





# SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • CONTINUING EDUCATION

## DISTRICT GOVERNANCE COUNCIL MINUTES

June 6, 2018

**Present:** Akers, Beresford, Bulger, Cortez, Dowd, Hsieh, Hubbard, Jarrell, Kovrig, Larson, Luster, Mahler, Manis, McMahon, Neault, Payne, Perigo, Shabazz, Surbrook, Weinroth and Chairperson Chancellor Carroll

### 1. **APPROVAL OF MINUTES**

The minutes of May 16, 2018, were approved.

### 2. **REVIEW OF BOARD AGENDA**

The agenda for the June 14, 2018, Board Meeting was opened for review by Chancellor Carroll. Each item was discussed and satisfied.

### 3. **STATE BUDGET UPDATE**

Chancellor Carroll introduced this topic by saying that even though community colleges are required to file their Tentative Budgets by June 15, there is still no resolution on what the state funding formula will be for community colleges. Executive Vice Chancellor Dowd went through a PowerPoint presentation on the proposed SDCCD 2018-19 Tentative Budget, which will go before the Board of Trustees for adoption at the June 7, 2018, meeting.

### 4. **STUDENT HEALTH FEE INCREASE**

Vice Chancellor Neault opened discussion regarding the one dollar increase in the student health fee and received no comments or concerns. The increase will be considered for approval by the Board of Trustees.

### 5. **DISTRICTWIDE STRATEGIC PLANNING COMMITTEE**

Vice Chancellor Bulger brought back the list of committee members for districtwide strategic planning and received approval from each of the four presidents.

### 6. **ACADEMIC SENATE DISCUSSION**

Richard Weinroth shared a resolution approved by the Continuing Education Academic Senate on May 15, 2018, in favor of increasing the number of contract faculty. He also asked that further details be added to Board Policy 7330 – Communicable Disease. Vice Chancellor Surbrook said he would look into the additional language and bring back any changes.

Adjourned 4:28 p.m.

Chancellor's Office & Board of Trustees



**SAN DIEGO  
COMMUNITY COLLEGE  
DISTRICT**

**Thursday, July 19, 2018  
Regular Board Meeting**

**San Diego Community College District  
Public Meeting of the Board of Trustees**

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**Charles W. Patrick Building  
District Office  
3375 Camino del Rio South Rooms 235-255, 300  
San Diego CA 92108**

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**This agenda includes:**

**2:50 p.m. Call to Order – Room 235-255, followed by Closed Session – Room 300  
4:00 p.m. Regular Business Meeting – Room 235-255**

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**DISCLAIMER: If changes are necessary, the San Diego Community College District reserves the right to effect them up until 72 hours in advance of the posted Board meeting.**

**SUGGESTED ORDER OF BUSINESS**

**1. Call to Order**

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- 1.01 Call Meeting to Order, Room 235-255
- 1.02 Announcement of and Public Comment on Closed Session Items
- 1.03 Adjourn to Closed Session, Room 300

**2. Closed Session**

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- 2.01 Confer with labor negotiator Will Surbrook, Vice Chancellor of Human Resources (pursuant to Government Code Section 54957.6).

**Bargaining/Meet and Confer Units under Consideration:**

- a. AFT Guild Local 1931 College & Continuing Education Faculty
- b. AFT Guild Local 1931 Classified Unit
- c. AFT Guild Local 1931 Non-Academic Non-Classified Employees
- d. AFT Guild Local 1931 Naval Technical Training Program (San Diego)
- e. POA - Police Officers Association
- f. Management Association
- g. SPAA - Supervisory & Professional Administrators Association
- h. ACE - Association of Confidential Employees
- i. Technical Instructors Bargaining Organization (Corry Station, FL)

- 2.02 Administrator Employment Contracts (pursuant to Government Code Section 54957(b)(1)), the titles of which are President, Executive Vice Chancellor, Vice Chancellor, and Vice President.
- 2.03 Confer with or receive advice from legal counsel (pursuant to Government Code Section 54956.9) concerning pending litigation. There are three (3) items to discuss.

*Bareno, Leticia vs. San Diego Miramar College, et al., San Diego Superior Court Case No. 37-2014-00003862*

*San Diego Community College District v. Safeco Insurance Company of America; Superior Court of California, County of Orange, Case No. 30-2016-00847257-CU-BC-CJC*

### **3. Open Session Organizational Items**

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- 3.01 Reconvene Open Session, Room 235-255
- 3.02 Pledge of Allegiance
- 3.03 Report of Action in Closed Session (if applicable)

### **4. Approval of Minutes**

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- 4.01 Minutes of the June 7, 2018, Board Meeting - 2:50 p.m.

### **5. Development of the Consent Calendar**

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- 5.01 Call for Removal of Items from the Agenda
- 5.02 Board Development of Consent Calendar
- 5.03 Call for Academic Senates' Agenda Items for Discussion
- 5.04 Adoption of Consent Calendar

### **6. Public Comment**

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- 6.01 Public Comments Guidelines

### **7. Collective Bargaining**

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- 7.01 Call For Presentations (if any) By Exclusive Agent(s) Representing Employees.
- 7.02 Public Response to Initial Proposal(s) of Employee Organizations.
- 7.03 Announcement(s) of Proposed Tentative Agreement(s) Between the District and Exclusive Agents Representing Employees.
- 7.04 Announcement(s) of Agreement(s) Between the District and Exclusive Agents Representing Employees.

### **8. Reports**

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- 8.01 Report on Communications/Statewide & Legislative Issues – Chancellor
- 8.02 Report of the Trustees
- 8.03 Report of the Chancellor

### **9. Board Policies**

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- 9.01 Consideration and adoption of a revision to Chapter 2- Board of Trustees Board Policies (First Reading 6/7/18). This revision is part of a comprehensive six-year review to ensure currency.  
BP 2015 Student Membership

### **10. New Business**

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- 10.01 Presentation of contractor and small business awards for annual Propositions S and N Recognition Program for Exemplary Performance.

### **11. Instructional Services**

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- 11.01 Consideration and approval of new or revised courses and programs.
- 11.02 In the matter of the District's Allied Health Occupation Programs, authority is requested to enter into agreements with health care agencies for the use of clinical facilities by students enrolled in District's Allied Health Occupation Programs during the 2018-2019 fiscal year.

### **12. Student Services**

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- 12.01 Consideration and adoption of the College and Career Access Pathways (CCAP) Dual Enrollment Partnership Agreements with the San Diego Unified School District; and **PUBLIC HEARING** on: Approval of the CCAP Partnership Agreements.
- 12.02 Consideration and Approval of the Student Fee Schedule for 2018-2019



### **13. Budget and Finance**

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- 13.01 In the matter of a two-year Mental Health Services Grant awarded to San Diego City College from the California Community College Chancellor's Office (CCCCO) in the amount of \$350,000 to support a collaboration between San Diego City College (SDCC) and San Diego Continuing Education (SDCE) that will enable an expansion of mental health support to SDCC and SDCE students, authority is requested to:
1. Enter into a two year agreement with (CCCCO); and
  2. Accept, budget and spend \$350,000 in the 2018-2019 General Fund/Restricted Budget.
- 13.02 In the matter of San Diego City College's Agreement with the California Community College Chancellor's Office (CCCCO), Funds for Student Success (FSS), to provide academic counseling and courses in Math, English and Personal Growth, and contextualized tutoring and peer mentoring services for students at East Village High School: An Early/Middle College in Partnership with San Diego City College, as well as professional development for instructors at SDCC and EVHS, authority is requested to accept, budget and spend \$100,000 in the 2018-2019 General Fund/Restricted Budget.
- 13.03 In the matter of the Sector Navigator Life Sciences/Biotechnology grant awarded by the California Community Colleges Chancellor's Office (CCCCO), Economic and Workforce Development Program (EWD) to San Diego Miramar College, authority is requested to accept, budget and spend \$372,000 in the 2018-2019 General Fund/Restricted budget.
- 13.04 In the matter of San Diego Continuing Education's (SDCE) Institutional Effectiveness Partnership Initiative, authority is requested to accept, budget and spend \$200,000 from the Santa Clarita Community College District, in the 2018-2019 General Fund/Restricted budget.
- 13.05 In the matter of the 2018 International Education Institutional Grant awarded by the California Colleges for International Education (CCIE) to the San Diego Community College District, authority is requested to accept, budget and spend \$3,000 in the 2018-2019 General Fund/Restricted Budget.
- 13.06 In the matter of the Child Development programs, California State Preschool (CSPP-8467) and the General Child Care and Development (CTTR-8207) contracts, at San Diego City, Mesa, and Miramar Colleges, authority is requested to accept, budget and spend \$481,491 (CSPP-8467) and \$381,969 (CTTR-8207) from the California Department of Education for operation of the Child Development Center in the 2018-2019 General Fund/Restricted Budget.
- 13.07 In the matter of the District's selection of an independent certified accountancy firm, a request for ratification of a contract with Clifton Larson Allen, LLP to perform all District audits for up to a five year period beginning with fiscal year 2017-18.
- 13.08 Approval of purchase orders prepared during the period of May 1, 2018, through May 31, 2018.
- 13.09 In the matter of Cooperating Agencies Foster Youth Educational Support (CAFYES), authority is requested to accept, budget and spend \$802,770 from the California Community Colleges Chancellor's Office (CCCCO) in the 2018-19 General Fund Restricted Budget. The distribution is as follows: San Diego City College \$267,590, San Diego Mesa College \$267,590, and San Diego Miramar College \$267,590.

### **14. Human Resources**

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- 14.01 Certification of short-term personnel service effective on or after July 20, 2018, per California Education Code Section 88003.
- 14.02 Approval of academic, classified, substitute and student personnel actions relating to appointments, assignment changes, salary changes, status changes, leaves of absence, separations and volunteerism during the period May 25, 2018, through June 30, 2018.
- 14.03 In the matter of the Disability Support Programs and Services at San Diego City College, effective July 20, 2018, authority is requested to (contingent upon review by Human Resources):
1. Delete a 0.80 FTE, 10-month, vacant funded Instructional Assistant, Learning Resources position (#010250), Range 18 (\$3,183.98-\$5,082.34) AFT Classified Staff Office/Technical Unit;
  2. Delete a 0.50 FTE, 10-month, vacant funded Instructional Assistant, Learning Resources position (#009939), Range 18 (\$3,183.98-\$5,082.34) AFT Classified Staff Office/Technical Unit; and
  3. Establish a 1.0 FTE, 10-month, Instructional Lab Technician, Learning Resources Position (#00120226), Range 23 (\$3,665.57-\$5,851.08) AFT Classified Staff Office/Technical Unit.

## **14. Human Resources (Continued)**

- 14.04 In the matter of the Strong Workforce Program at San Diego Mesa College, effective July 20, 2018, authority is requested to (contingent upon review by Human Resources):
1. Delete a 1.0 FTE vacant 11-month Contract Faculty position (#010416); and
  2. Establish a 1.0 FTE 12-month, Work-Based Learning Coordinator position (#00120228), Class 1, Step A - Class 6, Step C (\$5,754.92-\$7,754.42), AFT College Faculty Unit.
- 14.05 In the matter of reorganization of San Diego Mesa College's administrative, supervisory, and classified positions, effective July 20, 2018 (contingent upon review by Human Resources), authority is requested to:
1. Delete a 1.0 FTE vacant funded Instructional Support Supervisor position (#011638), Range D (\$4,704.60-\$7,854.52), Supervisory and Professional Administrators Association;
  2. Delete two, 1.0 FTE vacant funded Instructional Lab Technician/Computer Science positions (#002968, #006418), Range 23 (\$3,665.57-\$5,851.08), AFT Classified Staff - Office Technical Unit;
  3. Delete a 1.0 FTE vacant funded Instructional Lab Technician/Media Production position (#011717), Range 23 (\$3,665.57-\$5,851.08), AFT Classified Staff - Office Technical Unit;
  4. Delete a 1.0 FTE vacant funded Administrative Technician position (#011755), Range 22 (\$3,552.32-\$5,670.31), AFT Classified Staff - Office Technical Unit;
  5. Establish a 1.0 FTE, Instructional Assistant/Learning Resources position (#00120229), Range 18, (\$3,183.98-\$5,082.34), AFT Classified Staff - Office Technical Unit;
  6. Establish a 1.0 FTE, Instructional Lab Technician/Trades, (#00120230), Range 23, (\$3,665.57-\$5,851.08), AFT Classified Staff - Office Technical Unit;
  7. Establish a 1.0 FTE Instructional Lab Technician/Biology position (#00120231), Range 24, (\$3,780.00-\$6,033.74), AFT Classified Staff - Office Technical Unit;
  8. Establish an Instructional Lab Technician/Sculpture/3D Design classification and a 1.0 FTE position (to be determined), Range 23, (\$3,665.57-\$5,851.08), AFT Classified Staff - Office Technical Unit; and,
  9. Establish a Director of College Events and Operations classification and a 1.0 FTE position (to be determined), Range 12 (\$5,491.16-\$9,167.71), Supervisory and Professional Administrators Association (SPAA).
- 14.06 In the matter of the San Diego Miramar College Academic Success Center (ASC), effective July 20, 2018, authority is requested to (contingent upon review by Human Resources):
1. Delete one .60 FTE vacant Instructional Assistant/Office Systems position (#010342), Range 18 (\$3,183.98-\$5,082.34) AFT Classified Staff - Office Technical Unit; and
  2. Establish one .60 FTE Instructional Assistant/Learning Resources position (#00120225) Range 18 (\$3,183.98-\$5,082.34) AFT Classified Staff - Office Technical Unit.
- 14.07 In the matter of a classified contract Instructional Assistant position at San Diego Continuing Education, effective July 20, 2018, authority is requested to (contingent upon review by Human Resources):
1. Delete a 1.0 FTE vacant Instructional Assistant/Office Systems position (#007214), Range 18 (\$3,183.98-\$5,082.34), AFT Classified Staff Office/Technical Unit; and
  2. Establish a 1.0 FTE Instructional Assistant/Computer Science position (#00120227), Range 18 (\$3,183.98-\$5,082.34), AFT Classified Staff Office/Technical Unit.
- 14.08 In the matter regarding the districtwide College Police and Parking Services Offices, effective July 20, 2018, authority is requested to (contingent upon review by Human Resources) establish two 1.0 FTE, 12-month Clerical Assistant positions (#00120223 and #00120224), Range 13 (\$2,844.25-\$4,540.05) AFT Classified Staff - Office Technical unit.
- 14.09 In the matter regarding the Human Resources Division, effective July 20, 2018, authority is requested to delete a 1.0 FTE vacant Senior Clerical Assistant position (#00120206), Range 18 (\$3,183.98-\$5,082.34), AFT Classified Staff Office/Technical Unit.
- 14.10 In the matter of the "Humanities Collaborative" grant from the Andrew W. Mellon Foundation, awarded to the San Diego Community College District, effective July 20, 2018, authority is requested to (contingent upon review by Human Resources) increase the .67 FTE vacant, restricted Program Activity Manager position (#00120097), Range 14 (\$6,726.50-\$10,732.96) Management unit to 1.0 FTE.
- 14.11 Approval of contracts of employment for certain President, Vice Chancellor and Vice President positions.
- 14.12 In the matter of contract positions districtwide, as a result of the 2018 Window-Period and recent classification and organizational reviews, effective July 1, 2018, authority is requested to reallocate or reclassify positions, remove and establish classifications.

## **15. Facilities, Buildings, and Real Estate**

- 15.01 Authority is requested to approve the use of King-Chavez High School, located at 201 A Street, San Diego, CA 92101, as an off-campus facility as requested by City College.
- 15.02 Authority is requested to approve the use of Balboa Park Senior Lounge, located at 1650 El Prado #105, San Diego, CA 92101, as an off-campus facility as requested by Continuing Education.
- 15.03 Authority is requested to approve the use of Oakmont of Pacific Beach, located at 955 Grand Avenue, San Diego, CA 92109, as an off-campus facility as requested by Continuing Education.
- 15.04 In the matter of continued use of an airplane hangar at Montgomery Air Field for the Aviation Program at Miramar College, authorization is requested to approve a lease with the City of San Diego.
- 15.05 In the matter of the surplus District Property at the former site of the Centre City Continuing Education Campus, authority is requested to adopt a long-term ground lease with Russ Boulevard Holdings LLC/Urban Discovery Academy.
- 15.06 In the matter of the District's Five Year Capital Construction Plan, approval is requested for:
1. Consideration of projects to be included in the District's Five Year Capital Construction Plan commencing FY 2020-2021, subject to revisions and requirements as issued by the California Community Colleges Chancellor's Office (CCCCO);
  2. The ordering of priority for projects to be included in the plan; and
  3. Authority to proceed with the preparation of and submittal to the CCCCCO: District 2020-2024 Five Year Capital Construction Plan and any related documents per requirements issued by the CCCCCO.

## **16. Information Items**

- 16.01 San Diego Promise - AB 19 Update

## **17. Reconvene Closed Session (if applicable)**

- 17.01 Reconvene Closed Session (if applicable)
- 17.02 Announcement of Action Taken in Closed Session

## **18. Adjournment**

- 18.01 Adjournment

All exhibits are available for inspection by the public at the Board of Trustees meeting or prior to such meeting, when reports are available. Contact the Board Office at (619) 388-6957.

### **PUBLIC PRESENTATIONS:**

In accordance with Education Code Section 72121.5, members of the public are invited to participate in the governance system of the District by utilizing the PUBLIC COMMENT section of the Board meeting agenda.

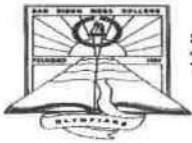
Public comment on items listed on the Board meeting agenda shall be heard at the time the item is discussed and prior to Board action on the item. Each presentation shall be limited to five minutes (a total of twenty minutes on the same subject) unless this time limit is waived by action of the Board.

Public comment on matters not listed on the Board meeting agenda may do so during the PUBLIC COMMENTS section of the Board meeting for Regular Board meetings only; for Special Meetings and Retreats, comments are only allowed for items on the posted agenda. In accordance with Education Code Section 72121.5, the Board shall take no action on such matters, other than an action of referral. Each presentation shall be limited to five minutes (total of 20 minutes on the same subject) unless this time limit is waived by action of the Board.

If you wish to submit questions to the Board in your presentation, they should be in writing. At the Board's request, the Chancellor will provide written responses to your questions as soon as possible after the Board meeting.

In compliance with the Americans with Disabilities Act, the San Diego Community College District will make every effort to honor requests for reasonable accommodations made by individuals with disabilities. [ADA TITLE II, SEC. 202. 42 USC 12132]  
If you need an accommodation, please call 72 hours prior to the scheduled meeting. (619) 388-6983.





To: Board of Governors  
From: Academic Senate, San Diego Mesa College  
Date: June 18, 2018  
Subject: Vote of No Confidence

Dear Board Member,

On April 9, 2018, the Academic Senate at San Diego Mesa College (SDMC) was one of many colleges to pass a vote of no confidence on our current chancellor, Eloy Oakley (enclosed). We are writing to clarify our position in our decision to pass a vote of no confidence. Further, this letter is to **deny**, in the strongest language possible, that our action was initiated or encouraged by any union, faculty advocacy group, or outside entity. Our vote was affirmed by Mesa's faculty after long discussions about the lack of collegial consultation with our statewide elective leaders as outlined at our Area D meeting this spring and discussions at statewide plenary. We urge you to continue reading to get the full picture of what our Senate and other college senates find concerning, in the hope that it facilitates a productive conversation among you, Chancellor Oakley, and the leadership of the Academic Senate for California Community Colleges (ASCCC).

We would also like to take the opportunity to express that our action has nothing to do with whether we agree with any action taken by the Chancellor or Board--but let it be known, we have **many** problems with the more than 50 mandates we are currently managing. Nevertheless, our vote stems from the complete lack of consultation with ASCCC leaders. The following items outline our major concerns with the current leadership from the Chancellor's office as outlined in the Area D meeting:

- The ASCCC had 3 representatives on the FLOW committee, but the faculty representatives reported that they did not feel genuine consultation was happening, and the CO did not rely on the ASCCC for recommendations in the area of faculty purview.
- No consultation with the AS regarding endorsement or sponsorship of legislation;
- No AS input into issues regarding the new funding formula—when the issue of funding finally came to consultation, it was already in the Governor's budget. AS was excluded from offering recommendations during development and were not invited to consult with the Chancellor's office, the CEO workgroup or CBO workgroup;
- AB 705: Lack of reliance on statewide leadership expertise for implementation (Title 5 §55002);
- Common Assessment discussions occurred without ASCCC consultation;
- Interference in the equivalency process (Ed Code §87359) and no consultation with AS on minimum qualifications revisions (Ed Code §87359);
- Only one in-person meeting between the Chancellor and ASCCC as of the date of the Area D meeting;



- Huge turnover in the chancellor's office--many of the new staff members are attempting to implement significant initiatives without understanding our system; in effect, agendas being pushed without consultation with the faculty or an understanding of the impact large changes have on our students and institutions.

This has raised significant anxiety among faculty because it is always concerning when state officials do not follow the law--in letter or spirit. The law states that the Board of Governors shall establish "minimum standards" and local governing boards shall "establish procedures not inconsistent" with those standards to ensure the following:

1. Faculty, staff, and students have the right to participate effectively in district and college governance, and
2. Academic senates have the right to assume primary responsibility for making recommendations in the areas of curriculum and academic standards (Education Code Sections 70901 and 70902).

We expect our Board of Governors to operate, as it has in the past, with the same legal interpretations and standards they expect from our local boards. We consider lack of doing so a breach of the law, and thus we have an obligation to intervene in all ways possible. To further our argument, Board of Governors Standing Order; Section 332 states, "Throughout the Consultation Process, the advice and judgment of The Academic Senate will be primarily relied upon whenever the policy involves an academic and professional matter." Thus, our interpretation is that the directions from your Board, if not Title 5, promise primary reliance on the ASCCC in academic and professional matters. Recently, Chancellor Oakley has articulated that he has done this but does not have to embrace ASCCC recommendations. We are letting you know that we do not have the same perception of our interactions with the Chancellor's office (i.e., he has not relied on our recommendations--when he even asks for them) and even local boards provide, in writing, reasons for rejecting the recommendations of the faculty pertaining to academic and professional matters for full transparency.

To be perfectly clear, faculty do not have a problem with change or with frank conversations about what is not working in our system. We do, however, have a problem being told that everything we do is wrong, especially with the implication that we care to do nothing about deficits and gaps. Again, we are currently trying to manage more than 50 mandates and have had little to no time to consider whether these mandates have made a positive difference in the lives of our students before the next big idea is coming out of Sacramento. To avoid unintended consequences, ideas need to be properly vetted because we need to make sure we are not creating more problems than we solve, and we need time to test and affirm results.

In addition to Resolution 18.4.3 (attached), San Diego Miramar College, San Diego City College, San Diego Continuing Education, Los Rios College, East Los Angeles College, Glendale College, and Allen Hancock College have also passed votes of no confidence in Chancellor Oakley, many of them unanimously or by affirmation; many more are considering the same action for their fall agendas. Additionally, De Anza's faculty, along with its student government leadership, has also passed a vote of no confidence. Thus, this is not just a couple of disgruntled colleges or groups as stated in Chancellor Oakley's email. We have outlined the reasons our Academic Senate has major concerns with Chancellor Oakley's leadership; we will leave the other college senates to enumerate specific reasons for passing their resolutions.

Despite what you were told in Chancellor Oakley's email, votes of no confidence are actually rarely used--only one has ever been used against a statewide chancellor (Chancellor Mertz, 1994). Faculty members generally use them when they feel there is little to no room left to try to come to a mutual understanding and amiable conflict resolution. In essence, we see this as the strongest action we can take to send the strongest message possible that change needs to happen before work halts. It has been clear to us that up to this point, the Chancellor's office has no interest in listening to the faculty, CEOs, CBOs, or any other groups including student governances. Furthermore, it is actually quite rare for the faculty and college administration to find complete agreement on the lack of genuine consultation on important issues such as the fully online college (FOCC) and performance-based funding. Seemingly, no group is satisfied with what is going on, as we learned in spirited panels of district CEOs and CBOs at plenary that furthered our knowledge of statewide concerns among these groups.

Additionally, despite the subject line of Chancellor Oakley's email, *Addressing Local Faculty Concerns*, we can assure you that in no way does the callus dismissal of the vote of no confidence letter the Board received address our concerns; however, it does exemplify our disquietude. Working with a chancellor who dismisses our opinions and our elected leaders, discounts our work, and creates a rhetorical landscape painting community college faculty and administration as lazy and uninterested in doing what will help students without being forced to do so does not create an environment in which one readily adopts policy initiatives. We have read a multitude of published passages: We teach "waste of time classes", our Bachelor's programs are discounted (until recently in which the Chancellor has seem to have had a change of heart--at least rhetorically), in fact, in the *Ed Source*, he was quoted as saying, "What we're doing is not in any way, shape or form working for any Californian, period," (Zinshteyn, 2018, <https://edsource.org /2018/ lawmakers-question-gov-browns-plan-to-overhaul-funding-for-californias-community-colleges/596497>). The last seems particularly odd since the Chancellor himself has been a benefactor of this "broken" system. When the Chancellor's staff came to plenary to address the faculty, we have never seen anyone so disconnected from the work we do and so disrespectful towards the persons in the room. Many of us wondered why Chancellor Oakley chose not to be at plenary to lead us through his vision (which, again, was developed without consultation with ASCCC). Our perception is that Chancellor Oakley has significant disdain for faculty, our colleges, and the work we do--this, to the faculty at SDMC, makes him uniquely unqualified to lead us.

Chancellor Oakley's argument that faculty has been part of the conversation is disingenuous. Just because he talks with *some* faculty members does not mean he is engaging *the* faculty. Engaging the faculty and then dismissing our recommendations is also a disingenuous attempt at consultation. We have statewide leaders who have been elected to represent us in statewide matters, and the Chancellor has demonstrated a complete lack of respect for both the spirit and the legal mandates embedded in AB 1725, Education Code and the Standing Orders of your board. The Chancellor's strategy is to insist that a conversation with any faculty member means he is engaged in collegial consultation; however, only our statewide leadership is equipped to share the sentiments from faculty throughout the state.

We respectfully share with you that the ASCCC represents approximately 58,000 faculty members who, in turn, teach roughly 2.1 million students in the state of California; no group is

more uniquely qualified to share both the faculty and student perspectives than the ASCCC leadership. We expect that you will continue to see a wave of dissatisfied faculty coming forward through Senate resolutions and letters and because we are already hearing distractions to our message, let it be clear that we are willing to work with any Chancellor if they demonstrate that they are willing to work with our leadership. Further, we want to reiterate that our actions are completely motivated by a lack of collegial consultation. To correct what is going wrong, the Chancellor and his staff must engage in genuine consultation with the ASCCC and rely upon its recommendations in academic and professional matters as outlined by Education Code and standing orders and have been practiced productively for years. These votes of no confidence are not meant to challenge the authority of the Board; rather, they are meant to implore you to consider whether the Chancellor is acting on behalf of and representing the Board in the manner in which the Board expects. If the Board does not want its agent to discount the state's constituents, then it is time to reexamine what is currently happening in the status quo.

From conversations with our colleagues around the state, we suspect that our letter will not be the only letter you receive. We urge you not to consider this letter an outlier. We hope that before the situation degrades further, the Board will take the time to consider action that will heal the significant divide that has been created by the Chancellor and actors in his office.

Our Academic Senate appreciates your time to consider carefully what we have shared here. Our hope is for satisfactory resolution with our state leaders; however, we are prepared to continue making our case throughout the state. The Board must now decide a direction for the system - one direction affirms collegial consultation, the other does not. We are hopeful, as it has done in the past, that the Board will uphold participatory governance that has made our system great.

Sincerely,

*Kim Perigo*

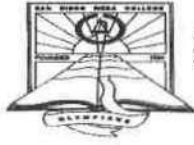
Kim Perigo, Ed.D.  
President, Academic Senate  
San Diego Mesa College

*Manuel Velez*

Manuel Velez, Ph.D.  
President Elect, Academic Senate  
San Diego Mesa College

*Dina Miyoshi*

Dina Miyoshi, Ph.D.  
Vice President, Academic Senate  
San Diego Mesa College



**Resolution 18.4.3 – Vote of No Confidence State Chancellor: (Perigo)**

**1st Reading:** April 9, 2018

**Mover:** Velez

**Seconded:** Parsons

Whereas, the principle of participatory governance in the California Community Colleges has been established in practice and codified in law (AB 1725);

Whereas, participatory governance only functions when it is acknowledged by all levels of administration and faculty governing bodies;

Whereas, confidence in the leadership of the chief executive of the state-wide system is integral to the effective execution of the California Community College mission;

Whereas, the faculty of San Diego Mesa College have become deeply concerned about issues of governance, including but not limited to the lack of access to the State Chancellor for conversations about policies that can have dramatic impact on our system's operations, such as performance-based funding and the fully on-line community college,

Whereas, the Chancellor has demonstrated a lack of transparency and has not engaged in collegial consultation by excluding faculty leadership groups from meetings addressing policy matters,

Resolved: The San Diego Mesa College faculty affirms a vote of no confidence for California Community College Chancellor, Eloy Oakley.

Presented to the Academic Senate: April 9, 2018

Approved by the Academic Senate: April 9, 2018



**SDCCD Administrative Procedures (AP's):**  
**AP 2510 - Participation in Local Decision-Making**

From BoardDocs.com:

Book	SDCCD Administrative Procedures
Section	Chapter 2 - Board of Trustees
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**PARTICIPATION IN LOCAL DECISION-MAKING**

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The Board of Trustees is committed to participatory governance. This procedure is intended to ensure that faculty, students, and staff have the right to participate effectively in the governance of the District. The policy also ensures the right of the Academic Senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

**ACADEMIC SENATES**

**1. DEFINITIONS**

- a. Consult Collegially: The Board of Trustees shall rely on one of the following two consultation methods:
  - i. Rely primarily upon the advice and judgment of the Academic Senates; and
  - ii. The Board or its representatives and the representatives of the Academic Senates shall have the obligation to attempt to reach mutual agreement.
- b. Academic Senates: Organizations whose primary function is, as representative of the faculty, to make recommendations to the administration and governing board with respect to academic and professional matters, outside of collective bargaining.
- c. Faculty: Those individuals employed in positions that are not designated as supervisory or management and for which minimum qualifications for employment are specified by the California Community Colleges Board of Governors.

**2. RESPONSIBILITIES**

- a. The Board of Trustees shall consult collegially with representatives of the Academic Senates.
- b. The Academic Senates shall retain the right to meet with and appear before the Board of Trustees with respect to the views, recommendations or proposals of the Academic Senates.

c. The Board of Trustees shall respond to recommendations of the Academic Senates through either of the following:

i. The Board of Trustees shall elect to rely primarily on the advice and judgment of the Academic Senates for the following policy development:

- a. Degree and certificate requirements;
- b. Grading policies;
- c. Educational program development;
- d. Standards or policies regarding student preparation and success;
- e. District and college governance structures, as related to faculty roles;\*
- f. Faculty roles and involvement in accreditation processes, including institutional self-evaluations and annual reports; and
- g. Processes for institutional planning and budget development.\*

\* Refers to number, make up and nature of committees in the governance structure and the role faculty plays in these.

In instances where the Board of Trustees elects to rely primarily upon the advice and judgment of the Academic Senates and recommendations are not accepted, the Board of Trustees shall communicate the reason in writing to the President of each Academic Senate within 30 days of the decision.

ii. Mutual agreement with the Academic Senates

The Board of Trustees shall attempt to reach mutual agreement with the Academic Senates for the following policy development:

- a) Curriculum, including establishing prerequisites, placing courses within disciplines and assessment of student learning;
- b) Policies for faculty professional development activities;
- c) Processes for program review; and
- d) Other academic and professional matters as mutually agreed upon between the governing board of Trustees and the Academic Senates.

In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the governing board of Trustees may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons. In such instances, in the spirit of collegiality, all parties shall continue to participate in the resolution process. In the event mutual agreement cannot be reached, the Board of Trustees shall communicate the reasons in writing to the President of each Academic Senate within 30 days of the decision.

### **3. Committee Assignments**

The appointment of faculty members to serve on college or District committees, task forces, or other groups dealing with academic and professional matters, shall be made, after consultation with the Chief Executive Officer (or designee) by the Academic Senates.

## **Follow-up Brown Act Questions/Answers**

### **Meeting times as stated on Agendas**

**Q.** If a regular meeting runs long, and goes beyond its meeting period stated on the agenda, is that a violation of the Brown Act?

**A.** *No, it is not. An agenda must specify the start time and location of the regular meeting. The Brown Act neither requires an agenda to include an end time, nor does it limit the length of a regular meeting.*

### **Loss of Quorum**

**Q.** If, during the course of a meeting, voting members leave and the committee no longer has quorum, what are the recommended procedures in terms of continuing to discuss, deliberate or take actions at that meeting?

**A.** *If meeting members leave a meeting resulting in loss of a quorum, then the meeting must be adjourned immediately without further action or discussion except to adjourn. Official notice of adjournment of the meeting due to loss of quorum must be posted within 24 hours. The notice must specify the next scheduled meeting.*

### **Adding Agenda Items for Regular Meetings After the 72-Hour Advanced Notice Period**

**Q.** If any attendee wishes to add an agenda item, can they?

**A.** *Members cannot add an agenda item if doing so would result in less than 72 hours' advance notice and posting of the agenda item. There are only very narrow exceptions involving an emergency or a "holdover item."<sup>1</sup> The public may not add agenda items at any time, with or without 72 hours' notice, but may comment on any item of interest within the subject matter jurisdiction of the legislative body.*

**Q.** Is the restriction on that item that it cannot be discussed, deliberated or acted upon, but can be presented as informational only?

**A.** *Action or discussion on any item not appearing on the agenda is prohibited. However, members may:*

- i. briefly respond to statements or questions posted by the public;*
- ii. ask a question for clarification;*
- iii. make a brief announcement;*
- iv. make a brief report on activities;*
- v. provide a reference to staff or other sources for factual information;*
- vi. request staff to report back to the legislative body at a subsequent meeting; and*
- vii. direct staff to place a matter of business on a future agenda.*

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<sup>1</sup> A "holdover item" is an item that appeared on a properly posted agenda of a regular meeting held not more than five days earlier, which was continued.

## Handouts and Presentation Materials at Meetings

**Q.** Are all handouts and presentation materials that are to be discussed at a meeting required to be made available with the agenda in advance of the meeting? Is an electronic provision sufficient?

**A.** *Yes and yes. The public has a right to review agendas and other non-privileged writings distributed to all or a majority of the legislative body for discussion or consideration at a public meeting. These materials shall be made available upon request, subject to the following rules:*

- i. These materials should, if possible, be made available at least 72 hours prior to the meeting.*
- ii. If the materials are not distributed at least 72 hours prior to the meeting, the materials shall be made available for public inspection at the time of distribution to a majority of the legislative body.<sup>2</sup>*
- iii. The agency may post the material on its website in a position and manner that makes it clear that the writing related to an agenda for an upcoming meeting.*

**Q.** Are all handouts and presentation materials required to be attached to the minutes? Is an electronic version sufficient?

**A.** *The Brown Act does not speak to whether presentation materials must be attached to minutes. However, meeting minutes and presentation materials are both subject to disclosure under the Public Records Act upon request. Additionally, such materials must be available for inspection at a public office or location that the District designates for this purpose, and the address of this office or location must be stated on the agendas for all meetings that are subject to the Brown Act. The District also may post handouts and presentation materials on its website in a position and manner that makes it clear that the writing relates to an agenda item.*

## Publishing of Meeting Minutes

**Q.** Do all committees that are required to follow the Brown Act need to publish meeting minutes?

**A.** *The Brown Act does not specifically require minutes to be kept; the manner in which minutes are to be kept is generally provided in the bylaws of the body. (See, e.g., BP 2360.) There are special rules for an emergency meeting.<sup>3</sup>*

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<sup>2</sup> Writings distributed during a public meeting must be made available for public inspection at the meeting if prepared by the local agency or one of its members, but may be made available for public inspection after the meeting if prepared by some other person.

<sup>3</sup> At the conclusion of an emergency meeting, the minutes of the meeting, a list of persons who the legislative body notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.



**Q.** Does the requirement to publish minutes depend on what action (if any) was taken by the committee?

**A.** *No, it does not. The Attorney General has issued an opinion that, “[t]he body need not take any action in order for a gathering to be defined as a meeting.” However, as to whether meeting minutes must be prepared when a meeting occurs, please see the preceding answer, above.*

**Q.** Is there a time limit to when ‘edits’ to draft committee meeting minutes can be accepted prior to the next committee meeting where they are scheduled to be approved?

**A.** *The Brown Act does not specify a deadline for edits to minutes as such. However, if draft minutes are distributed to all or a majority of the committee, then the rules discussed above regarding the dissemination of written materials must be followed.*

**Q.** Is it true that meeting minutes can be changed any time after they have been approved (even years after) if there is a 2/3 majority in support of the specified changes?

**A.** *The Brown Act does not specify the manner in which meeting minutes are to be kept, approved or amended. These rules are usually specified in the bylaws of the body. Whether the question is an accurate statement of the rules applicable to a particular body depends on what board or committee is at issue, what its bylaws state, etc.*

### **Serial Meetings, Daisy Chain Meetings, Quorum for One Committee within Another Committee**

**Q.** If people meet to discuss a business item, and enough people present are members of another committee to make quorum for that committee, are they in violation of the Brown Act by discussing agendaized business items?

**A.** *No, they are not in violation so long as they do not discuss any non-agendaized items, including those that pertain solely to the other committee. In other words, they should conduct only the business of the committee that is officially meeting, and must not conduct any business of the other committee. In the real world, the business of the two committees may overlap -- so long as what is discussed or acted upon is an agenda item that is properly within the ambit of the committee that is actually meeting, there is no violation of the Brown Act.*

### **Teleconferencing**

**Q.** Is conducting a meeting fully or partially via Teleconferencing allowable?

**A.** *Yes, the Brown Act allows teleconferencing in connection with any meeting. The meeting must comply with all other provision of the Brown Act, as well as special rules applicable to teleconferencing.*

**Q.** What are the specific restrictions or conditions that apply to teleconferencing?

**A.** *Per Government Code § 54953(b):*

- i. All votes taken during a teleconferenced meeting shall be by rollcall.*
- ii. Meeting agendas must be posted at all teleconference locations.*
- iii. Each teleconference location must be identified in the notice and agenda of the meeting.*
- iv. The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.*
- v. Each teleconference location must be accessible to the public.*
- vi. At least a quorum of the committee must participate from teleconferencing locations within the committee's jurisdiction.*
- vii. A teleconference location does not require a member of the legislative body to be present.*