

ORANGE COAST COLLEGE

Academic Senate Meeting | 10/22/19 | 11:30 am - 12:30 pm | Faculty House

Academic Senator Attendance

Carol Barnes , <i>Counseling</i>	Present	Kelly Holt , <i>at-Large</i>	Present
Jamie Blair , <i>at-Large, Vice President</i>	Present	Darryl Isaac , <i>Consumer & Health Sciences</i>	Absent
Cameron Brown , <i>Athletics & Kinesiology</i>	Present	Marilyn Kennedy , <i>Lit & Lang, Secretary, PDI Chair</i>	Present
Sean Connor , <i>at-Large</i>	Present	Doug Lloyd , <i>Math & Sciences</i>	Present
Eric Cuellar , <i>at-Large</i>	Present	Leland Means , <i>Visual & Performing Arts</i>	Present
Jodi Della Marna , <i>Library</i>	Present	Jeanne Neil , <i>Business & Computing</i>	Present
Matt Denney , <i>Technology</i>	Present	Max Pena , <i>at-Large</i>	Present
Rendell Drew , <i>at-Large</i>	Present	Clyde Phillips , <i>Student Services</i>	Absent
Cyndee Ely , <i>Part-Time Faculty</i>	Present	Loren Sachs , <i>at-Large, President</i>	Present
Diogba G'bye , <i>Part-Time Faculty</i>	Present	Jordan Stanton , <i>Social & Behavioral Sciences</i>	Present
Lee Gordon , <i>at-Large, Parliamentarian</i>	Present	Raymond Tu , <i>ASOCC Representative</i>	Present
Anna Hanlon , <i>Curriculum</i>	Absent		

Guests (Optional & Voluntary Sign-In):

Kevin Ballinger, Marco Baeza, Nathan Jensen, Jaki Kamphuis, Kate McCarroll, Rich Pagel, Andreea Serban, Angélica Suarez, John Taylor.

1. Preliminary Matters

A. Call to Order:

President Loren Sachs called the meeting to order at 11:30 a.m.

B. Approval of the Minutes – October 8 & 15, 2019:

Motion 1: Secretary Marilyn Kennedy moved to approve the October 8, 2019, minutes; motion seconded; motion approved unanimously.

Motion 2: Secretary Marilyn Kennedy moved to approve the October 15, 2019, minutes; motion seconded; motion approved unanimously.

C. Opportunity for Public Comment:

No public comments were made.

D. For the Good of the Order Announcements:

Senator Drew: Districtwide fundraiser softball game between CFCE, C.O.P.E, and CFE on Saturday, November 2, at the softball field on Adams and Pine.

Senator Cuellar: Dia de Angelitos and Dia de Muertos, October 30, 12 - 4:30 p.m., in the Multicultural Center: (1) 12-1, potluck and viewing of altar; (2) 1-2:45, viewing of Academy Award film, Coco; (3) 3-4, presentation by German Vasquez-Rubio, craftsman of original Coco guitar and internationally acclaimed Luthier; and (4) 4-4:30, face painting.

ASOCC Representative Tu: STEM Night, October 25, 5:30-9:30 p.m. and Coast Day, October 29, 10 AM – 2 PM, in the Library Quad. There are opening s and applications for student governance and shared governance committees.

2. Consent Agenda

No consent items.

3. Officer, Senator, & Committee Reports

A. Academic Senate President Report– Loren Sachs:

College Council and IPC: Individual action items for the coming academic year were created and shared with IPC. Those will be brought to the Senate. IPC has started the first round of ratings for faculty hiring; presentations start tomorrow. The meeting is open to the public.

DCC/Technology: Vice Chancellor Serban presented the DCC Technology Subcommittee's strategic planning for the next couple of years; it will go around to various committees and it will be brought to the Senate and vetted.

Academic Rank: Academic Rank is now open and will close on November 9, 2019; if your rank changes it is reflected in the catalog the next year. Contact Loren Sachs if you have any questions.

Enrollment Update: District wide enrollment is down less than 1%. OCC has increased international student enrollment, nationally this is down.

B. BSI Report - Jamie Blair:

BSI met and we scheduled an extra meeting; the committee is developing its vision and will present the plan to the Senate when it is finalized.

C. District Consultation Council Board Policy and Administrative Procedure Subcommittee (DCCBPAP) Report – Marilyn Kennedy:

AP/BP 5030 Fees: These were moved forward to the BOT with a revision for fees to parking for student in on-campus housing

AP 6750 Parking and Traffic: These were moved forward to the BOT with a revision for fees for parking for students in on-campus housing

BP 5200 Student Health Services: This has a proposed change to update for legal exemptions for student fees as per state law.

AP/BP 7110 Delegation of Authority: These were moved forward; I made clear our request was to keep the delegation of authority with the Chancellor in policy, but allow him to continue to delegate as he saw fit, but it was approved and moved forward anyway; I requested our objections be placed in the meeting minutes/summary.

D. Guided Pathways Reports:

GP Onboarding – GP Onboarding Coordinator Jessica Ayo Alabi: Five new work groups have been started which will look at OCC orientation, outreach with goals, dual enrollment, early onboarding to special programs, alternative populations, and outreach to students beyond high school age.

GP Interventions – GP Interventions Coordinator Jaki Kamphuis: The Interventions Design Team will meet on Friday from 9-10:30 in Watson Hall on the third floor.

4. Unfinished Business

A. Administrative Policy & Board Procedure Anti-Nepotism 7310 – Senator Marilyn Kennedy:

Senator Kennedy stated that she brought back a revised, updated resolution on the draft presented last week, the Resolution on Senate Purview, Shared Governance, and the AP/BP 7310 Anti-Nepotism Policies #F-2019-1. The revisions were based on Senate and E-Board feedback; the proposed resolution is now clearer and more focused. AB 1725 will be added to the References section on this revised draft. Senator Kennedy read the updated resolution:

Whereas, Coast Community College District’s AP/BP 7310 Anti-Nepotism policies contain hiring policies and procedures that are clearly Senate purview;

Whereas, Coast Community College District acknowledges these nepotism policies and procedures as part of hiring policies and procedures: AP 7120 Employee Recruitment and Selection refers directly to the nepotism policies and states that hiring procedures will be in compliance with it, that “members of the immediate family of employees may be employed subject to the District’s Nepotism Policy (See BP/AP 7310 titled Nepotism)”;

Whereas, California Education Code 87630 (b) codifies the Senate’s purview on faculty hiring: “Hiring criteria, policies, and procedures for new faculty members shall be developed and agreed upon jointly by the representatives of the governing board, and the academic senate, and approved by the governing board”;

Whereas, any negotiation of Senate-purview hiring policies and procedures that excludes the Senates subverts shared governance and the Senate’s purview; therefore,

Be it Resolved that participatory governance and mutual respect flourish when all charged parties are actively acknowledged and engaged in all aspects of a discussion;

Be it Further Resolved, that the Coast Community College District Board of Trustees recognize the purview of the Senates within the California Education Code; and

Be it Finally Resolved that the Coast Community College District Board of Trustees recognize that faculty purview established by California Education Code 87630, AB 1725, the 10+1, and the District’s own policy acknowledgements of said Senate purview (AP 2510) be recognized and utilized in the evaluation and review of all relevant Board Policies and Administrative Procedures, but in particular, AP/BP 7310 Anti-Nepotism policies, and that all Senate-excluded *discussed and/or negotiated* changes to the AP/BP 7310 policies be identified to the Senate, immediately.

She noted confusion last week regarding the mentions of the unions in the initial draft, so those areas were removed, as we weren’t sure which unions were involved, but we think CFCE was presenting the largest problem; she noted that the CFCE contract has language on nepotism, so it has already been negotiated into one union contract. [[CFCE public site contract--see pages 10-11 on Nepotism](#)]

President Sachs stated that the revised version is much clearer and on point. The primary issue is that in a shared governance environment, if we stack the groups that are reviewing it, then it comes back to a different group in the stack for review, and that makes for a very inefficient process, as somebody might agree with the language at one review and then it gets changed by another group and we start over again. The idea of shared governance is that it has to be collaborative from the very beginning and for all parties to hear other groups concerns, have those taken back to constituents, and then all meet again.

Senators made these comments:

- The first draft was a little muddled and brought in other entities; this ties the Senate's purview up more clearly.
- The first draft included the Senate's concerns with the proposed AP Anti-Nepotism policy but we are currently addressing the shared governance issues, so this is much clearer.
- There is a lot to be said about collegiality and the 10 + 1 and communicating with all entities, as some union members were upset.
- When we first got the coordinator positions the Senate got them last and after the union and we had little time to review or vet until the Senate requested that they see them first before moving to the union.

Senator Kennedy noted that the draft resolution did not mention a particular union, since the letter we received from the District did mention two unions [out of three], but we did not know specifically how many of them were actually involved. Historically, CFE did negotiate changes that affected policies in the past (spring 2018), and those policies affected were the BP/AP Retiree Health Benefits and the Senate was not consulted; those changes were discovered after the fact at a DCCBPAP meeting.

To clarify historical background and Senate purview, Senator Kennedy and President Sachs introduced former Academic Senate President Eduardo Arismendi-Pardi, who was invited to speak to the Senate about the Senate's purview and concerns.

Dr. Arismendi-Pardi addressed the Senate and provided a Venn diagram of the three Senate/union/management intersections to illustrate how collegiality should work, noting that there are three perspectives, but that in the Senate we need to focus on Senate purview. When one looks at a policy as a representative of the Senate, one must ask how it relates to academic and professional matters. This policy very much relates to both. Historically, there was a resolution on shared governance and working together, so we need to have collegial conversations. As the Senate looks at academic and professional matters, the union looks at working conditions, and management looks at supervisory roles. We work together.

We used to have a Chancellor's Cabinet where all three entities worked together in balance based on representation. If something is taken from Senate purview and given to another entity and language is negotiated, you have codified it, and now you have silenced the Senate. When I was in the Senate (maybe fifteen years ago), the Academic Senate had purview prioritization of faculty hiring and that was given away. With the passage of time, you'll forget. It's really important to keep your group's purview.

President Sachs thanked Dr. Arismendi-Pardi, then asked the Senate for a review of the proposed AP 7310 Anti-Nepotism, to see what changes the Senate had requested before and to update any newly requested changes, since the policy is returning on November 1 to DCCBPAP:

AP 7310 Anti-Nepotism

New

References: Government Code Sections 1090 et seq. and 12940 et seq.

The District recognizes the potential for conflict of interest, claims of disparate treatment, and/or discrimination in the employment of relatives in the same department or work unit or in a direct or indirect supervisory relationship. The District further recognizes that there are infrequent but compelling circumstances under which such employment relationships may be in the best interests of the District.

It is recognized that current employees' assignments may exist in conflict with this Procedure, as well as potential conflicts that materialize after initial employment. Where such may occur, the Chancellor or designee will be responsible for determining the appropriateness of the assignment. The District retains the right to reassign or transfer employees where such assignments have the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest.

For the purpose of this Procedure, "nepotism" is broadly defined as the practice of District employees or Trustees using their 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). The relationships covered by this Procedure are the following:

- current or past spouses
- current or past registered domestic partners
- parents and grandparents
- siblings
- children and grandchildren
- step-children
- in-laws
- nephews and nieces
- first cousins
- current or past cohabitation

This Procedure prohibits such employees to be placed to an assignment within a department or organization at a College or the District Office where the employee and the applicant for employment would be in the same organizational chain of command, or at the same site/College as the employee.

Each applicant for employment or current employee (transfer or promotion) is restricted to having a relationship as defined above with up to one other person at a time who is an employee at the same site/College or up to two others if the other two are not employed at the same site/College as the applicant or transfer/promotion employee.

If any relationship covered by this Procedure develops subsequent to being hired, the employees are required to notify the Vice Chancellor of 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 may allow exceptions to the Procedure only if the relationship is not and will not create an adverse impact on work productivity or performance of themselves or others in the workplace; the relationship does not and will not create a conflict of interest, or a perceived conflict of interest; the relationship is between two faculty members, two classified employees, or a classified employee and a faculty member and there is no indication of a conflict of interest or a negative impact on the work environment.

Applicants

Each applicant for any position within the District will be required to disclose relationships as defined in this Procedure at the time of application. Also, an internal transfer request will be required to disclose relationships on the Request to Transfer form.

Appeal Process

Each applicant, contractor, or current employee applying for a position will be required to describe how the existing relationship would not create an adverse impact on work productivity or performance of themselves or others in the workplace, and, the relationship would not create a conflict of interest or a perceived conflict of interest. The applicant, contractor, or current employee

applying for a position would be asked to clarify how they would reduce or eliminate any negative impact or perceived conflict of interest.

Employment and transfer applicants may participate in the recruitment process and have the ability to be considered for an interview regardless of an existing relationship as defined in this Procedure. The Vice Chancellor of Human Resources shall not remove an applicant from the recruitment process prior to identifying that a conflict of interest or a violation of this Procedure exists.

Complaints about possible violations of this Procedure should be submitted to the Vice Chancellor of Human Resources. Violations may result in discipline up to and including termination of employment or disqualification in the hiring process.

The Senate proposed these changes to the proposed policy:

- **First paragraph:** Remove the words “or indirect” which is being interpreted too broadly, and leave only “direct supervisory relationship”
- **Second paragraph:** Remove the word “potential” as this invites speculation as to what might happen without facts—the law this policy is based on does not use that word
- **Third paragraph:** Remove the words “or past” as faculty should not be required to make a list of past relationships to the District
- **Bulleted List:** Remove “past” and these last three bullets—past relationships should not have to be reported and the last three bullets are not in most policies; cohabitation is not the same as a registered domestic partner—legally
- **Fourth paragraph:** Remove “would be in the same organizational chain of command, or at the same site/College as the employee or at the same/Site College as the employee” to “would be directly supervised by the employee”
- **Fifth paragraph:** Remove these numerical restrictions (entire paragraph)—OCC is a very large college and Coastline has satellite campuses, so this is unreasonable
- **Sixth paragraph:** Remove the requirement to report changes of relationship status to the VC of HR or anyone in the District. Simply place a question on an application for employment as to relationships. You don't make a rule without a policing and appeal process and clear outcomes if the process is not followed. This is too personally invasive and there are concerns with enforcement, rights, and legalities.

President Sachs requested that the Vice Chancellor of HR, Dr. Baeza, who is in attendance, to help address some of these questions and on how we could move forward.

Dr. Baeza stated that the Senate raised good points and an important piece to note was that there was never an existing AP and the intent was to develop one, so we entered into conversation with the bargaining units who have limited rights under the law, to look at board policies for impacts and effects that may affect their members; we spent quite a bit of time looking at those things.

This AP was read and reviewed in the DCCBPAP on April 5, 19, and 25, 2019, and we are taking all of those recommended changes into consideration for the newest revised proposed policy. I'd like to review that policy and return to the Senate for further discussion as we don't want to appear to neglect the Senate.

We are trying to clean up the nepotism issues that exist and persist in this organization and create a less strict policy, a clear process, but that meets everyone's needs—a more inclusive policy. Right now, existing departments have cousins, nephews, nieces, and brothers who have created a supervisory challenge—we want to prevent this moving forward.

President Sachs invited Dr. Baeza to return on November 19, and the Senate can create a list of questions to provide ahead of time and also have questions and answer at the meeting itself.

Dr. Baeza noted that there are two proposed policies--the exiting proposal came back with several amended changes and then along the way we have a whole new other version that is a template that is a 180-degree turnaround, so I recommend we identify which one we are going to work with.

Dr. Serban clarified that there is no current AP and are working on proposals; a BP is a Board Policy and an AP is the Administrative Procedure. She clarified that there is a new revised version coming back to the DCCBPAP.

It was agreed that both the older and newer proposed polices would be looked at.

A senator noted that we have a resolution the floor and asked to complete the resolution review process.

Motion 3: Vice President Blair moved to approve the revised resolution on Senate Purview, Shared Governance, and the AP/BP 7310 Anti-Nepotism Policies #F-2019-1; with the addition of the AB 175 to the list of references; motion seconded; motion approved unanimously. [See appendix of these minutes for the approved resolution.]

5. New Business

- A. Transitioning of BSI, Equity, and SSSP to SEA – Jamie Blair:**
This item will be added to the next meeting agenda.

6. Adjournment of the Regular Meeting

President Loren Sachs adjourned the meeting at 12:26 p.m.

Approval of the Minutes: October 29, 2019

MINUTES: First draft written by Ricky Goetz, Senate Administrative Secretary. Revision of first draft and Senate-approved drafts written by Senate Secretary, Marilyn Kennedy, who also distributes the final Senate-approved version to the Chancellor, Board of Trustees members and secretary, union presidents, GWC and Coastline Academic Senate presidents, OCC College President and faculty as per OCC Senate bylaws.

Voting Tallies Chart

Motion 1	Motion 2	Motion 3	Senate Membership
Minutes 10/8/19	Minutes 10/15/19	Nepotism Resolution	
Aye	Aye	Aye	Barnes, Carol: Counseling Senator (2018-2021)
Absent	Absent	Aye	Blair, Jamie: Senator-at-Large (2018-2021) 11:34 arrival
Aye	Aye	Aye	Brown, Cameron: Athletics & Kinesiology Senator (2017-2020)
Aye	Aye	Aye	Connor, Sean: Senator-at-Large (2017-2020)
Aye	Aye	Aye	Cuellar, Eric: Senator-at-Large (2018-2021)
Aye	Aye	Aye	Della Marna, Jodi: Library & Learning Support Senator (2017-2020)
Aye	Aye	Aye	Denney, Matt: Technology Senator (2017-2020)
Aye	Aye	Aye	Drew, Rendell: Senator-at-Large (2017-2020)
Aye	Aye	Aye	Ely, Cynthia: Part-Time Senator (2019-2020)
Absent	Absent	Aye	Diogba G'bye: Part-Time Senator (2019-2020) 11:33 arrival
Aye	Aye	Aye	Gordon, Lee: Senator-at-Large (2019-2022)
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Aye	Aye	Aye	Holt, Kelly: Senator-at-Large (2017-2020)
Absent	Absent	Absent	Isaac, Darryl: Con. & Health Sciences Senator (2017-2020)
Aye	Aye	Aye	Kennedy, Marilyn: Lit & Lang Senator, PDI Chair (2019-2022)
Aye	Aye	Aye	Lloyd, Douglas Math & Sciences Senator (2017-2020)
Aye	Aye	Aye	Means, Leland Visual & Performing Art Senator (2018-2021)
Aye	Aye	Aye	Neil, Jeanne: Business & Computing Senator (2019-2022)
Aye	Aye	Aye	Pena, Max: Senator-at-Large (2019-2022)
Absent	Absent	Absent	Phillips, Clyde: Student Services Senator (2017-2020)
Aye	Aye	Aye	Sachs, Loren: Senator-at-Large (2019-2022)
Aye	Aye	Aye	Stanton, Jordan: Social & Behavioral Sciences Senator (2019-2022)
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Appendix



Orange Coast College Academic Senate

(Revised) Resolution on Senate Purview, Shared Governance, and the AP/BP 7310 Anti-Nepotism Policies #F-2019-1

Moved and Seconded Unanimously by the Orange Coast College Academic Senate Officers
October 22, 2019; Approved by the Orange Coast College Senate on October 22, 2019

Whereas, Coast Community College District’s AP/BP 7310 Anti-Nepotism policies contain hiring policies and procedures that are clearly Senate purview;

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References

- “Assembly Bill 1725.” *Faculty Association of California Community Colleges*. www.facc.org. 19 Sept. 1988, <https://edsources.org/wp-content/uploads/old/ab1725.PDF>. See also §53200. Definitions. *California Office of Administrative Law, Thomson Reuters*, 2019, <https://govt.westlaw.com/calregs/Document/I6EED7180D48411DEBC02831C6D6C108E?transitionType=Default&contextData=%28sc.Default%29>
- “AP 2510 Participation in Local Decision Making.” *Coast Community College District*. 4 Apr. 2018, https://www.cccd.edu/boardoftrustees/Documents/AP_2510_Participation_in_Local_Decision_Making.pdf
- “AP 7310 Anti-Nepotism (proposed).” *Coast Community College District*.
- ASCCC. Local Senates Handbook. *Academic Senate for California Community Colleges*, 2015, <https://www.asccc.org/papers/handbook2015>
- “BP 7120 Employee Recruitment and Selection.” *Coast Community College District*. 11 Dec. 2013, https://www.cccd.edu/boardoftrustees/BoardPolicies/Documents/Human_Resources/BP_7120_Employee_Recruitment_and_Selection.pdf
- “BP 7310 Anti-Nepotism.” *Coast Community College District*. 13 Jul. 2016, https://www.cccd.edu/boardoftrustees/Documents/BP_7310_Nepotism.pdf
- California Education Code 87360. *California Legislative Information*. 1988, https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=87360.
- 2017-2018 Equity and Diversity Action Committee. “A Re-examination of Faculty Hiring Processes and Procedures.” *Academic Senate for California Community Colleges*, 2017-2018. <https://www.asccc.org/sites/default/files/Hiring%20Paper%20Final%203.12.18.pdf>