

Santa Monica College Academic Senate
PERSONNEL POLICIES COMMITTEE: MINUTES
THURSDAY, OCTOBER 11, 2012
1:15 pm Science 251

Members Present: Jamey Anderson, Patricia Burson, Sherri Lee-Lewis, Jennifer Merlic, Marcia Wade.

Guest: Bob Myers

Excused: Tracey Ellis, Laurie McQuay-Peninger, Andrew Nestler, Vicki Rothman.

I. **Minutes** from 9/27/12 approved.

Update on in committee membership: since we are reviewing AR's on equivalency and qualifications, Sherri Lee-Lewis will replacing Sandy Chung. Additionally, Vicki Rothman has agreed to fill out the faculty membership on our committee and will join us at the next meeting.

II. **Whistleblower Update** (*moved up on agenda*). Bob Myers brought new drafts to us and we discussed the new drafts of a BP and AR. He has changed the wording back to say *improper* activities, to match the wording used in Education Code Section 87162. Note that the phrase *improper activities* is not necessarily meant to include violation of District policy, unless it involves violations like those mentioned in the BP.

On the question of the discipline for making false reports being omitted, the BP and AR each mentions good faith reporting, and state law already prohibits the making of false statements. In addition, it should be clear that reporting improper activities is to be encouraged and statements in the AR about discipline for false claims may give the wrong impression on that front. Even if the whistleblowing claim is not substantiated by investigation, the whistleblower should feel confident that they should report suspected improper activities without fear of reprisal.

We also discussed the issue of potential duplication of whistleblowing investigations and other types of investigations. One of the main purposes of the AR and BP is protection of the whistleblower from retaliation, an idea not found explicitly in other policies. Secondly, since this BP and AR have the intention to encourage reporting, a general policy on reporting suspected improper activities is important to have as a stand alone AR. When any whistleblower investigations are being performed, it will be the responsibility of the investigation to make sure all relevant procedures are followed.

These drafts will be forwarded to DPAC HR for feedback, and then brought to the Senate after changes are made.

III. **Sabbaticals Update.** The sabbaticals committee intends to review AR 3215 and work with this committee to present a revision to the Senate. Included in their

review of the AR will be potentially including some of the current practices regarding sabbatical follow-up procedures and potentially finding agreement on whether the committee will have more than one call for proposals if the maximum number of sabbaticals are not given.

- IV. **Equivalency Process Discussion.** One important reason to review these AR is because of potential problems with state audits on issues of faculty qualifications, which are typically random. The BOG sets these qualifications and our equivalency process should be carefully followed and well-understood in order to ensure that we are following the BOG's policies. A proposed change in the title of AR 3211.9 (*Guidelines for determining equivalency to minimum qualifications*) is proposed, as well as changing how we refer to this process in other AR's, for example in 3211.7, item #3.

We need to be certain that hiring committees for full time positions understand and fully implement the equivalency procedure, so that they are interviewing a pool that meets minimum qualifications and not opening up the hiring process to legal scrutiny. Of course it could be problematic to the final interview pool if one or more candidates are found *not* to meet minimum qualifications. It is current practice for HR to verify a candidate's qualification only at the final interview stage. (To this effect, an addition to AR 3211.7 is proposed in **red type** in the current working draft of this AR.) We also propose striking the mention of filing this equivalency form with the personnel policies committee due to concerns regarding confidentiality and liability.

Currently HR is not receiving the form from hiring committees, as stated in AR 3211.7, item #4. We discussed ways to make it easier for committees to note how each of the candidates meet the minimum qualifications, using the current online application process—perhaps by including a qualifications column with the online candidate list that was meant to be filled out by the committee members while reading the applications. Then one of the administrative members of the committee should be responsible for filling out any equivalency forms and submitting them to HR.

In addition, AR 3231 (PT equivalency process) should refer to AR 3211.9.

- V. Adjourned at 2:35 p.m. Next Meeting on 10/25/12.