throughout the whole year, anytime there's a reallocation activity.
- The Annual Budget is based on last year's budget as a starting point. Eighty percent of budget looks the same year to year. We're not seeing major shifts from adjustments. Budget should link to planning. Considering the needs of past and current year forecasting, a lot of depts are able to forecast, some depts are not and get caught a little flat footed in terms of the budget they need. Revitalized and New programs need to be budgeted. Categorical programs and grant funding all have specific purposes and are restricted but funds can be utilized that align with what the college is doing. Balancing between dept level and college wide budgets is a constant dynamic. What should we centralize or parse out to different depts. We try and use a very evidentiary approach to budgeting.
- Budget Development: Emerging Needs addresses additional funding as needs arise in the current year and is iterative. Resources can be allocated to support committee goals.

Resources are shared on Sharepoint

[Integrate Budgeting](#)

<https://wvmccd.sharepoint.com/sites/CBAC>

<https://www.wvm.edu/services/financial/>

<https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/College-Finance-and-Facilities-Planning/Budget-News>

Senate Discussion:

Senator Mathew Johnston: Are faculty involved in the Division Budget Prioritization recommended to Instructional Council? May want to find out when the Instructional Council has used the score sheets and rankings of divisions.

VPAS Danny Nguyen: The prioritization is mostly between deans and dept chairs. Ranking score sheets are used and some tools, some rubrics. None of these groups are bound by those but they're encouraged to use those and most groups do. Instructional Council score sheets may list the rankings of the divisions.

Can follow up on this.

Senator Theresa Lawhead: Counseling in program review can never get swag for high schools, weekend events, or classes. Last cycle, Counseling requested new counseling shirts and pens and both requests were eliminated. This is a 3-year struggle and Counseling & Learning has met with Ben in Marketing. I also did an emerging needs request.

VPAS Danny Nguyen: We have a validation step against our guidelines. Marketing is centralized for swag unless there is something more specific. Swag across campus would adhere to the new brand book.

Senator Helen Sun: In Program Review, our dept always struggles with what to request. Do we mention past materials. During the year, we're short of some things, e.g. computer parts but is not a whole set of computers to purchase.

VPAS Danny Nyugen: Program review is for things above your base funding, augmentation. If you're seeing escalation in costs, you're seeing inflation or a need to expand supplies, then the additional things need to be requested in program review. For technology, we are identifying those needs. The college cannot replace all technology with a replacement schedule. You can put in a request when technology is breaking down or out of date even if this happens before the replacement date and request can be validated and prioritized in program review. Student workers, if you are doing a project, would be augmentation in program review.

Kate Disney, President of Faculty Union and Karen Chan, Executive Director, presented an overview of the District Budget and Instruction with a focus on Instruction goals and costs.

- DEMC sets annual enrollment goal (per Art 19.3 from contract)
- District Goals Committee sets annual efficiency goal (Art 19.3)
- FTEF budget is determined from these two goals.
- Total FTEF for each college is laid out in the AFFM, Associate Faculty Funding Model. Is not just about the Associate Faculty
- Comparing the cost of one FTEF to other expenses. How does District put a value on that
- Other factors to consider when budgeting
 - Basic Aid Status
 - Increases to Community Support, how property tax has been increasing, what is trend line
 - Ending Fund balance over last ten years
 - Cost – Benefit Analysis of Lecture-Lab Parity for Science and Engineering
 - Pros and Cons of this budgeting approach

Resources are Public Information and Transparent

- District Budgets
<https://www.wvm.edu/services/financial/budget-and-accounting/reports/index.html?expand=budget-reports-and-documents>
- Collective Bargaining Agreement

https://drive.google.com/file/d/1nBGRLD_9ADTDriVfo9Za3cjPr3HpWI4/view

- Revenue reports from Tax Assessors Office

<https://controller.santaclaracounty.gov/school-districts/schools-meetings>

Enrollment Goal

- Set by the DEMC (District Enrollment Management Committee)
- Set in FTES (*Full Time Equivalent Student*)
- 1 FTES =

$(15 \text{ hours of instruction/week}) * (17.5 \text{ weeks/semester}) * (2 \text{ semesters}) = 525 \text{ hours}$

(i.e. 1 FTES is one FT student for one AY)

- Enrollment goal based on past FTES and future estimates

Efficiency Goal

- Set by the District Goals Committee
- Efficiency is the ratio of student hours to faculty load

WSCH/FTEF for semester-length classes

$$\begin{aligned} \text{Efficiency} &= \text{WSCH}/\text{FTEF} = (\text{All}_F\text{TES} \times 525 / 32.4) / (\text{Tot. Sem. FTEF}) \\ &= (\text{All}_F\text{TES} \times 525 / 16.2) / \text{Annual FTEF} \end{aligned}$$

$$\text{FTEF for a year} = \frac{\text{FTEF} \times 525 / 16.2}{\text{Efficiency}}$$

(To achieve an efficiency = 460 would require 28 students for 0.2 load and 20 students for a 0.143 load)

This is an educated guess. What kind of efficiency do we want? How many students do we want in a class? What do we think it's going to be? This determines our budget for our class schedule.

In the Associate Faculty Funding Model (Budget Book, pg. 5)

MOTION to extend 10 minutes. (S. Magid/R. Ramsey) (M/S/U) None opposed. No abstentions. Unanimous.

Annual FTEF budget- Associate Faculty Funding Model, pp. 44-45

<https://www.wvm.edu/forms-documents/financial-services/budget/reports/budget/2024-2025-final-budget.pdf>

- Total FTEF is divided between the two colleges in proportion to each college's enrollment goal.
- What much does 1 FTEF cost?
Cost for Associates = (FTEF taught by Associates) x C11 (Step 11), about \$56K

Karen Chan, Executive Director of Faculty Union: The District is a Basic Aid Funded District based on local property tax revenue that is more than what the district would get under the State apportionment system. The funding from the state forces districts into a model having about 35 students per class.

- WVMCCD's share of tax revenue is not based on FTES or having a certain number of students. Our local property tax (2022-23) received was \$165MM that is nearly double the state funding model per year. In 2023-24 property tax revenue was \$172.4 MM and under the state funding we would have received \$94MM. If a district has very high enrollment, e.g. Foothill/DeAnza they generate a lot of FTES under a quarter system. WVMCCD is unlikely to grow our enrollment so much that we go back to a State apportionment system anytime soon.
- As a Union we track the property tax revenue every year through the Tax Assessor's Report. The last ten years has had an 8% average annual increase in local property tax revenue.
- Over the years, FTEF has increased in some years and decreased in some based on the allocation formula. But there is still a lot of room to increase the FTEF for both the colleges. Total FTEF funded in FY 2018-2019 was 980 FTEF vs 853 FTEF in FY 2023-24 even though tax revenues have greatly increased over this time period.
- Our ending fund balance is projected at \$123,821,567, a ten-fold increase, in part because the allocation model itself doesn't allow for more FTEF to go to the colleges. Costs of salaries and expenses are going up but not at 8% per year. A lot of money being put into the reserve is not being spent even though we're doing free college, free child care and parking.
- What could \$1MM get us? Lecture-Lab parity for Science & Engineering and CDCP non-credit; 17.76 additional FTEF; 89 additional sections of lectures (3 hours/week); 124 additional labs (at base-21 and 3 hrs/week); lower class size.
- Qualitative metrics are important.

MOTION to extend time 10 minutes; (M. Hittleman/R. Ramsey) (M/S/U) None opposed. No abstentions.
Unanimous.

- Projected total revenues in Unrestricted General Fund for Final Budget 2024-25 is \$205, 286,127. \$1MM is 0.48% of the General Fund Revenues.
- State legislators are looking at the issue of districts that have been growing in terms of reserves. State apportionment districts reserves have increased too, where they have been on the hold harmless formula and have not put their money into classes either. Academic Salaries total \$84,058,074. Total expenses, \$566,523, 530.

Other funds that support non-instructional needs

- The Capital Outlay expense \$205,686.957 is supported by Bonds, Measure H (completed), Measure C, and Measure W, a total of \$1,283B passed by voters since 2004. Are unrestricted funds needed for bricks and mortar construction in addition to the separate bonds funds? No, in our opinion.
- The District OPEB fund with \$84MM has been untouched in recent years to fund the bridge plan and post employment benefits. The unrestricted funds are being used to fund the bridge plan and lifetime benefits for the pre-94 people.
- Interfund Transfers from Unrestricted Funds for non-instructional activities include To Capital Improvement Projects Fund, e.g. landscaping (each of last 4 years) \$10MM.

We're moving this money out to do good things, but as our reserves continue to increase, why aren't we thinking more about how we improve our core business which is instruction and counseling. How do we make ourselves better? We have twice as much with basic aid funds. Shouldn't the quality be twice as good? How do we have more classes. We're turning students away because we don't have enough classes. If someone wants a slight bump in their overload, so we can offer an honors section or something, why is that ever denied?

- The money is here but it has to do with the model that does not allow additional FTEF to funnel down to the colleges. Sometimes depts are pit against other depts for additional FTEF. The model may need some adjustments to pay for some of the things we may want to do, e.g. class caps of 25 in math. How can this be paid in FTEF that does not take away from another discipline. We've been open with district about issues with the model in terms of improving the quality of instruction.
- 50% Law: 50% is a floor. We could spend more on Instruction and go to 55%. Fifty percent is a minimum to protect the faculty and administrative balance. We're at 52%.

Are there alternatives, more bottom-up process and meeting in the middle. Can we take the current model and make it better? What kind of trends are you seeing? What is your dept need? Deans and Office of Instruction would advocate to District for needed FTEF. What are the student needs? How do we preserve the pipelines and the pathways? There may be different ways of looking at the budgetary process that might serve students better.

More Senate Discussion:

Senator Elaine Wong: Here we're ranking faculty hiring and we may get only two hires of thirteen department applications.

ASG Representative Jonah Pirnejad: Generally speaking, when it comes to the actual load of the classes and the quality of instructor, I definitely agree that having more classes and more availability for students and smaller class sizes does benefit us a lot more than people realize. The professor has more time to build a better relationship with the student and helps them not only teach that type of student better, but then teach other students that learn similarly. It's a mentor mentee relationship that I value a lot in my teachers. And I feel like that gets overlooked a lot of the time. If class sizes can physically be smaller, and the quality of teaching can go up, I know that students would like that. If I put together how all this budgeting process works, we have quite a bit of money that's not going to use. Last week I listened to Senate doing your rankings, and I could tell the majority of those positions were highly needed. Why can't some of the unused funds be put toward improving the faculty lives and the students lives.

ASG Representative Priscila Moreira: I want to second what Jonah said. Last semester a class was canceled a week before the class started and was needed for some students to graduate. The District should be invested in this. Also agree that students can learn better in smaller size classes.

Senator Michele Hittleman: I wish we could have had VPAS Danny Nguyen respond. Do we have to keep close to the 50% Law and we cannot go up? The model might be pressuring us to stay around 50%.

Senate President Joanna Sobala: I wish we had more time for both Vice Chancellor Chim and VPAS Nguyen to give us slightly other perspectives, to ask questions and learn more. This is a really good starting point.

Kate Disney: This is good. Maybe next semester we can do a presentation on the 50% Law. Let's be educated and focus on a certain part of the budget next time to make things better. Budget processes are one of our 10+1.

Karen Chan: Every Senate can pass a Resolution, e.g. a resolution to push for and memorialize a smaller class size. Here, faculty supported lecture lab parity when the argument against was the lecture lab parity would eat up more FTEF. Subcommittees possibly could figure out recommendations to change the budgetary model around the core business of FTEF where the model is not working.

Senator David Piper: I have a recommendation to bring this budget education and examination as a topic for the Senate annual retreat next year and consider as an AY goal.

3. Consideration of proposed changes to Board Policy (BP) 2715 Code of Ethics/Standards of Practice and BP 2720 Communications Among Board Members -- 15 min (I/D/A)

Senate President Joanna Sobala: Several BP revisions are related to requirements of the Brown Act.

Board of Trustees are bound to certain revisions in communications with BP 2720 Communications Among Board Members.

A majority of Senators are opposed since BP 2720 decision seemed rushed and language is already in the Brown Act. Senate Voted by a show of hands. Yes-2. No-8. 2 Abstentions.

Senators were in agreement to vote against BP 2715 with the restrictive communication of Board Members outside meeting going beyond the Brown Act limitations. Senate Voted by a show of hands. No-13.

Senate Discussion:

BP 2715 Code of Ethics/Standards of Practice

- Updates are being done because of interpretations of the Brown Act that was written in the sixties before social media and texting. Common law is being updated and applies.
- Emphasis is on Board members responsibility to identify personal viewpoints as such and not the viewpoint of the Board.

- Very limiting. Members of the Board shall not communicate among themselves by the use of any form of communication (e.g. personal intermediaries, social media, e-mail, or other technological device), directly or through intermediaries to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board.
 - Cannot reach a collective concurrence before a regular meeting using any form of communication.
 - One-on-one communications on Board subject matter outside meetings is not allowed by any use of any form of communication that is within the subject matter jurisdiction of the Board.
 - District Legal Counsel has recommended revisions.
 - Is stricter than Brown Act that prohibits a majority of members from communicating and acting together on a subject matter outside regular meetings

BP 2720 Communications Among Board Members

- A majority of the members of the Governing Board shall not, outside a regularly scheduled meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is withing the subject matter jurisdiction of the Board.
 - This is reiterating the Brown Act.
 - Potentially a problem for us in a school where we have shared interests and might inhibit what we are able to accomplish and our use of a series of communications.

Karen Chan : District Council did vote and had concerns since case law, legal decisions, and what Brown Act requires was not clear. Also, the timing of the vote related to the Board elections was rushed. So voted no. Normally, District Council has a first and second reading before going to Board of Trustees. This time District Council had first read before going to Board. Faculty groups did not have time to talk to future Board members.

Kate Disney: The Community College Council of the California Federation of Teachers says the language is fine and does not go beyond the Brown Act.

Senator Brenna Wundram: Does allow Governing Board engaging in separate conversations or communications on an internet-net based social media platform to answer questions, provide information, or solicit information from the public within subject matter of the Board.

VIII. Administrative Business/ Actions/ Appointments (I/A)

1. Initiative Updates & Reports
2. Committee Appointments
 - Student Equity and Transformation Committee (SETC)
 - MOTION to appoint faculty Javier Huerta and Sarah Sullivan to the Student Equity and Transformation Committee (SETC). (R. Ramsey/D. Piper) (M/S/U) None opposed. No abstentions.

Unanimous. ASG Students: Yes.

3. President's Report

Please read report in Senate meeting folder. Encourage faculty to vote for Senate President by Monday, December 2, 5pm. Happy Thanksgiving Holiday!

IX. Future Agenda Items

X. Adjournment

MOTION to Adjourn: (R. Ramsey/D. Arias) (M/S/U) None opposed. No abstentions. Unanimous.