

For Approval: March 18, 2013

San Diego Mesa College
Academic Senate
March 4, 2013: H117/H118 (2:15PM-4:00PM)
Minutes
3rd Draft

PRESENT:

Anar Brahmabhatt, John Crocitti, Chris Dawes, , Becca Arnold, Lupe Gonzales, Martina Hesser, Erika Higginbotham, Madeleine Hinkes, Bill Hoefler, Katie Holton, Laleh Howard, Leroy Johnson, Terry Kohlenberg, Ken Kuniyuki, Georgia Laris Danielle Lauria, Angela Liewen, Laurie Mackenzie, Guillermo Marrujo, Thekima Mayasa, Joe "Mac" McKenzie, Jonathan McLeod, Phyllis Meckstroth, Devin Milner, Michelle "Toni" Parsons, Kirsten Pogue-Cely, Francisca Rascon, Ron Ryno, Cynthia Rico, Shannon Shi, Robert Sanchez, Steven Siegel, George Svoboda, Tobey Tam, Marilyn Schenk, Walter "Duane" Wesley, Lois Wittner and Farshid Zand, and guests VPI McGrath, VPSS Barnes, Deans Baker, Eidgahy, Evans, Craft, Fohrman, MacNeill, and Topham, and Katherine Bradford, Donna Budzynski, Raul De Leon, Rob Fremland, Paula Gustin, Suzanne Khambata, Nina Rosenstand, Vilma Silverman, and Dawn Stoll

ABSENT:

Mark Abajian, Aulani Chun (Excused), Kris Clark (Excused), Leslie Cloud (Excused), Nellie Daugherty (Excused), Michael Fitzgerald, Dwight Furrow, James Gappy Barbara Sexton, Manuel Velez, and Chuck Wandall (Excused)

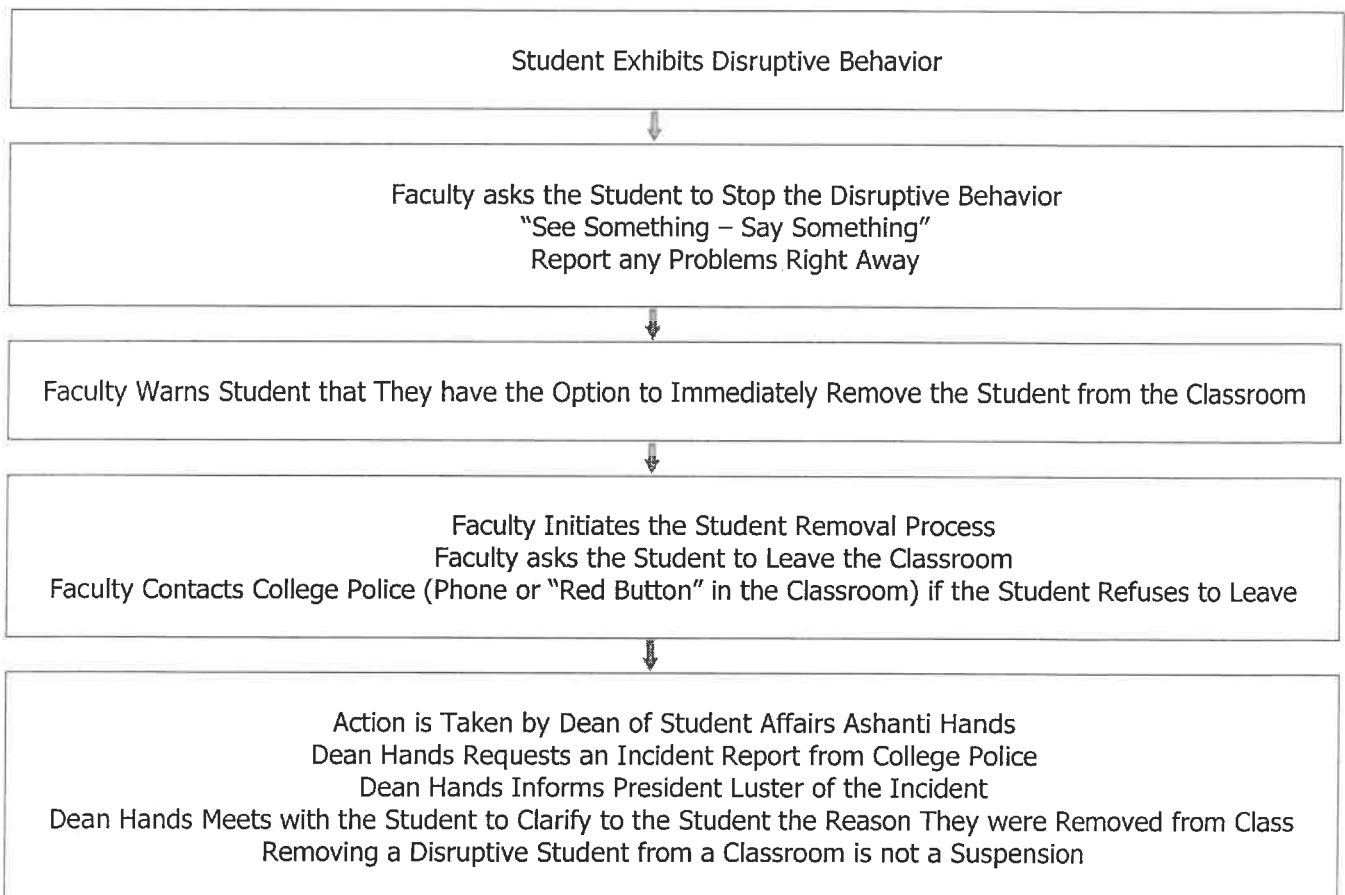
- I. CALL TO ORDER and WELCOME by Academic Senate President Madeleine Hinkes @ 2:17PM.
- II. **Approval of Today's Agenda:** No changes were made to the agenda.
- III. **PUBLIC PRESENTATIONS:**
 - A. **Associated Student Government (ASG) Representative:** (Chuck Wandall) No Report
 - B. **Classified Senate Representative:** (President Angela Liewen) No Report
- IV. **GUEST:** Vice Chancellor Lynn Neault, President Pam Luster, Dean Ashanti Hands, Disabled Student Programs and Services (DSPS) Chair/Coordinator Jill Jansen, Professor Carl Luna, Counselor Judy Sundayo, and Sergeant Diana Medero
San Diego Community College District (SDCCD) Board Policy (BP) 3100 – Student Rights, Responsibilities and Due Process:
 - A. **Vice Chancellor of Student Services Lynn Neault:**
 1. The origin on SDCCD BP 3100 is based in and bound by laws and the policy is reviewed periodically by the District's attorneys to ensure that the SDCCD is in compliance with all applicable laws including:
 - a. Americans with Disabilities Act (ADA)
 - b. California Education Code
 - Authorizes Suspension or Expulsion for cause
 - Defines what is "Good Cause" or "Basis" for a student to be removed from a classroom
 - Entitles students to a prompt hearing within 10 days of an incident
 - * Mesa College's hearing panels consist of the same number of Students and Faculty members
 - A student can only be removed from a campus related activity.
 - A student can be removed from class during the initial class meeting when the disruptive behavior occurs and the following class meeting
 - As of 2012, California Community Colleges (CCCs) can refuse admission to any student who was expelled from another CCC within the past five years.
 - c. California Penal Code
 - d. Family Educational Rights and Privacy Act (FERPA)
 2. The SDCCD cannot violate our students' rights to due process.
 - a. Any violations by the District can cause our students to lose their financial aid (Title IX Funding).
 3. Only the Mesa College President has the authority to suspend a Mesa College student.
 4. Only the SDCCD Board of Trustees (BOT) has the authority to expel a student from our District.
 5. The Office of Civil Rights (OCR) oversees ADA and Title IX funding and requires the SDCCD to address the Mental Illness aspect by referring students to our Student Health Services at a minimum.
 6. Vice Chancellor Neault also informed the attendees that any correspondence (electronic or printed) that has a student's name on it becomes part of the student's records and can be subpoenaed by the courts.
 - a. Please be very careful.

B. Mesa College President Pam Luster:

1. President Luster said we have the right to a safe workplace and she is confident that we can work together to make Mesa College safer.
2. President Luster reported that she typically receives reports of a student's removal from a classroom within 24 hours.
 - a. In one instance she was notified within 20 minutes.
3. Although we try to act as soon as possible, having a student leave campus does not always remove a particular threat.
 - a. We need to find a way to get the student help in order to remove the threat and keep our Faculty and students safer.
4. We will need to review all the recommendations we receive today.
5. Thank you for participating and engaging in the dialogue on the issue of safety today.

C. Mesa College Dean of Student Affairs Ashanti Hands:

1. Dean Hands reported there is a large poster of Policy 3100 posted in every classroom.
Process for Removing Disruptive Students:



2. Dean Hands reported students rarely need to be removed from a classroom for disruptive behavior a second time.
3. Although students can only be removed for two class sessions, an Interim Suspension barring a student from all SDCCD sites can be put in place, if the student's behavior warrants an Interim Suspension.
4. Academic Affairs only recorded 12 incidents of a student being removed from a classroom in the past year.
5. Dean Hands will work with College Police to determine what the appropriate action is when College Police is called.
 - a. Fact-finding is necessary in order to substantiate a threat.
6. The Dean of Student Affairs can only submit a recommendation to the College President that a student should be suspended and cannot promise that a student will not return to class.
7. The creation of a Threat Assessment Team requires the necessary structure and we need additional discussions.
8. We have to protect the rights of all our students.

D. DSPS Chair/Coordinator Jill Jansen:

1. Jill reported DSPS has a guide for Faculty on their webpage.
2. DSPS receives calls often about disruptive students and are able to assist faculty and staff regarding possible behavioral issues, strategies and referral sources.
 - a. Although Disabled Students Programs and Services are available at Mesa College, no student can be forced to apply for DSPS services, as our services are voluntary.
3. College Police has access to a Psychiatric Emergency Response Team in the event they deem this necessary. Campus Police are the best resource at Mesa College for students who are not already receiving treatment.
4. We must be able to define what is considered "Threatening Behavior".
5. Everyone is ready to support Faculty.

E. Professor Carl Luna:

1. Carl said the purpose of today's meeting is to address Faculty concerns.
2. Our process for dealing with disruptive students has to include all the necessary legal requirements.
3. Faculty can always ask College Police to remove the student a second time if the disruptive behavior continues.
 - a. It is a good idea to ask your Dean and Department Chair to also be present when the disruptive student returns to class.
4. Arrests do not always result in conviction.
 - a. However, we can ask College Police to let us know if a student makes bail.
5. Carl recommends that the Senate creates a resolution supporting Donna Budzynski's recommendation that we work to change the laws in order to strengthen our ability to suspend and expel our students for criminal behavior.

F. Counselor Judy Sundayo:

1. Judy said our policies do work, but they do need to be reviewed regularly.
2. Judy is a licensed Psychiatric Professional and she and the other Counselors are available to assist Faculty.
 - a. Please feel free to contact a Counselor.
3. Administration, College Police, Counselors, Dean Hands, and Students Health Services can respond together when an incident occurs.

G. Sergeant Diana Medero:

1. Faculty can push the "Red Button" in their classroom to call College Police for assistance.
2. Faculty can ask College Police to be present at their classroom during the first incident and when the student returns to class.
3. College Police can address disruptive student incidents administratively and criminally.
 - a. However, students can still make bail after they are arrested.
4. College Police can follow-up on any threats.
 - a. There must be an actual threat and/or bodily injury.

H. Concerns Expressed by Faculty:

1. Becca Arnold – Business Department:
 - a. Becca reported that she is part of the informal Campus Response Committee.
 - b. We need to have Faculty representation on a Threat Assessment Committee to keep Faculty informed about possible threats.
 - c. Faculty appreciates everything the panel is presenting today.
 - d. Faculty is very concerned about potential risks.
 - e. Faculty cannot find out about the results after a student is removed from a classroom.
 - d. Recommendation #1:
 - Faculty needs to be part of the loop.
 - * FERPA does not mandate that Faculty is not part of the loop.
2. Donna Budzynski – Chemistry Department:
 - a. Donna said that we need to work to change the laws in order to strengthen our ability to suspend and expel our students for criminal behavior.
 - The Academic Senate for California Community Colleges (ASCCC) can do a lot more than Mesa College Faculty can do on our own.
 - We need to cite all the sections of the California Education Code that are preventing us from protecting our students.
 - College Police needs to be able to suspend students for criminal behavior.

3. Rob Fremland – Chemistry Department:
 - a. Rob said there is no demonstration that the problem was resolved.
4. Paula Gustin – Chemistry Department:
 - a. Paula said the Faculty is concerned about students who are breaking the law by making criminal threats.
 - A student who assaults another student should not be able to return to class.
5. Vilma Silverman – Languages Department:
 - a. Vilma reported she and her students are afraid after a student made threats, but they were not notified of anything after the incident and there seemed to be a “Black Hole” or “Void”.
 - The incident has negatively affected her students’ grades.

V. Approval of the Senate Minutes for February 11, 2013:

Motion to approve the minutes:

M/S

McLeod/Howards

Unanimous

VI. Senate Exec Committee Reports: (Tabled)

- A. President-Elect:** (Terry Kohlenberg)
- B. Treasurer:** (Ken Kuniyuki)
- C. Senator at Large #1:** (Georgia Laris)
- D. Senator at Large #2:** (Katie Holton)
- E. Secretary:** Office is Vacant
- F. President:** (Madeleine Hinkes)

VII. COMMITTEE REPORTS: (Tabled)

- A. Academic Affairs:** (Co-Chair John Crocitti)
- B. Professional Development Committee (PDC):** (Chair Cynthia Rico)
- C. Committee of Chairs (COC):** (Chair Laurie Mackenzie)
- D. Curriculum Review Committee (CRC):** (Co-Chair Toni Parsons)
- E. Basic Skills Committee:** (Coordinator Chris Sullivan)
- F. Program Review Committee (PRC):** (Co-Chair Kris Clark)

VIII. OLD BUSINESS:

A. San Diego Community College District (SDCCD) Process for C-ID Course Identification:

1. Mesa College Articulation Officer Juliette Parker reported the Miramar College Academic Senate has approved the proposal.
2. Guillermo Marrujo said the Senate needs additional information prior to a discussion and vote on the proposal.
3. Jonathan McLeod asked who will revise the proposal, if changes are made to the process due to concerns brought forth by the Senate.

Motion to bring the proposal forward for discussion at the March 18th Senate meeting after additional information regarding the proposal is made available to the Senate:

M/S

Marrujo/Johnson

**1 Abstention
1 No Vote**

IX. NEW BUSINESS: None

X. Announcements:

- A.** The next Committee of Chairs meeting is scheduled for March 13, 2013 in H117/H118 @ 2:15PM.
- B.** The next Academic Senate meeting is scheduled for March 18, 2013 in H117/H118 @ 2:15PM.

XI. ADJOURNMENT @ 4:05PM.

Submitted by Sue Saetia

Approved by the Senate: