04-02-19

Academic Senate Meeting Packet

Pg.#	Supplemental Documents	Discussion Item
1	Meeting Agendas	Agendas
4	Flex Day Report	6B: Flex Day
9	BP 3410: Prohibition of Discrimination and Harassment	7A: Review/Action of BP/AP 3410, & AP 4240
13	AP 3410: Prohibition of Discrimination and Harassment	7A: Review/Action of BP/AP 3410, & AP 4240
20	AP 4240: Academic Renewal	7A: Review/Action of BP/AP 3410, & AP 4240
22	Academic Senate By-Laws	7B: Bylaws Revisions & Additions Discussion
27	Proposed Revisions to AS By-Laws	7B: Bylaws Revisions & Additions Discussion
34	Proxy Voting Resolution (11-13-18)	7B: Bylaws Revisions & Additions Discussion
35	Counsel Email RE: Proxy Voting	7B: Bylaws Revisions & Additions Discussion
39	BP 7310 Nepotism	8A: Nepotism Policy Review – Marilyn Kennedy
41	Student Equity Plan Update	8B: Overview of Student Equity Plan

Access Meeting Agendas, Minutes, & Supplemental Documents Online:
http://bit.ly/asmeetingdocs

ORANGE COAST COLLEGE

Academic Senate
Regular Meeting Agenda

April 2, 2019 | 11:30 A.M. - 12:30 P.M. | Faculty House

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1. **Call to Order -** Academic Senate President
2. **Approval of the Agenda -** Academic Senate Body
3. **Approval of the Minutes -** Academic Senate Body:
    a. March 19, 2019
4. **Opportunity for Public Comment:**
   (Five-minute allotment of time for public speakers)

   Senate Members: Please save announcements for "For the Good of the Order."
   Members of the public may fill out a Public Comment Slip that is located near the meeting agendas in front of the meeting room. Please give your slip to the president before the meeting begins. Comments on items specific to the agenda may be made at this time, or, preferably, during discussion of that agenda item. The president will determine the order of speakers. Speakers have a one-minute time allotment per speaker.
5. **Consent Agenda**:
    a. **Tenure Track Evaluation Teams:**
        i. **John Kerins - Visual & Performing Arts:**
            1. Within Discipline - Kevin Myers

        ii. **Michelle Craner - Consumer & Health Sciences:**
            1. Beth Blake (Replacement 19-20)
6. **Officer, Senator, and Committee Reports:**
    a. President's Report
    b. Flex Day - Marc Perkins
    c. Guided Pathways Reporting

ORANGE COAST COLLEGE

7. **Unfinished Business:**
    a. Review and Action of AP/BP 3410 Prohibition of Discrimination and Harassment, and AP/BP 4240 Academic Renewal - Marilyn Kennedy
    b. Bylaws Revisions and Additions Discussion Only

8. **New Business:**
    a. Nepotism Policy Review - Marilyn Kennedy
    b. Overview of Student Equity Plan - Maricela Sandoval

9. **Faculty Opportunities:**
    For more information on these Faculty service opportunities, please visit: http://bit.ly/occfacopp

    a. EEO (Search Committee Training):
        i. Tuesday, April 16, 2019 at Coastline

    b. Institutional Effectiveness:
    Meets second and fourth Monday of each month, 1:30 pm - 3:30 pm.

    c. Guided Pathways Workgroups:
        i. Development of Pathways
        ii. Improve Onboarding
        iii. Intervention Strategies

10. **For the Good of the Order Announcements:**
    Please observe a one-minute allotment per speaker. Senators are invited to report something of interest to faculty: Good news, upcoming events, thanks for a job well done.

11. **Adjournment of the Regular Meeting**

ORANGE COAST COLLEGE

Academic Senate
Executive Board Meeting Agenda

April 2, 2019 | 12:30 - 1:30 P.M. | Faculty House

1. **Call to Order - Senate President**
2. **Opportunity for Public Comment – Five-minute allotment of time for public speakers:**

   Members of the public may fill out a Public Comment Slip, which are located near the meeting agendas in front of the meeting room. Please give your slip to the president before the meeting begins. Comments on items specific to the agenda may be made at this time, or, preferably, during discussion of that agenda item. The president will determine the order of any speakers. Speakers have one minute per speaker.
3. **Approval of the Agenda - Executive Board**
4. **Approval of the Minutes - Executive Board**
5. **Reports from Executive Board Members - Executive Board**
6. **Discussion of Agenda Items for the next Regular and E-Board Meetings:**
   a. TBD item/s future meeting date assignments
   b. Consent Calendar Items Discussion/ Selections for Next Week
   c. Senate Body Elections Update/Officer duty descriptions discussion
   d. Topics Requested for Senate Discussion by Faculty, OCC Administration, and the District:
7. **Senate Budget - Executive Board**
   a. Update on Dr. Cargile Joint Event - Rendell Drew
8. **Program Review & Senate Committee Reports Discussion**

Flex Day report

Marc Perkins - Chair, Flex Activity Committee
April 2, 2019

See our new Flex Day Handbook for answers to ALL your Flex Day questions!

Upcoming Flex Days

- Friday August 23, 2019 & Thursday, February 20, 2020

Fall 2019

- Theme: Putting Students First: Guided Pathways Coming Alive
- 2 hours of “keynote” in the afternoon, split between administration and guided pathways
- Meet and greet with the new president in the afternoon!

Will be run much like prior days

- Same type of format - session proposals accepted from any campus member.
- No part-time faculty obligation; no evening hours
- Includes breakfast, lunch, and snacks at the meet and greet with the president.
- Wellness sessions, field trips, and department focus groups likely to be scheduled only during certain time-slots. Department focus groups moved to the afternoon due to feedback from the campus.
- Limiting the number of sessions at each time slot to maximize attendance

Cornerstone: it worked!

- Attendance and evaluation system worked well - saved tremendous amounts of paper and time.
- Session entry / export, session display / search, personal schedule display, and transcript display need improvement. The committee has a followup with the district Cornerstone team scheduled this month to discuss needed improvements.

What can you do to help?

- **Send Marc suggestions on keynote topics** for Spring 2020 that would be of interest to a broad swath of the campus. What would the faculty like to see?
- **Keep proposing all the awesome sessions** that you’ve been doing, and **keep thinking of innovative things to do on Flex Day**. Flex Day is a success because the whole campus is coming together to make it great!
- Find a third faculty member to participate on the committee as an Academic Senate representative.

Timeline for Fall 2019 Flex day

- Session proposals to go out by the end of this month
- Session proposals due: TBD (possibly mid June - preferences?)
- Schedule set / goes live in Cornerstone: Mid to late July

Makeups

Deans will contact those faculty who did not complete their Flex obligation this academic year in the coming weeks. Makeups need to be completed April 30, 2019. More information, including makeup forms, is available on the Portal.

Makeup timeline:

- ~~March 1~~ A*pril 12*, 2019: Deadline for submitting a plan for how you will make up the hours
    - Deadline is flexible - if you're late that's okay.
    - Plans must be approved *before* the makeup activity is carried out.
- April 30, 2019: Deadline for submitting the "work completed" form to verify that you have completed your makeup activity. Not flexible!

Historical information

	April 27, 2017	August 25, 2017	February 15, 2018	August 24, 2018	February 21, 2019
# of events	41	90	118	118	94
# of sessions (excl. food / social)	36	88	116	115	90
# of posters	-	-	6	13	13
Speakers	55	103	152	133	117
# of Sched.com registrations	130	619	798	611	-
# of Cornerstone registrations	-	-	-	-	1,034
Single-timeslot sessions (excl. food)	Keynote (Craig Smith), wrap-up	Kickoff, union hour, wrap-up	Keynote (Free speech panel)	Kickoff / Keynote, union hour	Accreditation keynote& dinner talk
Social / food	Breakfast, lunch, off-campus wrap-up	Light breakfast, lunch, wrap-up	Breakfast, lunch, posters, dinner	Coffee social, lunch, happy hour	Breakfast, lunch, dinner
Event hours (for credit-worthy events)	8:30am - 3:45pm	8:45am - 3:50pm	8am - 8:45pm	8am - 5:45pm	8am - 8:45pm
	Optional attendance		*Some part-time faculty obligated*	*Poster session during lunch*	*5 simultaneous keynotes after lunch*

Spring 2019 attendance and evaluation results

- 1,034 campus employees registered for at least one session
- 3,157 total registrations across all sections

Results from the 745 completed evaluations

- 67% faculty, 27% classified, 3% administrator, 3% hourly
- 74% full time; 26% part time
- Employment duration: 10% <1 year, 31% 1-5 years, 15% 6-10 years, 13% 11-15 years, 32% >15 years

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Overall, the workshop was meaningful for my professional development	54%	30%	13%	1%	1%
The presenter was effective at presenting their content	62%	24%	12%	1%	1%
The workshop content was relevant to my work	51%	27%	19%	1%	1%
The workshop was a good use of my time	57%	27%	12%	2%	1%
I learned at least one skill or concept that I will apply within the next month	50%	21%	25%	3%	1%

- 93% of evaluators would recommend the workshop they were evaluating to a colleague

Spring 2019 highlights

- Weather required major last-minute changes; the committee and campus staff accommodated these changes amazingly well. We learned that we don't need to rent the outdoor tents and tables - a savings of $5,000 a year!
- Poster session in Admin was a huge success - lots of attendance, sharing, and learning over lunch!
- Flexible hours were a hit - people were able to customize their hours to their needs, from starting at 8 to staying until 9.
- Limiting the number of sessions at each timeslot appears to have helped attendance / made the schedule stronger, and we appear to have had a higher fill rate.
- We came in under budget again, as we have for each Flex Day so far!

Flex Activity Committee

Committee composition suggested in CFE contract.

Name	Title	Contact	Representing (appointing agency)	Appointment
Marc Perkins	Professor, Biological Sciences	mperkins@occ.cccd.edu	Flex Coordinator (VP of Instruction & Academic Senate)	2017-03-21
Claudia Montoya-Andrews	Professional Development Coordinator	candrews@occ.cccd.edu	Classified employee in staff development (President)	2017-03-15
Katy Neibel	Part-time faculty, Biological Sciences	kneibel@occ.cccd.edu	Academic Senate 1	2018-11-13
Dawn Nicewarner	Part-time instructor, Chemistry	dnicewarner@occ.cccd.edu	Academic Senate 2	2019-02-05
			Academic Senate 3	N/A
Julie Wells	Instructor, Biological Sciences	jwells@occ.cccd.edu	Coast Federation of Educators representative	May 2017
Cecilia Schreyer	Lab Coordinator - Chemistry	cschreyer@occ.cccd.edu	Coast Federation of Classified Employees	April 2017
Maricela Sandoval	Student Equity Program Coordinator	msandoval46@occ.cccd.edu	Management 1 (President)	2017-03-22
John Taylor	Dean, Library & Learning Support	jtaylor174@occ.cccd.edu; scheduling contact Shelley Lowrey slowrey@occ.cccd.edu	Management 2 (President)	2017-03-22
			Student (ASOCC; Julie Nguyen is contact)	
Jasmine Nguyen	Instructional Food Service Coordinator	mnguyen109@occ.cccd.edu	Classified Senate (voting status as of Feb 2019)	2018-09-12

Non-voting members (not listed in CFE contract)

- President's Office liaison: Thuy Nguyen

Upcoming Flex Activity Committee meetings

April 5 10 - 11:30am, Faculty House
May 3 10 - 11:30am, Faculty House
TBD: 2 or 3 over summer

Flex information online

- Flex Day handbook
  - https://goo.gl/RVkdsM
- Public-facing Flex Day Portal page for the campus:
  - https://occportal.orangecoastcollege.net/Departments/Administration/pd/SitePages/Flex%20Day.aspx
- Internal-governance Flex Activity Committee page on the Portal:
  - https://occportal.orangecoastcollege.net/Committees/flex-activity/SitePages/Home.aspx
- Make-up forms for those who need them
  - https://occportal.orangecoastcollege.net/Committees/flex-activity/Faculty%20Guide%20to%20Flex%20Day%20Requirements/Faculty%20Guide%20to%20Flex%20Day%20Requirements%20-%20all%20in%20one%20for%2018-19.pdf
- O-drive (O:/flexday) storage (and access by all) of core Flex documents
  - Meeting minutes, programs, evaluation data, etc., all sorted by Flex Day.
- All historic Sched.com event pages are still live.
  - https://fallflexday2018.sched.com
  - https://springflexday2018.sched.com/
  - https://fallflexday2017.sched.com/
  - https://springflexday2017.sched.com/

Comments, questions, etc?

Contact Marc Perkins at mperkins@occ.cccd.edu or 714-714-7421

Coast Community College District
BOARD POLICY
Chapter 3
General Institution

BP 3410 Prohibition of ~~Non~~D~~d~~iscrimination and Harassment

Revision

References:

Education Code Sections 200, 210.2, 212.5, 220, 66252, 66260.6, 66260.7, 66270, 66281.5,~~66250 et seq.,~~ 72010 et seq., and 87100 et seq.;

Penal Code Sections 422.55 and 422.57;
Military & Veterans Code Sections 389, and 395;
Title 5 of the California Code of Regulations Sections 53000 et seq. and 59300 et seq.;
Title IX of the Education Amendments of 1972 (20 U.S. Code~~.~~ Sections 1681 et seq.; 29 Code of Federal Regulations Part 1691);
Title VI of the Civil Rights Act of 1964 (42 U.S. Code Sections 2000d-1 et seq.; 34 Code of Federal Regulations Part 100; 29 Code of Federal~~.~~ Regulations Part 1691);
Equity in Higher Education Act (Education Code Sections 66250 et seq.)
Title VII of the Civil Rights Act of 1974 (42 U.S. Code Sections 2000e et seq.);
Genetic Information Nondiscrimination Act of 2008 (42 U.S. Code Sections 2000ff et seq.; 29 Code of Federal Regulations Part 1635);
Section 504 of the Rehabilitation Act of 1973 (29 U.S. Code Sections 794; ~~§§~~ 34 Code of Federal Regulations Part 104);
Americans with Disabilities Act (42 U.S. Code~~.~~ Sections 12101 et seq. and 12132 et seq.; 29 Code of Federal Regulations Part 1630);
Age Discrimination in Employment Act (42 U.S. Code Sections 6101 et. seq.; 29 Code of Federal Regulations Part 1625);
Uniformed Services Employment and Reemployment Act (38 U.S. Code ~~§§~~ Sections 4303, 4311; 20 Code of Federal Regulations Part 1002, Subpart B);
California Code of Regulations: Title 2 Sections 7286 et seq.; and
Accreditation Commission for Community and Junior Colleges Standard II.C.2 ~~Catalog Requirements~~Accreditation ~~Standard II.B.2.c~~
BP/AP 5500 Student Code of Conduct
BP/AP 5910 Sexual Misconduct
AP 3435 Discrimination, Harassment, and Retaliation Investigations

The ~~Coast Community College~~ District is committed to equal opportunity in educational programs, employment, ~~and all~~ in access to institutional programs and activities, and ~~to~~in providing an academic and work environment that is based on respecting the dignity of individuals and groups. ~~.~~

The District does not discriminate unlawfully in providing educational or employment opportunities to any person on the basis of race or ethnicity, gender, gender identity, gender expression, religion, age, national origin, sexual orientation, marital status, medical condition, pregnancy (including childbirth, breastfeeding or related medical conditions), ~~,~~ physical or mental disability, military or veteran status, or genetic information, ~~or~~ because ~~he/she is~~ they are perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

Further, the District shall be free of sexual harassment, sexual violence, sexual assault, and all forms of sexual intimidation and exploitation. It shall also be free of other unlawful discrimination and harassment based on the characteristics listed above or against persons based on having been the subject of domestic violence, sexual assault, or stalking.

This Policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this Policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

To these ends, the Chancellor shall ensure that the District undertakes education and training activities to counter discrimination, harassment, and retaliation, and to prevent, minimize, and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment. All employees of the District will be required to complete training required by law as it relates to unlawful discrimination, harassment, and retaliation. The District shall also provide professional development activities and training to promote the understanding of diversity, equity, inclusion, and nondiscrimination.

~~The foregoing statement is to be incorporated into applicable District and College publications.~~

The Chancellor shall establish administrative procedures which ensure that all members of the ~~college~~ District community, including third parties, students, and employees ~~, can~~ may present complaints regarding alleged violations of this Policy and have their complaints heard in accordance with the Title 5 regulations, District policy, and ~~those of other agencies that administer state and federal laws regarding nondiscrimination~~law. ~~.~~

The Chancellor also shall establish procedures that define unlawful discrimination and harassment. The Chancellor shall further establish procedures for third parties, employees, students, and other members of the District community that provide for the investigation and resolution of complaints regarding harassment, discrimination, and retaliation, and procedures for students to resolve complaints of harassment, discrimination, and retaliation. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This Policy and related Administrative Procedures (including the procedure for making complaints) shall be widely published and publicized to the community, administrators, managers, faculty, staff, and students

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, in any private organization whose membership practices are unlawfully discriminatory on the basis of the protected status categories as cited above.

Accommodations

~~When an employee has disclosed a disability A~~as defined by Title I of the Americans with Disabilities Act ("ADA") and ~~the~~ California's Fair Employment and Housing Act ("FEHA"), the District shall engage in a timely, good faith interactive process with employees or employment applicants who are requesting or are in need of reasonable accommodations and, provide reasonable accommodation for employees or employment applicants who, because of their disability, are limited in or unable to perform one or more of the essential functions of their job ~~irone moreof the , the District shall explore possibilities of reasonable accommodation prior to making any employment related decision,~~ in accordance with applicable s~~S~~tate and f~~F~~ederal law~~s~~.

An accommodation is deemed reasonable under the law if it will support the employee in performing the essential functions of their position, if it does not impose a significant difficulty or expense on the District, and if it does not create a direct threat of harm or danger to themselves or others.

~~if it does not impose an undue hardship on the District. Undue hardship is defined as actions that are excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.~~

The District reserves the right to request medical documentation to verify the existence of a disability, and to have a full understanding of the employee's functional limitations and request for reasonable accommodation. All information shared with the District through the interactive process will be maintained separate from personnel files and in accordance with ADA/FEHA requirements. ~~At the District's request, the employee will be responsible for providing medical documentation which describes the employee's physical limitations in order to assist managers in understanding the nature of the employee's functional limitations which require accommodation.~~ The medical information

that is provided by the employee will be used by the District for the sole purpose of evaluating ~~the employee's~~potential reasonable accommodations, and should not include information related to medical diagnosis, medications, or treatment. ~~–~~The District will protect the ~~medical~~ information that is provided by the employee in accordance with applicable s~~S~~tate and f~~F~~ederal laws.

The employee and manager~~/supervisor~~, with the assistance of the college ~~personnel office~~Human Resources Office ~~or~~and/or the District's Human Resources Office, will participate in a timely, good faith interactive ~~discussion~~ process concerning the functional limitations, the employee's ability to perform the essential functions of the job with or without accommodation, and to determine the possibility of ~~an~~ effective accommodation(s). Employees will be afforded the opportunity to have a representative present ~~during~~ throughout the interactive ~~discussion~~process.

Reasonable accommodations can include, but ~~is~~ are not limited to, modifying ~~job duties~~how a task ~~is~~ is performed, changing the work shift, providing paid or unpaid leaves of absence for medical care, ~~accommodating schedules,~~ modifying the employee's physical work area, and providing mechanical or electronic aids, possibly subject to negotiation with the union if applicable.

~~The Chancellor or designee is authorized to establish guidelines to ensure consistent application of the Board's Policy.~~

Employees who engage in discrimination, harassment, or retaliation will be subject to disciplinary action up to and including termination. Students who engage in discrimination, harassment, or retaliation will be subject to disciplinary measures up to and including expulsion.

Renumbered from CCCD Policies 1201, 7813 (050-1-14, Spring 2011), and 7817 (050-1-14, Spring 2011
Adopted: December 2, 2013
Revised Date

Coast Community College District
ADMINISTRATIVE PROCEDURE
Chapter 3
General Institution

AP 3410 Prohibition of ~~Non~~D~~d~~iscrimination and Harassment

Revision

References:

Education Code Sections 200, 210.2, 220, 66260.6, 66260.7, 66270, ~~66250 et seq.,~~ 72010 et seq., and 87100 et seq.;

Penal Code Sections 422.55 and 422.57;
Military & Veterans Code Sections 389 and 395;
Title 5 of the California Code of Regulations Sections 53000 et seq. and 59300 et seq.;
Title IX of the Education Amendments of 1972 (20 U.S. Code Sections 1681 et seq.; 29 Code of Federal Regulations Part 1691);
Title VI of the Civil Rights Act of 1964 (42 U.S. Code Sections 2000d-1 et seq.; 34 Code of Federal Regulations Part 100;
29 Code of Federal Regulations Part 1691);
Equity in Higher Education Act (Education Code Sections 66250 et seq.)
Title VII of the Civil Rights Act of 1974 (42 U.S. Code Sections 2000e et seq.);
Genetic Information Nondiscrimination Act of 2008 (42 U.S. Code Sections 2000ff et seq.;
29 Code of Federal Regulations Part 1635);
Section 504 of the Rehabilitation Act of 1973 (29 U.S. Code Sections 794;
34 Code of Federal Regulations Part 104);
Americans with Disabilities Act (42 U.S. Code Sections 12101 et seq. and 12132 et seq.; 29 Code of Federal Regulations Part 1630);
Age Discrimination in Employment Act (42 U.S. Code Sections 6101 et. seq.;
29 Code of Federal Regulations Part 1625);
Uniformed Services Employment and Reemployment Act (38 U.S. Code Sections 4303 and 4311;
20 Code of Federal Regulations Part 1002, Subpart B);
California Code of Regulations: Title 2 Sections 7286 et seq.; and
~~Accreditation Standard II.B.2.c~~
Accreditation Commission for Community and Junior Colleges Standard II.C.2
~~Catalog Requirements~~

The District is committed to providing an academic and business environment free of unlawful discrimination and harassment. This Procedure defines sexual harassment and other forms of harassment.

This Procedure and ~~the~~ related Policies protects students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs~~,~~ and business of the District, regardless of whether those programs or ~~that~~ business take place in the District's facilities, in a District vehicle, or at a class or training program sponsored by the District at another location.

Definitions

~~General~~ Harassment

Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, and/or sexual orientation of any person, or based on the perception that a person has one or more of these characteristics, is illegal and violates District policy. Gender-based or sex-based harassment does not necessarily involve conduct that is sexual in nature. Any hostile or offensive conduct based on gender or sex can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender or sex, could constitute gender-based or sex-based harassment. Harassment comes in many forms, including but not limited to the following conduct:

Verbal: Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's race, sex, gender, gender expression, and/or sexual orientation, religion, disability, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, gender expression, and/or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation; or sexist, patronizing, or ridiculing statements that convey derogatory attitudes based on sex, gender, gender expression, race, nationality, sexual orientation, religion, disability, or other protected status.

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, and whistling or making sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's sex, gender, gender expression, race, national origin, sexual orientation, religion, disability, or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, stalking, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

Visual or Written: The display or circulation of visual or written material that degrades an individual or group based on sex, gender, gender expression, race, nationality, sexual orientation, religion, disability or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, and/or electronic media transmissions.

Environmental: A hostile academic or business environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on sex, gender, gender expression, race, nationality, sexual orientation, religion, disability, or other protected status; or gratuitous comments regarding sex, gender, gender expression, race, sexual orientation, religion, disability or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the academic or business environment. It can also can be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, sex, genders and/or gender expressions, religions, the disabled or other protected statuses. An environment also may be hostile toward anyone who witnesses unlawful discrimination and/or harassment in their immediate surroundings, even though the conduct is directed at others. The determination of whether an environment is unlawfully hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Sexual Harassment

In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when any of the following conditions exists:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;

- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the District.

This definition encompasses two general kinds of sexual harassment:

"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's sex or gender is sufficiently severe or pervasive so as to alter the conditions of an individual's academic or business environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive academic or business environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same sex or gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, like a sexual assault.

Sexually harassing conduct can occur between people of the same or different sex or genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same sex or gender as the victim would perceive the conduct as harassment based on sex or gender.

Examples: Harassment includes, but is not limited to the following misconduct:

- Verbal: Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's protected status, including but not limited to sex or gender. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, gender expression, sexual prowess, marital status, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation of a sexual nature or based on sex/gender; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular sex or gender. If applicable, also refer to the "Academic Freedom" section below.
- Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or making sexual gestures. If applicable, also refer to the "Academic Freedom" section below.
- Visual or Written: The display or circulation of offensive sexually or gender oriented or other discriminatory visual or written material. This may include, but is not limited to, emails, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions. If applicable, also refer to the "Academic Freedom" section below.
- Environmental: An academic or business environment that is permeated with racially or, sexually, or gender-oriented talk, innuendo, insults, or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics, gender, and/or sexually suggestive statements in the academic or business environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in their immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes

with an individual's learning or work. If applicable, also refer to the "Academic Freedom" section below.

Consensual Relationships

Romantic or sexual relationships between managers and employees, or between managers, faculty, or staff members, as well as romantic or sexual relationships between employees and District students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty, or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual romantic or sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of an instructor over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Academic Freedom

The Board of Trustees reaffirms its commitment to academic freedom, but recognizes that academic freedom does not allow any form of unlawful discrimination or harassment. It is recognized that an essential function of education is a probing of opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom ensures the faculty's member's right to teach and the student's right to learn. Finally, nothing in this Procedure and related Board Policy shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course, or activity. (Additional reference: Article VI "Academic Freedom and Responsibility" of the Agreement between the District and the Coast Federation of Educators/American Federation of Teachers, Local 1911)

When investigating unlawful discrimination complaints containing issues of academic freedom, the District will consult with a faculty member appointed by the Academic Senate with respect to contemporary practices and standards for course content and delivery.

(Reference: Cohen v. San Bernardino Valley College (1995) 883 F.Supp. 1407, 1412-1414, affd. In part and revd. In part on other grounds, (1996) 92 F.3d 968; Title 5 Section 59302)

Training

months of their assumption of a supervisory position. The District shall provide sexual harassment training and education to each supervisory employee once every two years.

The District shall also provide at least on hour of classroom or other effective interactive training and education regarding sexual harassment to all non-supervisory employees. The District shall provide sexual harassment training and education to each nonsupervisory employee once every two years. New nonsupervisory employees must be provided with the training and education within 30 calendar days from their hire date or within 100 hours worked, whichever occurs first.

Education and Prevention for Students

In order to take proactive measures to prevent sexual harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include such ~~programs~~content in ~~their~~its orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the District's policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs also will include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. Because victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

~~All decisions relating to student enrollment, education, counseling/guidance, and athletics shall be made in accordance with the District's Board Policy 3410 Nondiscrimination Policy (BP 3410).~~

~~All employment decisions, including, but not limited to, hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.~~

~~The District shall from time to time to provide professional and staff development activities and training to promote understanding of diversity.~~.

Ratified December 2, 2013
Ratified Date

Coast Community College District
ADMINISTRATIVE PROCEDURE
Chapter 4
Academic Affairs

AP 4240 Academic Renewal

Revision

References:
Title 5 Sections 55044 and 55046

In accordance with BP 4240, the purpose of this procedure is to disregard past substandard academic performance of students when such work is not reflective of their current demonstrated ability. It is based on the recognition that due to unusual circumstances, or circumstances beyond the students' control, the past substandard work will negatively affect their academic standing and unnecessarily prolong the rate at which they complete their current objectives. Academic Renewal is intended to facilitate graduation from a college in the District and/or enable qualified students to transfer to a four-year college or university .

If the specific conditions listed below are met, ~~Coast Community College District~~the colleges in the District may disregard from all consideration associated with the computation of a student's cumulative grade point average (GPA) up to a maximum of ~~thirty (~~30~~)~~ semester units of course work ~~from a maximum of two (2)semesters or three (3) quarters~~ taken at any college for graduation~~,~~ or transfer ~~or grade point average (GPA)~~ purposes only. Only units taken at colleges in the District may be disregarded, not units from other colleges.~~These conditions are as follows:~~

1. The course work to be disregarded is substandard (grades of D~~,~~or F or NP). ~~The semester grade point average for each semester to be disregarded is less than 2.0.~~

2. A minimum of ~~12~~ 15 semester units has been completed at any regionally accredited college or university with a cumulative GPA of at least ~~2.0~~ 2.5 or a minimum of 24 semester units with a GPA of at least 2.0 in all course work subsequent to the course work to be disregarded.

3. At least 12 months have elapsed since the most recent course work to be disregarded.

4. ~~All~~ Designated course work shall be disregarded in that semester, except those courses required as ~~–~~a ~~–~~prerequisite ~~–~~or to satisfy a requirement in the ~~–~~student's current declared program of study.

5. Academic Renewal cannot be reversed once it has been granted.

~~Credit for courses from other colleges or universities can be disregarded in order to meet the grade point average requirements for an A.A./A.S. degree or Certificate of Achievement.~~

All course work will remain legible on the student's permanent record (transcript), ensuring a true and complete academic history. However, students' permanent records will be annotated so that it is readily evident to all users of the records that the units~~, even if satisfactory,~~ are to be disregarded. This notation will be made at the time that the academic renewal has been approved by the appropriate college office.

If another accredited college has acted to remove previous course work from consideration in computing the GPA, such action shall be honored in terms of its procedure~~policy~~. However, such units disregarded shall be deducted from the 30 semester units maximum of course work eligible to be disregarded at a ~~Coast Community College District~~ college in the District.

Interpretation of the academic renewal procedure is the responsibility of the appropriate college official who may, for compelling reasons, make exceptions to the stated conditions provided the requirements of Title 5 Section 55044 are observed. All receiving schools may not accept our Academic Renewal Policy and Procedure.

The Admissions and Records and Counseling departments at the colleges in the ~~Coast Community College~~ District are responsible for implementing this administrative procedure.

Ratified August 15, 2012
Ratified DATE

The Academic Senate of Orange Coast College By-Laws

Article 1
Membership and Elections

Section 1. The Electorate. The Electorate shall consist of the Faculty, as defined in Article I of the Constitution, and the Senate shall be elected from the members of this body.

Section 2. Composition of the Senate. The Senate shall be composed of a Senator from each Division, the Library, and Student Services; nine Senators-at-Large, all elected from the regular and contract Faculty; and up to three voting Senators-at Large from the Part-time Faculty. There shall be included within the membership of the Academic Senate, a non-voting student who shall be appointed by the SGOCC. The student representative may designate for the record his/her support or opposition to any matter prior to the official Senate vote. A designation shall be recorded in the Senate meeting minutes. Such student shall have the right to attend all meetings of the Senate except those meetings prohibited by Education Code 72023.5 (a) (2) or when the Senate is in closed session.

Section 3. Division Senators. Divisions are responsible for conducting their own elections of division senators. The Senate will conduct elections of division Senators if the division requests the assistance of the Senate. During the month of February, eligible divisions shall report to the Senate the results of their elections of division Senators. Divisions shall be responsible for filling vacant seats when they arise. In such cases, divisions shall report to the Senate the results of their elections of replacement Senators. The Senate President shall report the results of division elections for regular or replacement Senators during the President's report/announcements at the next Senate meeting.

Section 4. Senators-at-Large. During the month of February, each eligible Division may nominate not more than two (2) candidates from the regular and contract Faculty for Senator-at-Large. Additional candidates may be nominated from the floor at a general meeting to be held during the month of March. Not later than the first week of March, the President of the Senate shall call an election of regular and contract Faculty to determine the Senators-at-Large. Voting shall be by secret ballot. Senators shall be seated in the order of popular votes received.

Permanent vacancies that occur prior to the next election will be replaced by the Senate President appointing a Faculty member for the remainder of the term from the alternate list of unelected nominees in order of popular votes received and seeking a majority endorsement from the Senate body. If the list has been depleted, an election will be held using procedures approved by the Senate. For temporary vacancies, a Senator may designate a substitute from the same constituency which they represent who will serve as if elected. If an extended absence of more than three (3) meetings is anticipated, the Senate shall hold an election or appoint a substitute who will serve until the original member is able to return. Individuals who resign or are otherwise unable to complete their term of office will be replaced through a new Senate election or an appointment process.

Section 5. Part-Time Senators-at-Large. Candidates from the part-time members of the Faculty shall receive notice in February that they may nominate themselves for one of three part-time voting Senator-at-Large positions. All interested nominees shall attend the designated meeting in February to present themselves and be endorsed by the Senate for a one year term of office. Vacancies that may occur prior to the next election shall be filled by appointment and endorsement of the Senate.

Section 6. Vacancies

a. **Permanent Vacancies.** A permanent vacancy is established when a Senator submits a letter of resignation to the Senate President, is unable to complete the term of office, is absent for three (3) consecutive meetings without prior consent of the President of the Senate, or who becomes ineligible to hold membership in the Senate. Permanent vacancies shall be filled as provided in Sections 3, 4, and 5.
b. **Temporary Vacancies**. Temporary vacancies occur when the President declares a Senator is on approved temporary leave. Then the Senate shall conduct an election to fill the seat for the duration of the leave as per Sections 3, 4, and 5; or, in lieu of an election, the Senator may designate a substitute from the same constituency which they represent who will serve as if elected.

Section 7. Tenure of Office. Approximately one-third (1/3) of the regular and contract Senate membership shall be elected each year; and each elected member shall serve for a term of three years except for the following changes for the 2016-2017 election cycles only:

a. Effective for the 2016 Senator-at-Large election only, all five newly elected Senators-at-Large shall draw lots to determine which two shall serve two-year terms in order to re-establish the required one-third (1/3) election process as noted above; the remaining three shall serve three-year terms.
b. Effective for the 2017 Division Senator election only, all six newly-elected Division Senators shall draw lots to determine which two shall serve two-year terms in order to re-establish the required one-third (1/3) election process as noted above; the remaining four shall serve three-years terms.

Section 8. Recall and Removal of Senators.

a. Division Senators. A Division may replace its Senator at any time upon the majority vote of the regular and contract Faculty of the Division at a special election called by petition of one-third (1/3) of the regular and contract Faculty of that Division.
b. At-large Senators. The Faculty-at-large may replace an at-large Senator at any time upon the majority of votes of the regular and contract Faculty at a special election called by petition of one-third (1/3) of the regular and contract Faculty.

Article II
Officers and Committees

Section 1. Officers of the Senate.

a. The Senate shall be organized annually during the week following the Spring break. The first order of business of the organizational meeting of the Senate shall be the election of officers except the immediate Past President. The officers shall consist of President, Vice President, Secretary, and Parliamentarian, and the immediate Past President. The President, only upon completion of his/her final elected term of office, shall serve as immediate Past President for one semester or one year only if she/he is an elected Senator. If the immediate Past president is no longer a Senator, he/she may remain as an advisor to the Executive Board.

b. Election of Officers. The Senate officers shall be elected by the Senate from the Senate membership. The officers shall be elected by a simple majority of votes cast by a written, secret ballot, and they shall take office on July 1 of the year elected and serve until June 30 of the following year. The term for the office of President shall be for one year with no more than three years in succession.

c. The President shall:

1. Preside over all Senate meetings and Executive Board meetings.
2. Represent and act as spokesperson for the Academic Senate and the Executive Board
3. Along with the Executive Board:
    (a) be responsible for establishing the time and place for all Executive Board meetings.
    (b) be responsible for the preparation of the agenda for all Senate meetings and Executive Board meetings.
    (c) be responsible for establishing and administering the annual Senate budget and reporting all yearly expenditures to the Senate body in a printed report.
4. Perform any other function normally thought to be within the realm of a presiding officer that is otherwise not denied by the by-laws, Senate rules, or Executive Board rules and not prohibited by the Senate body.

d. The Vice President shall:

1. Act as President in the absence of that officer.
2. Succeed to the Presidency in the event of a vacancy in that office.
3. Attend specific committee meetings to represent the Senate as assigned by the Executive Board or the Senate.

e. The Academic Senate Secretary shall:

1. Be responsible for all minutes of the Senate meetings.
2. Distribute electronically the approved minutes to the faculty, College President, Chancellor, Board of Trustees, the Academic Senate Presidents of Coastline Community College and Golden West College, and the faculty union Presidents.
3. Perform such functions as the President assigns to assist in carrying out the purposes and policies of the Academic Senate.

f. The Parliamentarian shall:

1. Rule on parliamentary procedures as prescribed in the latest edition of Robert's Rules of Order, Revised or such other rules or procedures as may be adopted by the Senate.

g. The Immediate Past President may:

1. Attend meetings of the Executive Board as a non-voting member for one semester or one year following his/her last service as Senate President.
2. Perform such functions as the President may assign to assist in carrying out the purposes and policies of the Academic Senate.

h. Non-voting Members of the Senate and the Executive Board: The Curriculum Committee Chair and the Professional Development Institute Committee Chair shall be non-voting members of the Senate and Executive Board.

Section 2. Committees. The Senate shall create committees when it deems them necessary. Each Senate committee shall establish bylaws approved by the membership of the committee and the Senate. Committees will submit a report to the Senate at least once yearly in either written or oral form.

Article III

Meetings and Senate Procedures

Section 1. Regular Meetings of the Senate. During the school year a regular meeting of the Senate shall be held at least once a month but not more than twice a week at a time and place designated by the Senate.

Section 2. Special Meetings of the Senate. The President may call a special meeting of the Senate or Faculty at his/her discretion. Upon written petition signed by three (3) or more Senators, the President shall call a special meeting of the Senate to be held within one week after receipt of such petition. Written notice of special meetings shall be given to all members of the Senate at least two regular school days prior to the meeting and shall contain a general statement of the business to be brought before such meeting.

Section 3. Quorum. A quorum for the conduct of an Academic Senate meeting shall be twelve (12) members.

Article IV

The Executive Board

Section 1. **Composition of the Executive Board**. The officers of the Senate, the Curriculum Committee Chair, and the Professional Development Institute Committee Chair shall constitute the members of the Executive Board.

Section 2. Responsibilities of the Executive Board. The Executive Board shall be responsible for establishing and administering the Senate budget, creating the agenda for Senate meetings, and acting for the Senate when school is not in session. The Executive Board shall be subject to the orders of the Senate and none of its acts shall conflict with action taken by the Senate. All official action taken by the Executive Board shall be reported to the Senate at the next official meeting of the Senate. The meetings of the Executive Board shall be open.

The Executive Board shall:

a. Allocate additional duties to each officer as required.
b. Meet no fewer than five times each semester.
c. Implement policies adopted by the Senate; develop procedures; perform other functions that are not inconsistent with the intent, purposes, and provisions of the By-laws and directions of the Senate.

Section 3. Executive Board Meeting Time. The Executive Board will meet following each Senate meeting in the Faculty House unless otherwise agreed on.

Article V
Amendments of By-Laws

Section 1. Amendments to these By-Laws may be proposed by the Executive Board or by a petition signed by one-third (1/3) or more of sitting Senators.

Section 2. These By-Laws may be amended by a two-thirds (2/3) majority of the Senate.

Article VI
Election Procedures

The Senate will conduct electronic elections of senators.

a. Any faculty member may request to vote with a paper ballot. In such instances, the faculty member should request a paper ballot from the Senate President. The paper ballot must be requested and submitted during the period of electronic voting as determined by the Senate President. The Senate President will announce the dates of the election period at a Senate meeting.

b. The Senate will conduct elections for division Senators if the division requests the assistance of the Senate. Otherwise, the division will conduct its own elections and report the results to the Senate in February. The Senate President shall report to the Senate the results of division elections during the President's report/announcements at the next Senate meeting.

c. The Senate will conduct elections for senators-at-large through the electronic procedures adopted by the Senate. 1. To win the Senator-at-Large seat, a candidate must receive more votes than the other candidate(s). 2. If a candidate for Senator-at-Large runs unopposed, the Senate may elect the candidate by acclamation at a Senate meeting.

Adopted 12-12-1989
Amended 8-5-2005
Amended 2-2-2010
Amended 4-17-2012
Amended 4-12-2016

PROPOSED REVISIONS:

The Academic Senate of Orange Coast College By-Laws

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Membership and Elections

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Proposed Changes:

Section 3. Division Senators. Note: this wording already exists in 8a and must be changed in Art VIb

(a) Divisions are responsible for conducting their own elections of division senators. The Senate will conduct elections of division Senators if the majority of the regular and contract Faculty in the division vote to request~~s~~ the assistance of the Senate. The request will be forwarded to the Senate by the Division Dean.

(b) During the month of February, eligible divisions shall report to the Senate the results of their elections of division Senators. Divisions shall be responsible for filling vacant seats when they arise. In such cases, divisions shall report to the Senate the results of their elections of replacement Senators.

The Senate President shall report the results of division elections for regular or replacement Senators during the President's report/announcements at the next Senate meeting.

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candidates may be nominated from the floor at a general meeting to be held during the month of March. Not later than the first week of March, the President of the Senate shall call an election of regular and contract Faculty to determine the Senators-at-Large. ~~Voting shall be by secret ballot~~. Senators shall be seated in the order of popular votes received.

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Proposed Edits:

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~~b. Effective for the 2017 Division Senator election only, all six newly-elected Division Senators shall draw lots to determine which two shall serve two-year terms in order to re-establish the required one-third (1/3) election process as noted above; the remaining four shall serve three-years terms.~~

Replace with new wording that states:

In order to maintain the (1/3) elections process, some senator and senator-at-large positions will be 2 year terms, while others will be 3 year terms.

Section 8. Recall and Removal of Senators.

a. Division Senators. A Division may replace its Senator at any time upon the majority vote of the regular and contract Faculty of the Division at a special election called by petition of one-third (1/3) of the regular and contract Faculty of that Division.

b. At-large Senators. The Faculty-at-large may replace an at-large Senator at any time upon the majority of votes of the regular and contract Faculty at a special election called by petition of one-third (1/3) of the regular and contract Faculty.

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Officers and Committees

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c. The President shall:

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2. Represent and act as spokesperson for the Academic Senate and the Executive Board
3. Along with the Executive Board:
    (a) be responsible for establishing the time and place for all Executive Board meetings.
    (b) be responsible for the preparation of the agenda for all Senate meetings and Executive Board meetings.
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1. Rule on parliamentary procedures as prescribed in the latest edition of Robert's Rules of Order, Revised or such other rules or procedures as may be adopted by the Senate.

g. The Immediate Past President may:

1. Attend meetings of the Executive Board as a non-voting member for one semester or one year following his/her last service as Senate President.
2. Perform such functions as the President may assign to assist in carrying out the purposes and policies of the Academic Senate.

h. Non-voting Members of the Senate and the Executive Board: The Curriculum Committee Chair and the Professional Development Institute Committee Chair shall be non-voting members of the Senate and Executive Board.

Section 2. Committees. The Senate shall create committees when it deems them necessary. Each Senate committee shall establish bylaws approved by the membership of the committee and the Senate. Committees will submit a report to the Senate at least once yearly in either written or oral form.

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Section 1. **Composition of the Executive Board**. The officers of the Senate, the Curriculum Committee Chair, and the Professional Development Institute Committee Chair shall constitute the members of the Executive Board.

Section 2. Responsibilities of the Executive Board. The Executive Board shall be responsible for establishing and administering the Senate budget, creating the agenda for Senate meetings, and acting for the Senate when school is not in session. The Executive Board shall be subject to the orders of the Senate and none of its acts shall conflict with action taken by the Senate. All official action taken by the Executive Board shall be reported to the Senate at the next official meeting of the Senate. The meetings of the Executive Board shall be open.

The Executive Board shall:

a. Allocate additional duties to each officer as required.
b. Meet no fewer than five times each semester.
c. Implement policies adopted by the Senate; develop procedures; perform other functions that are not inconsistent with the intent, purposes, and provisions of the By-laws and directions of the Senate.

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Section 1. Amendments to these By-Laws may be proposed by the Executive Board or by a petition signed by one-third (1/3) or more of sitting Senators.

Section 2. These By-Laws may be amended by a two-thirds (2/3) majority of the Senate.

Article VI
Election Procedures

The Senate will conduct electronic elections of senators.

a. Any faculty member may request to vote with a paper ballot. In such instances, the faculty member should request a paper ballot from the Senate President. The paper ballot must be requested and submitted during the period of electronic voting as determined by the Senate President. The Senate President will announce the dates of the election period at a Senate meeting.

b. ~~The Senate will conduct elections for division Senators if the division requests the assistance of the Senate. Otherwise, the division will conduct its own elections and report the results to the Senate in February.~~ The Senate President shall report to the Senate the results of division

c. The Senate will conduct elections for senators-at-large through the electronic procedures adopted by the Senate. 1. To win the Senator-at-Large seat, a candidate must receive more votes than the other candidate(s). 2. If a candidate for Senator-at-Large runs unopposed, the Senate may elect the candidate by acclamation at a Senate meeting.

Adopted 12-12-1989
Amended 8-5-2005
Amended 2-2-2010
Amended 4-17-2012
Amended 4-12-2016

Orange Coast College

Faculty Academic Senate

November 13, 2018

Whereas: Current Academic Senate by-laws do not provide submission of a vote by Proxy, and

Whereas: Proxy voting can be validated by amending the current Orange Coast College, Faculty Academic Senate By-laws, and

Whereas: Senators represent a constituency of academic divisions, departments or the campus At-large, and

Whereas: Proxy voting will allow voting Academic Senate members to dutifully represent constituents on issues brought before the Senate, and

Whereas: A valid proxy vote is one offered in writing, signed and submitted by a voting Senate member;

Be it Resolved: The Orange Coast College Faculty Academic Senate amend the By-Laws to include the submission of vote by proxy.

-----Original Message-----
From: Carl Piper <CPiper@ocde.us>
To: ProfMKennedy <profmkennedy@aol.com>
Sent: Tue, Feb 5, 2019 5:17 am
Subject: Re: Phone Call Follow-Up Questions Regarding Proxy Voting and Orange Coast College's Academic Senate

Hi Professor Kennedy: Feel free to share the email.
Carl

From: ProfMKennedy <profmkennedy@aol.com>
Sent: Monday, February 4, 2019 10:05 PM
To: Carl Piper
Subject: Re: Phone Call Follow-Up Questions Regarding Proxy Voting and Orange Coast College's Academic Senate

Mr. Piper,

Thank you so much for your research and knowledge, and the clarity and depth of your explanations and citations. I will share this with our E-Board and Senate. Is the email confidential? I don't wish to violate any laws or your privacy, so let me know what is appropriate and legal in terms of my use of it (in regards to the legal interpretations.) .

Sincerely,

Professor Marilyn Kennedy

-----Original Message-----
From: Carl Piper <CPiper@ocde.us>
To: 'ProfMKennedy' <profmkennedy@aol.com>
Sent: Mon, Feb 4, 2019 1:42 pm
Subject: RE: Phone Call Follow-Up Questions Regarding Proxy Voting and Orange Coast College's Academic Senate

Hi Professor Kennedy:
This is an area that may be somewhat open to differing interpretation. My interpretation is below:

I agree with your counsel that the Government Code does not specifically authorize or prohibit voting by proxy. However, the Brown Act sections listed below do, if effect, prohibit proxy voting:

Government Code 54952.2 defines "meeting" as a congregation of the legislative members **at the same time and location to** discuss, deliberate, and take action.

A vote by proxy would not come within the definition of a "meeting" within this section as the proxy grantor would not be at the same time and location.

Government Code 54952.6 defines "action taken" as a collective decision of an actual vote **when sitting as a body**.

A vote by proxy would not come within the definition of an "action taken" with this section because the proxy grantor's vote would not have occurred when sitting as a body.

Government Code 54953(c)(2) requires the legislative body to report on any action taken and the vote of each member **present for the action.**

A vote by proxy would not comply with this section as the proxy grantor would not be present for the action.

Also, in Government Code 54953 the legislature specifically provided for attendance at a meeting by teleconference, and provided the requirements for such attendance. If the legislature intended to allow for proxy voting under the Brown Act then it would have provided specific authorization and procedures, as it did for teleconferencing.

Government Code § 54952.2. Meeting; prohibited communications; exclusions from chapter

(a) As used in this chapter, **"meeting"** means any congregation of a majority of the members of a legislative body **at the same time and location**, including teleconference location as permitted by Section 54953, to **hear, discuss, deliberate, or take action** on any item that is within the subject matter jurisdiction of the legislative body.

Government Code § 54952.6. Action taken

As used in this chapter, **"action taken"** means **a collective decision** made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, **or an actual vote by a majority of the members of a legislative body when sitting as a body or entity**, upon a motion, proposal, resolution, order or ordinance.

Government Code § 54953. Meetings to be open and public; attendance

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

***

(c)

(1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) **The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.**

Carl Piper
Counsel

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Orange County Department of Education
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From: ProfMKennedy <profmkennedy@aol.com>
Sent: Monday, February 4, 2019 12:24 PM
To: Carl Piper <CPiper@ocde.us>
Subject: Phone Call Follow-Up Questions Regarding Proxy Voting and Orange Coast College's Academic Senate

Hello Mr. Piper,

Thank you for taking my phone call and offering to help in answering our academic senate executive board's questions regarding the Brown Act and proxy voting.

As per our phone call, a senator in our academic senate is proposing to add written proxy voting to our bylaws, allowing a senator to give his or her written proxy to another senator: "A valid proxy vote is one offered in writing, signed and submitted by a voting Senate member."

I had mentioned to you that our district's general counsel had advised that it is not disallowed, but he had recommended against it for our senate because it could lead to potential violations of the Brown Act, as senators could talk amongst themselves away from the public meeting about issues on the agenda for a vote or action. Some of the senators are unclear on what this means, so I was advised by the Board Secretary of our district to contact OCDE for clarification. The sections of the Brown Act that are most concerning in this regard are the ones cut and pasted below, 54953.c. (1) and (2). Our questions are these:

- Does the Brown Act prohibit or allow this type of written proxy voting?
- If not allowed or recommended, what would be the reason?
- If allowed, what are things to be observant and cautious of?
- If allowed, how are absences recorded and votes tallied for those absent but voting by written proxy?

[“The Brown Act”] Government Code - GOV
TITLE 5. LOCAL AGENCIES [50001 - 57550] DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821]
PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7]
CHAPTER 9. Meetings [54950 - 54963]

54953.
(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

Thank you for your time and work on this; it is very much appreciated,

Professor Marilyn Kennedy
Orange Coast College, Coast Community College District
Academic Senate Secretary

ORANGE COUNTY DEPARTMENT OF EDUCATION
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Coast Community College District
BOARD POLICY
Chapter 7
Human Resources

BP 7310 Nepotism

References: Government Code Sections 1090 et seq.

The District prohibits the practice of nepotism.

For the purpose of this Policy, nepotism is broadly defined as the practice of an employee or Trustee using his/her personal power or influence to aid or hinder another in the employment setting where there is a current or past relationship by blood, adoption, marriage, cohabitation, or domestic partnership (as defined in Section 297 of the California Family Code). Examples of relationships covered by this Policy include, but are not limited to, the following:

- spouses
- registered domestic partners
- parents and grandparents
- siblings
- children and grandchildren
- in-laws
- any person living in the same home

This Policy is established to ensure that no employee or Trustee uses his or her position or authority to influence hirings, compensation, tenure, retention, transfers, promotions, performance evaluations, disciplinary actions, supervision, work assignments, or any other aspect of the District's day-to-day operations based on relationships defined in this Policy. Employment actions shall be conducted in a manner which prevents partiality, preferential treatment, improper influence, conflict of interest, or the appearance thereof. This Policy applies to all types of employment, including but not limited to full-time, part-time, temporary, student assistants, professional experts, and independent contractors.

Except as otherwise noted herein, this Policy does not prohibit the employment of relatives or registered domestic partners within the District. However, District employees shall not participate in making recommendations or decisions affecting any aspect of employment based on relationships as defined above.

Additionally, as a matter of best practice and to avoid the appearance of impropriety, this Policy prohibits the hiring, promotion, or transfer of individuals who have a current or past relationship by blood, adoption, marriage, cohabitation, or domestic partnership, with a current District employee or independent contractor at the District site, or one of the three Colleges, where the relative or cohabitant is already employed.

Board Members, Chancellor, Vice Chancellors, Presidents, Vice Presidents, and Human Resources employees bear a higher responsibility to avoid the appearance of a conflict of interest. Therefore, the District shall not hire any person with whom a current or past

relationship by blood, adoption, marriage, cohabitation, or domestic partnership exists with a Board Member, Chancellor, Vice Chancellor, President, Vice President, or Human Resources employee anywhere within the District.

If any relationship covered by this Policy develops subsequent to being hired, the employees are required to notify Human Resources in a timely manner of the change in their relationship or co-habitation status. At the recommendation of the Vice Chancellor of Human Resources, the Board of Trustees may allow exceptions to this Policy under the following circumstances:

- The relationship is not or will not create an adverse impact on work productivity or performance of themselves or others in the workplace;

- The relationship does not or will not create a conflict of interest, or a perceived conflict of interest, that has a negative impact on the work environment;

- The relationship is between two faculty members, and there is no indication of a conflict of interest or a negative impact on the work environment.

Adopted February 5, 2003
Revised August 18, 2010
Renumbered from CCCD Policy 050-1-1.9, Spring 2011
Revised July 13, 2016

OCC 3-year Campus Goals by Metric [Draft]

Metric	Current Baseline Data for Overall Student Population	Goals for Overall Student Population
Access: Successful Enrollment	40.5%	44.5%
Retention: Fall to Spring	72.1%	80%
Transfer to a four-year institution	2,509	3,118
Completion of transfer level math and English	16.1%	32.2%
Earned credit certificate over 18 units, associate degree, CCC bachelor's degree	2,378	2,812

OCC Student Equity and Achievement Dashboard [DRAFT]

SUCCESS INDICATOR	ETHNICITY/RACE	DISABILITY STATUS	ECONOMICALLY DISADVANTAGED	FIRST-GENERATION	FOSTER YOUTH	LGBT	VETERAN
ACCESS	Asian - Female				Female/Male		Female
	Black or African American - Female/Male						
	Filipino - Female						
	Hispanic or Latino - Female						
	Some other race - Female/Male						
	White - Female						
RETENTION: FALL TO SPRING	Black or African American - Female/Male			Female/Male		Female/Male	
	Hispanic or Latino - Male						
	Native Hawaiian or other Pacific Islander - Female						
	White - Female						
TRANSFER TO 4-YEAR INSTITUTION	Black or African American - Female			Female/Male		Female	
	Hispanic or Latino - Male						
	Native Hawaiian or other Pacific Islander - Female						
	Some other race - Female/Male						
COMPLETION OF TRANSFER-LEVEL MATH & ENGLISH	American Indian or Alaska Native - Female	Female/Male		Female/Male	Female/Male	Female/Male	Male
	Black or African American - Female/Male						
	Hispanic or Latino - Female/Male						
	Native Hawaiian or other Pacific Islander - Female						
	White - Male						
COMPLETION	American Indian or Alaska Native - Female/Male			Male	Male	Female/Male	
	Black or African American - Female/Male						
	Filipino - Female						
	Hispanic or Latino - Male						
	Native Hawaiian or other Pacific Islander - Female						

Note: All disproportionate impact highlighted are based on figures for 2017 - 18 , with the exception of " Transfer to 4 - Year Institution," which is based off of 2016 - 17 data.