



Ohlone College Faculty Senate
Minutes
October 19, 2011
3:30 PM
Room 7101, Fremont Campus

Members present: Jeff Dean, Terry Taskey, Chieko Honma, Jeff O'Connell, Jennifer Harper, Wayne Yuen, Jim McManus, Nicole Sandoval, Alan Kirshner, Diane Berkland, Bob Mitchell, Kim Stiles, Jeff Roberts

Members absent: Alyce Reynolds, Luc Desmedt

Others present: Priyanka Upadhyay (ASOC), Ron Travenick, Jim Wright

Meeting called to order at 3:35 P.M.

Announcements

One Senator expressed interest in attending the State Plenary session next week. O'Connell asked if there was anyone else interested in attending.

O'Connell asked whether or not the parking issues previously discussed at Senate are considered solved or not solved. O'Connell has heard from Alan Kirshner and from Rob Smedfjeld and asked if there were others who have noted problems or had any feedback from constituents. Harper noted that she had an inquiry on the issue of ASOC parking permits and how many there were. Travenick responded that the number of ASOC permits to park in faculty/staff spots is lower than it had been in the past. Because there still seem to be issues being noted, O'Connell will follow up on this with Steve Osawa.

As a follow-up to previous concerns that information from College Council, particularly from faculty on College Council who are appointed to that body by Faculty Senate, was not reaching the faculty at large, there will now be an update sent to all faculty from one of the faculty representatives on College Council after each meeting. Faculty on College Council will rotate in sending reports to the faculty. The first one was already sent out.

Also as a follow-up to the issue of having a designated faculty member on College Council to be the liaison to the UFO, Ralph de Unamuno will serve in that role.

There will be two emergency items at this Senate meeting. The first of these will be related to a state resolution regarding repeatability of certain PE courses. Roberts will present this issue. The second item relates to the need for O'Connell and Honma to open a bank account for Senate. It was agreed by Senate to consider these as emergency items needing immediate attention.

Approval of minutes from October 5, 2011 (A)

Motion: Harper

Second: Taskey

Approved with one abstention (Roberts)

Academic Discipline Report (I): Travenick

Ron Travenick came to Senate to present the annual report on Academic Discipline, which he is required to do. The report can be found at:

http://www2.ohlone.edu/people2/joconnell/senate/docs/AcademicDishonestyDiscipline2010_11.pdf

He reported that there has been an increase in the number of cases. In terms of cases related to academic honesty, he indicated that the increase might be attributable to the use of the recently redesigned form and an increasing awareness of and importance placed upon this issue among faculty. He noted that among three suspensions at the College, two were for repeated instances of academic dishonesty. Travenick reported that a difficulty that has arisen in this process has come up when a student does not sign either option provided on the form, since one accepts guilt and consequence and the other option denies guilt, when the dispute is generally over the consequence assigned by the instructor. This is a part of the process that might need to be worked on. Stiles asked about separating the guilt with the consequence on the form. Travenick indicated that it may be difficult to separate these for the purposes of maintaining a faculty member's authority in the consequence area. Generally, Travenick reported that the system is working well. Faculty, he reports, are feeling supported by the policy and forms. Other issues that appear in the report relate to other discipline issues, including general campus disturbances, classroom disturbances and threats of various types. A question was asked about the reporting of academic dishonesty by adjuncts versus full time faculty. Travenick noted that he didn't see a great discrepancy and indicated that perhaps the form encourages adjuncts to have more confidence in reporting cases. Harper asked about different consequences for cases of major disciplinary action and how these get reported on a student's transcript. Travenick indicated that only expulsion shows on a transcript, not a suspension. Changes to this policy are made from time to time based on guidance from the State.

Emergency Item: Resolution About Repeatability (I): Roberts

Roberts would like the Senate to formally add its support for a resolution going to the Statewide Academic Senate, which is being put forward by an individual from DeAnza College. The resolution supports that "activity courses" in PE and Kinesiology courses may be repeated. O'Connell indicated that there has been a movement to limit repeatability so that colleges are not being compensated by the state for these courses. Kirshner indicated that he understood that some of these courses had been placed in Community Education. O'Connell recalled that music and some other courses were moved, but that this particular resolution would be a statewide movement to head off a cut in funding that results from students not being able to repeat some activity courses, which do indeed build skill and are not terminal in the sense that they are being repeated frivolously. The solution regarding the music classes was a local one, while this resolution works on the problem at a statewide level. Roberts shared some of the language from the resolution. Stiles asked if this is response to need. She asked if we didn't have progressive courses already to remedy this problem. O'Connell indicated that this would not help, for example, a student on a team taking a weight training course repeatedly. A resolution like this, O'Connell indicated, is trying to remedy a potential problem or possible future mandate from the state, which would be more difficult to fight later. McManus asked if a potential prohibition on this kind of repeatability isn't defeating a positive movement in education, meaning the issue of lifelong learning and enrichment. Wright indicated that in recent years there were budget and also political/values considerations made regarding issues of repeatability. It was, Wright noted, a "tightening down of access" in the system.

The resolution will be on the Senate web page:

<http://www2.ohlone.edu/people2/joconnell/senate/docs/daasresolution-repeatability101711apprved.pdf>

Any questions can be directed to O'Connell, Roberts or Chris Warden. This item will be up for approval at the next meeting.

Emergency Item: Resolution About Senate Bank Account (A): O'Connell and Honma

The banking issues for the Senate account continue to require attention and O'Connell and Honma continue to work on opening an account. The Senate resolved to give O'Connell and Honma the authority to open a bank account for the Senate.

Report from Bookstore Advisory Committee (I): Kirshner

Kirshner reported on the first meeting of the Bookstore Advisory Committee. He indicated that the assistant manager, Jamie Scobel (jscobel@ohlone.edu) seemed receptive to helping faculty resolve any problems. One problem that seems to be resolved is the issue of ordering books for successive semesters. There was a previous agreement made by Mona that this could be done instead of faculty having to submit all new forms every semester. Another problem previously noted involved “short ordering” problems, meaning the ordering of books not solely on number of students in the class. This resulted in having to reorder and delays in students not having their books in a timely way. However, Kirshner noted, when full numbers were ordered, a lot was sent back and this is inefficient. Jared Taylor has set up an analysis so that this problem can be dealt with. Kirshner noted that the issue of desk copies was raised. The previous practice of providing these to instructors was stopped because books were not being returned. There was a solution to this problem in the science area through the use of a credit card to buy copies for faculty to use. This solution might work for other departments, Kirshner indicated. Another issue raised in the committee concerned the lines in the bookstore. Wait times were recently reduced and the addition of two more registers will further help this problem. The issue of the pricing was also discussed. A distinction was made between the terms “margin of profit” and “markup.” Differences between the terms and how they might be calculated had a large impact on previous claims about ultimate costs of textbooks to students. It appears, Kirshner indicated, that there was a lack of training of personnel that resulted in problems. Finally, the issue of the types of Scantron forms was raised and it appears that those in the Bookstore are willing to work on this to make sure the correct types are stocked. The next meeting of this committee will be in November.

Senate By-Laws (A): O’Connell

O’Connell finalized the edits to the Senate by-laws made at the last meeting. The document can be found at: http://www2.ohlone.edu/people2/joconnell/senate/docs/Senate_By-Laws.pdf

Motion to approve the recently edited by-laws: Harper
Second: McManus
Approved unanimously

Academic Freedom (I): All

O’Connell clarified some confusion left from the previous meeting about policies versus regulations versus procedures. Policies are carried out through procedures. These procedures are being currently revised. Ultimately there will be BPs and APs (Board Policies and Administrative Procedures) for each needed area. The District is required by law to have these in place. O’Connell reported that Dr. Browning is concerned that we are not as up to date on these as we should be.

O’Connell noted that what we at Senate and the faculty are concerned about is the paragraph at the end of the policy on prohibition of harassment, as opposed to the overall policy on prohibition of harassment. It is the mention of the issue of academic freedom that is a concern.

Stiles asked what had already been put in place and what was being sent for us to review. O’Connell indicated that what we had seen was written by the CCLC (Community College League of California). It was O’Connell’s understanding that Browning has put forth everything in the policy on the prohibition on harassment forward except the paragraph in question and that she is expecting feedback from the Senate.

Kirshner addressed concerns from a union perspective. He indicated that it is not always true that we must accept what attorneys advise, as seems to be the case with this “legally advised” paragraph from the CCLC. O’Connell indicated that Dr. Browning is receptive to Faculty Senate input on this issue. Kirshner asked if the faculty wanted to “close down” discussion on the part of the policy on sexual harassment excluding the part on academic freedom.

Wright indicated that he wanted to address the change from regulations to procedures. He indicated that it is the purview of the president of the college to set procedures. Wright noted that the reason Browning wants feedback on this particular issue because this is part of 10+1.

Kirshner noted that there may be problems regarding the UFO contract, since wording about “policies” do not apply to “procedures,” which are not noted in the contract.

Sandoval asked for clarification regarding the issue of self-disclosure in class. Yuen and Kirshner responded, noting that there may be some valid concerns in that regard, but that a policy was put in place in response to a previous case. Kirshner indicated that there is always the potential for people to interpret things as hostile or harassing.

O’Connell indicated that Dr. Browning felt that the language protected everyone.

It was expressed that, in particular, the phrase “must review” is problematic in the paragraph. Kirshner suggested that the words “advises” or “recommends” would be preferable. Yuen agreed that “must” is a problem. Mitchell suggested wording along the lines of “faculty are advised to consider the impact of sexually explicit material.”

Stiles indicated that she does not see how the policy as written protects faculty. O’Connell indicated that one interpretation of the paragraph would offer protection.

Wright indicated that he knows from experience that a charge of sexual harassment and its possible conflict with a policy on “academic freedom” is a major concern for a college. He indicated that guidance from dean can be helpful.

Mitchell asked about what could be defined as “sexually explicit” in a given class with its context. Berkland asked about inclusion on the syllabus about possibly objectionable material as a means of preventing problems. Stiles indicated the special concerns in the nursing area about the nature of that instruction, which can be related to intimate matters.

O’Connell indicated that he learned from Dr. Browning that if a faculty member were to be sued or charged, it becomes critical for us to have a policy. The “legally advised” part comes from cases that have arisen.

Yuen asked about the removal of the second sentence so that the policy would be agreeable. Kirshner read from a definition regarding academic freedom from the AAUP. Stiles indicated that she would not want to see just the first potential sentence in place without modification.

There was discussion about existing wording of “severe or pervasive” in the proposed policy. Kirshner indicated a preference to have a motion on this subject.

O’Connell indicated that Dr. Browning will attend the next meeting, so perhaps it would be best to raise some of these concerns with her rather than making a motion on the wording at this meeting. Stiles indicated that she’d like to have Browning’s input. Taskey agreed and believes we need to have more research done to craft language. Sandoval agrees that there are still problems with the language in the paragraph. Yuen repeated that he objected to the second sentence in the paragraph in question and that he had no problems with the other parts of the policy.

Sandoval expressed concern particularly for adjunct faculty in these situations and how a policy like this might result in self-censorship.

Discussion will continue at the next meeting. This will be a continued information item and not an action item.

Meeting adjourned at: 5:08 p.m.

Next meeting will be November 2, 2011 in Room 7101 at 3:30 p.m.