Faculty Senate Minutes
May 7, 2010
Community Campus
12:45 – 3:45 p.m.

Present: Joe Labuda (At-large); Lynta Thomas (CC); Steven Croft (DC); Kimlisa Duchicela (DC); Dolores Duran-Cerda (DC); Earl Garrick (DC); Ron Hale (DC); Josie Milliken (DC); Diann Porter (DC); Richard Rosen (DC); Sterling Vinson (DC); Susan Pritchett (DC); Tommy Salazar (DC); Pat Townsend, proxy for Jeannie Arbogast (DV); Andrea Henderson (DV); Susan San Jule (DV); Pollyanna Wikrent (DV); Olga Carranza (DV); Patricia Figueroa, proxy for Susan Heinrich (EC); Rita Flattley (EC); Doug Holland (EC); Rob Modica (EC); Barbara Armenta (EC); Kathy Feuling (EC); Donald Bock (NW); Greta Buck-Rodriguez (NW); Erin Eichelberger (NW); Randy Munsen (NW); Sandy Niederriter (NW); Alice Adamson (WC); Ceanne Alvine (WC); Carol Christofferson (WC); Joseph Dal Pra (WC); Lazaro Hong WC); David Katz (WC); Debra Kaye (WC); Steve Mackie (WC); Georgann Willis (WC); Barbara Armenta, proxy for Jack Mertes (WC); Karie Meyers (WC); Rosa Morales (WC); Erich Saphir (WC); Tom Speer (WC); Melinda Franz (WC).

Absent: Jodi Richardson-Delgado (At-large); Jeremiah Johnson (CC); Mike Schuetze (CC); Linda Marks (DC); Kaushel Pandey (DC); Terri Hamstra (DV); Jan-Ruth Mills (EC); Wright Randolph (EC); Cheryl Blake (NW); Rebeca Bennett (WC); Jake Elkins (WC); Sarah Marcus (WC); Catherine O’Brien (WC).

Guests: Chancellor Roy Flores (DO); Provost Suzanne Miles (DO); Cynthia Dooling (DO); Doreen Armstrong (DO); Bill Ward (MS); Chief Spokesperson Ana Jimenez (PCCEA); Becky Pallack (AZ Daily Star); Minutes-taker Patrick Lenihan (DO).

1.0 Introduction
President Diann Porter welcomed Faculty Senators and Guests. The meeting was called to order after Secretary Pat Townsend verified a quorum of senators.

2.0 Approval of Minutes
Diann Porter solicited corrections to the April Minutes. Rick Rosen pointed out that his comment regarding the healthfulness of vendor-provided food at the Downtown Campus was meant to be sarcastic. A motion to approve was made and seconded; the motion carried.

3.0 Announcements
Rita Flattley announced that on Sunday, May 16, there would be a donation celebration for the “Read Between the Bars” program. PCCEA has worked with them in the past on book drives.

4.0 Agenda Modifications and Open Forum Items
Kimlisa Duchicela requested a discussion of Arizona law SB 1070, regarding immigration.

5.0 Business
5.1 Common Policy Review

Rita Flattley was part of the group that reviewed the Personnel Policy Statement for College Employees, which is commonly known as Common Policy. The “gray book” is a document that impacts many areas of Pima employment, including medical leave and employment rights. There are even situations that originate with our “blue book” that bounce out into the “gray book.” It only gets reviewed every several years.

Charlotte Fugett was the chair and Cindy Dooling was the co-chair. This was a large group of 20 people because it required representatives from every employee group at the College. The group had excellent support at the District level. The group solicited concerns and comments from faculty and staff, and this was compiled before the group officially met.

The committee broke up into subcommittees to address specific issues. Each recommended change had to be approved by the larger group. The group’s overall recommendations are going forward to Chancellor’s Cabinet later this month. These recommendations will likely go to the Board in June and be in effect for the Fall Semester.

Some suggestions were not workable. One suggestion was to extend fee waivers after retirement. However, state law limits this to current employees. A new section in the book will deal with school closures. There have been rare times when Pima has had to close a campus. Yet the College has had no policy to address such events. One subcommittee researched this issue and adopted some language from other institutions that addresses this possibility.

Under the Grievance Section was the unusual situation of how to handle a grievance against a Chancellor. There have been incidents at other schools where this has come to pass. Yet in most cases, the Chancellor is the final court of appeal. In such a case, the complaint would be referred to the Employee Relations Office at the District, which would submit the complaint to the College Attorney, who would review and forward it to the Board of Governors.

The work of the “definitions” subcommittee was very important because definitions are sprinkled throughout such documents. Under Conflict of Interest, there was some important wording regarding the financial threshold for what constitutes a conflict of interest. In other words, if the Chancellor sends someone a Christmas card, they do not have to report the monetary value. Language was also changed on various other Conflict of Interest issues, regarding Failure to Disclose, which could result in sanctions up to and including termination. However, it was noted that this was not consistent with some of the changes made in the Code of Conduct, so no action will be taken without due process. The wording was changed to explain that failure to disclose a conflict of interest might result in corrective action.

The Nepotism and Consensual Relations sections are important so that one will know what must be reported. If there might be even an appearance of a conflict of interest, it should be disclosed and addressed. The gray book also applies to part-time employees, regarding jury duty, etc. In the Code of Conduct area, changes addressed the timelines of disciplinary action, so that employees will not have to face the possibility of adverse consequences for an extended period of time. Barbara Armenta requested a College-wide update on all changes as they are adopted.
5.2 Book Look
Cynthia Dooling presented information regarding the Higher Education Opportunity Act, on disclosure to students about the costs of their course materials. By July 1, the College must provide information on the total cost of a course. This will permit students to budget their expenses. It deals with the practical aspects of purchasing textbooks. Cindy Dooling distributed a handout and explained how this would work on an individual basis.

Carol Christofferson asked about non-textbook materials. Diann Porter asked about variable textbook purchase options. Kimlisa Duchicela asked about how accuracy is ensured for the cost of materials. Rob Modica requested clarification on the default status of purchasing a textbook online. Cindy Dooling will research these questions and report back to the Senate. She added that this is a new law; it will undoubtedly be clarified by practical experience moving forward.

David Katz mentioned that for some chemistry lab courses, the bookstore sells a notebook costing as much as $20.00. He tells his students that they can find something suitable for less; however, he is unable to give them advance notice. How can this be accomplished? Susan San Jule wondered about items such as flash drives, which are required in some courses. Provost Miles replied that such items are not included in the Higher Education Opportunity Act but will be addressed.

Rita Flattley inquired about the faculty’s inability to identify an either/or option regarding hard copy or eBook when specifying a course textbook. Provost Miles stated that this is actually a College issue and Dr. David Bea would address this situation. David Katz added that Follett’s contract requires having textbooks in stock, and they have a Café Scribe system for electronic textbooks, but nothing obligates them to provide a secondary source.

Diann Porter asked what to do if one clicks on a CRN and sees a problem, whom do they contact? Cindy Dooling said to contact the Help Desk at helpdesk@pima.edu. Rob Modica wondered if it would be in Follett’s self-interest to keep as little stock on-hand and sell more books through the website, which allows books to be delivered to either the bookstore or the student’s home. There must be a timeline for this. If a student registers late, and the bookstore is sold-out, the student may have to wait for textbook delivery. Cindy Dooling took note of this possibility.

Barbara Armenta noted that the faculty pays close attention to their own courses, and requested that an email be sent out with a direct link provided for reporting problems and discrepancies.

5.3 College ID
Doreen Armstrong reported on the process for issuing faculty identification cards -- a college-wide ID card that is reliable, secure, and establishes the identity of the College’s employees. Research revealed various and inconsistent ID cards. Also, there is the question of ID for temporary employees. Doreen Armstrong referenced a PowerPoint slide with the heading, “Identification Card Concept.” The proposed card would have a hologram for security purposes, yet would be easily replicated within Pima’s system. It’s also important that these cards be
recognized at the university library. At present, the college has established funding to purchase a system to generate these cards. Doreen Armstrong circulated a page of sample ID cards from academic institutions. She affirmed that the College would implement this process as quickly as possible.

Rob Modica asked about the equipment differences between the student ID and the proposed employee ID card. Doreen Armstrong clarified that the differences are in the information storage modules, which are separate systems. Rob Modica asked further if the cards would be scannable, necessitating scanners at points on campus. They will be scannable but the only time they would be scanned is when visiting the university library. David Katz asked if there would be a fee for the card. The card will be provided at no cost to employees. Carol Christofferson asked if the card would contain an RFID chip with personal information. Doreen Armstrong answered in the negative.

6.0 Reports
6.1 PCCEA Report

Chief Spokesperson Ana Jimenez stated that Meet and Confer has concluded and PCCEA will be sending out a summary. The items agreed to will be submitted to the Board in June, so anything discussed here is still subject to approval. Meet and Confer included a great discussion with the Administration on professional enrichment funds. PCCEA sent out a survey to faculty on this subject. The College has recognized how important these funds are to faculty development and the funding will continue next year. PCCEA also negotiated a selection process for vacancies for library director.

Although sabbaticals are suspended, eligibility has been changed to applying during the sixth year, in keeping with the etymology of the word, sabbatical. PCCEA will negotiate for exceptions to this rule in special cases. A process was proposed for faculty administrative appointments, so that a faculty member would know what to do if they felt that such an appointment was needed to fill a vacancy. This was not an economic issue but, although the discussion was good, the proposal was not accepted.

Several faculty have inquired about employment letters from the College. Legally the letters are required only if a contract will not be renewed. Human Resources will send out an email with a link that will inform faculty that their contracts have been renewed. Last year, PCCEA conducted its first Administration Evaluation with about 30% participation. This is an anonymous survey that gives an opportunity to evaluate administrators, and the information on any specific administrator is shared with that administrator only. There will be an aggregate summary that will be shared with the overall College.

6.2 Board of Governors Report

Kimlisa Duchicela reported that Chairperson Marshall called the April 14 meeting to order. Public comments included recognition of Chancellor Flores and the Board of Governors by the Arizona Association for Lifetime Learning, for saving adult education for at least one more year. A proclamation was read and provided to the Chancellor and the Board Members individually. BOG Recognition Awards were given to various employees and students of Pima Community College, as well as community members.
The Staff Council report was read and the Student Representatives from each campus presented an update of campus activities. The Faculty Senate report was also read. Dr. Flores provided the Chancellor’s report. The first order of business was to recognize the fleet feet of Board Member David Longoria, who won his age group in the Alberding Amble running race. The Chancellor then turned the meeting over to the three employee representative groups for purposes of highlighting the various Meet and Confer issues presented to management.

Dr. David Bea presented the monthly financial report for February, highlighting that there were no significant financial issues. Overall the College continues to operate as planned, following normal financial patterns. Dr. Bea led a discussion of the Chancellor’s recommendation for an increase in tuition and the student services fee. Upon unanimous approval by the Board, in-state tuition increased by $2.00/semester hour and out-of-state tuition increased by $4.00/semester hour, with the student services fee increasing by $0.50 for all students.

Additional financial matters approved by the Board included: Increases in various cost recovery fees; employee medical benefits; employee dental benefits; pharmacy benefit management; employee life insurance; and College capital budget.

Rick Rosen added that Dr. David Bea has done a remarkable job of negotiating benefits for the College. In some cases, he has negotiated decreases in costs. In cases of increase, the College is holding employees harmless for the additional costs.

6.3 Provost’s Report
Dr. Suzanne Miles mentioned that she has sent two “save-the-date” emails regarding optional faculty meetings during the self-study team visit. The first one was to all faculty for Tuesday, September 14 from 3:00 – 3:30 p.m. at their home campuses. The Campus President will identify the location of the meetings. The team of 12 will divide up to visit campuses on that day.

The second date and invitation was to the Faculty Senate and to PCCEA leadership for Monday, September 13 from 3:30 – 4:00 p.m. at the District Office in A-206. There should be 3 to 4 team members at the session. There is no set agenda; the Consultant Evaluators will lead any type of discussion that takes place.

PCCEA asked us to remind you, particularly Educational Support Faculty, that the Board of Governors approved the closing of the College for the entire day on December 24.

The College is in the early stages of developing teaching workshops for adjunct faculty. In August, faculty members will receive a supplemental assignment notice seeking 3 to 5 faculty who might be interested in developing a general workshop. We hope to begin implementation of the workshops in the spring semester of 2011. Similar to the accreditation workshops, we will begin with a general workshop and then see if department chairs and CDACs want a discipline-specific workshop for their adjuncts.
Tony Pitucco’s presentation at our third speakers’ series event was a resounding hit, with an overflowing audience. We are looking forward to September, October and November, when Rick Rosen, Dolores Duran-Cerda and Gail Gonzalez will speak. We have been working on the next slate for 2011 and we will share that with you in August.

Rick Rosen mentioned that the Downtown Campus Business Department is requiring adjuncts to attend a one-day workshop beginning with the fall semester, 2010. Provost Miles supported this plan, adding that adjuncts should be paid for their time, and that she should be contacted if the department needs funds for the workshop.

6.4 Chancellor’s Report
Dr. Roy Flores stated that the College would be searching for a new chief human resources officer. Lynn Wakefield will be retiring after 34 years, having served well in many capacities, including the Chancellor’s office, as liaison for legal matters prior to his tenure. The college will conduct a national search because Human Resources is at the heart of the services we provide to employees and prospective employees. Dr. Flores also complimented Doreen Armstrong on her work over the years.

Regarding Proposition 100 on the upcoming ballot, it’s important to understand what it is, and what it means to the College. Prop 100 provides for a one-cent increase in our sales tax and is expected to generate some 700 million in revenue. To remind you, the State of Arizona still has a structural deficit of 3 billion dollars. The State has revenue of some 6 billion dollars and expenditures of somewhere under 10 billion dollars. The difference between 6 and 3 is huge. Relatively speaking, this is a larger deficit than is faced by California. Also, Arizona has other problems that California does not have. Several years ago, the Legislature passed a law requiring a two-thirds majority to pass any new revenue enhancements such as taxes. So, the likelihood of increasing revenue that way is practically zero. And there were legislators who took an oath that they would never increase taxes under any circumstances. A sales tax is directly tied to expenditures, and what happens in a recession is that expenditures decline in a disproportionate manner. We rely too heavily, as a state, on the sales tax. It makes sense, for many reasons, to have an income tax. A sales tax is regressive because the poorest people pay the highest proportion of their income in sales taxes.

There are some arguments against the sales tax increase. It’s supposed to be dedicated to education and a few other essential services, but primarily education. Some people are wondering how we know it will be spent for education. We know that it must be for the first year. We already know that we are looking at a 1.6 million budget cut for the coming year, and the U of A is looking at 40 million, because that budget has already been approved. If the sales tax increase passes, do we know how it will be spent? The answer is that money is fungible – it is placed into one pot. The point is: the State will have more money to work with if Prop 100 passes.

The Pima Community College Foundation has received an $800,000 bequest for scholarships for low-income students and minorities. It came from Mrs. Fry, a 105-year-old woman who had no apparent connection to the College. Regardless of her reasons for doing this, it is clear that she would not have done so, if Pima Community College were not held in high regard, or if the
money would not be used for the betterment of the students, or if she felt that the College would not be good stewards of the money. Chancellor Flores has asked the foundation director to ask the trust officer if some of that money can be used for the Desert Vista Endowment, which is a $330,000 endowment that is matched dollar-for-dollar by the federal government.

In athletics, the Board has approved an increased student services fee, and the total funding for athletics is $2.50/semester hour. The college does not use state funds for athletics. So far, this approach has yielded success. The men’s and women’s teams have gone to the nationals, and they said it couldn’t be done. We have converted our basketball coaching positions from part-time to full-time, in fairness to the coaches, who were essentially working two full-time jobs: one to support their families, and one to coach our teams. Also, our athletic director’s position is going to full-time. The athletic director has been doing double-duty as a coach, so we are eliminating the position of assistant athletic director, which balances the expenditure.

The College is going to have a representative from the White House as a commencement speaker.

Regarding Adult Education funding, it was literally dead, and would have affected 4,000 students and 77 employees. An agreement has been made regarding stimulus matching money that will allow the program to continue temporarily. The State of Arizona is the only state in the nation that was willing to abandon its adult education program. It has one now because of Pima Community College, and also our friends in Maricopa. However, this is not a permanent solution. We will talk with officials at all levels of government to see if we can find some permanent funding.

The Senate Bill 1070 deals with undocumented or illegal immigrants in Arizona. We need to understand this bill and see what it means for Pima Community College and the State as a whole. We want to make sure that our students and staff are safe, so we are going to ask officials what documents are necessary to show that someone belongs here. The Pima ID means that you’ve been vetted, that you’re a legal resident. Asking our international students to carry their most valuable documents on their person is a great risk, if they were to lose them and have to return to their home country to start the process all over again. The law gives officers the power to check immigration status after any contact with a person in a public place. We need to make sure that people who are here legally are not inconvenienced or worse.

Rob Modica mentioned that the bequest of $800,000 dollars seems to coincide with the fact that Pima has 800,000 graduates. Have we ever thought about asking our graduates for a buck a piece? Dr. Flores replied in the affirmative regarding solicitations. Rob Modica suggested that Pima has some very loyal alumni; a donation request may be in order. Chancellor Flores agreed. He will follow-up with the Foundation and the Alumni Letter toward that end.

Sterling Vinson asked about a legislative bill to impose oversight on ethnic studies. Chancellor Flores replied that it’s a K-12 bill that will affect the College indirectly. Barbara Armenta asked about a common numbering system for courses. Dr. Flores answered that the Legislature has mandated that the same courses have the same nomenclature. At present, there are many
differences from college to college, and college to university. Provost Miles is working on this issue.

Dolores Duran-Cerda thanked Chancellor Flores for addressing SB 1070, since PCC has a Hispanic constituency of 30%. Dr. Flores stated that, however well-intentioned, the law could have negative consequences that were unintended. Chancellor Flores concluded by emphasizing that if Prop 100 fails to pass, there would be a lot of people unemployed, from K-12 to universities. We don’t anticipate anyone being unemployed at Pima Community College. Next year, when there is no more stimulus money, is when things become more difficult. The College has already absorbed 30% in State cuts. That was restored to the level of 2006 by stimulus money. Unlike the universities, we didn’t put all that stimulus money into our operating budget, so we are going to take a severe hit next year, but not as bad as the universities.

Rick Rosen thanked Chancellor Flores for being such a great financial steward for the College.

6.5 President’s Report
Diann Porter mentioned that, at the last meeting, there was a discussion of forming a committee on Reading. A handout has been distributed at this meeting, identifying the members and goals of the Reading Requirement Ad Hoc Committee. Josie Milliken and Greta Buck-Rodriguez are the Co-Chairs. Ceanne Alvine then volunteered to join the committee. In addition, we will now have the video of our meetings posted on the Senate website.

Our next meeting is August 20 on All College Day. It was agreed that our September meeting would be on Friday, September 10, to avoid Labor Day Weekend.

7.0 Open Forum
Kimlisa Duchicela said that she had been asked to initiate a wider discussion of SB 1070. She is opposed to this bill as a faculty member and a parent. Her daughter could be subject to its provisions. Some faculty members are here today to make a presentation on this issue. Kimlisa Duchicela introduced Francisca James Hernandez and Rosalia Solorzano, who introduced a written resolution for the Senate to consider. Francisca James Hernandez spoke compellingly, citing a diverse coalition in opposition to the bill, because of its vague language and the possibility of racial profiling and other abuses of civil liberty. She read an extensive quote from Pima County Sheriff Clarence Dupnik, who is officially opposed to the requirements imposed by the bill. Francisca James Hernandez also made reference to SB 2281, which bans ethnic studies in public schools. The Arizona Department of Education has also ordered the firing of teachers with heavy accents and ungrammatical spoken English.

The speakers are concerned about the safety and well being of the College’s faculty, staff and students under the provisions of SB 1070. The Faculty Senate bodies of both The University of Arizona and Arizona State University have passed resolutions against SB 1070. Multiple lawsuits have been filed against this law, and several legal scholars have opined that the law is unconstitutional. Even Archbishop Desmond Tutu of South Africa has spoken out against it.

Having distributed a handout of the resolution, Francisca James Hernandez answered questions. Susan San Jule wondered to what extent the Faculty Senate is involved in political issues.
Francisca James Hernandez pointed out that the Senate took a stand on the weapons concealment law. Erich Saphir stated that it’s fairly unusual for the Faculty Senate to take positions on such issues, as with the weapons law.

Rick Rosen expressed reluctance to protest the law as a collective body, rather than as individuals, adding that he supports the resolution against completely. He cited the possibility for some form of retaliation against the Senate and the College by powerful interests. Sterling Vinson said that it is this very possibility that impels the Senate to speak out now as a body, citing a family member who may be unfairly targeted by the law.

Rosalia Solorzano read the resolution before the Faculty Senate. Diann Porter pointed out that the handout did not include the entire resolution, and suggested a shortened version for Senate consideration. Joe Labuda asked if it was appropriate for a resolution to come out of Open Forum, adding that if it’s an action item, it should be on the agenda. Diann Porter said that she knows of no rule prohibiting this. Rita Flattley added that they needed a quorum. Joe Labuda then asked how many Senators had read SB 1070. Only a few hands were raised in answer. He also asked how a resolution could direct PCC police not to enforce a state law. Erich Saphir agreed with Diann Porter on a shortened version, since Senators have not had time to consider the resolution line-by-line. He went on to say that most of us do not know what the final version of the bill actually says, leaving us with ideas from emails, hearsay and our own preconceived notions. By approving a resolution, we demonstrate ideological unity in disagreeing with the legislature, and perhaps a majority of Arizona citizens, but what have we really accomplished?

Rob Modica pointed out that in order to pass a resolution, it must be brought to the floor by a Senator. Susan San Jule expressed discomfort about making a statement in opposition to a law on which we have incomplete information. Carol Christofferson said that it’s not up to us; the courts will decide if the law is unconstitutional. Dolores Duran-Cerda mentioned that the topic has come up in the classroom, and some students are afraid, and we have some responsibility for them. Sterling Vinson offered to introduce the resolution, adding that SB 2281 will also affect the College because we teach multicultural and ethnic studies.

Olga Carranza made an impassioned statement in favor of the resolution, citing the emotional health of affected people, and the positive impact of ethnic studies on the self-esteem of all students. It’s important to learn the histories of colonized peoples as well as the colonizers. Ana Jimenez supported the resolution, saying it matters to our students. They need to know that all are welcome at Pima, and that we will not tolerate racial profiling and other civil infringements. Kimlisa Duchicela spoke about the fears of her students, adding that this law will likely have a negative impact on enrollments in Arizona. Sterling Vinson stated that this resolution gives us an opportunity to demonstrate that we are people of integrity. Donald Bock suggested waiting for the legal challenges, adding that it’s unfortunate that this is the last Senate meeting of the year.

Erich Saphir talked about how common it is in Germany for everyone, including German citizens, to be able to prove their identity and their right to be in the country. He said he enjoys the relative anonymity of life in America, but the world is changing. He has some issues with the new Pima ID, but the trend is in the direction of having to prove who we are, where we are, etc. He sympathized with the points being made here, agreeing with Donald Bock about this being the last meeting, which precludes further study of the laws. If a vote is to be taken, it
should differentiate between the two Senate Bills. Each bill deals with separate issues. We need to be more focused and specific about what we’re objecting to, and that would make for a stronger resolution.

Rob Modica said that there are too many issues on the table right now. We have a complicated set of issues. There is a large consensus against the bill, but how we’re going to address it is very muddled.

Work continued to try to clarify the views of the Senate and come up with a resolution to vote on. There was a great deal of discomfort with trying to deal with such an important and complex issue at the end of the year with so little time.

After further discussion about what should be done, Secretary Pat Townsend determined that the meeting no longer had a quorum of Senators.

A motion to adjourn was made and seconded; the motion carried.