



2-12-19

## Academic Senate Meeting Packet

Pg.#	Discussion Item	Supplemental Documents
<b>1</b>	Agendas	Meeting Agendas
<b>4</b>	7B: Smoke Free Campus	Summary: Smoking & Tobacco Survey Results
<b>6</b>	7B: Smoke Free Campus	Detailed: Smoking & Tobacco Survey Results
<b>9</b>	7B: Smoke Free Campus	CCC Board of Governors Resolution
<b>13</b>	7C: Bylaws Revisions & Additions Discussion	Academic Senate By-Laws
<b>18</b>	7C: Bylaws Revisions & Additions Discussion	Proposed Revisions to AS By-Laws
<b>25</b>	7C: Bylaws Revisions & Additions Discussion	Proxy Voting Resolution (11-13-18)
<b>26</b>	7C: Bylaws Revisions & Additions Discussion	Counsel Email RE: Proxy Voting



## Academic Senate Regular Meeting Agenda

February 12, 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. February 5, 2019
4. **Opportunity for Public Comment:**  
**(Five minute allotment of time for public speakers)**  
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. **Senate Members: Please save announcements for “For the Good of the Order.”**
5. **Consent Agenda:**
6. **Officer, Senator, and Committee Reports:**
  - a. Guided Pathways Reporting
7. **Unfinished Business:**
  - a. Site Visit Preparation - Kevin Ballinger
  - b. Smoke Free Campus - Anna Hanlon
  - c. Bylaws Revisions and Additions Discussion Only -- Senators to Take Proposals to Constituents for Potential Action the Following Week
8. **New Business:**



## 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, 1:30pm - 3:30pm.

### c. Guided Pathways Workgroups:

- i. Development of Curricular 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



## **Academic Senate Executive Board Meeting Agenda**

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

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- 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 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. Senate Budget - Executive Board
  - e. Topics Requested for Senate Discussion by Faculty, OCC Administration, and the District:

# Orange Coast College: Smoking & Tobacco-Free Campus

February 12, 2019

Follow up Report to Academic Senate

Anna Hanlon



## *Results Overview*

- The majority of respondents have some level of concern about the effects of smoking and tobacco use on campus, and most concerns were related to health.
- The majority of each of the four constituent groups agree that OCC should adopt and implement a 100% smoke and tobacco-free campus.



### *Results Overview*

- The majority of student respondents agreed, either strongly (50.0%) or somewhat (19.3%), with the statement that they would choose a smoke-free campus over one that allows smoking.
- The majority of each of the four constituent groups agree that it is okay for a college to prohibit smoking on campus in order to keep secondhand smoke away from other students.



### *Summary/Recommendation to College Council*

- Senate supports continued inquiry into becoming a smoke/tobacco-free campus
  - This acknowledges that the majority of all constituencies strongly agree with OCC adopting and implementing 100% smoke and tobacco-free campus
  - Concerns related to implementation
    - Enforcement policy and procedures, including potential changes to Student Code of Conduct; Loss of enrollment; Needs/rights of smokers; definition of "campus"; Other?
- Recommends College Council establish an Implementation Taskforce to answer questions and report back to the Academic Senate
  - Further inquiry related to effective practices and status of neighboring colleges
  - Develop implementation plan, including timeline
  - Identification of resources necessary for successful implementation
  - Academic Senate to have seat on Implementation Taskforce



# OCC: Smoking & Tobacco Use Survey Results

In fall 2018, Orange Coast College administered an online survey in order to obtain employee and students' perspectives on smoking and tobacco use on campus. The following tables display the response frequencies of the Smoking Survey for each multiple choice survey item by constituency group.

	Student	Faculty	Staff	Management	Total
<b>Total # of Respondents</b>	<b>1,156</b>	<b>137</b>	<b>138</b>	<b>33</b>	<b>1,464</b>
<b>Proportion of Total Respondents</b>	<b>79.0%</b>	<b>9.4%</b>	<b>9.4%</b>	<b>2.3%</b>	<b>100%</b>
<b>Response Rate Relative to Constituent Group</b>	<b>5.4%</b>	<b>16.6%</b>	<b>18.0%</b>	<b>62.3%</b>	<b>6.5%</b>

**Secondhand smoke is smoke or vapor from someone else's cigarette, cigar, pipe or e-cigarette that you breathe. How often would you say you are exposed to secondhand smoke on campus?**

<b># of Respondents</b>	<b>1,156</b>	<b>137</b>	<b>138</b>	<b>33</b>	<b>1,464</b>
Every day	29.3%	22.6%	23.9%	12.1%	27.8%
A few times a day	20.0%	12.4%	10.9%	12.1%	18.2%
A few times a week	20.8%	27.7%	34.1%	36.4%	23.0%
A few times a month	13.0%	18.2%	16.7%	21.2%	14.0%
Less than that or never	17.0%	19.0%	14.5%	18.2%	16.9%

**Would you say secondhand smoke on campus typically bothers you a lot, a little, or not at all?**

<b># of Respondents</b>	<b>1,151</b>	<b>137</b>	<b>138</b>	<b>33</b>	<b>1,459</b>
A lot	50.4%	65.0%	62.3%	51.5%	52.9%
A little	22.8%	16.8%	21.7%	27.3%	22.2%
Not at all	26.8%	18.2%	15.9%	21.2%	24.9%

**Are you concerned about the effects of smoking and tobacco use on campus?**

<b># of Respondents</b>	<b>1,137</b>	<b>137</b>	<b>136</b>	<b>33</b>	<b>1,443</b>
A lot	47.1%	63.5%	58.8%	48.5%	49.8%
A little	18.8%	19.0%	22.1%	30.3%	19.4%
Not at all	34.1%	17.5%	19.1%	21.2%	30.8%

**Have you experienced any immediate health effects from secondhand smoke on campus, such as coughing, wheezing, asthma attack or allergic reaction?**

<b># of Respondents</b>	<b>1,146</b>	<b>137</b>	<b>137</b>	<b>33</b>	<b>1,453</b>
Yes	30.9%	31.4%	34.3%	18.2%	31.0%
No	69.1%	68.6%	65.7%	81.8%	69.0%

**Do you agree or disagree with the following statement: It is okay for colleges to prohibit smoking on campus if that is necessary to keep secondhand smoke away from other students and staff.**

<b># of Respondents</b>	<b>1,152</b>	<b>136</b>	<b>138</b>	<b>33</b>	<b>1,459</b>
Strongly agree	55.4%	70.6%	65.9%	54.5%	57.8%
Somewhat agree	20.4%	15.4%	18.8%	24.2%	19.9%
Somewhat disagree	11.2%	7.4%	8.0%	15.2%	10.6%
Strongly disagree	13.0%	6.6%	7.2%	6.1%	11.7%

	Student	Faculty	Staff	Management	Total
<b>In May 2018, the California Community College Board of Governors adopted a resolution recommending all 114 community college campuses in the state to adopt and implement 100% smoke and tobacco-free campuses. How much do you agree or disagree with Orange Coast college adopting and implementing a 100% smoke and tobacco-free campus?</b>					
<b># of Respondents</b>	<b>1,153</b>	<b>137</b>	<b>138</b>	<b>33</b>	<b>1,461</b>
Strongly agree	51.3%	70.8%	62.3%	51.5%	54.2%
Somewhat agree	15.3%	13.9%	16.7%	21.2%	15.4%
Not sure	8.0%	6.6%	5.8%	9.1%	7.7%
Somewhat disagree	10.5%	5.1%	7.2%	15.2%	9.8%
Strongly disagree	14.9%	3.6%	8.0%	3.0%	12.9%
<b>Do you agree or disagree with the following statement: Other things being equal, I would choose a "smoke-free" college over a college that allows smoking on campus.</b>					
<b># of Respondents</b>	<b>1,150</b>	<b>136</b>	<b>138</b>	<b>32</b>	<b>1,456</b>
Strongly agree	50.0%	63.2%	62.3%	50.0%	52.4%
Somewhat agree	19.3%	24.3%	21.7%	28.1%	20.2%
Somewhat disagree	10.6%	7.4%	7.2%	15.6%	10.1%
Strongly disagree	20.1%	5.1%	8.7%	6.3%	17.3%
<b>Do you smoke or vape?</b>					
<b># of Respondents</b>	<b>1,148</b>	<b>137</b>	<b>138</b>	<b>33</b>	<b>1,456</b>
Yes	17.0%	0.7%	9.4%	9.1%	14.6%
No	83.0%	99.3%	90.6%	90.9%	85.4%
<b>If you replied yes to #2.1 (the question above), do you smoke or vape on this campus?</b>					
<i>Note: Due to small sample size, employee data has been omitted for this question.</i>					
<b># of Respondents</b>	<b>193</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>210</b>
Yes	65.3%	NA	NA	NA	65.2%
No	34.7%	NA	NA	NA	34.8%
<b>Your gender</b>					
<b># of Respondents</b>	<b>1,151</b>	<b>134</b>	<b>137</b>	<b>33</b>	<b>1,455</b>
Female	53.3%	54.5%	65.0%	48.5%	54.4%
Male	41.5%	38.1%	28.5%	51.5%	40.2%
Decline to state	5.2%	7.5%	6.6%	0.0%	5.4%
<b>Your race/ethnicity</b>					
<b># of Respondents</b>	<b>1,149</b>	<b>136</b>	<b>135</b>	<b>33</b>	<b>1,453</b>
African American	1.9%	1.5%	0.7%	6.1%	1.9%
American Indian/Alaskan Native	1.2%	0.0%	0.0%	0.0%	1.0%
Asian/Pacific Islander	21.9%	6.6%	17.0%	6.1%	19.7%
Hispanic	23.7%	10.3%	15.6%	15.2%	21.5%
White	35.9%	61.0%	42.2%	51.5%	39.2%
Other, Non-White	3.0%	0.7%	0.7%	3.0%	2.6%
Decline to State	12.3%	19.9%	23.7%	18.2%	14.2%



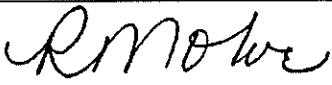

	Student	Faculty	Staff	Management	Total
<b>Your age</b>					
<b># of Respondents</b>	<b>1,146</b>	<b>132</b>	<b>132</b>	<b>32</b>	<b>1,442</b>
Under 19	18.1%	0.8%	0.0%	0.0%	14.4%
19-20	24.3%	0.8%	0.0%	0.0%	19.3%
21-24	24.6%	1.5%	4.5%	0.0%	20.1%
25-29	13.2%	3.0%	15.2%	0.0%	12.1%
30-39	10.6%	21.2%	28.0%	18.8%	13.3%
40-49	5.2%	25.0%	15.9%	28.1%	8.5%
50-59	3.0%	26.5%	20.5%	31.3%	7.4%
60 and Older	1.1%	21.2%	15.9%	21.9%	4.8%
<b>When do you take classes?</b>					
<i>Note: This question only applies to students.</i>					
<b># of Respondents</b>	<b>1,152</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
Day	36.5%	NA	NA	NA	NA
Evening	11.0%	NA	NA	NA	NA
Both day and evening	52.4%	NA	NA	NA	NA



## The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS

DATE: May 14, 2018

SUBJECT: Resolution for a Smoke and Tobacco-Free Community College System		Item Number: 2.7	
		Attachment: Yes (3)	
CATEGORY:	Educational Services and Support	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Rhonda Mohr, Vice Chancellor	Consent/Routine	
		First Reading	
Approved for Consideration:	 Eloy Ortiz Oakley, Chancellor	Action	X
		Information	

**ISSUE:** The student group, COUGH (Campuses Organized and United for Good Health), has requested the California Community College Chancellor's Office and Board of Governors to discuss and adopt a resolution supporting the implementation of comprehensive smoke and tobacco-free policies at all 114 community college campuses.

**BACKGROUND:** This request has full support from the Health Services Association of California Community Colleges (HSACCC) and the Student Senate of California Community Colleges (SSCCC). COUGH student representatives and the HSACCC President presented a report and information on tobacco's impact on community college students, faculty, and staff at the March 2018 Board of Governor's meeting during public comment time. The President of the Student Senate of California Community Colleges presented the item to the Consultation Council on April 19, 2018. The Consultation Council gave unanimous support for the strongest possible action that the Chancellor's Office can take under the law. The Council suggested that a resolution of support along with a packet of resources and guidance on policy implementation would be the strongest action that the Chancellor's Office could take under the law as they do not have the legal authority to adopt a system-wide policy.

**RECOMMENDED ACTION:** It is recommended that the Board of Governors adopt the attached resolution in support of a completely tobacco-free California Community Colleges system and that the Chancellor's Office issue guidance on policy language, policy implementation best practices, and available resources.

**ANALYSIS:** Tobacco is the leading cause of preventable and premature death, accounting for an estimated 480,000 American deaths in the United States each year or one out of every five deaths.<sup>i</sup> These deaths are due to preventable conditions such as cancer, heart disease, stroke, and lung diseases including emphysema, pneumonia, and chronic airway obstruction.<sup>ii</sup> The COUGH Coalition, HSACCC, and SSCCC are interested in educating and promoting services to assist tobacco users in quitting tobacco as well as abolishing secondhand smoke and tobacco waste on campus.

In order to counter the negative effects of tobacco on the college population, in 2011, the American College Health Association (ACHA) has recommended all colleges and universities adopt a 100% tobacco-free campus policy.<sup>iii</sup> Furthermore, the U.S. Department of Health and Human Services created a Tobacco-Free College Campus.

Attachments: Smoke Free & Tobacco Free California Community Colleges Resolution (Attachment 1); Smoke/Tobacco-Free Policy Report Card (Attachment 2); and Community Colleges by Region (Attachment 3).

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<sup>i</sup> U.S. Department of Health and Human Services. (2014). *The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General*. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.

<sup>ii</sup> Centers for Disease Control and Prevention. (n.d.). *Smoking & Tobacco Use: Tobacco-Related Mortality*. Accessed from [www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/health\\_effects/tobacco\\_related\\_mortality/index.htm](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/tobacco_related_mortality/index.htm).

<sup>iii</sup> American College Health Association. (2011). *Position Statement on Tobacco on College and University Campuses*. Hanover, MD.

## Attachment 1

### Smoke Free & Tobacco Free California Community Colleges Resolution

WHEREAS, in the United States of America tobacco use is responsible for about one in five deaths annually (i.e., about 480,000 deaths per year, and an estimated 41,000 of these tobacco-related deaths are the result of secondhand smoke exposure)<sup>1</sup>; and

WHEREAS, the Environmental Protection Agency has designated secondhand smoke to be a Group A carcinogen, where there is sufficient evidence that the substance causes cancer in humans and the Surgeon General has established that there is no safe level of second hand smoke exposure<sup>2</sup> people with and without medical conditions such as asthma, allergies, and other chronic illness experience worsening health outcomes as a result of smoke exposure<sup>3</sup>; and

WHEREAS, tobacco smoke outside of campus buildings can be drawn in through ventilation intakes and/or open doors and windows, and students, staff, faculty and guests should be able to walk through campus and enter their respective buildings free of exposure to tobacco smoke;<sup>2</sup> and

WHEREAS, to date 2,106 colleges and universities in the United States alone have become tobacco or smoke-free campuses<sup>5</sup>; and 100% smoke-free campus policies have been shown to be an effective intervention in reducing tobacco use among college students<sup>6</sup>; smoking remnants litter campus building entrances and increases the amount of time, labor and costs spent cleaning;<sup>4</sup> and

WHEREAS, these smoke and tobacco-free policies apply to the use of any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form, and include the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form.

THEREFORE, LET IT BE RESOLVED,

THAT the Board of Governors of the California Community Colleges urges the adoption and implementation of 100% smoke and tobacco-free policies at all 114 California Community Colleges and all 72 college districts.

THAT the Board of Governors of the California Community Colleges encourages campuses to provide tobacco cessation services to students, faculty, and staff and/or refer to free services offered by the California Smokers Helpline at 1-800-NOBUTTS and [www.nobutts.org](http://www.nobutts.org).

THAT all students, faculty, and staff share in the responsibility for adhering to and making this policy successful.

THAT the California Community Colleges Chancellor's Office support this Resolution by making available to college districts model smoke-free campus guidelines, resolutions and similar information for adoption by college campuses.

### Selected References

1. U.S. Department of Health and Human Services. The Health Consequences of Smoking — 50 Years of Progress A Report of the Surgeon General. *US Centers Dis Control Prev.* 2014.
2. Zeise L, Dunn A, Donald J, et al. Respiratory health effects of exposure to environmental tobacco smoke. *Calif Environ Prot Agency.* 2003;8(2):131-139. <http://www.ncbi.nlm.nih.gov/pubmed/18815714>.
3. Services H. *The Health Consequences of Involuntary Exposure to Tobacco Smoke A Report of the Surgeon General.*
4. Sawdey M, Lindsay RP, Novotny TE. Smoke-free college campuses: no ifs, ands or toxic butts. *Tob Control.* 2011;20.
5. American Nonsmokers' Rights Foundation. Smokefree and Tobacco - Free U . S . and Tribal Colleges and Universities. 2018. <https://no-smoke.org/at-risk-places/colleges/>.
6. Seo D, Macy J, Torabi M, Middlestadt S. The effect of a smoke-free campus policy on college students' smoking behaviors and attitude. *Prev Med (Baltim).* 2011;(53):347-352. doi:10.1016/j.ypmed.2011.07.015.



# The Academic Senate of Orange Coast College By-Laws

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## 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.
4. Perform such functions as the President assigns to assist in carrying out the purposes and policies of the Academic 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.

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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**

## 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 student government~~. 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.

**Proposed Changes:**

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

- (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 requests** 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.

**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.

### Proposed Edits:

**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.~~

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.

## 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~~ ~~ballet~~, 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.
4. Perform such functions as the President assigns to assist in carrying out the purposes and policies of the Academic 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.
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~~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.

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- 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.

Submitted by Darryl Isaac, Academic Senator for the Consumer and Health Sciences Division  
November 20, 2018

-----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.**

Schools Legal Service  
 Orange County Department of Education  
 200 Kalmus Drive  
 Costa Mesa, CA 92626  
 714 966 4214  
[www.ocde.us](http://www.ocde.us)

**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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