



FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

MINUTES

REGULAR MEETING

March 13, 2006

CALL TO ORDER AND ROLL CALL

President Betsy Bechtel declared a quorum was present and called the meeting to order at 5:15 p.m. in the District Board Room of the Foothill-De Anza Community College District, 12345 El Monte Road, Los Altos Hills, CA 94022.

Trustees Present:

Betsy Bechtel, President
Hal Plotkin, Vice President
Paul Fong
Laura Casas Frier
Bruce Swenson

for Public Session

Bridget Howe, Foothill College Student Trustee
Maryam Noor, De Anza College Student Trustee

CLOSED SESSION

The Board immediately adjourned into closed session in the Chancellor's Office with the individuals listed below to discuss:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Number of Potential Cases: 2

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:
Number of Potential Cases: 1

Executive Administrators Present:

Martha Kanter, Chancellor
Mike Brandy, Vice Chancellor of Business Services
Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity
Rob Johnstone, Acting President of Foothill College
Judy Miner, Acting President of De Anza College

Legal Counsel Present:

Phil Jaret

LIABILITY CLAIM

Claimant: DES Architects
Agency claimed against: Foothill-De Anza Community College District

Executive Administrators Present:

Martha Kanter, Chancellor
Mike Brandy, Vice Chancellor of Business Services

Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity
Rob Johnstone, Acting President of Foothill College
Judy Miner, Acting President of De Anza College

Legal Counsel Present:

Phil Jaret

RE-CONVENE PUBLIC SESSION

President Bechtel re-convened the public session at 6:00 p.m. She led the Board and those present in the Pledge of Allegiance. The following staff, press, students and members of the public were present:

<i>Staff:</i>	Bob Barr	Rob Johnstone	Willie Pritchard
	Mike Brandy	Martha Kanter	Carmen Redmond
	Claudette Brero-Gow	Marsha Kelly	Shelley Schreiber
	Tom Costa	Sharon Luciw	John Schulze
	Cynthia Denman	Dixie Macias	Daphne Small
	Jane Enright	Vava Marques	Marisa Spatafore
	Christina Espinosa-Pieb	Faith Milonas	Paul Starer
	Art Hand	Judy Miner	Tom Strand
	Jeanine Hawk	Dan Mitchell	Kay Thornton
	Lydia Hearn	Frank Nunez	
	Mari Huerta	Jon O’Bergh	

Press: None

<i>Students:</i>	Carlos Benho	Adriana Dominguez	Daniel Lin
	Steph Bigley	Jose Dominguez	Valentino Lin
	Abbey Brown	Susan Fran	Tan Lee Shirley Loo
	Anna Callahan	Roberto Figueroa	David Madrigal
	David Carrijo	Ben Gammon	Frances Nicholson
	Kee Hoon Chung	Jose Hernandez	Rafael Soares
	Adrian Diaz	Glenn Ho	Valencia Suhendra
	Jose Diaz	Andrew Horng	Siu Jun Tam

<i>Public:</i>	Paul Hoeschen	Betsy Nikolchev	Charlie Williams
	Brad James	Vic Okajian	
	Teena James	Robert Whalen	

REPORTING OUT FROM CLOSED SESSION

President Bechtel reported that no action was taken in closed session.

FOUNDATION BOARD REPORT

Trustee Fong reported that the bond measure had been discussed, and Trustee Frier added that the Foundation Board had endorsed the bond.

CORRESPONDENCE

President Bechtel asked if there was any correspondence which should be brought to the Board's attention. Trustee Plotkin reported that he had received correspondence from trustees who are candidates for the California Community College Trustees Board.

HEARINGS: ITEMS NOT ON THE AGENDA

Public/Students

There were no members of the public or students who wished to address the Board on items not on the agenda.

Staff

Chancellor Kanter announced that State Chancellor Mark Drummond would visit the District on March 20. She also announced that the District was sponsoring a community forum on the bridge between K-12 and higher education on March 29. De Anza Vice President of Instruction Judy Miner, representing De Anza President Brian Murphy, announced a number of events sponsored by the Creative Arts division.

Trustees

Trustee Frier reported that she had been asked to be the keynote speaker at a high school conference on higher education. President Bechtel reported that a bond campaign committee had been formed. Chancellor Martha Kanter added that the County had designated the bond measure as Measure C.

APPROVAL OF CONSENT CALENDAR

M/S/C: Swenson/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified Items 1-7 of the Consent Calendar as follows:

Item 1 — **Ratified** B WARRANTS GREATER THAN \$5,000 FOR JANUARY AND FEBRUARY 2006

Item 2 — **Approved** AGREEMENT WITH SAN JOSE MERCURY NEWS
Agreement for advertising services in an amount not to exceed \$202,500

Item 3 — **Approved** DONATION OF SURPLUS FOOTHILL COLLEGE TELESCOPE
Authorized the District Purchasing Director to donate the current Foothill Observatory Telescope to Peninsula Astronomical Society pursuant to Education Code 81452(c)

Item 4 — **Approved** AWARD OF CONTRACT PURSUANT TO BID #1039 — THEATRICAL DIMMING SYSTEM REPLACEMENT, FOOTHILL COLLEGE
Authorized the District Purchasing Director to award a contract not to exceed the amount of \$53,795 for the Base Bid Amount to the lowest responsible and responsive bidder, E.T. Associates

Item 5 — **Approved** FINDING PURSUANT TO PUBLIC CONTRACT CODE 3400(B) (2) AND (3) THAT EXTERIOR LIGHT FIXTURES FOR DE ANZA COLLEGE ARE ONLY AVAILABLE FROM ONE SOURCE

Item 6 — **Approved** PERSONNEL ACTIONS:

Name: **Anthony Gatto**
Position: Instructor
College: Foothill
Division: Fine Arts and Communication
Action: **Accept Resignation**
Effective Date: June 30, 2006

Name: **Reginald Hamer**
Position: Instructor
College: De Anza
Division: Physical Science, Mathematics and Engineering
Action: **Reduction in Contract to 66.7%**
Effective Date: September 21, 2006
Comments: In accordance with Article 18 of the *Agreement* between the District and the Faculty Association

Name: **Bruce Henderson**
Position: Instructor
College: De Anza
Division: Language Arts
Action: **Reduction in Contract to 75%**
Effective Date: September 21, 2006
Comments: In accordance with Article 18 of the *Agreement* between the District and the Faculty Association

Name: **J. Christian Purvis-Aldrich**
Position: Instructor
College: De Anza
Division: Language Arts
Action: **Unpaid Leave of Absence**
Effective Date: April 1, 2006 through September 19, 2007
Comments: In accordance with Article 16.28 of the *Agreement* between the District and the Faculty Association

Name: **Randolph Splitter**
Position: Instructor
College: De Anza
Division: Language Arts
Action: **Reduction on Contract to 72.2%**
Effective Date: September 21, 2006
Comments: In accordance with Article 18 of the *Agreement* between the District and the Faculty Association

Item 7 — **Approved** HUMAN RESOURCES REPORT

Item 8

PRESENTATION: STUDENT MENTAL HEALTH

Community member Vic Ojakian discussed mental health statistics related to depression and suicide and suggestions to address the problem, especially through linkages to services available in the community. President Bechtel pointed out as a model the thorough information on the De Anza website. She requested that staff report back in a couple of months on what the colleges are doing to address student mental health issues and what further can be done. Trustee Fong supported the request, emphasizing the importance of more than just links on a website. Trustee Swenson also agreed and noted how often student stress came up as a topic while he was campaigning. Trustee Plotkin thanked Mr. Ojakian for the presentation and suggested that students sign a form during registration that apprises them of all the available resources.

Robert Whalen asked to speak and noted that many students were present who had hoped to speak about an incident during a soccer game at American River College. President Bechtel reminded him that no one had spoken up when she asked if any students wished to address the Board on items not on the agenda. She said they were welcome to come to the next Board meeting and speak during the public hearing.

Item 9

REPORT ON PLUS/MINUS GRADING

Executive Director of Institutional Research Bob Barr presented the results of the Plus/Minus Grading study, reporting that the study revealed no substantial or statistically significant change in GPA resulting from the assignment of plus and minus grades. Acknowledging that some students with a 4.00 GPA were concerned about the ramifications of a slight drop in GPA, he emphasized that it was highly unlikely that the difference between a GPA of 4.00 and 3.95 would affect a student's successful transfer.

District Academic Senate President Dan Mitchell reviewed how the senates had presented information two years ago that projected no significant change. He said that faculty were pleased but not surprised at the results of the study and looked forward to full implementation of plus/minus grading in the fall. Responding to a question from President Bechtel, he said that, while faculty must acknowledge the plus/minus grading system, they cannot be forced to use a particular symbol, and offered the example of a faculty member who happens never to assign a D grade. Trustee Swenson asked whether information on plus/minus grading would be included in the faculty handbooks, and he was assured that this would be the case. Senate President Mitchell added that the senates will engage in training and informing faculty.

De Anza student Valentino Lin reported that the DASB Senate passed a motion to oppose plus/minus grading, and De Anza student Susan Fan spoke in opposition to plus/minus grading. Foothill students Adrian Diaz, Andrew Horng, Abbey Brown and Kee Hoon Chung reported that the ASFC Senate also passed a resolution to oppose plus/minus grading, and each expressed concerns over the policy.

President Bechtel reviewed how two years ago the Board set the implementation date for fall 2006 so students at that time could complete their studies before plus/minus grading went into effect. She said she was pleased to learn that transferability would not be negatively impacted, which had been one of the Board's priorities. Student Trustees Howe and Noor expressed concern about the impact

on enrollment if students take less classes as a strategy to avoid a drop in GPA. Trustee Frier noted that student concerns about transferability have been satisfactorily addressed, and she looks to the faculty to implement the policy in a way that satisfactorily addresses student concerns about consistency in the faculty's use of plus/minus grading. Trustee Fong complimented the students for speaking out so eloquently about an issue in which they strongly believe.

Trustee Plotkin explained that the Board is required to rely on faculty for decisions related to teaching and grading. He noted that the faculty had agreed to a compromise by delaying implementation in order to conduct the study. He also noted that faculty feel the plus/minus system will allow them to grade more fairly and accurately. He encouraged students to pursue more opportunities for civic engagement, which enhances transferability to a greater degree than GPA. Responding to a request from students to continue tracking the impact of plus/minus grading, Senate President Mitchell said he welcomes the opportunity for more data.

Item 10

CONFIDENTIAL EMPLOYEES COMPENSATION

- M/S/C:** Plotkin/Swenson
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the terms and conditions of a compensation agreement for 2005-06 and 2006-07 for Confidential Employees as follows:
- For 2005-06:
 1. Salary adjustment equal to 2% to be distributed as described below: Effective April 1, 2006 a readjustment will be made to the Confidential Salary Schedule whereby the first eight ranges will be eliminated and four ranges will be added (Ranges 16 – 19). Each Confidential employee will move two ranges on the salary schedule.
 2. Effective December 2006, one additional holiday between December 25 and January 1 except for employees who are required to work. Employees required to work shall have a floating holiday to take between January 1 and June 30.
 3. The District shall fund all increases to health and welfare benefit costs.
 - For 2006-07:
 1. 4.5% of State Cola shall be applied to the salary schedule readjustment that became effective in April 2006. All remaining COLA shall be applied to the Confidential salary schedule but in no case shall the salary schedule be adjusted by less than 1/2% effective July 1, 2006.

Item 11

LAYOFF DUE TO LACK OF FUNDING IN PROFESSIONAL AND WORKFORCE DEVELOPMENT, DE ANZA COLLEGE

President Bechtel acknowledged information emailed by De Anza Vice President of Finance and College Services Jeanine Hawk. Vice President Hawk elaborated on that information, which concerned the issue of funding for the grant and the position. Responding to a question from Trustee

Frier about whether the position was essential, Vice President Hawk said that the workforce development area cannot afford to support a dedicated position. SEIU representative Art Hand attempted to persuade the Board not to approve the layoff, noting that SEIU has initiated a grievance claiming the layoff is not warranted. De Anza Business Analyst Tom Costa provided his own figures and argued against the layoff. Vice President Hawk responded that Mr. Costa's figures do not take into consideration the larger financial picture. She addressed additional questions from the trustees. Trustee Plotkin requested that Human Resources work with Mr. Costa to apprise him of any District positions for which he qualifies. Vice Chancellor of Human Resources and Equal Opportunity Jane Enright added that the SEIU contract provides for reemployment preference to laid off employees. Trustees Plotkin and Fong acknowledged the unfortunate circumstances requiring the layoff action.

M/S/C: Plotkin/Fong
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved the elimination of the Business Analyst position effective May 1, 2006 due to lack of funding in Professional and Workforce Development, and authorized District representatives to provide the affected employee, Tom Costa, with at least a forty-five (45) day notice of layoff

Item 12

BOARD POLICY 9210 – CODE OF ETHICS AND STANDARDS OF PRACTICE

Chancellor Martha Kanter explained that the Board Code of Ethics was being incorporated into Board Policy at the recommendation of the visiting accreditation teams, along with a method for resolving perceived violations. She noted that other models had been considered and the policy had been reviewed by legal counsel. Trustee Plotkin expressed his hope that the Board would continue to operate at a high level of collegiality. He raised one concern about the statement “abide by the final majority decision of the Board,” saying the policy should deal with ethics and not issues where there is a disagreement. He offered an example of a case where a trustee might legitimately continue to express disagreement with a decision made by the Board. President Bechtel asked Chancellor Kanter to look at examples from other policies and propose revised language to address Trustee Plotkin's concern.

Item 13

AWARD OF CONTRACT FOR WI-FI NETWORK PURSUANT TO BID #1011

Trustee Plotkin asked if vendors were contacted who offer free advertising-funded services. Vice Chancellor of Technology Willie Pritchard answered that such vendors had been contacted. Trustee Swenson asked about the expected life of the network. Vice Chancellor Pritchard responded that funding from the bond measure would cover the roll-over of new equipment.

M/S/C: Howe/Frier
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the Director of Purchasing Services to award a three-year contract to WAN/LAN Solutions pursuant to Bid #1011

Item 14

MEASURE E CONSENT CALENDAR

Responding to a question from Trustee Fong, Executive Director of Facilities, Operations and Construction Management John Schulze clarified that Item C is subject to obtaining a suitable settlement.

M/S/C: Fong/Noor
Advisory vote: 2 yes
Board vote: unanimous
Action: Approved / Ratified the Measure E Consent Calendar, A-C as follows:

- A.** *Title:* Change Order #8
Vendor: S.J. Amoroso Construction Company, Inc.
Agreement Date: June 30, 2005
Campus: Foothill College
Project No.: 171
Project Name: Central Plant
Amount: \$29,193
For: Various scope revisions including electrical feeders to main switchboard, 1x8 exterior wood siding in lieu of 1x6 siding, relocating air separator AS-2 in boiler room, roof waterproofing details and other minor changes
Action: Ratification
- B.** *Title:* Revision #13 to PAA #19 (PO #M249357)
Vendor: Perkins + Will
Agreement Date: November 7, 2001
Campus: Foothill College
Project No.: 152
Project Name: Lower Campus Complex
Amount: \$7,251
For: Clarifications and additional detail drawing for Joint Trenches #5, #6, #7, and #15; these clarifications are a result of unforeseen existing underground utilities that are prohibiting the progress of the joint trenches according to the original design
Action: Ratification
- C.** *Title:* Change Order #25
Vendor: Vitton Construction
Agreement Date: December 14, 2004
Campus: De Anza College
Project No.: 224
Project Name: S-Quad Modernization Phase I
Amount: \$24,020
For: General conditions settlement in addition to various architectural, electrical and plumbing work
Action: Ratification

Item 15

AWARD OF CONTRACT PURSUANT TO BID #1024-224 — PLANETARIUM RENOVATION, DE ANZA COLLEGE

M/S/C: Plotkin/Frier
Advisory vote: 2 yes
Board vote: unanimous
Action: Authorized the District Purchasing Director to award a contract not to exceed the amount of \$1,281,301 for the Base Bid Amount and Additive Alternate #1 to the lowest responsible and responsive bidder, Coast Side Associates

Item 16

APPROVAL OF REVISION #14 TO PROJECT ASSIGNMENT AMENDMENT #19 AND REVISION #8 TO PROJECT ASSIGNMENT AMENDMENT #20 TO AGREEMENT WITH PERKINS & WILL

M/S/C: Swenson/Plotkin
Advisory vote: 2 yes
Board vote: unanimous
Action: 1) Approved Revision #14 to Project Assignment Amendment #19 to the Agreement with Perkins & Will (Lower Campus Project) in the amount of \$613,031; and
2) Approved Revision #8 to Project Assignment Amendment #20 to the Agreement with Perkins & Will (Campus Center Project) in the amount of \$319,102

DATES TO REMEMBER

April 3, 2006 — Regular Meeting
April 10, 2006 — Audit & Finance Committee Meeting

ADJOURNMENT

President Bechtel adjourned the meeting at 8:35 p.m.

jco
Approved: 4/3/06

Martha J. Kanter, Chancellor
Secretary, Board of Trustees