



04-30-19

Academic Senate Meeting Packet

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4	OCC Classified Senate Feedback on Anti-Nepotism BP & AP	8.A: BP & AP 7310 Nepotism Policy Review & Discussion
7	CCCD BP 7310 Nepotism Policy	8.A: BP & AP 7310 Nepotism Policy Review & Discussion
9	Proposed: CCCD BP 7310 Anti-Nepotism Policy	8.A: BP & AP 7310 Nepotism Policy Review & Discussion
11	Proposed: CCCD AP 7310 Anti-Nepotism Policy	8.A: BP & AP 7310 Nepotism Policy Review & Discussion
13	Academic Senate By-Laws	8.C: Bylaws Revisions & Additions Discussion
18	Proposed Revisions to AS By-Laws	8.C: Bylaws Revisions & Additions Discussion
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31	AP 7350 Resignations	9.C: AP/BP 7350 Resignations Policies Review and Discussion

Access Meeting Documents Online: <http://bit.ly/asmeetingdocs>



Academic Senate Regular Meeting Agenda

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

1. **Call to Order** - Academic Senate President
2. **Approval of the Agenda** - Academic Senate Body
3. **Approval of the Minutes** - Academic Senate Body:
 - a. April 23, 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.”

Comments on items specific to the agenda may be made at this time, or, preferably, during discussion of that agenda item. 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. The president will determine the order of speakers. Speakers have a one-minute time allotment per speaker.

5. **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.
6. **Consent Agenda:**
7. **Officer, Senator, and Committee Reports:**
(Non-agendized reports are limited to two, minutes)
 - a. **President’s Report - Loren Sachs:**
 - i. BoardDocs
 - b. District Consultative Council Subcommittee on Board and Administrative Policies - Marilyn Kennedy
 - c. Guided Pathways Reporting



8. Unfinished Business:

- a. BP & AP 7310 Nepotism Policy Review and Discussion - Marilyn Kennedy
- b. Smoke Free Campus Taskforce - Loren Sachs
- c. Bylaws Revisions and Additions Discussion Only

9. New Business:

- a. Flex Day Activities - Marc Perkins
- b. ISLO Review - Anna Hanlon, SLO Coordinator
- c. AP/BP 7350 Resignations Policies Review and Discussion

10. Adjournment of the Regular Meeting



Academic Senate Executive Board Meeting Agenda

April 30, 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. Student Equity and Achievement (SEA) - Kevin Ballinger**
- 8. Senate Budget - Executive Board**
- 9. Program Review & Senate Committee Reports Discussion**

Coast Community College District
BOARD POLICY
Chapter 7
Human Resources

BP 7310 Anti-Nepotism

Revision

References: Government Code Sections 1090 et seq.

The District prohibits the practice of nepotism.

This Policy is established to ensure that no employee or Trustee uses his or her position or authority to influence the hiring, compensation, tenure, retention, transfer, promotion, performance evaluation, discipline, supervision, or work assignment of a District employee or contractor based on relationships as defined in AP 7310. Employment actions shall be conducted in a manner which prevents 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, and professional experts, as well as 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 and Trustees shall not participate in making recommendations or decisions affecting any aspect of employment based on relationships as defined within this Policy and associated Administrative Procedure 7310.

Board Members, and the 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.

Adopted February 5, 2003

Revised August 18, 2010

Renumbered from CCCD Policy 050-1-1.9, Spring 2011

Revised July 13, 2016

Revised DATE

Coast Community College District
ADMINISTRATIVE PROCEDURE
 Chapter 7
 Human Resources

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~~
- ~~aunts and uncles~~
- ~~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 ~~share the same direct supervisor or supervise one another, 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

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Commented [1]: Reduce this limitation to only list immediate family: spouses, domestic partners, siblings, and children.

Commented [2]: I would argue these all apply as immediate family.

Definition:
Immediate family

Someone's spouse, parents and grandparents, children and grand children, brothers and sisters, mother in law and father in law, brothers in law and sisters in law, daughters in law and sons in law. Adopted, half, and step members are also included in immediate family.

Commented [3]: This is too invasive and I believe it is inappropriate to ask of employees, it should be removed completely from this policy.

Definition:
co·hab·i·ta·tion
noun

1.the state of living together and having a sexual relationship without being married. "couples increasingly prefer cohabitation to marriage"

2.the state or fact of living or existing at the same time or in the same place.

Commented [4]: I second this. Not all of us have the financial ability to live in Orange County without roommates/housemates...I think this would disproportionately impact those with lower income...

Commented [5]: There should not be language requesting applicants to list who they live with.

Commented [6]: Same organizational chain of command "at" the same site/College should be sufficient. I don't think it should read "or" at the same site... Seems too conservative.

Commented [7]: This is too broad, suggest changing to: share the same direct supervisor.

employee at the same site/College ~~and both share the same direct supervisor or supervise one another. a~~ or up to two others if the other two are not employed at the same site/College as the applicant or transfer/promotion employee. ~~and share the same direct.~~

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 cohabitation 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.

Adopted DATE

Commented [8]: Will these appeals also be routed through the President's office for input as well?

Commented [9]: Also, can we clarify that the Vice Chancellor of HR at not time will remove an applicant before allowed to make application???

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.

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- in-laws
- nephews and nieces
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Adopted 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.

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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
- 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.

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

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

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.**

Schools Legal Service
 Orange County Department of Education
 200 Kalmus Drive
 Costa Mesa, CA 92626
 714 966 4214
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
E-MAIL CONFIDENTIALITY NOTICE

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Coast Community College District
BOARD POLICY
Chapter 7
Human Resources

BP 7350 Resignations

Revision

References:

Education Code Sections 87730 and 88201

The Board hereby delegates to the Chancellor the authority to accept resignations on its behalf, and to fix the time when the resignation takes effect, pursuant to law so long as the effective date of the resignation is within the current fiscal year (July 1 – June 30). Once a resignation is accepted by the Chancellor, it is not revocable by the employee. Resignations shall be forwarded to the Board for ratification.

Adopted November 16, 1983
Revised August 22, 1990
Revised September 20, 2006
Replaces CCCD Policy 050-1-1.5, Spring 2011
Replaces Board Policy 7113 April 20, 2016
Revised April 20, 2016
Revised DATE

Coast Community College District ADMINISTRATIVE PROCEDURE

Chapter 7 Human Resources

AP 7350 Resignations

Revision

References:

Education Code Sections 87730 and 88201

Submission of Resignations

~~E~~An employees considering resignation from ~~his/her~~their position ~~should be~~ encouraged to discuss the resignation with ~~his/her~~their immediate supervisor and Human Resources prior to submitting the resignation.

All resignations must:

- be written and signed by the employee,
- designate the employee's requested last date of employment,
- be submitted simultaneously by the employee to the employee's immediate supervisor and to the College Director of Human Resources or, for a District Office employee, to the Vice Chancellor of Human Resources or designee.

Role of the Supervisor

~~E~~The employees and ~~his/her~~their immediate supervisor shall be responsible for compliance with District and campus exit ~~and clearance~~ procedures and for the return of keys, parking passes, library cards and materials, and other District property issued to the employee during the course of employment.

Role of the College and District Director of Human Resources ~~and Vice Chancellor of Human Resources~~

~~The College Director of Human Resources or, for a District Office employee, the Vice Chancellor of Human Resources, will advise the supervisor and the employee of possible alternatives to resignation.~~

The College Human Resources Director or designee will forward a copy of the employee's resignation to the Director or Vice Chancellor of Human Resources or designee. For District Office employees, the Vice Chancellor of Human Resources receives the employee's resignation notice. The Vice Chancellor of Human Resources will forward a written copy of the employee's resignation notice to the Chancellor or designee for written acceptance, and placement on the Board agenda for ratification.