

ORANGE COAST COLLEGE

Academic Senate Meeting | 11/5/19 | 11:30 am - 12:30 pm | Faculty House

Academic Senator Attendance

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

Guests (Optional & Voluntary Sign-In):

Kevin Ballinger, Jaki Kamphuis, Kate McCarroll, Angelica Suarez

1. Preliminary Matters

A. Call to Order:

Lee Gordon, Parliamentarian, facilitated the Academic Senate meeting on behalf of President Loren Sachs, who was absent. Parliamentarian Gordon called the meeting to order at 11:32 a.m.

B. Approval of the Minutes – October 29, 2019:

Motion 1: Senator Kennedy moved to approve the October 29, 2019 minutes; motion seconded; motion approved unanimously.

C. Opportunity for Public Comment:

Kevin Ballinger.

D. For the Good of the Order Announcements:

Senator Ely: Communities of Practice for Part-Time Faculty will have a meeting on Thursday, November 7, at the Recycling Center, 4pm-5:30 pm. The topic is effective feedback and food will be served. Everyone is welcome.

Senator Cuellar: The Dia de los Muertos event at the Multicultural Center in Global Engagement was well received by the campus and well attended, receiving many positive comments.

2. Consent Agenda

No consent agenda.

3. Officer, Senator, & Committee Reports

- A. Senate Plenary Report – Acting President Lee Gordon:** President Sachs and Parliamentarian Gordon will be attending the ASCCC Plenary later this week. GP Coordinator Alabi noted she will be attending as a presenter.
- B. Orange County Regional CTE Consortia, Senator Isaac:** The Orange County Regional CTE Consortia offers a variety of advisory board meetings. Communication will be sent to a variety of deans and faculty for opportunities to connect.
- C. Curriculum Report, Curriculum Chair Hanlon:** The Curriculum Committee is working on proposed non-credit courses for lifelong learning, and those courses will be coming through the curriculum pipeline. The courses will be housed in their respective disciplines of music, health, literature and languages, and the courses will go to the corresponding divisions to make sure there is no competition with existing credit courses. These courses are geared towards older adults in the life enjoyment categories, and they will be administered through Community Education. Faculty who will be teaching these courses will have lower qualifications because these are non-credit courses.
- D. Smoke-Free Task Force, Anna Hanlon:** There have been two meetings; the task force has been looking at other colleges' policies and also into three key areas of marketing, cessation, and enforcement. The task force is still in its inquiry phase and will be working towards creating a policy to bring to the Senate and College Council.
- E. Guided Pathways, Pathways Senate Liaison Jamie Blair:** She has been hearing from other colleges that when it comes time to set up infrastructure for changes that on-boarding and intervention are making, some schools are struggling. For example, the roles of the people supporting have changed and there is a need to keep the mindset that things are going to change with not necessarily new people, but with an existing role for a support person.
- F. Guided Pathways, State Liaison Jessica Alabi:** We have been talking about how people need to focus on their governing structures and re-purpose in order to integrate Pathways. They can institutionalize the changes and ideas so that at the end of the five years, they are not scrambling. We are at the forefront here at OCC because of the way we planned Guided Pathways and the Senate worked to put a structure in place with a task force that integrated changes into the structure. Our model is being partnered out around the state.

The task force is currently developing a rubric for taking recommendations through our governance structure and vetting. We are recommending that Guided Pathways stay on as a committee. President Suarez noted that she loves the model that we have that has a faculty and an administrator co-chairing the task force and that faculty co-chair can go to the Senate representing that task force or committee. The conversation of institutionalizing Guided Pathways is something we can consider.

Guided Pathways Onboarding - Jessica Alabi: Attended the President's dual enrollment meeting; the college is excited about this. Our dual enrollment is primarily related to CTE and we are excited to expand it to a wide variety of students, not just 18- to 25-year-olds. We are working on a guided self-placement tool. A senator suggested that how they present questions to students and how they answer might determine the direction it takes them.

The state chancellor's office is allowing the colleges to do guided self-placement. There is a list of things we are allowed to do and not do. For example, we're not allowed to

test, but we are allowed to encourage the students to introspect and have agency on their own college decisions.

Instead of having a multiple-measures approach, we are thinking of having a tool where students can approach not only choices about English, Math, ESL but also what programs they need. This will help new and existing students. A senator noted that counseling should be part of this plan. GP Coordinator Alabi stated that they plan for this tool to be used when a student sees a counselor. The on-boarding design team is working on the tool and will vet it with the task force and take it to the appropriate divisions and shared governance committees. A senator asked if they had checked with the home school market. Coordinator Alabi confirmed that this group is on their list.

The Regional Meeting in Victor Valley had a presentation about the tool and a student equity tool called [Plickers](#). You can use it first day of school and it's free for students.

G. District Consultation Council Board Policies and Administrative Procedures Subcommittee Report – Marilyn Kennedy:

- **AP/BP 7270 Student Assistants:** Was moved forward to the Board of Trustees with the revision for international students with F-1 Visa being allowed to have less units if it is their last semester.
- **BP 4060 Delineation of Functions Agreements:** Was moved forward with a grammatical change.
- **AP/BP 5200 Student Health Services:** There was no change to the AP but the BP noted an exception for legally exempt students.

4. Unfinished Business

No unfinished business.

5. New Business

A. BP/AP 7908 Lactation and AP/BP 7310 Nepotism – Marilyn Kennedy:

BP/AP 7908 Lactation: The Senate reviewed the BP and AP 7908 Lactation policies which are new and required by law to have facilities for women to be able to breast feed and pump breast milk, have access to a sink, and have a refrigerated place to store the milk—separate from restrooms. There is now a lactation room in the Administration building adjacent to the ladies' restroom; there is another room in Literature and Languages called a "Mother's Room."

Senator Kennedy noted that she received feedback from two faculty who had used the facilities. One stated she would like the first sentence from the BP struck: "...breast milk is the optimal food for growth and development of infants," as it is not informational or legal and could have damaging effects on the mental health of new mothers who are unable to breastfeed.

In the second paragraph of the BP, a recommendation was to have a private refrigerator that is not accessible to the public or a large group of people. In the AP policy it was requested that another name be used rather than "Mother's Room," so users exiting the room would not feel embarrassed or feel the necessity to explain what the room was used for. A senate member noted that the technical term is "lactation station," and that there are others on campus. She noted that Lynnette Stiles in

Administration took her personal time to shop for all of the furniture for each of those rooms.

A senator asked about rooms for diaper changes for both fathers and mothers to use, but Senator Kennedy noted that this current lactation policy was specifically for lactation facilities only.

AP/BP 7310 Nepotism: Senator Kennedy noted that last Friday at the District Consultation Council Board Policies and Administrative Procedures Subcommittee (DCCBPAP) meeting, both Parliamentarian Gordon and President Sachs attended the meeting with her, and all three presented their concerns and arguments that the faculty nepotism policy must be “decoupled” from the classified one. The issues originated from Classified and are unrelated to faculty.

Senator Kennedy noted that there was agreement with everyone at the DCCBPAP with the exception of one HR person who argued that a Classified employee might file an EEO claim or lawsuit saying that the de-coupling of faculty and staff was somehow discriminatory but the HR person was unable to identify who the specific protected class was.

Senator Kennedy also noted that as per the DCCBPAP summary meeting notes and prior input, HR was focused on matching the nepotism policy language to what is in the Classified contract on nepotism; therefore, during the meeting a request was made to view that section of the Classified contract, but when the contract was pulled up the language on Nepotism was not there and instead was a brief reference to see the CCCD BOT Nepotism policy. HR suggested that an old Googled version might have had that full language and that this version was correct. [Note: The CFCE site has the current contract posted with the full nepotism language quoted by a senator today.]

Ultimately, the plan at the end of the DCCBPAP meeting was for all parties to work on the BP right now, which is the only policy currently in effect, and to bring that back with feedback. It will state the broad board policy for everyone which will be a general statement, but the details and separation of faculty from staff administrative procedures will be worked on for the AP which was never finalized and is not approved or in effect yet.

Acting President Gordon reiterated that there are two different things that the DCCBPAP is developing: one is the BP, the board policy encompassing the big picture, and the other is the AP, the administrative procedure which is the implementation.

A senator asked if the applications of the twelve new faculty or any student assistants be held up? Senator Kennedy stated that the faculty should not be affected as the policy has not yet changed, but should be improved with the new changes.

Senator Kennedy noted that we would be working on the BP only right now, and passed out copies of the current BP with a draft of proposed changes highlighted in yellow and written in red font.

She explained the addition in the References section was to direct readers to the CCCD Nepotism policies already in place and to the future AP. The word “past” relationships was removed as that is not the norm or standard across the state. A senator noted that “but are not limited to” should also be struck for consistency. Senator Kennedy noted that “any person living in the same home” was removed as this is not the norm or standard across the state.

The words "or appearance thereof" were removed to avoid speculation not based on fact. Language limiting relatives from working on the same campus or district site were removed, and in place was an additional sentence requiring a job applicant to check a box only if he/she would be in a direct supervisory relationship with any relatives on the list of relative left on the bulleted list. Removed was a requirement for employees to report any relationship changes as per the old policy language, and the language left is similar to norms or standards across the state in multi-college districts.

A senator noted that the first line of the first paragraph states that the purpose of the policy is to inhibit the employee or trustee using his or her personal power or influence to aid or hinder employment. "Hindering" is not clearly defined. That needs clarification.

Another senator agreed that more clarification is need to define was is prohibited and noted that the Classified contract went into detail and not just in reference to hiring; she read from the Classified Contract:

5.2 No one in the District's employ nor Trustee or representative of the District shall use his or her position or authority to influence hiring, compensation, permanency, retention, transfers, promotions, performance evaluation, disciplinary action, supervision, work assignments, or any other aspect of the District's day-to-day operations that impacts classified employee(s) based on relationships defined in section 5.1. Employment actions specified herein shall be conducted in a manner that prevents partiality, preferential treatment, improper influence, conflict of interest, or the appearance thereof.

The first senator stated that this seems to be becoming a hiring policy. It seems that the policy is written to state that any employee or trustee should not use their influence in the hiring of someone. The policy goes on to talk about hiring or not hiring of people who are related. These are two different issues.

Acting President Gordon requested that the senator send Senator Kennedy his concerns or suggestions for the minutes. [Note: The senator's email noted that the BP policy "should be a **stand-alone** policy. An application for District (college) employment from an individual identified in the Nepotism list should be considered through an AP Policy (process) directed towards how applications can be equitably considered."]

Acting President Gordon stated we would table this until the next meeting, bringing back new language.

BP 7310 Nepotism

References: Government Code Sections 1090 et seq.

See BP 7120 and APs 7120 A-E

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, **or** 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 **or at any of the colleges or satellite campuses**. 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.

The employee application will have an area for an applicant to indicate if a spouse, registered domestic partner, parent, grandparent, sibling, child, grandchild, or in law would be in a direct supervisory position if the applicant were hired. ~~If any relationship covered by this Policy develops subsequent to being hired, the employees are required to notify Human Resources in a timely manner of the change in their relationship or co-habitation status. At the recommendation of the Vice Chancellor of Human Resources, the Board of Trustees may allow exceptions to this Policy under the following circumstances:~~

- **~~The relationship is not or will not create an adverse impact on work productivity or performance of themselves or others in the workplace;~~**
- **~~The relationship does not or will not create a conflict of interest, or a perceived conflict of interest, that has a negative impact on the work environment;~~**
- **~~The relationship is between two faculty members, and there is no indication of a conflict of interest or a negative impact on the work environment.~~**

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

B. Faculty Hiring Ranking (IPC Committee) – VPI Ballinger:

VPI Ballinger sought endorsement from the Senate for the IPC rankings on faculty hiring. He noted that the 27 faculty requests were rated and all faculty were invited to the hearing. The research office reviewed the ratings to ensure the integrity of the rating process. The State Academic Senate has a white paper that is very similar to our process and principles.

The rankings and scores were presented and reviewed by the Senate. Acting President Gordon noted that as a college we do not determine the number of positions, that comes from the district; the twelve are replacement positions.

IPC Faculty Hiring Recommendations:

1. Mathematics – Support Course Specialist (Position 1)
2. Culinary Arts
3. Aviation Maintenance Technology (Position 1)
4. Head Water Polo Coach & Kinesiology
5. Computer Science
6. English as a Second Language/English Language Learner (Position 1)
7. Counselor - General
8. Journalism
9. Studio Art
10. Marine Science and Aquarium Coordinator
11. Food Service Management
12. Digital Media Arts & Design

Motion 2: Senator Means moved to approve the IPC faculty hiring recommendations; motion seconded; motion approved unanimously.

C. Constitution; Bylaws – Revisions and Additions Discussion:

A senator noted that there was a motion to address the Constitution, not the bylaws. He noted that the first two paragraphs, specifically, Article I, Section 2. Teaching Faculty, stating that “All references to the ‘Teaching Faculty,’ herein called the ‘Faculty,’ shall be interpreted to mean all full-time certificated contract members of the faculty whose positions do not require an administrative or supervisory credential.” That line means that this body is made up of people the Constitution does not recognize. We do need to correct this straight away.

Another senator noted that this is a good idea; however, it may open up the possibility that part-time faculty will have equal voting rights as full-time faculty on everything on campus in terms of Senate votes [chair elections, etc.]. This is consequentially different for OCC than for a college like Coastline; this may be something we want to do or not. We need to think about it. However, the bylaws establish that part-time are part of our body. The reason they are elected differently is because of how the Constitution is written, which directs full full-time faculty to appoint them, so it is not out of order.

Another senator noted that the document referenced Golden West College.

Review of District-Wide Technology Plan for 2020-23 – Sandy Whiteside:

This will be on next meeting's agenda.

6. Adjournment of the Regular Meeting

Acting President Gordon adjourned the meeting at 12:25 p.m.

Approval of the Minutes: November 26, 2019

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

Voting Tallies Chart

Motion 1	Motion 2	Senate Membership
Minutes 10/29/19	IPC Faculty Hiring	
Aye	Aye	Barnes, Carol: Counseling Senator (2018-2021)
Aye	Aye	Blair, Jamie: Senator-at-Large (2018-2021)
Absent	Aye	Brown, Cameron: Athletics & Kinesiology Senator (2017-2020)
Absent	Absent	Connor, Sean: Senator-at-Large (2017-2020) 11:39 arrival
Aye	Aye	Cuellar, Eric: Senator-at-Large (2018-2021)
Aye	Aye	Della Marna, Jodi: Library & Learning Support Senator (2017-2020)
Aye	Aye	Denney, Matt: Technology Senator (2017-2020)
Aye	Aye	Drew, Rendell: Senator-at-Large (2017-2020)
Aye	Aye	Ely, Cynthia: Part-Time Senator (2019-2020)
Aye	Aye	Diogba G'bye: Part-Time Senator (2019-2020)
Aye	Aye	Gordon, Lee: Senator-at-Large (2019-2022)
---	---	Hanlon, Anna: Curriculum Chair (Non-Voting)
Absent	Absent	Holt, Kelly: Senator-at-Large (2017-2020)
Aye	Aye	Isaac, Darryl: Con. & Health Sciences Senator (2017-2020)
Aye	Aye	Kennedy, Marilyn: Lit & Lang Senator, PDI Chair (2019-2022)
Absent	Absent	Lloyd, Douglas Math & Sciences Senator (2017-2020)
Aye	Aye	Means, Leland Visual & Performing Art Senator (2018-2021)
Absent	Absent	Neil, Jeanne: Business & Computing Senator (2019-2022)
Aye	Aye	Pena, Max: Senator-at-Large (2019-2022)
Absent	Aye	Phillips, Clyde: Student Services Senator (2017-2020) 11:35 arrival
Absent	Absent	Sachs, Loren: Senator-at-Large (2019-2022)
Aye	Aye	Stanton, Jordan: Social & Behavioral Sciences Senator (2019-2022)