

# ROSENSTRUM

ACADEMIC SENATE FOR CALIFORNIA COMMUNITY COLLEGES NEWSLETTER

## Power and Paranoia: Effective Senates are Victors, not Victims

by Hoke Simpson, President

At the first Summer Leadership Institute I ever attended, Jim Higgs from Modesto Junior College told me that the local academic senate president was the most powerful person on campus. I wonder why more of them don't feel that way.

Jim, who is now deceased, was a big, blustery man, who wore a fedora and loved the blues. He is on my mind today, as I've recently returned from Mississippi, where I toured delta blues shrines and attended seminars and concerts and catfish dinners. Jim once spent a summer in Mississippi engaged in similar pursuits.

If you knew Jim, you might have supposed, given his size and bombast, that he would have thought himself the most powerful person on campus whether or not he had been academic senate president. In fact, though, he wasn't just projecting his own persona on the world; he had a serious point—and I have always felt a valid one.

Jim's point was nothing more nor less than a straightforward acknowledge-

ment of the power of the faculty. Again, I wonder why more of them don't feel that way. I wonder, but not for long.

For the power we are talking about is political power, and it's a sort that faculty aren't called upon to exercise all that often. Nevertheless, it's always there, waiting to be tapped. In contrast to power of the physical sort, it does not require frequent exercise in order to be maintained. Paradoxically, too frequent exercise can result in the dissipation of political strength, and prolonged periods of inactivity can in fact augment it. What, then, are the conditions of its effective use, how do we nurture it, and how and when do we display it?

Do you remember Chili Palmer's "Look at me!" in *Get Shorty*? It works for Chili every time; but when Gene Hackman's character tries it, he just gets his butt kicked. What's the difference? Easy. Chili believes in his own power; for Hackman, it's just a technique. Another way to put this is to say that it's the difference between authenticity and its opposite. In faculty politics, it's the difference between the senate president

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who can't shut up about faculty rights under Title 5 and the one who gets the job done—every time—by saying "Why don't we look at it this way..." and who, when the administration is about to go badly wrong, quietly points out that "The faculty are never going to buy that" (this last sounding like Chili's "Look at me!").

On my trip to Mississippi, I heard novelist Nevada Barr tell a story about her career in law enforcement patrolling Mississippi's Natchez Trace. One night, Barr recounted, in the wee hours, she pulled over a powder blue Cadillac chauffeured by an elderly pink-coiffed



Hoke Simpson

## Ideals and Politics

The Academic Senate's resolution process has seemed to me, from my first exposure to it, to be an absolutely remarkable example of democratic governance. Resolutions are drafted, discussed at local senates, area meetings and plenary sessions; they are clarified and "perfected" and, finally, they are subjected to debate and vote on the final day of each plenary session. There is no doubt when the voting is through that the 57,000 faculty of our 109 (and counting) campuses have spoken. The result is that these resolutions are taken very seriously in discussions of the statewide Consultation Council, at meetings of the Board of Governors, and even in the office of the Governor and the halls of the Legislature. I have heard first-time observers of our process marvel at the complexity of the issues with which we deal, at the thoroughness with which we treat them, and the seriousness and civility of our debate. Even after many years, I share that sentiment. I would not change the process an iota; it seems to me to be as perfect as an institution of its kind can get.

And although I would not change it, I would make some observations that might make it work even better.

Despite many similarities, there are some very real differences between the workings of local academic senates and the statewide Senate. The principal of these is that the local senate is relatively autonomous with respect to initiatives it might take, whereas the state Senate does not take action without direction—in the form of resolutions—from the plenary body. A local senate might make a decision at one meeting and, in the light of changing circumstances or as a matter of political strategy, decide to rescind or significantly modify it at the next, where the time frame involved is a matter of weeks. A resolution passed by the plenary body, on the other hand, may lock the state Senate into a course of action for at least the next six months, and often for many years.

I have sometimes heard an occasional local senate president say that he or she is not interested in politics. That has always surprised me, as I have always viewed that role as very much a political one. There is certainly no doubt that our efforts

*by Hoke Simpson, President*

at the state level are political, from dealing with the Chancellor's Office, the many constituencies in the Consultation Council, the Board of Governors, and of course the Legislature and the Governor.

Our activities are political, and politics is the art of empowered compromise.

Now, that's the part that seems to frighten some people, and it brings me to my point about improving our efforts.

I believe there is no question that the Senate, through its resolutions, should express an unswerving commitment to its principles, and that commitment should not be compromised. Examples would be (a) our commitment to the principle that students are best served by a full-time tenured faculty; and (b) that community college fee policies should be consistent with the principle of open access, that the community colleges should be the gateway to higher education for every individual who might benefit, such that higher education is open to all and is not reserved for the elite who can afford it.

And while I believe that our commitment to these principles ought to be steadfast, I also believe that our resolutions should leave the Academic Senate room to participate in the political process. They should not, in short, lock us into a specific, narrow course of action that does not allow us to proceed toward the realization of our principles incrementally, through compromise with other constituencies. The rule should never be "All or nothing." It should be "Something or don't go backwards." And to the latter, we should add "If you have to go backwards, don't do so without an ironclad guarantee of a future bigger step forward."

The problem with "All or nothing" in politics is that, in reality, it usually translates to "Nothing." Once people know your position and that there is absolutely no room for compromise, they quit listening to you. Why should they listen? From their perspective, you have come to the table as an ideologue, not as a problem solver. For the Academic Senate thus to marginalize itself would be most unfortunate.

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# Leadership Today and Tomorrow

by Kate Clark and Michelle Pilati, Curriculum Committee

The Academic Senate offers a summer Faculty Leadership Institute to aid new faculty senate leaders by providing them with the information they need to be more effective leaders. Participants in this valuable institute are provided with a review of the senate concerns, principles and parameters of governance (the 10 + 1), budget workshops, and strategies for working with other governance groups. Local senate officers participate in wide-ranging discussions of the issues and priorities for both statewide and local senate priorities and suggestions for how to address them; the casual but intensive retreat atmosphere also provides ample opportunities to discuss local issues and to see how others have resolved potential controversies on their campus. Clearly, this is an approach to leadership that is effective for our senate leadership and provides us with understandings essential for our governance work. It is precisely what every campus leader should have, including our students. But such a forum isn't possible for the student leaders on our campuses

Providing these leadership skills to student leaders in the community colleges—students who are transitory, whose intensity and passion is short-lived on our campuses before they transfer or enter the workplace; students who often lack historical perspective, and who are, above all, scholar-politicians in their student senate roles—is an ongoing challenge to be faced cyclically as students move in and out of their campus leadership roles.

Many of these students may return years hence to fill future needs for apt community college leadership; thus, to enable them to serve effectively now and to prepare them for their future (and perhaps our own), we can begin now by helping community college students to develop their leadership skills.

The Fall 2002 Academic Senate plenary session offered a breakout on possible curricular offerings to develop such leadership in a classroom setting. This breakout responded to several recent resolutions: first, that the Academic Senate for California Community Colleges work with “representatives from the state student senate to

explore ways to assist student government leaders in their efforts to reach their goals of effective participation in community college governance (20.02 Spring 2002); and that “the Academic Senate for California Community Colleges reaffirm its position that all student government advisors should be tenured faculty” (20.02 Spring 2000). It seems most appropriate that the Academic Senate explore a curricular response to these resolutions because leadership is a quality that can be instructionally nurtured, because it is our responsibility to offer a rich array of educational opportunities to our students, and because tenured faculty are less subject to the constraints sometimes imposed by college administrators.

These leadership courses, currently offered across the state, provide a benefit to students; often bestow transferable rewards (to UC/CSU); result in life-long skills, immediately applicable to other studies and future employment; teach the nature of effective leadership in a variety of contexts; and reward and value the hard work of student leaders.

The plenary session breakout began with a look at approaches to leadership in non-academic settings to determine what skills might also be honed in a leadership course. Professionals in the organizational development field who work with management (those presumably already in leadership roles) typically examine what those leaders do and then assist them in accomplishing their tasks more effectively. While students enrolled in leadership classes may or may not be currently serving in a leadership role, there are basic skills that effective leaders possess and that can be included in a leadership training curriculum: for example, effective leaders

- ▶ have an understanding of themselves and of others;
- ▶ have self-awareness;
- ▶ have effective communication skills;
- ▶ can listen, accept criticism, provide feedback;
- ▶ are able to delegate and to motivate others;
- ▶ can manage or resolve conflict;
- ▶ have team-building skills; and
- ▶ run meetings effectively in terms of both process and content.

The challenge facing faculty is to devise a course to introduce, nurture, and practice those skills.



Kate Clark

STUDENT LEADERSHIP

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Mark Snowwhite

# Another Way to Look at Learning Outcomes

By Mark Snowwhite, Executive Committee

At our Fall 2002 Plenary Session the Academic Senate once again expressed through its resolutions strong objection to the new standards adopted by the Accrediting Commission for Community and Junior Colleges. Resolution 2.01 F02, asserting that the Commission has cited no evidence demonstrating that current measures of student learning are inadequate, urges community college faculty to refrain from developing outcome measures simply to satisfy the Commission's dictates. Resolutions 2.03 F02 asks faculty to document the costs of gathering measurable student learning outcomes (MSLOs) that satisfy the Commission's new standards, which are expected to be considerably draining on all of our colleges at this time of fiscal downturn. Resolution 2.06 F02 urges local senates to recommend that "scarce college resources" be used for professional development instead of for setting up means to satisfy the blanket use of MSLOs required by the new standards. And Resolution 2.10 F 02 calls for faculty resistance to the imposition of MSLOs on faculty and in particular to faculty evaluation.

Yet it is important that we recognize that student learning outcomes are not in themselves the target of Senate opposition, that faculty highly value the appropriate use of data tracking the success of their students and use that data to evaluate their efforts and improve programs. (In fact, had the new standards included the phrase "where faculty has determined it to be appropriate" in most of the places where it calls for the use of MSLOs, it would probably have received far less contumely.) All responsible teachers use measures that reflect student learning. The question is not whether we value and agree to use MSLOs, but rather who determines the MSLOs and who decides how and when we use them.

The new standards suggest that MSLOs be used to evaluate every major activity, a stance that goes far beyond what the advocates of MSLOs would agree are reasonable. The standards suggest that everything important that happens at a college can be reflected in objective measures. The new standards leave no room for the transmitting of the values that we find most important to a liberal

education, such as the development of curiosity, respect for other cultures, independent thinking, and a value for scholarship (see the AAUP paper "Mandated Outcome Measures"). Instead this new approach asks only for the evidence that our students have mastered skills, like solving an equation for two unknowns or identifying a gerund, which they will soon forget when these skills are not used. So attending to MSLOs to the exclusion of all else forces us to ignore the *un*-measurable qualities of the educational process.

On the other hand, we certainly do need to know the level of skills mastery our students have attained before we encourage a basic skills writing student to attempt freshman composition. We have to have measures in place that will provide our students with some degree of assurance that when they enroll in a college algebra class, they have a reasonable expectation of succeeding. It is at the basic skills level that our need for valid and reliable student learning measures is critical to the success of our students because these courses are primarily courses designed to develop basic literacy and numeracy skills necessary for students to succeed in college-level course work.

Happily we can report that the development and use of data to increase student success has been growing. We do have evidence that faculty driven assessment has been used to improve basic skills programs at a number of California community colleges. Chaffey College's Basic Skills Transformation Project stands as a model of how well designed assessment can improve an instructional program. This project was designed to increase the rates of success of the seventy percent of Chaffey's freshman who have been assessed as under-prepared for college work (according to the Academic Senate's Basic Skills Survey completed in 2002, the majority of entering freshmen at most California community colleges require some basic skills). The project is a college-wide effort that includes reorganizing programs and services, restructuring curricula, reforming student assessment and placement, expanding academic support services by creating three College Success Centers and four additional multidisciplinary centers, and innovative

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# Are Vegetables Normal??



Ian Walton

*Ian Walton, Executive Committee*

The new California Master Plan for Education 2002 contains an interesting assertion in the middle of the flowery vision statements of the Executive Summary. In the section on accountability it states:

“We envision an education system which will categorically reject the notion that student achievement must be distributed along a bell curve.”

How should we interpret this?

An immediate flippant response from anyone just slightly familiar with the bell curve (or Normal Distribution) might be “are they suggesting that California students are not normal?”

A reader in search of deeper political meaning would probably think back to the arguments surrounding the 1994 book *The Bell Curve: Intelligence and Class Structure in American Life* by Herrnstein and Murray. Publication of this book was funded by the right wing think tank, the Pioneer Fund. It attempted to use a controversial theory that human behavior is explained by a single factor called “intelligence” to prove that low IQ scores of African Americans are due to genetic factors. Amongst the many heated responses, a reanalysis by Raymond Carroll concluded that behavior and test correlations are explained by multiple factors that include skills that may indeed be changed by both environment and education.

So perhaps the authors of the Master Plan were implying support for an educational system that does not prejudice individuals and that provides equal opportunities for all of California’s diverse population. The Academic Senate would certainly support this lofty ideal.

Currently, however, this ideal is far from being realized. The Academic Senate President has consistently called attention to the discriminatory funding to which the California Community College System is subject. Our students are automatically provided with fewer state resources just because they do not take their classes at a four-year university. Unfortunately, the Master Plan does not propose to change that.

But even worse, the plan is full of the same mindless accountability language of learner outcomes and institutional performance that we have strongly opposed in the new accreditation standards. Every thought and movement is to be recorded and graded and combined into scores that rate the individual human being, or instructor, or class, or institution. The disastrous K-12 model is to be imported to higher education.

But this is exactly where the Master Plan’s statement about “rejecting the bell curve” gets interesting to a mathematician. In order to compile a single score for an individual student, for example, you have to calculate some type of average from this vast collection of separate outcome measurements. However, the Central Limit Theorem from statistics essentially states that when you use such an average, it is guaranteed to have a Normal Distribution.

If you measure student (or institutional performance) the way we’re all being told we must, then you are absolutely guaranteeing that the result will be a bell curve. You can’t avoid it.

So much for “categorically rejecting the notion!”

Or perhaps, as we used to say at U.C. Santa Cruz, “grades are for vegetables.”

MASTER PLAN

## Leadership Today and Tomorrow

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Ideally, students who are taking a course in leadership are also engaged in activities that provide them with an opportunity to practice those skills they are developing. Two colleges featured in this breakout, Sacramento City College and Coastline Community College, used this model, though their student populations required contrasting approaches. Sacramento City College, a large urban college, offers a series of courses under the direction of a tenured counseling faculty member hired specifically to develop student leadership. Sacramento City College hopes to offer a certificate program in leadership as an outgrowth of the classes it offers.

Coastline Community College, known for its extensive distance education program, has fewer students actually on site; many of their student leaders are employed full-time and may bring to their work existing leadership experience. Coastline has created a separate, stand-alone series of four courses (3 units each) to address leadership development. Such a series might also lead to a local certificate. In this instance, students enrolled in the course are required to “participate in [student government] and practice skills taught in this course.”

Another issue to be addressed in developing a leadership curriculum is where such courses should be housed and thus, by whom they should be taught. At present, leadership training is taught in such diverse fields as: Guidance/Counseling/Professional Development (Sacramento City, San Jose, Foothill and DeAnza); within single disciplines such as Political Science (Solano), Speech (Irvine Valley, Los Angeles Mission); and as a separate Leadership discipline (Coastline, Orange Coast). Colleges might also wish to combine in an interdisciplinary fashion instruction—and instructors—from counseling, political science, speech, and business management (group work, motivation), civic law, psychology (of group dynamics, personality, leadership styles), social and behavioral sciences (see Foothill College’s certificate program in Leadership and Community Service). The potential is as rich as local curricular ties and faculty can imagine for their students.

Once the leadership course has been placed within the curriculum, faculty must determine whether the class will be “mandatory” or “voluntary” in its association with the student governance activity. Linking the student government—or other student leadership activity—with a class through a co-curricular link may provide certain local fiscal benefits for seeking travel or conference funds. Such a co-curricular linkage also directly associates the classroom learning and the external applications

in student governance; it ensures that those who can most profit from the educational experience receive it, and it underscores the importance of learning leadership as a honed skill beyond mere native ability.

On the other hand, linking student leadership with additional coursework may negatively impact student loads, may increase non-major prep (non-transferable) units and may actually dissuade some students from assuming campus leadership. Enrollment in voluntary classes for these student leaders offsets some of these objections but cannot ensure that leaders who need assistance and training receive it; further, voluntary enrollment may result in an imbalance between leadership abilities of those who have and have not taken course. Interdisciplinary approaches, drawing on the talents of several faculty may also address other issues such as faculty availability, providing multiple models of leadership, conserving faculty energies, dividing teaching and supervisory roles, and meeting ongoing student demands in times of economic downturn.

Discipline faculty and curriculum committees will also weigh in on these decisions to offer leadership classes, wrestling with matters of scheduling, faculty availability, units (lab or lecture), course descriptions, repeatability, transferability, and the advisability of additional stand-alone courses.

While it is clear that no single approach will work for all colleges or for all students, the plenary session discussion provided an excellent starting point for a leadership initiative designed to meet local needs. The Academic Senate hopes to share with statewide leaders of the Student Senate the findings of this breakout and to urge them to explore options with faculty on their own home campus.

For links to college websites and additional information about offerings of leadership courses, please visit the Academic Senate’s Curriculum Website

*Foothill College: Certificate Program in Leadership and Community Service (courses in Counseling and Social Sciences): <http://www.foothill.edu/programs/commservice.html>*

*De Anza College: (Counseling 106, p. 129 of their on-line catalogue): <http://www.deanza.edu/publications/catalog/2002-2003/COOP-MANDcourses.pdf>*

*Sacramento City College: [http://www.scc.losrios.edu/~lead/leadership\\_curriculum.html](http://www.scc.losrios.edu/~lead/leadership_curriculum.html)*

*Coastline Community College (p. 104 of their on-line catalogue) [http://coastline.cccd.edu/pdf\\_files/2002\\_03cat.pdf](http://coastline.cccd.edu/pdf_files/2002_03cat.pdf)*

# Counseling and Library Faculty Issues Committee

One of the newer standing committees of the Academic Senate is the Counseling and Library Faculty Issues Committee.

It was formed as a result of a resolution from the Spring 1995 Plenary Session to strengthen various ad hoc committees and subcommittees on library and counseling issues that had been around since the late 1980s. In approving the formation of the committee, faculty recognized that there are unique professional and academic issues in the counseling and library fields that need to be addressed in such a committee. There are six members on the committee—librarians on the current committee are Micca Gray (Santa Rosa Junior College), Joanne Kim (Pasadena City College) and myself. The counselors on the committee are Jacqueline Dodds (Pasadena City College), Nicole Ratliff (Southwestern College) and Renee Reyes Tuller (Grossmont College).

The goals of the committee are developed based on direction from the text of resolutions passed by the delegates at our plenary sessions and also from the Academic Senate Executive Committee based on adopted positions of the Senate. Current counseling issues include web advising, student athletes, UC and CSU dual admissions policies, and state budget cuts on student services.

One of the major issues for the library community is that of information competency. In prior years, the committee has taken the lead in authoring a Senate position paper on information competency. It spearheaded the approval of several resolutions stating the importance of information competency to the success and lifelong learning process for students and also noting the curricular basis of information competency and the primacy of the faculty in any decisions at the college and state level. At the Spring 2001 Plenary Session, the Senate passed a resolution recommending to the Board of Governors that information competency be a locally designed graduation requirement for degree and (Chancellor's Office-approved) certificates. However, just days before the Board of Governors was slated to approve this requirement, the state Department of Finance (DOF) declared that the such a requirement would be an "unfunded mandate" and that the Board could not adopt the requirement (details of this are in an excellent article by Kate Clark in the October 2002 issue of the *Rostrum*). The Senate passed several resolutions at the Fall 2002 Plenary Session regarding "the interference by the DOF in the establishment

*Dan Crump, Chair*

of system policy." The committee plans to stay involved in Senate activities regarding information competency and also on responses by the Senate to the DOF action.

There are also issues that affect all faculty, but have unique components for us faculty who are not "classroom-based" faculty. (Oh boy, I have just opened a can of worms when I use terms like "classroom faculty" and "non-classroom faculty" or "instructional faculty" and "non-instructional" faculty—but that can be the subject of another *Rostrum* article!).

- ▶ The issue of alternative calendars (aka "compressed schedules") has been the topic of several session breakouts and a discussion point at many community colleges throughout the state. Library and counseling faculty have talked about how these calendars/schedules would affect library and counseling services. A recent Senate resolution has called for "a study on the effect of compressed/alternative calendars on counseling, library, and other non-classroom faculty." The committee plans to be actively involved in this study.
- ▶ The 50% Law (that 50% of college expenditures should be for the salaries of classroom instructors—§84362 of the California State Education Code) has been an issue of concern for library and counseling faculty since they are not considered "classroom instructors" (and are therefore on the right side of the 50% calculation from our classroom faculty colleagues) in this Education Code definition. The Senate has passed several resolutions regarding the 50% Law and its impact on library and counseling faculty and a 50% Law Task Force was formed by the Consultation Council to discuss issues about the 50% Law, including those pertaining to library and counseling faculty. There are still concerns about this issue and the committee will continue to address it.

This is just a brief overview of the committee and some of the issues on which we are working. We definitely welcome input from the field on issues and I invite you to contact me with concerns <crumpd@arc.losrios.edu>. As I stated before, the committee develops its goals based on resolutions passed at plenary sessions and direction from the Executive Committee. If you feel there is an issue on which you would like to propose a resolution for adoption at a plenary session, please contact me or your local academic senate for information on the resolution process.



*Dan Crump*

# RESOLUTIONS RELATED TO

## INFORMATION COMPETENCY

### **Resolution 9.02, Fall 2002 Session**

Resolved, That the Academic Senate for California Community Colleges adopt the paper *Information Competency: Challenges and Strategies for Development* (Note: the paper is available on the Senate's website)

### **Resolution 9.91, Fall 2002 Session**

Resolved, That the Academic Senate for California Community Colleges respond to the Department of Finance regarding its recent determinations that an information competency graduation requirement would result in an unfunded mandate;

Resolved, That the Academic Senate for California Community Colleges continue to pursue its recommendation for a statewide information competency graduation requirement to ensure that the California community colleges best serve the needs of students; and

Resolved, That the Academic Senate for California Community Colleges urge local senates to pursue information competency requirements on their own campuses to ensure that California community college students are appropriately prepared to function in this information era.

### **Resolution 5.01, Fall 2002**

Resolved, That the Academic Senate for California Community Colleges reaffirm Resolution 6.01 F01 stating that the Academic Senate "seek legal clarification and a legislative solution to the interference by the Department of Finance in the establishment of system policy and prepare a short analysis and critique to publicize this newest concern"; and

Resolved, That the Academic Senate for California Community Colleges call upon the Board of Governors and the Chancellor's Office to provide leadership in addressing the legal requirement that system regulations be reviewed by the Department of Finance.

### **Resolution 9.03, Fall 2001 Session**

Resolved, That the Academic Senate for California Community Colleges reaffirm its support for Resolution 9.01 S 01 in its entirety, ensuring that both students who receive associate degrees and students who earn Chancellor's Office approved certificates of 18 or more units will possess necessary information competency skills.

### **Resolution 9.01, Spring 2001 Session**

Resolved, That the Academic Senate for California Community Colleges recommend to the Board of Governors that information competency be a locally designed graduation requirement for degree and Chancellor's Office Approved certificate programs;

Resolved, That the Academic Senate for California Community Colleges urge the Board of Governors to provide resources for implementation and appropriate faculty development activities;

Resolved, That the Academic Senate for California Community Colleges support the concept that each college be empowered to use its local curriculum processes to determine how to implement the information competency requirement, including the possibilities of developing stand-alone courses, co-requisites, infusion in selected courses with or without additional units, and/or infusion in all general education courses with or without additional units; and

Resolved, That the Academic Senate for California Community Colleges develop a best-practices paper to be presented at the Spring 2002 Plenary Session that includes suggested competencies, recommended models, and colleges that are implementing each of the models.

# LIBRARY FACULTY

## 50% LAW

### **Resolution 6.07, Fall 2000 Session**

Therefore be it resolved that the Academic Senate for California Community Colleges work to ensure that the implementation of the 50% law not be used to constrain or cap the hiring of counseling and library faculty, and

Be it further resolved that the Academic Senate for California Community Colleges research the appropriate library and counseling staffing standards, examine options to address the problem, and consider whether to increase the 50% law to a percentage that would include the salaries of all faculty, not just the salaries of classroom instructors.

### **Resolution 8.03, Spring 2001 Session**

Resolved, That the Academic Senate for California Community Colleges urge the Chancellor to protect counseling and library faculty from unwarranted attacks and work with the appropriate associations in gathering data and developing a survey to assess the impact of the 50% law on student success; and

Resolved, That the Academic Senate for California Community Colleges work with the Chancellor on re-convening the 50% Law Task Force to review and study the data and to consider whether to recommend amendments to the 50% Law (such as substantially increasing the percentage to include counseling and library faculty).

### **Resolution 8.04 Spring 2001 Session**

Resolved, That the Academic Senate for California Community Colleges work to amend California Education Code 84362(b)(1) and (d) to include the salaries of "counseling and library faculty";

Resolved, That the Academic Senate for California Community Colleges work to amend California Education Code 84362(d) such that the minimum percentage of any district's apportionment spent on classroom, library, and counseling faculty salaries increases from the present standard of 50% to a percentage that is commensurate with the inclusion of counseling and library faculty members; and

Resolved, That the Academic Senate for California Community Colleges reaffirm the importance of establishing a statutory minimum percentage of instructional expenditure by districts and the value that such a criterion has in protecting the academic standards and central importance of instruction in the California Community Colleges.

## LIBRARIANS AS FACULTY

### **Resolution 8.03, Fall 1999 Session**

Therefore be it resolved that the Academic Senate for California Community Colleges reaffirm its previous position that counselors, librarians, and other faculty whose assignment may not be primarily in the classroom are faculty.



Mark Lieu

# Achieving Accessibility: Demystifying Section 508 Compliance

Mark Lieu, Technology Committee Chair

**T**his article was written using the information presented by Ron Glahn and Carrie Stinson, both of Porterville College, at the Fall 2002 Plenary Session.

The Americans with Disabilities Act (ADA), Section 504, Section 508: These are three pieces of federal legislation that address the needs of access for the disabled. While most community college faculty and staff are familiar with at least ADA and possibly Section 504, recent state legislation has made a clear understanding of Section 508 necessary for all. In this short article, I will give a brief overview of legislation concerning access for the disabled and the requirements this legislation imposes on the California Community College System.

## LEGISLATIVE HISTORY

The Americans with Disabilities Act (ADA) became law in 1990 and prohibits discrimination against people with disabilities. As a result of ADA, all state and local governments are required to offer reasonable services or tools to ensure that people are not discriminated against on the basis of disability. On your local campus, this might take the form of sign language interpreters for deaf students and Braille on hallway signs and in elevators.

Section 504, an amendment to the Workforce Rehabilitation Act of 1973, prohibits discrimination on the basis of disability for all state and local governments that receive Federal financial assistance. In March 1996, the Office for Civil Rights (OCR) reviewed the efforts of the California Community Colleges to accommodate students with disabilities and found the system out of compliance, particularly in serving the needs of visually impaired students with regard to print and computer-based materials. The OCR also pointed out that a public entity violates its obligations under ADA when it only responds on an ad-hoc basis to individual requests for accommodation. Rather, there is an affirmative duty to develop a comprehensive policy in advance of any request for auxiliary aids or services.

Two recommendations made by the OCR were the need for development of systemwide access guidelines for distance learning and campus Web pages. Stemming from the OCR finding, guidelines were developed for distance learning (they were in the process of being revised in Fall 2002), and

funding was given to all districts to ensure that instructional materials were available in alternate media formats. Many colleges used this funding to hire an alternative media specialist, who works with faculty on the creation of alternate media formats and/or assesses the accessibility of college technological resources, particularly college websites and online course materials, for persons with disabilities.

Section 508 is a 1998 amendment to the Workforce Rehabilitation Act and requires that electronic and information technology that is developed or purchased by the Federal Government is accessible by persons with disabilities. While state and local governments were unsure for several years whether or not Section 508 applied to them, the passage of California Senate Bill (SB) 105 in September 2002 clarified that Section 508 would apply to all state agencies as of January 1, 2003. In particular, Section 2, item 2 of SB105 states:

(2) In order to improve accessibility of existing technology, and therefore increase the successful employment of individuals with disabilities, particularly blind and visually impaired and deaf and hard-of-hearing persons, state governmental entities, in developing, procuring, maintaining, or using electronic or information technology, either indirectly or through the use of state funds by other entities, shall comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794d), and regulations implementing that act as set forth in Part 1194 of Title 36 of the Federal Code of Regulations.

## REQUIREMENTS FOR PROVIDING ACCESS

Given the passage of SB105, what must California community colleges do to ensure access for disabled students? Here are ten points that apply in general to all educational resources:

1. Built-in accommodations: All educational resources must be designed to provide "built-in" accommodation where possible (i.e. closed captioning, descriptive narration) and/or interface design/content layout that is accessible to "industry standard" assistive computer technology in common use by persons with disabilities.

2. **Formats:** Information should be provided in the alternative format preferred by the student (i.e. sign language interpreter, closed captioning, descriptive narration, Braille, audio tape, large print, electronic text).
3. **Assistants:** Assigning assistants (i.e. sign language interpreters, readers) to work with an individual student to provide access to distance education resources should only be considered as a last resort.
4. **All Media:** Access includes the audio, video and text components of courses or communication delivered via satellite, Instructional Television Fixed Services (ITFS), cable, compressed video, Local Area Network/Wide Area Network (LAN/WAN networks), Internet, telephone or any other form of electronic transmission.
5. **Updating Existing Materials:** The curriculum for a course and its associated materials and resources will be reviewed and revised as necessary when the course undergoes curriculum review pursuant to Title 5, §§55002 and 55378, every six years as part of the accreditation process.
6. **Student Experience:** The level of communication and course taking experience must be the same for students with or without disabilities.
7. **Purchases:** Any educational resources or materials purchased or leased from a third-party provider or created or substantially modified “in-house” must be accessible to students with disabilities.
8. **Undue Burden Due to Cost:** The argument that such accommodations cannot be made due to an undue cost burden will not generally be accepted if consideration of the issue of accessibility at the time of initial selection could have significantly reduced such costs.
9. **No Excuses:** In all cases, even where the college can demonstrate that a requested accommodation would involve a fundamental alteration in the nature of the instructional activity or would impose an undue financial and administrative burden, it must nevertheless provide an alternative accommodation that is equally effective for the student if such an accommodation is available.
10. **Everyone Shares Responsibility for Accessibility:** All college administrators, faculty and staff who use this instructional mode share this obligation.

The following applies specifically to distance education:

11. **Any time, anywhere—without assistance:** “Learning anytime, anywhere” is a basic principle of distance education. Therefore, all distance education resources must be designed to afford students with disabilities maximum opportunity to access distance education resources “anytime, anywhere” without the need for outside assistance.

The above language is quite prescriptive. Here are two scenarios to illustrate just how strict SB105 and Section 508 are.

#### **Scenario One:**

The California Community College System undertakes an effort to negotiate a software solution that will allow for remote conferencing using telephone lines and the Internet. The System is ready to roll out the product when it discovers that the product is not Section 508 compliant and no alternate means is available to provide access for the disabled to the conferencing system. As a result, the System spends an additional six months working with the company to make sure that the product meets Section 508 requirements. If the company had been unable to meet Section 508 requirements, the System would have needed to look for another software solution since SB105 would have prohibited purchase of the non-compliant software.

#### **Scenario Two:**

Paul is a community college history instructor. He realizes that he has a significant ESL population in his course, and that these students would benefit from the ability to review his lectures. As a result, he arranges with media services for a video camera, which he uses to videotape each of his lectures, after which the tapes are put on reserve in the library. Under Section 508 and SB105, Paul must have the tapes captioned if they are to be generally available for the students in his class.

#### **CONCLUSION**

To summarize, legislation regarding access for the disabled is quite strict. Community colleges must have a plan to address the needs of potential students with disabilities. In addition, community colleges must ascertain the ability of products to accommodate the needs of the disabled prior to development or purchase. Cost is no longer a de facto excuse for not addressing accessibility issues. Section 508, as well as Section 504 and ADA, is with us now, and all community college faculty and staff need to respond to its requirements.

Ron Glahn has prepared a web page for updated resource materials concerning Section 508: <http://www.rglahn.com/508>.

## Ideals and Politics

CONTINUED FROM PAGE 2

Let me illustrate these points by getting back to the issues mentioned above: the full-time hiring obligation, and student fees. At the fall plenary session, the body approved an amendment to a resolution that added an absolute proscription on any waiver or deferral to the full-time obligation, ever, under any circumstances. That is the sort of “All or nothing” approach that will have the effect of marginalizing us in the future. The debate on whether to trigger the obligation—in whole, in part, or not at all—comes up every year. This past year, we reached a compromise, and the Senate played an active role in shaping it. Next year, I will bet that there will be another compromise, but this time the Senate has written itself out of the game. There was another part of the resolution—the original part—that calls for a change in Title 5 that would guarantee progress toward 75/25 in good economic times, and no slippage in bad ones. That’s a good idea, one that, were we to get it, would render current debates moot. Politically, it’s a very strong card in a hand that the amendments forbid us to play.

For this spring’s plenary session, the Executive Committee has approved a resolution on student fees. It calls on us to reaffirm our opposition to them, and to oppose as well a new proposal that would call for increasing fees on the condition that they be kept by the colleges (which is not currently the case). The point here is that the resolution does not simply direct us to oppose student fees, ever, under any circumstances. It says *why* we are opposed to them, which leaves us room to say that we will entertain the notion of increasing student fees, but only in a context that addresses our reasons for opposing them: their negative affect on access to a system that is supposed to provide universal access to higher education. Our stand is principled, our principles are clearly evident, but we have not written ourselves out of the discussion.

I will end as I began, in praising our resolution process. My recommendation for improving it involves no change to the process at all, but only a request that delegates attend to the fact that movement toward the realization of our ideals is going to occur in a political arena, which is an arena in which sound principles will be realized incrementally, through a process of trade-offs and debate. The Academic Senate should be a party to that process, and should take care not to lock itself out.

## Power and Paranoia

CONTINUED FROM PAGE 1

Mississippian. “Aren’t you afraid being out here at night all by yourself?” came the syrupy query as the woman rolled down her window. “No, Ma’m,” Barr replied, “I’ve got a great big gun.” “Oh, honey,” the woman said, “we all do!”

Happiness may not be a warm gun, but there are times when confidence is. She didn’t say this, but Barr’s encounter on the Trace might have been an occasion for discovering that it’s not so much packing heat that keeps you safe—it’s much more the attitude you display or the way you carry yourself. We are told by people who study this sort of thing that, if you don’t walk like a victim, you are in fact far less likely to become one.

Academic senates, it seems to me, are always packing heat, and so it is never appropriate for them to walk like victims. Yet they sometimes do, and when that happens, their native power is dissipated. Three of the victim-like gaits that we might all recognize are (1) constant carping about transgressions against faculty authority coupled with citations of Education Code and Title 5; (2) the paranoid supposition that administrators are constantly engaged in plots to undermine the faculty; and (3) the “Chicken Little” approach to leadership that seeks to persuade faculty that they are perpetually in some dire state of crisis.

None of which is to say that administrators don’t sometimes challenge—or ignore—the authority of the faculty, or that things can’t sometimes reach crisis proportions. (I do find the perpetual conspiracy notion laughable, and would suggest that, if you think “they” are conspiring against you, you might ask yourself if you’re not just seeing the reflection of yourself acting, in the words of the late great Spiro T. Agnew, like a “nattering nabob of negativism.”<sup>1</sup> I know it’s hard to believe, but I have seen that happen.)

Well, then, what does the “power walk” look like? How does a truly empowered academic senate behave? One way is to step forward and ask your administration and board how

<sup>1</sup> Agnew delivered his famous line during his vice presidency in a speech in San Diego. The rest of the quote isn’t bad, either. Of the nattering nabobs, Agnew said, “They have formed their own 4-H Club—‘the hopeless, hysterical hypochondriacs of history.’”

you, the faculty acting through the academic senate, can help solve the college's problems. This gives administrators and trustees the opportunity to voice their perspectives while it appropriately places the faculty in the position of problem solvers and team players. It also opens the door, in a very positive and faculty-empowering way, for a genuine dialogue about institutional priorities. In addition, the empowered senate will be involved in all appropriate aspects of campus life: planning and budgeting, curriculum, program review, accreditation, hiring; and it will have close and positive ties to the bargaining agent, the student association, and the classified and administrative organizations. The leadership of this senate will also walk its walk outside of the campus, attending meetings of civic and business organizations and speaking—and listening—about the role of the college in the community. This positive, proactive approach to tackling common problems and working toward common goals is very different from the victim-like preoccupation with faculty rights and authority and the prevention of abuses of same.

As I said, abuses will occur. When they do, the empowered faculty won't whine; they'll solve the problem. No administrator in his or her right mind wants their faculty to turn against them. They are, in fact, dependent for their success on the support and cooperation of their faculty. When they mess up and start to cross the line, the empowered faculty will say, "Look at me!" and will remind them of the wisdom of working together toward common goals. The gun doesn't have to leave the holster.

In 1984, George Orwell portrays a state that exercises totalitarian control by, in part, persuading the populace that they are in a constant state of war. This "Chicken Little" approach to leadership, which seeks to convince constituents that they are faced with serial crises, is one that seeks to empower not the constituents so much as the leader. In its essence, it is demagogic. It asks constituents to rally round the leader to enjoin a battle that is then never won, and which places the followers in the perpetual posture of victims.

In the rare case where chronic abuse by an administrator produces a genuine crisis, the empowered faculty will, again, see the situation as a problem to be solved and will go about solving it. The extreme "solution" would be

the vote of "No Confidence" and the powerful, persistent follow-through that results in the abuser's departure. This scenario seldom gets played out, one of the principal reasons being, I am convinced, that faculty are on the whole too mild-mannered (read "ambivalent") to endure the brutal end game of such a process. Where they are willing, as Emeril says, to "Kick it up a notch!" I am equally convinced that the vote of no confidence is fatal. "Look at me!" or the "power walk" works because, in the final analysis, you are willing to draw the gun and use it.

Let me state the case in slightly different language—but, I would hope, to the same effect. When an educational institution works, the faculty are essential to making it work, and the empowered faculty knows that. And they walk as though that were true, and they talk as though that were true, and they spend somewhere between very little and no time trying to prove this to themselves and the world.

Knowing and feeling one's own power frees one from the preoccupation with being made a victim, and it frees one at the same time to appreciate and acknowledge power and excellence in others. And that, ultimately, is the foundation for teamwork and positive problem solving.

A successful academic senate is going to be a key player in making an institution work for students. Faculty aren't going to do it alone; but neither can it be done without them, and the successful senate knows this. Rather than assuming the posture of victims, perpetually concerned with conspiracies to undermine their authority or with creating alarm over crises—real or perceived—the successful senate will bring its very real power to the table in the service of solving the very real problems to be overcome in providing our students with equitable opportunities for a quality education.

# Political Mobilization

*Ian Walton, Relations with Local Senates Committee Chair*

If you're a local senate president you should already be well aware of the student/voter mobilization project initiated by the Academic Senate President in the fall semester. You should have received a package of material in the mail, or perhaps electronically, that talked about the need for this project and that provided sample letters to distribute to faculty and students. You may also have received a follow-up phone call or email from one of the Local Senates Committee to ask if you had used any of the material. And you may have attended a breakout at the Fall Plenary Session where Hoke Simpson and Tom Nussbaum discussed the project with a select audience.

The original impetus for the project began last year at Fall 2001 Plenary Session when we were addressed by Brian Murphy on the history of the sixties higher education master plan and the inequitable funding system that resulted for community colleges. It intensified at the Occupational Leadership Seminar in Santa Cruz when in addition to the conventional wisdom that "community college students don't vote" a legislative aide made the comment that just ten phone calls to a local legislator will propel an issue to the top of their agenda. It was time to do something to engage our 1.6 million students.

## Learning Outcomes

CONTINUED FROM FRONT PAGE 4

teaching practices in classes. From the outset research has been an integral part of this project. Faculty and administration wanted to know how many students were affected; to what degree the project improved rates of retention, course success, and persistence; how different demographic groups responded to the project, including historically under-represented students, students with limited English proficiency, and students of all ages; and whether the project helped students who were not under-prepared.

The Chaffey Project is in its third year now (it was planned to be fully implemented in five) and data has been extremely useful in indicating

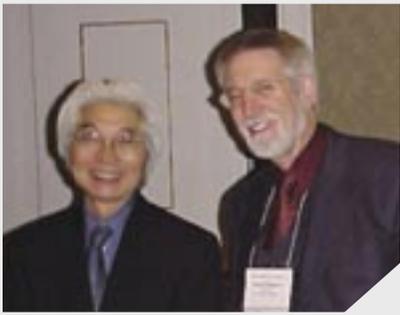
The material you received at the end of September encouraged the registration of student voters for the November election and included an in-class and out-of class flyer on system funding issues. For many of you there wasn't enough time to get in gear before the election. But the project hasn't gone away. The next stage is to encourage faculty colleagues and students to regularly call their local legislator about community college issues (implement the ten phone call strategy). With the Governor's mid-year funding cuts, and his proposal to cut us by \$530 million next year, now may be a good time for this ongoing strategy. Imagine if 1.6 million students were to tell their legislators that they would prefer a tax increase to cuts in community college funding.

The Relations with Local Senates Committee is currently working with the Academic Senate President to determine how best to bring you recommendations on current issues that you can easily funnel to colleagues and students. If you have suggestions about what would work best for you please let us know.

*Current voter registration material is available on the Senate Website.*

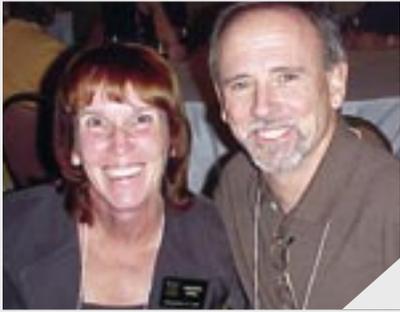
successes. Of course, data cannot show causal relationships with unquestionable reliability. Human behavior is far too complex to be measured by any tests let alone those that we can afford. But certainly when faculty use student learning outcome data carefully, they can provide an important indication of the health of instructional and student service programs.

*The Chaffey College Basic Skills Transformation Project will be presented at the 2003 Spring Plenary Session on May 1, 2003. Please visit our program online for exact time and location.*



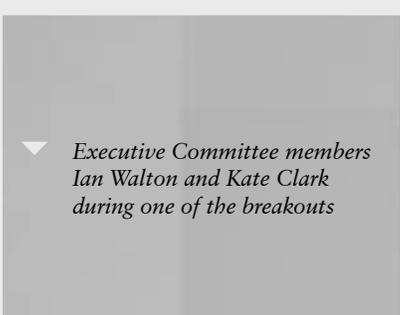
◀ *Hoke Simpson and Friday  
Keynote Speaker Ronald Takaki*

*Hoke Simpson and the  
parliamentarian Charlie  
Johnson during the resolution  
voting* ▶



◀ *Executive Committee member  
Shaaron Vogel during the  
Thursday reception*

*A warm session embrace* ▶



▼ *Executive Committee members  
Ian Walton and Kate Clark  
during one of the breakouts*



◀ *Executive Committee member  
Dan Crump*



◀ *Executive Committee member  
Dan Crump*

*Hoke Simpson and  
Julie Adams* ▶



*fall session 2002*  
VISUAL IMPRESSIONS

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FOR CALIFORNIA  
COMMUNITY COLLEGES**

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- ▲ Santa Monica College Student String Quartet during the Thursday reception



- ▲ Executive Committee member Dibakar Barua during the reception
- ▼ Laroche Memorial Scholarship winners Jasaun Neff and Janice Vann



- ▲ Keynote Presentation: "Student Life on a Predominantly White Campus"

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