

Academic Senate Grossmont College

Monday, February 7, 2011
11:00am – 12:20pm in Griffin Gate

I. CALL TO ORDER

A. Public Comment – *Each speaker will be given a maximum of 4 minutes to address the senate about a non-agendized item or items, with a maximum of 15 minutes allowed for public comment. The senate may vote to extend public comment at any meeting. Please contact the senate secretary before the meeting when wishing to speak at public comment. The senate welcomes all speakers to participate in the discussion on agendized items.*

B. Approval of Agenda

C. Approval of Minutes from January 31, 2011

II. PRESIDENT'S REPORT

15 minutes

A. Budget Update: Tim Flood and Barbara Blanchard

III. COMMITTEE REPORTS

NONE

IV. ACTION ITEMS

30 minutes

A. Legislative Program (Attachment #1)

B. Bill Bradley as Emeritus (Attachment #2)

C. Replacement of Senate Officer for this semester

V. INFORMATION ITEMS*

30 minutes

A. GC Academic Senate Constitution: Section 5. Quorum

“A simple majority of Senators including Senator designees recognized by the Chair at the openings of meetings shall constitute a quorum. Senator positions not filled by departments will not be included in quorum determination.”

B. Faculty Accreditation Co-Chair

C. Streamlining Call for Awards Nominations

D. Call for Part-time Senate Officer

E. Institutional Excellence Task Force and Faculty Research Liaison

*The Academic Senate may move information items to action upon a 2/3 vote.

Action Item – 2/07/11

**ATTACHMENT #1
(Revised based on Senate feedback)**



GROSSMONT-CUYAMACA
COMMUNITY COLLEGE DISTRICT

Legislative Program DRAFT 3 11-18-10

Per Legislative Strategy Committee discussion 11/15, the following draft positions are presented. Considerations during discussion included the importance of addressing both access and success, programs and services and using wording that establishes broad principles that will enable the District to act proactively to help shape legislation. The positions are consistent with the GCCCD Strategic Plan 2010-2016, including its 3010-2011 implementation plan. The final adopted legislative program, because it has the approval of all constituencies, is a powerful collective tool for the positions taken.

This draft is ready for distribution and further discussion. If you would like me to attend any meeting where it is discussed, please let me know. Once the broad principles are approved, background information will be drafted to provide data, circumstances and rationale. Thank you all for your insights and assistance. Dana

Grossmont-Cuyamaca Community College District 2011-2012 Legislative Program (State Issues)

Access to Programs and Services

The Grossmont-Cuyamaca Community College District supports:

1. Maintenance of access to programs and services
2. Maintenance of effective transfer and articulation processes from community college to four-year universities

Student Success

The Grossmont-Cuyamaca Community College District supports:

3. Program policies that facilitate seamless student transition, including assessment, placement, basic skills, non-credit programs and effective implementation of prerequisites
4. Funding for basic skills development
5. Affordable textbooks and materials

Fiscal Stability and Accountability

The Grossmont-Cuyamaca Community College District supports:

6. Fiscal and accountability standards that are quantifiable, educationally sound, reduce duplication, include a long-term perspective, and reflect the diverse needs and academic and vocational goals of community college students.
7. Measures to permanently backfill property tax shortfalls
8. Replacement of purchasing power for educational services that has been lost due to lack of COLA, funded growth and continued deferrals of funds owed.

From Roxanne BenVau, 2/1/2011. Note that there is a “Spontaneity” requirement that we would violate if we post 10% of a book on Blackboard:

I am happy to provide you with some background information about copyright law as it pertains to copying textbook chapters and uploading them into Blackboard. I understand that there is a great need for students to get started on textbook material at the beginning of the semester while they are waiting for their books to arrive. You mentioned that the instructors’ intent would not be to replace the text, but rather, to allow students lead time if they order books online and are waiting to receive them. Academic Senate discussed the idea that it might be permissible to copy up to 10% of a textbook and upload it into Blackboard. Bear with me a little bit, as I give you some background information that will help instructors understand where this “10% rule” comes from and how it’s not a rule that stands alone. There are other conditions that must be met before one can use the “10% rule.”

The “10% rule” can be found in the [“Guidelines for Classroom Copying of Books and Periodicals.”](#) This is used to give educators guidelines on what might be considered Fair Use (ultimately, whether something is Fair Use or not is determined in a court of law, when there’s a lawsuit.) The “Guidelines” is an agreement that was hammered out in the House between educators and the publishers (H.R. 94-1476.) The Guidelines are meant to provide a “safe harbor” for colleges; in other words, if colleges stay within these copying Guidelines, it’s fairly safe to assume that they won’t be getting “cease and desist” or lawsuit notices from rights holders.

You know the saying, “If you pull the tail of the cat, you get the whole cat”? Well, the “10% rule” is one of five requirements within the “Guidelines for Classroom Copying of Books and Periodicals.” If educators are claiming that their copying is fair because of the “10% rule,” then educators need to meet the other four requirements of the Guidelines as well. They can’t just pull out that one requirement and say they want to follow that one. So here are the **requirements of the Guidelines** (in bold), along with my clarifications.

— **Brevity**

The actual wording in the Guidelines states **“up to 10% or 1000 words, whichever is less.”** This is obviously a very small amount. Standards of practice among colleges today typically allow copying of a chapter or an article.

— **Spontaneity**

— **Decision to use the work is so close in time that it’s not possible to seek permission first**

Standards of practice among colleges today typically allow instructors to use an article or book chapter for one semester without seeking permission, but if they want to use this same material in subsequent semesters, they must seek permission from the rights holders or from the Copyright Clearance Center.

— **Cumulative effect**

- **Ensuring that copying is not substituting for purchase of books & articles**
- **Copying shall not be used to create anthologies**
- **No copying of consumable worksheets**
- **No more than 9 articles copied for one course during one term**
- **Notice of copyright needed on each copy**
- **“Copyright [dates] by [author/owner]”**
- **No charge beyond cost of copying**

It's the **Spontaneity** requirement that is the sticking point in our case. Yes, we could probably argue that it would be Fair Use for an instructor to copy the first chapter of his or her textbook and put the chapter in Blackboard—but he or she could use it **only for that semester**. If the instructor wants to use the same chapter next semester, he'd have to seek permission, because the Spontaneity requirement wouldn't be met. In other words, by the time the next semester rolls around, there would have been time for the instructor to seek permission.

Is it likely that Grossmont would risk a lawsuit if instructors put the first chapter of textbooks in Blackboard each semester? It's hard to say. Grossmont's risk tolerance for copyright issues is something that's determined by administration. I will say that there is one lawsuit right now against [Georgia Tech](#), for their e-Reserves policies. Georgia Tech interpreted the Guidelines more liberally—they were putting up to 20% of a work on e-Reserves and for more than one semester without seeking permission—and three publishers brought suit.

I hope this information helps. My role isn't to tell Grossmont instructors what they can or cannot copy. I just try to provide faculty with copyright resources so that they can better understand copyright law and its implications for teaching.

RB

Academic Senate Grossmont College

Minutes of the Academic Senate – January 31, 2011

X	Sue Gonda (President)	X	Jade Solan (Comm)		Edda Temoche-Weldele (Foreign Lang)
	TBD (VP)		Victoria Curran (Comm)	X	Robert Henry (History)
X	Laura Sim (Senate Officer @ Large)	X	Janet Gelb (CSIS)	X	Devon Atchison (History)
X	Jeff Lehman (Senate Officer @ Large)		Ronald Norman (CSIS)		Angela Feres (History)
X	Devon Atchison (senate officer @large)	X	Bonnie Schmiege (Counseling)	X	Priscilla Rogers (Inter Bus)
	TBD (P/T Senate Officer @large)	X	Mary Rider (Counseling)	X	Patty Morrison (Library)
X	David Milroy (Div Sen ALC)		Cruz Cerda (Counseling)	X	Julie Middlemas (Library)
	TBD (Div Sen CTE/WD)		Danny Martinez (Cross Cult Stud)	X	Jenny VandenEynden (Math)
	Kirin Farquar (Div Sen ESBS)		Joe Orate (Culinary Arts)	X	Susan Working (Math)
	TBD (Divisional Senator LR)		James Foran (Culinary Arts)	X	Ray Funk (Math)
X	Mike Lambe (Div Sen MEEW)		Kathy Meyer (Dance) -Fall	X	Irene Palacios (Math)
X	Narges Heidari (Div Sen Stu Service)	X	David Mullen (Dance) - Spring	X	Shawn Hicks (Math)
	P.J. Ortmeier (AOJ)		Jane Nolan (DSPS)		Evan Wirig (Media Comm)
	Lance Parr	X	Patrice Braswell-Burris (DSPS)	X	William Snead (Media Comm)
	Tina Young (AOJ)	X	Tim Cliffe (Earth Sci)		Derek Cannon (Music)
X	Jennifer Carmean (ASL)	x	Mark Goodman (Earth Sci)		Paul Kurokawa (Music)
	Jamie Gould (ASL)	X	Oralee Holder (English)		Steve Baker (Music)
X	Israel Cardona (Behav Sci)	X	Tony Ding (English)		Joy Zozuk (Nursing)Diane Hellar
X	Gregg Robinson (Behav Sci)		Christopher Farquar (English)	X	Diane Gottschalk (Nursing)
X	Rob Fargo	X	Sue Jensen (English)		Sharon Sykora (Nursing)
X	Virginia Dudley (Bio Sci)	X	Adelle Schmitt (English)		Christine Vicino (Occ Therapy)
	Michael Golden (Bio Sci)		Lisa Ledri-Aguilar (English)	X	June Yang (Phil/ Rel Studies)
X	Michele Perchez (Bio Sci)	X	Chuck Passentino (ESL)		Ross Cohen (Physics)
X	Brian Keliher (Bus Admin)		Nancy Herzfeld-Pipkin (ESL)		Stephanie Plante (Physics, Astr. Ph Sc)
	Nate Scharff (Bus Admin)	X	Barbara Loveless(ESL)	X	Shahrokh Shahrokhi (Polit Economy)
X	Linda Snider (BOT)		Jim Tolbert (EOPS)		Todd Myers (Polit Economy)
	Barb Gillespie (BOT)		Sylvia Montejano (EOPS)	X	Lorenda Seibold-Phalan (Resp Ther)
X	Andy Biondo (CVT)	X	Beth Kelley (Exer Sci/Well)		Rebecca Handley (Resp Ther)
	Don Ridgway (CVT)	X	Jim Symington (Exer Sci/Well)		Beth Duggan (Theatre Arts)
	Cary Willard (Chemistry)		Randy Abshier (Exer Sci/Well)	X	Craig Everett (Theatre Arts)
	Martin Larter (Chemistry)		Larry Larsen (Exer Sci/Well)		Pete Schmidt (Visual Arts & Humanities)
X	Diana Vance (Chemistry)	X	Yolanda E. Guerrero (Foreign Lang)		Gareth Davies-Morris (Visual Arts & Humanities)
	Angie Gish (Child Dev)	X	Virginia Young (Foreign Lang)	X	Jennifer Bennett (Visual Arts & Humanities)
X	Claudia Flores (Child Dev)		Paul Vincent (Foreign Lang)	X	Malia Serrano (Visual Arts & Humanities)
X	Roxanne Tuscany (Comm)				

GUESTS:

- Jorge DeSaracho, Counselor
- John Colson, VP Student Services
- Barbara Blanchard, VP Academic Affairs
- Janet Castanos, Dean English, Social and Behavioral Sciences
- Kerry Kilber, Dean Technology and Learning Resources
- Dana Quittner, District Government Relations

RECORDER: Rochelle Weiser

I. CALL TO ORDER (11:05)

A. Public Comment

None

B. Approval of Agenda

A motion was made to approve the day's agenda with one correction; the date for the minutes should be December 6, 2010 not November 29, 2010.

M/S/U Morrison

C. Approval of Minutes from December 6, 2010

A motion was made to approve the minutes from December 6, 2010 with correction to the date; December 5, 2010 to December 6, 2010.

M/S/U Atchison/Morrison

II. PRESIDENT'S REPORT

A. Announcements

Sue began by announcing she was Senate President this semester, as Chris Hill had been appointed interim Dean for Mathematics, Earth Science, Exercise Science and Wellness. This creates a vacancy for Vice President and she asked if the Senators would like to have that position filled by a candidate from the current Senate Officers as had been done in the past; all agreed yes. Jeff Lehman agreed to fill the position; motion was made to approve Jeff Lehman as the Senate Vice President.

M/S/U Sim/Holder

Sue explained this created a vacancy among the Senate Officers; she asked if there were volunteers among the Senators; Jennifer Carmean volunteered. Sue asked that anyone interested in the position please contact her by the end of the week, in order for the Senate to approve the Officer at the next Senate meeting; the following Monday February 7, 2011. Sue noted the Senate Officers Committee meets on Wednesdays from 11:00-12:00pm.

Sue reported that in addition to her early transition to Senate President she is maintaining her current position as Curriculum Co-Chair. She noted that Jeff Waller is the incoming Curriculum Co-Chair for next year, but would continue to shadow rather than take over due to the many ongoing projects of the Committee: SB1440 Degrees, Prerequisite changes and ongoing curriculum review. Sue asked if there were any concerns or questions to please contact her.

Sue noted that there were only seven meetings this semester and asked Senators to please contact her for items to be added to the agenda as soon as possible.

Sue reported a task force had been formed to work on SB 1440 Degrees. The task force is: Mary Rider (Transfer Center), Janice Johnson (articulation), Bonnie Schmiege (Chair), Sue Gonda (curriculum), Jeff Waller (incoming Curriculum Co-Chair), Oralee Holder (CCC), Wendy Stewart (Dean, Counseling/A & R), and perhaps an instructional dean as well. (Postscript: Janet Castaños joined the Task

Force.) Their first meeting is 8:00am Wednesday and the meetings are open to all. She reported the first three 1440 degrees had come from the System office: Psychology, Sociology, and Communication. All community colleges will need to offer two SB1440 degrees by the next academic year in order to be in compliance with the new law. The task force will keep the Senate up to date.

Sue reported the ongoing discussions and concerns regarding the cost of textbooks. The book store does have books available for rental as well as eBooks to help students. Much discussion occurred regarding this topic, some items were;

- If a department is able, purchase one copy for the GC Library for “limited loan”
- Departments can request a grant from the ASGC for the department to purchase a set of textbooks for the Library
- The Library does have very limited funding available to purchase textbooks for “limited loan”, but is trying to fill this need as requested by students rather than departments
- Possibility of providing PDF versions of 10% or less of the textbook to allow students time to purchase books; instructors need to follow up with Roxanne Benvue (Library) to find out about copy rights (*Postscript*: Roxanne reported that we would likely violate copyright law, since a small percentage of copying is allowed only if time is short – not with an entire semester lead time.)
- Possibly instructors could share the books they have, but are not using, with other instructors
- Refer students to the ASGC website for other options

In closing Sue noted she wanted faculty to be aware of the options they can suggest to students. All agreed textbook cost is a major concern for students

Sue gave a quick reminder to faculty to stay within in class maximums, either stick to the room max or their contract max, whichever is less. We are teaching any students beyond those maximums for free – the state will not reimburse us for them and it cuts into our budget.

B. Academic Affairs-Administrative Structure- Barb Blanchard

Barb began by reviewing the current Dean structure and noting two vacancies within that structure: Math & Science, due to Jerry Buckley’s promotion; CTE due to Fred Allen’s upcoming retirement. The vacancies allow us an opportunity to review the structure as to whether or not it meets the current/future needs of students, local industry and the community. Two forums solicited input about improvements and concerns. The most suggested change was to create a 6 Dean Structure with one Associate Dean. Some of the criteria for changes to occur:

- Review Dean workload
- Any changes must be cost neutral to the college
- The Health Professions need to stay together under one dean
- A faculty work group will be formed; Barb has asked for 1 representative from each division to participate and is waiting for names from the Deans

Barb reviewed the items on the handout she distributed. The resulting structure will

- Balance dean workload among the various divisions.
- Enhance community partnerships and potential resource development to support the work of the college in serving its students and the community.
- Provide as much or more support for faculty, staff, students and the community than the current structure.
- Be cost neutral or provide a cost savings.

No existing managers will lose their jobs (but assignments may be realigned to meet current colleges needs). She noted the intranet website which had more information; www.grossmont.edu/intranet/adminstructure/. The first task of the work group would be to look at the duties of the departments. She noted that one item that had emerged from the discussions is that the Deans would like offices closer to the departments they work with. In closing, Barb noted she would like to have the issue concluded by the end of the semester, but felt it would take longer.

C. MS Office Upgrade-Kerry Kilber

Kerry introduced herself and encouraged the Senators to contact her when they have technology related questions or concerns. She began by noting she would like to get input regarding when the MS 2010 upgrade should be required. Anyone can upgrade beginning this spring, and they can upgrade any time up to the deadline when ALL computers will have the update installed. The two suggested deadlines are:

- Wednesday August 10, 2011 (end of 8 week summer session, before flex week)
- Wednesday October 19, 2011 (end of fall 8 week session)

Kerry noted that for those currently using MS 2007 there are not many changes, but if MS 2003 is being used the changes are much bigger and suggested the upcoming training on MS 2010. Kerry noted that faculty and staff can purchase MS 2010 for use at home at a discount. Many questions emerged regarding faculty home computers, upgrading to MS 2010, and operating systems. It was suggested that Kerry put together a "Summary Sheet for Operating Systems" to facilitate the transition for faculty at home.

It was decided the Senators would prefer August 10, 2011 for the final date of the upgrade.

D. Faculty Leadership and Communication

Sue explained she would like to have a discussion regarding the areas that faculty are involved in leadership/consultation on campus. Sue noted that with the leadership of both GC President Sunny Cooke and Chancellor Miles the administration is consulting more with faculty than had occurred in the past. Some items mentioned in the discussion were:

- The Planning Process receiving more input from faculty than before; the recent changes were faculty driven
- Administration is coming to the Senate and various faculty groups for input and suggestions more often

- When a concern arises, contact Senate Officers, Department Chairs and Coordinators, and faculty leaders for more information
- “Chairs and Coordinators” is offering “new chair orientations” as well as training webinars and has upcoming training for conflict resolution
- The Union is reaching out to faculty through AFT Department liaisons to provide another area for concerns to be heard; and it is working with the Senate
- Institutional Excellence Task Force was formed to look at continuous improvement across the college – to make links to improve student learning and students success across the college. It is working to help in data use for a more user-friendly way: share data among departments, an easier tool for program review, and to help is for data-informed decisions--as a helpful (but not singular) tool used to guide decisions.

Sue noted that the Institutional Excellence Task Force was formed in response to the BRIC and CLASS Grants. (*Postscript:* Most of the members of this Task Force attended an Institutional Effectiveness Conference in San Diego last Spring, and the Task Force is using strategies from that experience.) Sue reported that the idea for the Research Liaison position arose from this Task Force. Sue noted that if the Senate would like, this topic could return for more discussion.

III. COMMITTEE REPORTS

None

IV. ACTION ITEMS

A. Legislative Program

Sue noted this item had been on a previous agenda and was returning for a vote today. This is a Districtwide Legislative agenda. A motion was made to put the Legislative Program Draft item on the table for discussion.

M/S/U Atchison/Holder

One correction; the date 3010-2011 changed to 2010-2011. Some items mentioned in discussion were:

- Clarification on reducing “duplication” - means to reduce duplication in work, i.e., when the state request the same report in multiple, varied forms.
- Question should “maintenance of access to programs and services” be included in the Fiscal Stability and Accountability section?

Many felt that because of the winter break (this item was first presented as an information item at the November 29, 2010 meeting), they did not have enough time to review it and had more concerns and would like further discussion. Motion was made to table this item for further discussion.

M/S/U Everett/Rider

V. INFORMATION ITEMS

A. Bill Bradley as Emeritus

Due to time constraints the Senate was unable to consider this item.

Meeting Adjourned at 12:20 pm

Next meeting is Scheduled for February 7, 2011 Griffin Gate 11:00-12:20pm

SG: rw

The Academic Senate minutes are recorded and published in summary form. Readers of these minutes must understand that recorded comments in these minutes do not represent the official position of the Academic Senate. The Academic Senate expresses its official positions only through votes noted under "Action."