

APT Council

Minutes of the 12/16/04 meeting

Recorded by Vicky Andrews

Members in Attendance: Vicky Andrews, Jay Knioum, Sheila Cudd, Kevin Murphy, Maria Elena Pena, David Andrus, Barbara Thompson

Guest: Mike Westergren, College attorney

The meeting was held in the TLC. Jay Knioum called the meeting to order at 12:07p.m. The primary purpose of the meeting was to discuss policies/procedures regarding legal representation for DMC employees, to hear reports on the Board Meeting activities, the Monday morning Presidential staff meetings, and the employee ID systems and to also appoint a member from the committee to attend the next Board of Regents meeting.

Minutes from the last meeting were read and approved with one adjustment on the statement of Jay Knioum giving a report on the Student Grievance Policy meeting.

Sheila Cudd reported that the Jose Rivera would be sending the Student Grievance Policy to the APT Council for feedback. The SGP Committee will meet in February and plan to present a policy to the Board of Regents in mid-Spring.

Sheila Cudd reported that the SGP committee changed the verbage in the policy draft from "grievance" to "complaint" due to students feeling more comfortable with filing a "complaint".

Jay Knioum and Kelly White will visit with Gay Roberts on an ID system for employees to use instead of Social Security Numbers on campus forms. This ID system could be used in the new SCT software and would match an employee's SSN, seen only by a specified few.

Mike Westergren reported that Board Policy 6.2.7 states that "The legal resources of the College will be utilized in full support of any employee or member of the Board of Regents involved in litigation related to the appropriate performance of duties at the College as determined by the President of the College or the Board of Regents."

Another Board Policy 3.24.2 states that "the District agrees to defend, hold harmless, and indemnify each employee from any and all demands, claims, suits, actions, and legal proceedings brought against employee in his or her individual or official capacity as an agent and employee of the District; to the extent that such demands, claims, suits, actions, and legal proceedings are not covered by insurance owned by or acquired for the benefit of employee, and provided the claims are based on acts or omissions committed by the employee in the good faith discharge of his/her duties in the course and scope of employment with the District and the employee is not found to have engaged in conduct constituting official misconduct or a wilful or wrongful act or omission or an act or omission constituting gross negligence; however, the limit of liability of the District under the terms of this paragraph shall not exceed Three Hundred Thousand Dollars (\$300,000.00) for each incident or occurrence. If there is a potential conflict of interest between the College and the defendant employee, the College may approve use of counsel other than the College attorney to defend the employee." Mike Westergren spoke of the term "negligence" as failure to reasonably provide a standard of care and the term "gross negligence" as gross deviation from providing a standard of care.

The law states that government has immunity and employees have qualified immunity. Basically, one can not sue the government without the government's permission to sue them. An employee has the option to hire a personal lawyer but Mike Westergren mentioned that Del Mar College would rather represent him/her. If the College represents an employee, he/she must abide by the College's plan of action under its code of

ethics, and the Board of Regents members have the same options.

A thank you notecard composed by the Classified Council was distributed to the members of the committee. The notecard was written in appreciation for the APT Council's support on the changes in the pay grade steps for classified personnel that were adopted this year.

Barbara Thompson reported that the Board of Regent's meeting will be held on Jan. 18th instead of Jan. 11th because the 11th is the opening of the legislative meetings in Austin and some of the Board members will be attending this session.

Kevin Murphy asked about the freeze on purchases of office computers, upgrades and other needs in offices on campus. David Andrus suggested the APT Council present this to the President as an inefficiency and tie this equipment need to student improvement. Jay Knioum will mention this same idea to Classified Council.

The meeting was adjourned at 1:05 PM with the next meeting being set for Jan. 20th at noon in the TLC.