**Members [19]**

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|[x]  Audrey Yamagata-Noji, Co-Chair |[x]  Lance Heard, Co-Chair |  |  |  |  |
|[ ]  Madelyn Arballo  |[x]  Guadalupe De La Cruz |[x]  Matt Munro |[x]  Briseida Ramirez-Catalan |
|[x]  David Beydler |[ ]  Francisco Dorame |[x]  Michelle Nava |[x]  Lani Ruh |
|[ ]  George Bradshaw |[x]  John Kuchta |[x]  Donna Necke |[ ]  Chisa Uyeki |
|[x]  Monika Chavez |[x]  Sara Mestas |[x]  Bruce Nixon |[x]  Jeanne Marie Velickovic |
| **Student Representatives:** |[x]  Hugo Fulcheri |[ ]   |[ ]   |

**Guests: Sokha Song, Ryan Wilson, Maria Tsai**

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| **Item No.** | **Agenda Item** | **Discussion** | **Outcome** |
| 1.0 | Review Today’s Agenda and Minutes:[November 2, 2020](https://mtsac0-my.sharepoint.com/%3Aw%3A/g/personal/macero7_mtsac_edu/ERqUBdSdZq9DjwxD-ZIfRy4BF_JqmevHpPSoIaXwPTKwoA?e=icEUp6) | The Council welcomed new members Michelle Nava (English department) and John Kuchta (Welding department). | Minutes moved, seconded and passed unanimously.Accreditation Standard IV.A.7 |
| 2.0 | **Committee Meeting Minutes for Review and Approval** |  |  |
| a. | Student Equity – [October 26](https://mtsac0-my.sharepoint.com/%3Ab%3A/g/personal/macero7_mtsac_edu/EZ-CnuuyXstNnW2dGbP31MkBK61Ycr-ZEc6qIVoAjD204g?e=xyDxqe) and [November 9](https://mtsac0-my.sharepoint.com/%3Ab%3A/g/personal/macero7_mtsac_edu/ESMXwSY2AI1HmzzR-LqbJewBa2rUJpRRLYpkYCLUvwV3Mg?e=rFoSeS) minutes received for acceptance | Bruce shared that the committee was active during the semester. They hosted post-election discussions via Zoom, as well as made a lot of headway with the Native American Initiative. The committee also worked with the Associated Students leadership to potentially work on formerly incarcerated youth and LGBTQ with concerns on non-connectivity between Zoom and Canvas.  | October 26 and November 9 Minutes accepted by the CouncilAccreditation Standard IV.A.7 |
| b. | Assessment and Matriculation – [October 28](https://mtsac0-my.sharepoint.com/%3Ab%3A/g/personal/macero7_mtsac_edu/Ea65idhdzY9BhNyT8YCrJtUBG9RukrXhdklPZPRyyupBGg?e=HOtv77) minutes received for acceptance | David shared that this committee meeting primarily focused on the 1-year throughput report presented by Maria Tsai.  | October 28 Minutes accepted by the CouncilAccreditation Standard IV.A.7 |
| c. | Retention and Persistence – [October 27](https://mtsac0-my.sharepoint.com/%3Aw%3A/g/personal/macero7_mtsac_edu/EYsPceY9OZpHhYhEk8p_SqMBTYsGiQwTDxp6nxAKakCwTQ?e=b5cHtR) and [November 10](https://mtsac0-my.sharepoint.com/%3Aw%3A/g/personal/macero7_mtsac_edu/EaALc3ZQ5ylIsFjSi95BW1QBVH_ZSj-bpq7ud0tGGzTODQ?e=iSE84o) minutes received for acceptance | Jeanne Marie shared that the committee worked on their purpose and function statement. The committee’s primary focus is on equity; serving all students and looking at how different students are disproportionately impacted. They are researching where the gaps are and documenting it. When looking at retention and persistence, the focus is on students achieving their goals and moving forward to achieving academic goals. Francisco asked about the classified representation for the Retention and Persistence committee. Chisa shared that currently, there is a classified at-large position vacant. | October 27 and November 10 Minutes accepted by the CouncilAccreditation Standard IV.A.7 |
| 3.0 | Retention & Persistence Committee [2020-21 Purpose & Function statement](https://mtsac0-my.sharepoint.com/%3Aw%3A/g/personal/macero7_mtsac_edu/EY4GjrH54CVDlnJCeDsByEABYwMXaTMJMlXaFm1PWTnBHA?e=VrvdSj)  | Jeanne Marie shared with the Council that the Retention and Persistence committee’s functions relate closely to the Council and the Assessment and Matriculation committee’s functions.Committee still needs to fill a Student Services management representative and Classified representative.Jeanne Marie shared with the Council that the Retention and Persistence committee will continue to look at their purpose and function statement on a monthly basis. | The Council moves to approve the Retention and Persistence Committee’s Purpose and Function Statement.The Purpose and Function statement will move forward to the Academic Senate and the President’s Office simultaneously.Accreditation Standard IV.A.2 |
| 4.0 | 2019-20 SEA Annual Report (due January 1) | Audrey shared with the Council that the Chancellor’s Office notified all California Community Colleges to complete the 2019-20 SEA Annual Report by January 1, 2021.SPEAC Council members, Student Equity Committee members and members of the RIE team formed a workgroup and decided on 2 additional Disproportionately Impacted groups: The Council discussed the 2 additional Disproportionately Impacted groups.Jeanne Marie inquired about the ACCESS course.The Council decided on the following Outcomes to be mentioned in the SEA Annual Report: * Impact of COVID-19
* The Comprehensive Outcomes Assessment from the Northern CA trip
* ACCESS course outcomes
* Increase in graduation rates through auto-award
* DHH paired courses

Audrey will send another draft to all. Council members are asked to send suggestions to the Outcomes and Challenges sections.  | Maridelle will send an email to Council members requesting suggestions for the Outcomes section (Step IV) and/or the Challenges section (Step VII).Accreditation Standard I.B.6Accreditation Standard II.A.7Accreditation Standard II.C.7Accreditation Standard IV.A.5 |
| 5.0 | Update on new Title IX changes *(Sokha/Ryan)** [AP 3434 – Responding to Sex Based Harassment Under Title IX](https://mtsac0-my.sharepoint.com/%3Aw%3A/g/personal/macero7_mtsac_edu/ETZkDv2_gshPqtoHqA67uGoBuOWMGAN9v4kkVg-7yOc1sw?e=NTCudP)
 | Ryan Wilson and Sokha Song presented to the Council AP 3434- Responding to Sex Based Harassment Under Title IX. Ryan shared with the Council that the Department of Education released new regulations requiring college campuses to respond to sexual harassment through a specific grievance procedure that includes new definitions for sexual harassment and other criteria. These new regulations have been incorporated in this AP.Some of the changes include the following:* Regulations were based on public comment. Previously, the Department of Education had issued the guidance.
* Each college campus is required to have a Title IX coordinator.
* Colleges are required to respond in a way that is not deliberately indifferent. This basically means we need to reach out to individuals when we know (or should know) of sexual harassment occurring on campus, provide them with supportive measures, options and resources to address the reported sexual harassment.

Title IX jurisdictions depends on key criteria. For sexual harassment to fall under Title IX the harassment must have occurred in the United States in a program/activity, of which the college has some substantial control over. This refers to on-campus and off-campus events (i.e. athletic events). Must also meet the definition of sexual harassment.In the previous process, you did not have to be current student/employee. Complaints would have to be within the last 3 years. Student complaints against other students would have to be within 1 year. Changes in federal regulations mandate that there’s no time limit. Under Title IX, it is up to Individual colleges to define consent. The state of California defines what consent is for all colleges and universities. This is known as the “affirmative consent standards” and has not changed in California. In order to participate in sexual activity, individuals must have the affirmative consent of each person they're engaging in sexual activity; otherwise, it will fall under sexual harassment.For a complaint to be considered a formal complaint for investigation, under Title IX, the complainant has to provide a written complaint alleging sexual harassment and requesting the investigation. Whereas, in California, under Title IX regulations, there is not a requirement for a written complaint.It can be a verbal complaint, as well. It also allows for a case where if a complainant does not file a complaint, but shared information related to the sexual harassment, the Title IX coordinator can file a complaint regarding that incident. Particularly where there’s a known risk to the campus community or possibly a perpetuation of multiple complaints of a similar nature about a respondent. Any incident involving physical contact is severe enough to prompt the Title IX coordinator to move forward.Criteria that could constitute sexual harassment under Title IX:Quid-pro-quo situation, specific to a college employee that conditions the provision of an aid, benefit, or service of the college on an individual's participation in unwelcomed sexual conduct.A student-to-student quid pro quo situation would go back to Title V, but employees specifically fall under Title IX. We also have what we consider the hostile environment type of sexual harassment. This is unwelcomed conduct, determined by a reasonable person, to be severely pervasive and objectively offensive. Another criterion that would constitute sexual harassment is sexual assault, to include various sex offenses under sexual assault, dating violence, domestic violence and stalking.In order for something to fall under Title IX, it has to meet one of these definitions, otherwise the complaint would have to be dismissed.For a formal complaint, both parties need to be notified of that formal complaint. There's specific language that we must include. The respondent is presumed not responsible for the alleged conduct and then a determined responsibility will not occur until the conclusion of the grievance process.In addition to the allegations, notified that they have a right to an advisor and that you will be able to inspect and review evidence. Notified of the College’s board policies and administrative procedures, as it relates to making false statements. This would all be included in a notice to both parties.Criteria under which the College must dismiss a formal complaint:* It does not meet the definition of harassment or sexual harassment
* If the conduct alleged in the formal complaint did not occur in the College’s program or activity
* If the conduct alleged in the formal complaint did not occur in the United States

Criteria under which the College has discretion to dismiss:* If a complainant withdraws a complaint, the College may choose to dismiss the complaint.
* If a respondent is no longer enrolled or employed by the College, the College may dismiss the complaint.
* Other specific circumstances that prevent the College from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations

If the College dismisses a complaint under Title IX, we must provide written notice of that, and the parties would have an opportunity to appeal the dismissal, as well. Appeals would go to the Vice President of Human Resources. Throughout the process, it needs to be neutral. Students and employees go through same process Timeline for completion: within 180 days the College will investigate and conduct the hearing process.Each party has a right to an advisor of their choice. The advisor can be anybody. It can be an attorney, a parent, a close friend, an employee who's willing to be the advisor. In the case that a student or an employee does not have an advisor, the College has to provide them with one and it must be free of charge. That advisor would then be present with them in any hearing that would take place under Title IX and that advisor would conduct cross examination during the hearing, make opening and closing statements on behalf of the complainant or respondent. Parties and advisors need to remain confidential throughout the process.Cannot use privileged information without consent.Investigations need to be conducted by a trained investigator.Parties have 10 days to provide a written response. A live hearing is required, but that doesn’t mean they must be in the same room together. Can be held via Zoom.Under Title IX, audio/visual recording is required. A decision-making panel will be a panel of 3 members, one serving as chairperson. Panel is made up of a pool, consisting of Student Services, Instruction and Administrative Services representatives. Decision maker will be trained in the process. There cannot be any bias in the hearing. The decision makers may ask the parties questions. A continuation of the hearing can be requested.Hearing process: Opens with the hearing officers introducing the allegations relevant policies and asking the parties and advisors to identify themselves. The parties’ advisors make their opening statements. The investigators provide the summary of the investigation. Witnesses can be called to testify; the hearing officers and parties’ advisors can ask them questions. Respondents and complainants’ advisor are called to testify and answer questions. John asked what the chances of this being revisited with the new administration. Ryan says that chances are high for this issue to be revisited. However, it could take some time to be implemented.Decision makers will deliberate after the live hearing.The determinations will have to include the grounds for the respondent to appeal. The appeal procedure requires a written request. Still an option for informal resolution process, including mediation, in lieu of formal investigation.Will look at it again with new administration. Decision makers are not confidential. Leave responsibility to area VPs. Ensure equity amongst different areas. If respondents disapproved, they can potentially sue Title IX coordinator. However, with these regulations, the decision makers can be sued. Additionally, this can be challenging if you have never sat in a hearing.  |  |
| 6.0 | AB705 Equitable Placement Validation of Practices *(Maria Tsai)** [Equitable Placement Validation of Practices Submission form](https://mtsac0-my.sharepoint.com/%3Ab%3A/g/personal/macero7_mtsac_edu/Efr8WqQZstdDpbP3idWwK_oB4j_JoxINlacltNSmQaNaxQ?e=doUegW) (due January 15)
* [Final AB 705 Validation Template](https://mtsac0-my.sharepoint.com/%3Ax%3A/g/personal/macero7_mtsac_edu/Ed9PyU3FhhpDgQEdwTmbtxMBdFOZLcfmZRc-__4uIlvlqw?e=AO38Xi)
* [ESS 20-300-009 AB 705 Validation of Practices](https://mtsac0-my.sharepoint.com/%3Ab%3A/g/personal/macero7_mtsac_edu/ESVatjrh6xhBhX32INvRrS0BDBZi3iDjiGCXRYhervQG4g?e=EvkwbT)
* [AB 705 Research Action Plan Prioritization](https://mtsac0-my.sharepoint.com/%3Aw%3A/g/personal/macero7_mtsac_edu/EUsQRjB8RL1CklpO7KXoN6EBCnRRv9LQn4Hfp4jnjnyG6g?e=heSF9p)
* [AB 705 Research Progress](https://mtsac0-my.sharepoint.com/%3Aw%3A/g/personal/macero7_mtsac_edu/EaIoawPZFuRNlhnUHvAKY1YBLCEMTPA0yTQVf84CQso_3g?e=7Bhcma)
 | Maria Tsai shared with the Council the AB 705 Equitable Placement Validation of Practices Submission form that is due January 15, 2021. There are 3 questions that guide the College to decide. This is based on the College’s placement process, the need to submit and the type of data. The first question addresses whether our college still offers pre-transfer-level courses for the students enrolled in 2019 (which is the first term requiring implementation of AB 705). Our answer for that question is, yes, because we do we still offer some pre-transfer-level courses, especially in math.Question two refers to our local placement structure, and whether we follow the guidance to adopt the statewide default placement rules. Mt. SAC did use the recommended placement rules to place students.Question three asks if the College places students into pre-transfer-level courses based on the placement process. We answered no to this question. Maria is compiling the data set to submit to the Chancellor’s Office. She shared with the Council that this was originally due in June; however, they decided to make it due in January, under the premise that they will provide feedback. | Maria will send out 1-year throughput rate to the Council members.There will be a future discussion for possibility of another joint meeting to present this report.Accreditation Standard II.C.5Accreditation Standard II.C.7Accreditation Standard IV.A.5 |
| 7.0 | [AM Recommendation 55](https://mtsac0-my.sharepoint.com/%3Ab%3A/g/personal/macero7_mtsac_edu/EXfUlE1qY0FKnAtG8R9p7RMBVIj2s5FfQNh7Q1CHwZjsNA?e=IfMpE8) (David) | Recommendation 55 was unanimously supported by the Assessment and Matriculation committee and is basically a technical cleanup to the terms in clarifying an option. It helps students to get to the right place, rather than going in two different places. It was a matter of trying to guess every scenario present, in terms of how the student had their English language instruction. Overall, the recommendation is the understanding of English Language Learners students and whether they attended a non-English speaking high school. The question was reformulated so that some students would be given English 1A right away. If a situation applies where the student received an English proficiency certificate or attended high school and country where English is recognized as an official language by the government, they immediately get the English 1A eligibility.  | Council moves to approve recommendation 55. This will be forwarded to Academic Senate.Accreditation Standard II.C.5Accreditation Standard II.C.7Accreditation Standard IV.A.5 |
| 8.0 | Announcement – SEAP Instruction carryover mini grant process workgroup (Madelyn) | Madelyn briefly shared with the Council the workgroup for the SEAP fund carryover proposed mini-grant process. This will be open to managers, faculty, and faculty/manager teams. Would like volunteers for workgroup members. Those who will volunteer will be forwarded to the Vice President of Instruction. Each funded project would have a unique SEAP budget structure created and placed within the appropriate division’s budget, overseen by the division/department manager and then tracked for spending.The workgroup will develop a mini-grant process and will be sent to the campus community for Spring 2021 project start dates. The final amount will have to be determined by cabinet. The hope is that it will expand to the 2020-21 calendar.The biggest challenge is the timeline, the term and how much time to spend the money.Chisa said that there may be other faculty that may be interested, possibly on the Student Equity Committee. Madelyn said that it will likely take 2 meetings to complete.  | Accreditation Standard IV.A.5 |
|  | **Future Presentations/discussions** |  |  |
|  | [*See attached*](https://mtsac0-my.sharepoint.com/%3Aw%3A/g/personal/macero7_mtsac_edu/EZhWK2cA4OxFicmwVlncV7UB5s913ho-SZevL9x2zy5ttQ?e=WLSs64) |  |  |
|  | **Next** [**meeting dates**](https://mtsac0-my.sharepoint.com/%3Aw%3A/g/personal/macero7_mtsac_edu/ETNtomtKAo1DjPxGMBlZ6scBIW8Mxlxop46_CW7z4OzBcw)**:** March 1, March 15, April 5, April 19, May 3, May 17, June 7 |  |  |