

## ACADEMIC SENATE COUNCIL MEETING

October 9, 2018

APPROVED

*In accordance with the Ralph M. Brown Act and SB 751, minutes of the DVC Academic Senate Council record the votes of all committee members as follows: Members in attendance will have their votes recorded including names of members voting in the minority or abstaining is recorded.*

**PRESENT:** Beth McBrien (President), John Freytag (Vice President), Patrick Moe (Corresponding Secretary), Kris Koblik (Professional Development), Carolyn Seefer (Business), Lisa Smiley-Ratchford (Social Sciences), René Sporer (SRC) Daniel Kiely (Library), Theresa Flores-Lowery (Kinesiology), Yvonne Canada (Counseling), Kimberley Taugher (Biology/ Health Sciences), Craig Gerken (Physical Sciences) Anthony Gonzales (English), Jane Fisher (Applied and Fine Arts),

**ABSENT:** Heidi Gentry-Kolen (Math), Joann Denning (CE)

**GUESTS:** Mary Gutierrez, Hank Reichman, Sam Needham, Beth Goehring, Dorrie Mazzone, Matt Powell, Albert Ponce, Jim Blair, Donna Wapner, Lucas Martin, Sangha Niyogi

### 1. APPROVAL OF AGENDA OF OCTOBER 9, 2018 AND MINUTES OF SEPTEMBER 25, 2018.

**It was MSC to approve the agenda of October 9, 2018 with the addition of an action item for appointments. The following members all voted aye: Freytag, Moe, Taugher, Seefer, Flores-Lowry, Smiley-Ratchford, Sporer, Kiely, Canada, Blair, Gerken, Fisher, and Gonzales voted aye. No nays. No abstentions. Approved.**

**It was MSC to approve the minutes of September 25, 2018. The following members all voted aye: Freytag, Moe, Taugher, Seefer, Flores-Lowry, Smiley-Ratchford, Sporer, Kiely, Canada, Blair, Gerken, Fisher, and Gonzales voted aye. No nays. No abstentions. Approved.**

### 2. PUBLIC COMMENT

The Program Review (annual, like ours this year, or comprehensive) provides an opportunity for each department to rank 10 "Critical Needs", but no more. These needs have to cover faculty hiring, staff positions, funding for special programs, furniture, equipment ... anything that a department might need.

Given that Math (and I bet English, but I can't speak for them) have specific needs related to conforming to AB705, some of our "needs" slots are being taken up before we can even consider other departmental needs.

A second point that I made was that departments of all sizes have the same allotment of "needs" slots; as a large department, we feel it might be fair to allow us to request more items. "WE NEED MORE NEEDS".

### 3. COUNCIL COMMENT

Sporer said she is very happy that SRC got 4 faculty hires in the Science and Math department.

#### 4. ANNOUNCEMENTS

Flores-Lowery updated Council on DVC Fall Athletics. The Cross Country team is in Santa Rosa this Friday. Men's Water Polo plays at West Valley College on Friday and the women's team plays at the Big 8 Coast Conference Crossover Tournament at Los Positas this Wednesday.

DVC Football plays at Chabot on Saturday.

Women's Volleyball play on Wednesday this week at home vs San Joaquin Delta.

In addition, Women's Soccer plays today at home vs Folsom Lake.

McBrien reminded Council the deadline to purchase tickets to the Dinner Theater is this Friday, October 12. She said it is a fun event and a great show.

McBrien reminded Council there is a District wide meeting on the strategic plan this Thursday, October 11 here at DVC in the Diablo Room from 2-5pm.

McBrien said the District Strategic Plan is up for review and this is our opportunity to recommend that Academic Freedom be kept as a key value to the district. She said the meeting will be recorded and posted.

Seefer said external emails are now marked as such in your inbox. However, emails from Canvas are being marked as external but they are not. She has contacted Warror and Medizadeh at District about this issue.

Taughar said on October 1, DVC partnered with the Contra Costa Resource Conservation District and the Walnut Creek Watershed Council and hosted a forum on invasive plant species in our local waterways. The event included speakers and a tour of the Horticulture area. She said many students attended. It was a great way build connections with our local community and to highlight some DVC programs. She said it shows we can do more for our communities than just teach college courses.

Kiely said the Library has hired an assistant to set up appointments for students with Library faculty.

#### 5. APPOINTMENTS

##### AS Student Learning Outcomes Committee

Crina Orac-Syre

**It was MSC to approve the appointments listed above. The following members all voted aye: Freytag, Moe, Taughar, Flores-Lowry, Smiley-Ratchford, Sporer, Kiely, Canada, Blair, Gerken, Fisher, and Gonzales voted aye. No nays. No abstentions. Approved.**

#### 6. AREA B RESOLUTIONS

Freytag said he will be attending the ASCCC Area B Meeting is this Friday. He briefly described the process for developing resolutions that are voted on at the Statewide Plenary Session in November. He said the resolutions proposed so far are on the ASCCC website. He said there are a couple that math and English should look at. He would like any recommendations for voting on the various resolutions.

#### 7. ACADEMIC FREEDOM DISCUSSION

Freytag introduced Hank Reichman, a professor emeritus at Cal State East Bay. He was a speaker at the Academic Freedom Conference the previous week, which had about 100 attendees, and 33 of them were from DVC.

Reichman asked what we mean by academic freedom, as there are different versions of what people think it is. He gave some history on the perspectives on academic freedom and the work of the AAUP on this concept. The AAUP believes academic freedom is necessary for higher education and also society as a whole. He told Council the AAUP has what they call a mini redbook that is a condensed version of what they call the big red book. Copies were available at the meeting for attendees.

Reichman said the AAUP has established the 3 basic elements of academic freedom for professors. They are freedom in research and publication of that research but if it is for a monetary return, it should be based on an understanding with the institution. Faculty intellectual property is academic freedom but some colleges have faculty sign away their research results even if it will never make any money. The second is freedom in the classroom in discussing the course topic but not to introduce controversial matter that is unrelated to the subject. Freedom in teaching your subject should be to the best of professional standards, as you believe, not just any way you want to. There are also some limitations by particular institutions that should be in writing clearly stated when they are hired. And the third is what is called extramural activities, which is when a professor speaks out in public as a citizen. But they should remember their position as scholars; they should remember that public statements may judge their profession or their institution. So they should at all times be accurate, exercise appropriate restraint, show respect of others opinion, and indicate they are not speaking for the institution.

Reichman said an exception could be something like the day Kennedy was shot or 9/11, you would not be expected to walk into class and pretend nothing happened. And there are assumptions such as when you make statement on a public platform such as twitter, it is assumed you are not speaking for the institution. He said the AAUP has issued a statement that an institution cannot take action unless what they said impacts their fitness for the job.

Reichman said there is also a fourth element that is implicit in that there is academic freedom in intermural settings such as the Academic Senate.

Reichman explained academic freedom is not the same thing as freedom of speech. Freedom of speech is a tenant of governance. But they do overlap such as campus speaker vs in the classroom.

However, a private enterprise can take action as they see fit.

Reichman said you do not have academic freedom unless you have earned it through attaining degrees, experience, and tenure evaluations.

~~Freedom of speech and academic freedom overlap but are not the same—such as campus speakers vs in the classroom~~

Reichman explained the AAUP defends academic freedom by investigating potential violations to determine if they need intervention. The AAUP “A” Committee gets the investigation reports and can censure institutions for violations. Until they correct the violations, they are kept on the AAUP’s censure list. Reichman said institutions need to do more than just say it is ok if a professor makes a public statement as a citizen but should be defending the professor’s academic freedom.

Donna Wapner, UF President talked about language in the contract that addressed academic freedom. She said the issue has not come up a lot but what has come up is faculty discipline for other issues and in those cases, the UF defines the parameters of the investigation. She said there is more they can do in the contract on specific protections and in light of threats to faculty for statements they made, they also need to address safety for the faculty member.

Wapner said for this year’s negotiations they want to form a workgroup and research other contracts for language and protections that are included for academic freedom.

Freytag asked the faculty in the room that had attended the conference to share what they took away from it.

Albert Ponce said it brought us back to what are we going to do here. What do we want and how do we get there?

Sangha Niyogi said she took away that disciplines need to feel the urgency to address these issues. She said she wants to know what type of support we should expect from the institution.

Seefer said she came away wondering about academic freedom for students.

Reichman responded to Niyogi's comment and said there are cases when the institution is not directly involved but we need to start demanding a more forthright defense of academic freedom instead of administration saying their hands are tied.

Reichman responded to Seefer's comment he said students are entitled to freedom of speech except in the classroom but you do not want to quash student academic expression. Students do have a right to an independent media. That is what learning about critical thinking is. He said there is a growing issue with students secretly recording instructors and releasing an edited version that take what they said out of context. That is not freedom of speech and is not protected.

Wapner said it is good the UF is working with the senate to approach this from both the union and senate's purviews to have a unified stance across the district.

McBrien said this was on last the FSCC agenda and each of the colleges have a different perspective of topics that are impacted by issues related to academic freedom.

Taugher said the last speaker at conference said that the legislature is not looking at legislation through a lens of academic freedom.

Dorrie Mazzone said she also took the same thing from the conference as Taugher and she wants to keep the momentum going on this issue.

Gonzales said that some faculty feel intimidated to talk about certain subjects in class and asked how we should address that.

Reichman said when one college did not defend a faculty member over an issue about academic freedom the AAUP scheduled a session for college and university presidents on harassment.

Freytag said the next steps we plan to take is to form a small workgroup to look at other College Board policies on academic freedom and consider if that is that the direction we want to move towards. In addition, when we make our recommendations to the board, it needs to be a unified voice from across the district.

Council agreed to take this back to their divisions for discussion regarding the formation of a workgroup to review and recommend revisions to Board Policy 2018 on Academic Freedom.

## **8. ADJOURNMENT**

There being no further business the meeting was adjourned at 4:25 p.m.

*Respectfully submitted,  
Ann Langelier-Patton  
Administrative Secretary*

