

**MINUTES OF THE COLLEGE ASSEMBLY MEETING
DECEMBER 4, 2003**

MEMBERS PRESENT

DEANS: M. Conners, R. Goldfarb, G. Kehrer, D. Lemcoe, J. Lewis

DEPARTMENT CHAIRS/DIRECTORS/ADMINISTRATORS:

M. DeLucia, J. Herrling, J. Kruszewski, C. Pam

FACULTY: X. Balabkins, G. Bedoya, S. Biswas, D. Brower, K. Costanzo, E. Dikun, C. Dolan, P. Honey, M. Lopez, J. Ramirez, S. Rowley, J. Saborido, M. Sackrowitz, N. Schatz, B. Simon, G. Vastola

STUDENTS: L. Baltazar, D. Chivukula, W. Egbert, E. Figueiredo, M. Greenstein, S. Laing, D. Leon, H. Mendoza, S. Nyantekyi, M. Ramulu, G. Tinio

SUPPORT STAFF: K. Hogue

TASK FORCE CHAIRS:

Academic Standards:	M. Sackrowitz
Accessibility for Persons with Disabilities:	L. Somers*
Bylaws:	J. Spector*
Campus Diversity:	L. Ghiradella
Curriculum:	J. Liefert*
Educational Resources:	L. Ostar
Student Life and Community Concerns:	T. Peterson*

GUESTS: F. Hertrich, A. Picardo

PARLIAMENTARIAN: J. Kruszewski

MEMBERS ABSENT

DEANS: R. Luke*

DEPARTMENT CHAIRS/DIRECTORS/ADMINISTRATORS: L. Lederer*, J. Lyons*
J. Shindelman*

FACULTY: J. Spector*

STUDENTS: M. Alvelo, M. Mysels*

SUPPORT STAFF: D. Holovacko*, G. Ippolito*, M. Pent*, S. Waxmundsky

*Excused

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With a quorum present, Dr. Margarete Driver called the December regular meeting of the College Assembly to order on Thursday, December 4, 2003 at 2:10 p.m. in the Rose M. Channing Danzis Amphitheater, L’Hommedieu Hall.

APPROVAL OF MINUTES

Motion to approve minutes:

Mov: N. Schatz Sec: C. Dolan

Minutes are accepted as presented.

REPORTS OF THE STANDING TASK FORCES

A. Academic Standards – Dr. Marian Sackrowitz, Chair

No Report

B. Accessibility for Persons with Disabilities - Ms. Lynn Somers, Chair

No Report

C. Bylaws – Professor Jeffrey Spector, Chair

No Report

D. Campus Diversity – Professor Leah Ghiradella, Chair

Report Filed:

The members of the Campus Diversity Task Force offer the following report regarding Charge 4 (“to ponder the feasibility/social ethics of removing the category ‘Race’ from all student documents and questionnaires asking for such a designation, leaving only two designations: American or Non-American, except where placement and financial issues are concerned.”):

Based on our discussions with various members of the campus community, we have pondered “...the feasibility/social ethics of removing the category of ‘Race’ from all student documents and questionnaires asking for such a designation, leaving only two designations: American or Non-American, except where placement and financial issues are concerned,” and we make no recommendation.

Rationale:

In researching and discussing this Charge, the Task Force spoke to members of Counseling and Placement, Project Connections and The Office for Institutional Research. In addition, members discussed Charge 4 during our October and November Task Force meetings. Our conversations (both within the Task Force and with our MCC colleagues) made it quite clear that Charge 4 is not feasible for a number of reasons:

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- We (Middlesex County College) would be in violation of state and federal laws if we remove the “Race” designation from forms and applications.
- In order to comply with the EOF/EOC, we (MCC) must have data regarding our student population to back-up and support our grant applications and other applications for funding.
- The information collected regarding race can be used only to the benefit of our students (in terms of federal and/or state funding for specialized programs, tutoring initiatives, academic programs and retention efforts).
- We (MCC) need demographic information to document our enrollment numbers.

While the members of the Task Force certainly understand the unease and discomfort the designation “Race” may cause for some students, and we realize that students may feel pressured to label themselves while fearing those very labels as a stigmatizing element, we recognize the college’s continued need for state and federal funding, and are convinced that the designation “Race” not be removed.

E. Curriculum - Professor Jane Liefert, Chair

No Report

F. Educational Resources - Mr. Lewis Ostar, Chair

Recommendation:

The members of the Educational Resources Task Force offer the following recommendation for consideration by the College Assembly:

**MIDDLESEX COUNTY COLLEGE
USA PATRIOT ACT**

COMPLIANCE POLICY

Introduction and Statutory Basis

The Patriot Act (Public Law 107-56 (2001) is designed to strengthen the surveillance power of law enforcement agencies to enhance the detection and suppress terrorism.

Under the provisions of this Act, it is the duty of this College to provide information, records, and documents to law enforcement agencies under the authority of a valid court order, subpoena or other authority.

The records obtainable by law enforcement under the Act include, in addition to other things - records of borrowed print material from the College library,

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records of Internet site access, electronic mail communication records, and telephone records. The Act also authorizes the installation of electronic monitoring devices.

Statement of College Philosophy

As an institution of higher education, Middlesex County College is committed to the free and open exchange of ideas. As such the expectation on the part of the campus community must be the maintenance of confidentiality during the inquiry process of research and the free discussion of all educational inquiry absent any Patriot Act investigation.

The College is dedicated to this principle. With this free right of inquiry goes the responsibility of all users to adhere to the College Acceptable Use Policy of computer resources.

Statement of Policy

While American Higher Education has historically supported freedom of expression and all other forms of personal freedom, it is the policy of this College to comply fully with the Patriot Act in the suppression of terrorism.

To comply with this Act, all college records will remain confidential except under the following circumstances:

- a. Disclosure is requested by the user; or
- b. Disclosure is required pursuant to a subpoena issued by a court or court order.

Suggested Procedure

College personnel presented with a subpoena or other court order, must take the following steps:

1. Immediately notify the Office of the President.
2. Wait for advice from the President's office before producing any information.

An exception is when law enforcement personnel present a search warrant. The College personnel must stand aside and permit the search to proceed. They must also immediately inform the Office of the President.

Law enforcement personnel requesting College records without the appropriate paperwork are to be given a copy of this policy and refused until the paperwork is obtained, presented, and reviewed. College personnel should notify the President's office that a legal document may be served.

Confidentiality Requirements

All employees involved in the processing of requests for records, under the provisions of the USA Patriot Act are required to maintain the confidentiality of such requests made by law enforcement officers. Specifically, if a search warrant contains a "gag" order (an instruction to the employee not to discuss the matter that is the subject of the request for records), even so much as a disclosure of the very existence of the request is forbidden. It is, therefore, required that all employees maintain the strict confidentiality of any interaction with law enforcement officials and/or any knowledge of court orders pertaining to requests for records under the USA Patriot Act.

In instances where no "gag" order is included in the subpoena, the President shall direct the department whether the target of the investigation should be informed that the subpoena was served and the information was released.

Education Requirements

In order to ensure that all employees are cognizant of this policy, all employees must read, understand, and comply with the requirements set forth herein.

Rationale:

This recommendation was in response to the College Assembly charge. It is our Task Force's effort to both meld the best work of other Colleges' policies and add the perspective of our unique campus culture.

Motion to accept Recommendation:

Mov: M. Greenstein Sec: C. Dolan

After discussion on the Assembly's role as a policy-recommending body and the procedural recommendations included in the Recommendation of the Task Force, an amendment was offered to limit the Recommendation to the first paragraph of the Statement of Policy.

Amend the Recommendation to read:

“While American Higher Education has historically supported freedom of expression and all other forms of personal freedom, it is the policy of this College to comply fully with the Patriot Act in the suppression of terrorism.”

Mov: J. Lewis Sec: N. Schatz

Vote on amendment:

App: 27 Opp: 3

Amendment passes.

Vote on amended Recommendation:

App: 22 Opp: 0

Motion carries.

G. Student Life and Community Concerns – Representing Mr. Thomas Peterson, Chair, and being a member of the Task Force, Professor Alice Picardo presented the following items.

I. Recommendation:

Relative to Charge 7 (“Review College ‘Student Grievance Procedure’ with a focus on student recourse from faculty ‘with attitude’. Make appropriate recommendation(s).”), the members of the Student Life & Community Concerns Task Force offered the following recommendation for consideration by the College Assembly:

1. That students be made aware of the steps they can take to complain about a faculty member. The steps to be spelled out in the Pathfinder.
2. That one person be appointed as an independent College ombudsman who a student could talk to about a faculty member. This independent ombudsman would talk to the student and the faculty member and attempt to resolve the dispute.
3. That the College offer communications training to all members of the College community.
4. That the student orientation program include a segment on proper behavior in the classroom.

Rationale:

Numbers 1 and 2 (making students aware of steps and appointing an independent ombudsman) provide recourse for students who feel they have been wronged by a professor, and who may be intimidated by the current process.

Numbers 3 and 4 (communications training and an orientation segment on proper behavior) may help prevent problems from arising by making students and faculty aware of each others' point of view.

Motion to accept recommendation:

Mov: E. Figueiredo Sec: D. Chivukula

Following discussion on policy versus implementation issues, on implications of the Recommendation for faculty union contractual procedures and on the perceived critical need to resolve the issues affecting students, Professor Picardo withdrew the Recommendation for revision and future presentation.

II. Report Filed:

The members of the Student Life & Community Concerns Task Force offered the following Reports for the College Assembly:

Relative to Charge 1 ("Make feasibility study on allowing evening students taking classes in Edison Hall to park behind Edison Hall in the staff parking lot."), the Task Force submits the following:

It is College policy to allow student parking in staff spaces behind Edison Hall after 5 p.m. Signs are posted.

Relative to Charge 2 ("Study the advisability/necessity of having members(s) of the police department attend new student and family orientation to address issues of safety and related concerns."), the Task Force submits the following:

This is planned for the next orientation cycle.

Relative to Charge 6 ("Review information capabilities of current student IDs; research additional, multiple option, such as a smart card, for all students; make appropriate recommendation."), the Task Force makes no recommendation and reports the following:

A College committee is working on this item.

Relative to Report 9 ("Study solutions to such civility problems as cell phone use and messaging activity during class time by students and faculty."), the Task Force submits the following:

The committee does not feel action by the College Assembly is necessary. The committee feels that a faculty member has the right to determine policy for his or her own class. If the policy is that cell phones should be turned to "vibrate" so that class is not disrupted, then students would follow that. Another professor may have a more liberal policy, and that is his or her right to do so. It is the feeling of the committee that faculty members have the right to develop policies as they see fit, as long

as they are reasonable and universally applied within that classroom. While cell phones can be annoying, students may have legitimate need to be in contact, for example, rescue squad members, or parents of very young children.

REPORT OF THE CHAIRPERSON

1. Professor Bailey, a member of the MCC Transfer Articulation Committee has requested that the College's Course Approval form be modified.

Rationale: NJTransfer and RU ARTSYS will merge. In order to facilitate effective standardized and uniform course information interface among New Jersey Colleges, such a modification will support the transfer process. Consequently, I will assign after the first of the year, to the Curriculum Task Force, the charge to modify our recently developed Course Approval Form. Implementation will probably take effect in 2004-2005.

2. Replacement of students on the Assembly and on the Task Forces has begun. There will also be vacancies left by faculty for the 2004 spring term; those vacancies will be filled as well.
3. Professor Spector, Chair of the Bylaws Task Force, has asked to be excused today. However, he would like to report that his Task Force has been coordinating work with the other Task Forces to whom he wishes to express his appreciation for all the input and support. There will be a number of recommendations in February from his Task Force.
4. Student representatives to the College Assembly met with the Chair on December 1st for the monthly briefings on today's agenda.
5. Farewell today to Sean Laing, one of our student members on the College Assembly and on the Educational Resources Task Force. Sean is moving to Florida and will attend Valencia Community College pursuing a Nursing degree.
6. The next regular meeting of the College Assembly will be on Thursday, February 5, 2004 at 2:00 p.m. in L'Hommedieu Hall.
7. Task Forces and their Chairs are reminded that Reports and Recommendations for the February 5, 2004 meeting should be in the College Assembly office on or before Monday, January 26.

RECOGNITION AND HEARING FROM THE PUBLIC

None

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ADJOURNMENT

Motion to Adjourn:

Mov: M. Greenstein Sec: K. Costanzo

There being no further business, the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Margarete Driver, Ph.D.
Chair, College Assembly

MD:ls