

FACULTY SENATE COUNCIL MEETING
NOVEMBER 8, 2011
APPROVED

PRESENT: Laurie Lema (President), John Freytag (Corresponding Secretary), Ed Trujillo (Applied and Fine Arts), Tom Barber (English), Marva DeLoach (Library), Theresa Flores-Lowry (Physical Education, Athletics and Dance), Katrina Keating (Math/CompSci), Buzz Holt (Social Sciences), Craig Gerken (Physical Science/Engineering), Peter Churchill (Business Education), Catherine Machalinski (Biology and Health Sciences), Maria Dorado (Counseling), Len Grzanka (Part-time Faculty Representative), Vanessa Prajitno, ASDVC Representative, Ann Patton (Faculty Senate Administrative Secretary)

ABSENT: Beth McBrien (Vice President), Rick Godinez (San Ramon Campus), Doug Dildine (Part-time Faculty Representative), Lisa Orta (Faculty Development Coordinator), Nicole Hess-Diestler (Representative-at-Large)

GUESTS: Peter Garcia, Susan Lamb, John Hanecak, Rick Gelinas, Bill Oye, Holly Kresch, Tish Young, Keith Mikolavich

The meeting was called to order at 2:00 p.m.

1. APPROVAL OF THE NOVEMBER 8, 2011 AGENDA AND THE MINUTES OF OCTOBER 25, 2011.

It was MSC to approve the agenda of November 8, 2011 as amended. All in favor. Approved.

It was MSC to approve the minutes of October 25, 2011 with corrections. All in favor. Approved.

Lema welcomed and introduced the new ASDVC representative Vanessa Prajitno.

2. PUBLIC COMMENT

John Hanecak, Budget Committee Co-chair said the Integration Council met to review the Budget Committee recommendations and the Integration Council decided to revisit the technology category and provide additional narrative. The Budget Committee should have the additional information at their meeting on November 18. The Budget Committee will then break into sub-groups to review the four categories in the Integration Council's recommendations and will bring their findings to the Budget Committee at their December meeting. Hanecak said the four categories are not prioritized but the items within the categories are prioritized.

3. COUNCIL COMMENT

Trujillo said his department recently received a memo asking them to provide evidence of all their hours by arrangement classes since 2008. He said we are halfway through the semester and

it is another imposition put on them. He said it requires them to go through every contact hour they have had in the hours by arrangement classes. They are being asked to re-do work they have already done.

Freytag said per the Integration Council's request, divisions and department are compiling technology requests this week. He said a large amount of the money to be released for these requests were from faculty concessions made under the cloud of a budget crisis. He said personally the concessions have cost his household \$10,000. He is very concerned to see the funds being diverted to categories such as technology. He knows some of the funding may be returned to faculty but he thinks all of it should be returned.

Machalinski said her Department Chair Rick Gelinas told the department that most of the program review data numbers that were sent to him were wrong and it is taking him a lot of time to go through them. She is very concerned that if so much of the data for their department was incorrect there is probably incorrect data being distributed to other departments.

4. APPOINTMENTS

Tutoring Advisory Committee

Cheryl Martucci

Safety Committee

Kellie Conde

District Research Council

Julie Walters

It was MSC to approve all the appointments listed above. All in favor. Approved.

5. ANNOUNCEMENTS

Trujillo announced the Rock Whitman Blues concert is tomorrow night and he will be playing with them.

6. PRESIDENT GARCIA

Garcia said we are in our first cycle of using the post-show cause process for integrated planning leading to requests for purchases leading to a final decision on those requests. He said it is not a clean process because there are some glitches as a result of it being the first time through. He said the co-chairs of the four governance committees have done a good job of collaborating and clarifying their work and where they overlap.

He said when he receives the recommendations from the College Council, his method is to vet what he receives, discuss them and ask questions at College Council. He said he would not just accept or reject the recommendations but it would become part of a reiterative process that results in a decision. He wants to respect the work that comes to him.

Garcia explained the Budget Committee will continue to look at what is coming out of Program Reviews and also what are the other things that impact the budget. For example, there is a need to set aside funds in anticipation of bargaining concessions to assure those funds don't get allocated elsewhere.

Machalinski asked if that would include reinstatement of classified positions. Garcia reminded Council layoffs are not negotiated although he could look at those.

Garcia confirmed the amount to be set aside is about \$1 million.

Holt said he is concerned as the budget deficits continue to get tougher; the set aside money will get smaller and smaller.

Garcia said the assumption this would be a deficit spending year is no longer true and two critical things are, we need to get more money back in the operation, and if we start reallocating money that has bargaining tied to it, it could become problematic. Garcia said the bargaining problem is out of his hands, but he wants to solve the governance piece as it is related to bargaining.

Trujillo heard Garcia say he will not outright reject the recommendations but asked if there is a possibility that could happen in our new budget model. Garcia responded that his job description is he makes the final decision but by culture and process he wants us to come together to have a collective notion on where we should be spending our resources.

Garcia said at LMC they have a College Council and no Budget Committee or Integration Council and he worked with them on the whole process. He said they would look at a recommendation and see if it took all the associated costs into account. He gave the example of a recommendation to purchase computers for a lab and, does it include the costs of wiring or other needed equipment to run the computers. Another example of questions he would ask is if there was a recommendation for tutoring, is that on top of the benchmark of funding for tutoring. Garcia told Council we don't have the carryover calculated number yet so, right now we are assuming how much there will be. We also don't know yet what will be invoiced back to the colleges as part of the "give backs".

Freytag reiterated the comment he made earlier in the meeting about returning all the funds to the constituencies that were hit with cuts. He also supports putting the money aside until it is decided. Garcia said he believes the next three years are going to be deficit spending years but we are not facing that problem today so moving it aside allows us to do our governance work.

Freytag said even if the money does not all come back it makes it more palatable knowing that money could be used in the future.

It was clarified the carryover is not in a separate GL but they do a shadow spreadsheet for that money and he does not think a president should be initiating big expenditures without collaboration.

Keating asked where we bank and said the UF just switched their bank to Ing and tripled their interest.

Keating also said she realizes the step and column costs feed into the deficit but when someone retires we save money even if we replace them. Garcia said he would like to see a spreadsheet of the actual figures.

Young asked if Garcia expects money to be released to fund needs on campus such as computer replacements. Garcia said just estimating he believes there will be. He said if the money goes back to employees for the concessions that were made, we would have less money to spend but he still believes the carryover is healthy enough. However going into 2012-2013 we have to wait it out.

Freytag said at the UF meeting they talked about the amount of money that comes into the district based on increased productivity and the idea came up to use some of those funds to hire faculty positions. Garcia responded that is a bargaining question.

Young asked who can the UF then champion for hires. She said with the new budget model we have muddied the water because the union representation is with the district but the money is at the college. Garcia said the relationship between new full-time faculty hires is still between the union and the district.

Holt said he does not understand the flow of work between the four governance committees.

Garcia said he has been working to understand it also but we need to get through a whole cycle and see what's working and what's not working. He said we are making adjustments as we go and filling in with good judgment where we find the system does not quite work. He said we have Integration Council to review Program Reviews and make recommendations but they are

concerned the Program Reviews usefulness is deteriorating because they were written when we did not think we would have money. Then on the other hand we have the Budget Committee with uncertain dollar amounts and they are supposed to allocate money to the categories that the Integration Council populates with requests based on the Program Reviews. So the Budget Committee and the Integration Council have a back and forth relationship. From that work, the College Council will send recommendations to the college president. Garcia said we need to determine if his decision sits in the middle of the process or will it miss it altogether. He said he thinks it will be close to the middle. He said he will make himself available for questions and answers as he works through the recommendations.

7. VP OF INSTRUCTION

Lamb said the auditor has finished up the initial phases of their investigation. She said we are probably ok on the audit of the daily attendance classes. We may be off by just a couple FTEF. For the Hours-by-arrangement classes we will probably only be fined for those that don't have any records at all. That is only a few FTEF. In the positive attendance classes, they looked at 9 classes and we do not have records for two of those. They were both taught by the same instructor so they are dropping one of them. They then looked at three more classes and they were ok. But they are applying the apportionment from those classes proportionally to all positive attendance so we are looking at about \$300,000 reduction. We will be reduced about \$20,000 for the daily attendance classes and hours-by arrangement classes.

Lamb said if the auditors find errors, they can look further back at the records. On the positive attendance classes if they go back 3 years and we are just above the minimum compliance, they can go back another year.

Young asked how long we legally have to keep records. Lamb said it is three years for positive attendance classes.

Trujillo said he teaches positive attendance classes he was never told to keep his attendance records. He is frustrated that they are suddenly doing things differently and now it is causing problems.

8. ACADEMIC INTEGRITY POLICY (Appendix A)

Bill Oye said the Faculty Senate approved an Academic Integrity policy in 2004 and it has served the college well. But a legal opinion came out in 2007 that said some of the policy was not appropriate. He did not work on it until now because we were working on the accreditation sanctions and it is an issue we don't encounter too often. He said the issue is with the language about possible academic consequences that a faculty member can decide for violations. He said when they wrote the policy, faculty felt the first violation should result in a reduced grade. However, since then majority of faculty think a student should receive an F or zero on the first incident on an assignment. He said some faculty wanted to reduce the grade for the whole course such as in writing classes.

The legal opinion says that is not appropriate based on the Title 5 definition of what is a grade. A grade is an evaluation of learning, usually multiple evaluations and would not be appropriate if it was a few points out of many required for the class.

Oye said he is asking the Faculty Senate to help develop language where it may be appropriate to give an F for the course. It has also been proposed to give an F for the course if there are repeated violations. The Student Services Committee recommends egregious violations get a suspension of a year or more. Another change they recommended was to change the form from an Academic Dishonesty Procedure to an Academic Integrity Policy to emphasize the development of integrity with our students.

Gerken asked if the suspension language implies it is for at least a year. Oye said it does but it is a recommendation. Gerken suggested the language say “up to a year”.

Keating suggested adding a recommendation for the suspension length on the form faculty fill out.

Keating said in the policy language it is not clear if a repeat violation is in a course in the same semester or if it is in every semester they have taken that course and suggested rewording it to clarify. Oye said it is in one semester.

Keating said her division is concerned about incidents where an assignment that is worth a lot of points has been plagiarized or they cheated in some way that they could still pass the course if they only received an F for that assignment. They feel it would warrant an F for the whole course.

Freytag said he would like language in the policy that once a student has been referred for cheating or plagiarizing, that they not be allowed to just drop the course and not suffer any consequences. He also suggested as some schools do, there is a notation on their transcript that they violated the policy. Another suggestion he has is to add language that addresses an incident when a student falsifies a grade that has already been given for the course.

Oye said the last incident Freytag mentioned is addressed in the Student Code of Conduct. As for not letting a student drop, there is a legal opinion that we cannot prevent that.

Holt is concerned in that it will be applied unequally depending on the faculty member.

Godinez said he does not like that it has to be more than one event to get an F as there are different degrees of offenses.

Machalinski said faculty have a professional responsibility to not let students get away with cheating. She thinks students should sign an oath of academic integrity. She added that in her classes she has students show her identification before the first test.

9. PRESIDENT’S REPORT

Postponed due to time constraints.

10. SCHEDULING TASK FORCE

Lema introduced Scheduling Task Force members Holly Kresch, Tish Young, Keith Mikolavich, Rick Gelinias, and Buzz Holt. She explained we need to discuss how to evaluate the work of the Task Force.

Mikolavich said he wants to know how the task force discussions have affected what’s going on in the departments. He’d like to somehow measure how the departments members interact with the governance process, what is the connection to the larger work? He said we should also ask if the faculty as a whole feels the Task Force made decisions based on the criteria.

Trujillo wants to ask if the process addresses all courses including the *shadow courses*.

Gelinias clarified the administration owns the schedule but for the first time faculty were involved collectively with administration in the process and we had a much better outcome.

Machalinski added that the impetus that got this process going was the administration’s decision to gut Performing Arts. Lema said we could ask whether as result of the work of the Task Force those conversations changed what the areas proposed to offer in their schedules.

Mikolavich said we should also try to measure the extent to which the Task Force was fair in terms of not advocating for a particular area when making decisions.

Holt commented that the administration took a big risk in letting us do this. He said there were some tough times in the Task Force but he was impressed with everyone in there. He thinks that people did check their prejudices at the door. He said he would like to measure how the Task Force improved its process as it moved through its work.

Barber said he thinks the Task Force should come up with the evaluation process.

Trujillo said he thinks it is important to hear if anyone thinks anyone else advocated too much for one area.

Holt commented that one person's reasoned analysis is another's personal agenda and those that benefitted will look at the Task Force's work more favorably.

Gelinas asked why we are evaluating this task force and not others.

Lema clarified that President Garcia requested it to determine what we will do in the next cycle of scheduling.

11. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:00 p.m.

*Respectfully submitted,
Ann Langelier-Patton
Administrative Secretary*

DIABLO VALLEY COLLEGE ~~ACADEMIC DISHONESTY REPORT FORM~~ INTEGRITY POLICY

Diablo Valley College is committed to creating an environment where student achievement is championed and celebrated. Because the college values academic integrity as an essential component of academic excellence, students are expected to be truthful and ethical in their academic work. Commitment to academic integrity is the responsibility of every student and faculty member at Diablo Valley College.

Faculty and students come from a variety of backgrounds and cultures, giving rise to different understandings of moral and ethical behavior. Faculty should clearly state well-defined standards to reduce uncertainty and clarify expectations.

Academic dishonesty is defined as: an act of deception in which a student claims credit for the work or effort of another person or uses unauthorized materials or fabricated information in any academic work. Academic dishonesty is a violation of the DVC 'Student Code of Conduct' and will not be tolerated. Academic dishonesty diminishes the quality of scholarship at Diablo Valley College and hurts the majority of students who conduct themselves honestly.

Acts of academic dishonesty include, but are not limited to, the following:

CHEATING – Unauthorized copying or collaboration on a test or assignment, or the use or attempted use of unauthorized materials;

TAMPERING – Altering or interfering with evaluation instruments and documents;

FABRICATION – Falsifying experimental data or results, inventing research or laboratory data or results for work not done, or falsely claiming sources not used;

PLAGIARISM – Representing someone else's words, ideas, artistry, or data as one's own, including copying another person's work (including published and unpublished material, and material from the Internet) without appropriate referencing, presenting someone else's opinions and theories as one's own, or working jointly on a project, then submitting it as one's own;

ASSISTING – Assisting another student in an act of academic dishonesty, such as taking a test or doing an assignment for someone else, changing someone's grades or academic records, or inappropriately distributing exams to other students.

ACADEMIC DISHONESTY REPORT FORM INTEGRITY POLICY

I. When an act of academic dishonesty comes to an instructor's attention, the following procedures shall be followed:

1. Collect evidence and document the incident,
2. Permit the accused student an opportunity to explain, and
3. Advise the student of possible penalties.

II. If there is clear evidence of a violation of the DVC Academic Integrity Policy, the instructor may:

1. Inform the student of the academic penalty which may include one or more of the following:

- a. A reduced score on the assignment or exam;
- b. A score of zero or "F" on the assignment or exam;
- c. A reduced grade in the course;
- d. An "F" in the course **for repeated violations of DVC Academic Integrity Policy within that particular course;**
- e. Removal from class for one or two class days as outlined in the Education Code (section 76032) and referred to in the "Removal by Instructor" section of the Student Code of Conduct

2. Inform the student of the right to appeal the academic penalty, in cases of mistake, fraud, bad faith or incompetence. (Refer to the "Student Appeals for Grade Changes" procedure outlined in the DVC catalog for more information.) However, the removal from class (see 1.e. above) is not subject to appeal.

3. Inform the student of recommendations for further action which may include:

- a. No further action, or
- b. Disciplinary Review with Dean of Student Life, including education about academic integrity;
- c. In the case of more egregious violations of academic integrity, a recommendation that the Dean of Student Life consider suspension **of a year or more** or expulsion. (If the Dean does not follow a recommendation to suspend or expel the student, the faculty member will receive written notification of the reasoning. In the case of not following recommendations 3a or 3b, verbal notification will suffice.)

4. Send a "Report of Academic Dishonesty" form to the Dean of Student Life.

The Dean will keep this report in a confidential file for three years. This will help identify repeat patterns of academic dishonesty, and generally a second offense will result in long-term suspension from the college. (If the Dean chooses not to assign long term suspension, due to extenuating circumstances, the faculty member will receive written notification.) This report may only be shared with the student to whom it pertains and with those within the college who have a legitimate educational need for the information as determined by the Dean. After serious consideration of the instructor's recommendation, the Dean will address violations of academic integrity in accordance with the Student Code of Conduct.

Diablo Valley College gratefully acknowledges that it has freely borrowed, modified and used words, phrases, sentences, and ideas found in similar documents of the following educational institutions, listed in alphabetical order:

*CSU San Marcos * Oregon State University * Southwestern Oregon Community College
UC Santa Barbara * University of Charleston * University of Colorado at Boulder * University of Maine*

ACADEMIC DISHONESTY REPORT FORM

Instructor: _____ Phone/Ext: _____
Course: _____ Dept./Division: _____
Student(s) Name: _____ Student ID#: _____
Term & Year: _____ Reporting Date: _____

Type of Academic Dishonesty (refer to the DVC Academic Integrity Policy for definitions of the following terms):

___ Cheating ___ Tampering ___ Fabrication
___ Plagiarism ___ Assisting ___ Other

Summary of the incident (include date, time, place, evidence; attach separate document if needed):

Check box if copy of evidence is attached to this report.

Student response if any:

Instructor's action(s): Reduced score on assignment zero or "F" on assignment
 reduced grade in the course "F" in course (for repeated violations in that course)
 removal from class other _____

Instructor's recommendation(s) for further action (if any): No further action
 Disciplinary Review including education about academic integrity
 Suspension or expulsion other _____

Instructor's signature: _____ Date: _____

Student's signature: _____ Date: _____

(Note: The student's signature is not an admission of guilt. The student's signature indicates that s/he is aware of the instructor's action or recommendation for further action, and that s/he is aware of the right to appeal action(s) taken by instructor as outlined in the DVC catalog in the "Student Appeals for Grade Changes" section.)

Recommend copies for Dean of Student Life, Instructor and Student

Academic Integrity Policy And ADRF Rev 100611 090804

<http://www.dvc.edu/org/info/policies/pdfs/ADRF.pdf>