



**Academic Senate Council Minutes**  
**January 25, 2019: 1:30-3:30 p.m.**  
**SLO Room 3134 (PDC) | NCC Room 3213 (Polycom)**

X	<b>Stacy Millich</b> President	X	<b>Cherie Moore</b> Vice-President	X	<b>Alexandra Kahane</b> Curriculum Chair	X	<b>Debra Stakes</b> CCFT President
X	<b>Mackenzi La Rue/ Riley Perkins</b> ASCC	X	<b>Benjamin Arrona</b> Part-time At-large	X	<b>Wes Sims</b> Full-time At-large	X	<b>Roland Finger</b> N. County At-large
	<b>Silvio Favoreto</b> Biology	X	<b>Amy Stapp</b> Business	X	<b>Heidi Webber</b> Counseling	X	<b>Anthony Gutierrez</b> DSPS
X	<b>Dave Fernandez</b> Engineering & Tech.	X	<b>Matt Fleming</b> English	X	<b>Canguo Liu</b> Fine Arts	X	<b>Gabriel Searcy</b> Applied Behavioral Science
	<b>Vacant</b> Kinesiology, Health Science, and Athletics	X	<b>Erich Tucker</b> Lang. & Communication	X	<b>Kevin Bontenbal</b> Learning Resources	X	<b>Michael Mogull</b> Mathematics
X	<b>Catherine Ruiz</b> Nursing		<b>bree valle</b> Performing Arts	X	<b>Kelli Gottlieb</b> Physical Sciences	X	<b>Lise Mifsud/ Fionnuala Butler</b> Social Science
X	<b>Donna Bower/ Laura Harris</b> Student Development and Success	X	<b>Michele Gordon Johnson</b> Secretary				

**Cards:** \_\_\_\_\_ **Time Keeper:** \_\_\_\_\_ **Computer:** \_\_\_\_\_

- I. APPROVAL OF AGENDA** **(1 min.)**  
 approved with consensus
  
- II. APPROVAL OF MINUTES – (NOVEMBER 30, 2018)** **(3 min.)**  
 approved with consensus
  
- III. PUBLIC COMMENT:** *All public comments will be limited to three minutes in length for each speaker. Opportunities for public comment will also be provided for each agenda item during discussion on each item and before proposals are called for approval.*  
 no public comment
  
- IV. BUSINESS AGENDA:** *Be sure to discuss these items with your division faculty so you can adequately represent your division in reaching consensus on these items.*

**Contents**

- 1. Board Policy Review (Chapter 2) (Second Read)**
- 2. Personal Services Agreement (First Read)**
- 3. Recorded Lecture Policy (First Read)**
- 4. Academic Senate Scholarship and Commencement Honor Cords**

## 1. Board Policy Review (Chapter 2)( Second Read)

(T. Frederick - 15 min.)

**Background:** This chapter review falls within the regular cycle provided for in AP 2410.

The District subscribes to the Community College League of California Policy and Procedure Service with legal consultation and vetting provided by Liebert Cassidy Whitmore, a California law corporation. Seventy-one districts subscribe to the Service.

Summary of the Proposed Action for each of the following existing Board Policies:

**2010** – Clean up existing language. Added last paragraph regarding eligibility to serve on governing board. (required)

**2012** – Retire; Addressed in BP 7130 and implemented in AP 7130.

**2200** – Clean up existing language and delete elements addressed in other policy.

(5) Bullets after “Assure Fiscal Health and Stability” address in BP 6100, Delegation of Authority; 6200 Budget Preparation; 6250 Budget Management; and 6400 Audits.

**2221** – Clean up language based on recommended League template.

**2300** – Addressed in BP 2200 Board Duties and Responsibilities and 2430 Delegation of Authority to the Supt/Pres.

**2305** – Clean up language. (AB 2449 changes the date that members of a county board of education, school district governing board, or community college district governing board take office. Assembly Bill (AB) 2449, which resolves clashing Education Code and Elections Code provisions, becomes effective on January 1, 2019. Changes regarding this issue are pending legal counsel review and will be incorporated at a later date.

**2340** – Clean up language per legal template recommendation.

**2346** – Retire; replaced by new BP 2345.

**2345** – New; Public Participation at Board Meetings.

**2350** – Clean up language based on legally advised elements.

**2355** – New; Decorum

**2410** – Clean up language; provide authority to Superintendent/President to effect non-substantive changes, i.e., legal references and changes non-technical in nature.

**2430** – Update legal reference.

**2432** – New; CEO Succession.

**2716** – New; Political Activity.

**2717** – New; Personal Use of Public Resources.

All other policies contained in this chapter have been reviewed and are current.

### Supporting Documents:

- [Board Policy Chapter 2 Revisions](#)

**Proposal:** The Academic Senate Council approves the proposed changes to Board Policy Chapter 2.

Revisions presented by S. Millich, see supporting documents, who asked for feedback on each change:  
BP 2410 – change to “vetted” rather than “vetting”

Other comments:

BP 2410 clarified to establish most current language

BP 2340 - Is that suggesting public comment has been moved to the end? Ambiguous language, S. Millich will confirm with the Board that public comment is at the beginning.

BP 2200 – How will the Board manage and control District property? Concern re: “represent the public interest” and the implications

S. Millich (paraphrased) If we don’t want to approve these policies with revisions as is, we can do that, or we can bring the modified document to the Board and request revisions.

Process clarified: Approve proposed changes with direction to the AS President to present the additional changes to the BOT OR not approve and block consensus.

Red Card – Concern expressed - T. Frederick should be here to respond directly to the questions  
Second vote following red card – Todd Frederick arrived and there was an opportunity to address concerns

Concern re: “represent the public interest” and the implications. Why are we adding this statement?  
Recommended legal language, to reinforce that members should not represent their own agenda.

Concerns can be put in writing and included in Board package.

“Manage and control district property” Is that really their responsibility and how will they go about doing that? Consider phrasing to include that their role is to delegate.

Interesting that the Board can opt out of health coverage and the Faculty can’t.

2355 – Longstanding policy, it hasn’t been in the books previously.

Call for any other outstanding concerns. With no additional concerns, call to re-vote

Approved with consensus.

## 2. Personal Service Agreement (First Read)

(J. Donaldson 15 min)

**Background:** Cuesta College makes every reasonable effort to accommodate individuals with disabilities as provided by the Americans with Disabilities Act. In keeping with this commitment, Personal Service Attendants (PSA) who accompany individuals with disabilities documented through DSPTS are allowed entrance into the classroom. A PSA is an individual that provides services of a personal nature such as adjustment of clothing and other personal items, guiding along paths of travel, getting around the campus, assistance with handling personal possessions, cueing to support impulse and behavioral control, assistance with eating and drinking, assistance with physical safety and protection.

The Personal Service Attendant Agreement was developed by DSPTS to document and memorialize the role of the PSA in the classroom. The PSA and DSPTS student must meet with DSPTS to discuss what their role is and sign the agreement.

Office of Civil Rights (OCR) states that the instructor may not forbid a student’s use of an aid if that prohibition limits the student’s participation in the school program.

<https://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>

### Supporting Documents:

- [Personal Service Attendant Agreement](#)
- [Personal Service Attendant Information](#)
- [Release of Liability](#)

**Proposal:** The Academic Senate Council provides feedback on The Personal Service Agreement and Release of Liability.

Presented as agenda item #1. J. Donaldson provided a Personal Service Agreement overview and asked for feedback:

Is it an option that the PSA can also be a student enrolled in the course? No

How will that impact fire-code/enrollment CAP? That will be factored in (an additional chair will be provided). Lab class limits (for safety) will do +1 (or case-by-case).

Different than a note-taker? A PSA is for personal needs rather than academic specific.

Are PSAs vetted? Can be a private company, relative, regional center. DSPS will ensure needs warrant a PSA.

Service Animals do not need to be DSPS approved.

We need the process formalized so that it can be referenced (including violations and protocol to review).

Can they be TB cleared and background checked (minors in our classrooms)? We can't require that. I will follow up re: those concerns.

### 3. Recorded Lecture Policy (First Read)

(J. Donaldson 15 min)

**Background:** DSPS is charged with ensuring access to auxiliary aids for qualified DSPS students. Recording of classroom lectures/discussions is one such auxiliary aid.

Higher Education's Obligations are found in Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA. Section 504 states "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Subpart E of Section 504 contains the following requirement relating to a postsecondary school's obligation to provide auxiliary aids to qualified students who have disabilities: "A recipient... shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual or speaking skills."

Moreover, CFR Title 34, Chapter 1 Subpart E 104.44 – states "(b) *Other rules.* A recipient to which this subpart applies may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity."

Accordingly, the attached Recorded Lecture Policy was developed by DSPS to memorialize affected students' rights and responsibilities.

#### Supporting Documents:

- [Recorded Lecture Policy](#)

**Proposal:** The Academic Senate Council provides feedback on the Recorded Lecture Policy.

J. Donaldson provided an overview of the recorded lecture policy and asked for feedback:

Can the form include the right of the instructor to intermittently disable and the no publishing clause expanded? Yes

Recording devices are different than Type-Well (lecture goes directly to an individual who types the lecture for the student)

What if a faculty member refuses to allow? Faculty can't refuse accommodations.

Should it be suggested that the files be deleted? Students can keep notes and this falls under that.

Is there a place for the Instructor to respond to the request? Can there be a signature from the Instructor to demonstrate they are aware? An accommodation email is always sent out as first alert. (concern if the email is not received) With almost 1,000 students, this would be a difficult step. Students should always talk directly with the Instructor and not rely solely on the email.

Do the other students need to be informed that they are being recorded? Will be checked out with Sr. Council to see if this step is required by law.

Concern that audio recording is not specified. Can the wording be more specific? What if the lecture is shared on social media? The release states clearly that the info is copyrighted and can't be shared outside of the classroom.

The reason the student needs the accommodation can't be shared.

More assertive language "the student must..."

I think it would be nice if the form for electronic recording mentioned that the instructor could request that the recording device be disabled for a short period of time and that the "no publishing" clause was more specific, such as

"Information contained in the recorded lecture is protected under federal copyright laws and may not be published, shared electronically, or posted to social media without the consent of the lecturer. The instructor has the right to request that recording devices be temporarily disabled during class."

Approved with consensus.

#### 4. Academic Senate Scholarships and Commencement Honor Cords (S. Millich - 5 min.)

**Background:** Traditionally, the Academic Senate Council has supported three annual Academic Senate scholarships in the amount of \$250 each (\$750 total) and has contributed \$150 towards the purchase of honor cords for students at commencement. Funding comes from the Academic Senate Foundation account, which is supported by voluntary contributions from faculty. As of January 18, 2019, the Academic Senate Foundation account had a balance of \$1600.00.

**Proposal:** The Academic Senate Council approves the funding of three (3) Academic Senate scholarships for 2019-2020 in the amount of \$250 each from the Academic Senate Foundation account.

**Proposal:** The Academic Senate Council approves the contribution of \$150 towards the purchase of honors cords for the 2019 Commencement from the Academic Senate Foundation account.

S. Millich provided an Academic Senate Scholarship overview and requested feedback (increase amount, keep the amount the same, reduce the amount):

Three scholarships (\$250 each) approved with consensus

\$150 toward the purchase of honor cords, feedback:

How many cords? Unknown, but other organizations provide money

Color of cord is GPA specific. Prepaid cords are picked up at the Bookstore.

Approved with consensus

## V. PRESIDENT'S REPORT

### 1. [Student Services Reorganization Chart](#), [Financial Aid \(corrected\)\(new\)](#), [Financial Aid \(corrected\) \(current\)](#)

**Concern that the Reorganization Chart did not come to Academic Senate first.** Should Mark Sanchez present this as an information item at our next meeting? Tabled for the time being.

Opportunity to voice concerns re: the way that the reorganization chart was distributed. Participatory governance includes the A.S. as standard practice. Lack of “courtesy” and lack of “willingness to collaborate with faculty” is a concern on many levels.

(paraphrased) As Senators we can “inflare” or support + change. We can ask questions to understand, and as faculty be part of making things better. It is frustrating to get an email with major changes, but anger about changes doesn't improve the situation. Rather – ask questions & improve communication.

A.S. represents faculty. In contrast, classified staff lack a voice and this could have been an effective vehicle to find our voice.

**Consensus that the AS VP and President address at Summit**

### 2. Opening Day Reflections

**Reflections on Opening Day** (emailed comments to S. Millich are encouraged as well) -

Positive:

- CPAC venue
- Panel
- good information
- afternoon time
- faculty hour format

To improve:

- interaction – Q and A panel
- need breaks! Burned out by BBQ
- very long day
- need to be inspired!
- panel was a presentation, not a true panel
- child care for school age a challenge
- ask faculty how to keep an audience's attention, use us as an expert
- too long to sit, no need to pile on (quality vs quantity, info overload)
- survey faculty to establish best time (preference for earlier)
- missed Division time
- theatre venue doesn't support interaction
- awkward transitions
- reduce to 2 hours, make breakfast social meal
- have a task force plan opening day, with significant input
- ask the faculty what would be most productive/beneficial

**VI. INFORMATION ITEMS:** *Please share these items with your division faculty.*

**VII. SUMMIT ITEMS**

Are there any items, campus issues, and/or divisional concerns/issues that anyone has that he/she feels need to be taken to “Summit” for answers/clarification?

**Faculty hour compiled comments** (from the index cards) – Productive feedback will be shared with the President at summit (and reported at AS), remaining comments will go to taskforce to appropriately consolidate and distribute. **Agreement.**

**New protocol to hire students (standardized).** Campus-wide issue and needs to be effectively communicated.

**Side notes:**

- Discomfort/uncertainty with recent requests from DSPS (extended deadlines, student should not be called on in class) and desire to have greater clarification around accommodations.
- When an online class is cancelled, the Canvas shell is pulled and can no longer be accessed. Faculty have not been informed. **Will be brought to the DE committee to address.**

**VIII. STANDING REPORTS (Time permitting – max. 3 min. per report)**

CCFT (Debra Stakes) – See below

**Curriculum** (A. Kahane) First mtg is Feb 1

Workload Committee (C. Moore) no report

**College Council** (S. Millich) Mission revision, participation invited. Student focus group report recommendations – proposal to go to the Guided Pathways Implementation team. Student Senate should see as well.

Planning & Budget (C. Moore) – no report

FPDC (C. Wilshusen) – no report

DE Committee (M. Fleming) – no report

Book of the Year (C. Love) – no report

**Faculty Lecture Series** (L Baxley) February – Black History month. Superheroes in March. Encourage more faculty to participate in the lecture series.

CTE Liaison (J. Stokes) – no report

**Guided Pathways Coordinator** (H. Webber\*)

OEI- Kevin Bontenbal) – First mtg. Feb 7

**ASCC**- Mackenzie La Rue or Ryan Perkins – next mtg Jan. 31

\*The 14 recommendations came from the RP Group report. The Task Force took those recommendations and developed suggestions based on the student feedback.

**CCFT report to the Academic Senate January 25**

1. As noted in the November 30 report, we brought our revised Division Chair election process to Negotiations. The District decided the proposed plan was too complicated and prefers either to keep the status quo, or not be involved. This was discussed yesterday at the Council of Representatives meeting soliciting input from faculty. Please provide any new ideas to either Greg Baxley or your chair. Greg will meet with the Chairs next week. So back to square one on this effort.
2. The other Contract reboot pertains to Article 3 Academic Freedom. The District wants us to coordinate with the Senate. As a result, I would like to resurrect the Academic Freedom joint task



force next week to begin work on the revisions. I have provided Wes, Roland and Fionnuala some documents to review. I do need to confirm the members of the task force. Do they still want to be on the committee? We would hope to have an updated version brought to the Senate for input in February. The statement on Academic Freedom needs to remain in our contract to provide the most protection for faculty as the CBA trumps District policies, but is trumped by Ed code.

3. The Council of Representatives yesterday elected a new elections committee—Marilyne Cleeves, Tim Farrell, and Erich Tucker. The Council is ecstatic that these faculty have stepped forward. They will coordinate with Julie Hoffman, Elizabeth Lobo and Del Chausse to begin the election process for the CCFT President, Secretary and PT Chair.
4. We are still in Negotiations and have a session planned for this afternoon at 3 pm.

**Next Meeting: February 8, 2019 | 1:30-3:30 | Room 3134/N3213**

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