



ACADEMIC SENATE MEETING

April 23, 2019 | 11:30 a.m. – 12:30 p.m. | Faculty House

1. Call to Order:

President Loren Sachs called the meeting to order at 11:33 a.m.

Senate Members: (See Voting Tallies Chart at the end of these minutes for arrival times and voting records.) Carol Barnes, Counseling Senator; Vice-President Jamie Blair, Senator at Large; Cameron Brown, Athletics and Kinesiology Senator; Eric Cuellar, Senator at Large; John Dale, Library Senator; Matt Denney, Technology Senator; Rendell Drew, Senator-at-Large; Cynthia Ely, Part-Time Senator; Immediate Past President Lee Gordon, Senator at Large; Anna Hanlon, Curriculum Chair; Kelly Holt, Senator-at-Large; Darryl Isaac, Consumer Health Sciences Senator; Secretary Marilyn Kennedy, Literature and Languages Senator, PDI Chair; Doug Lloyd, Math and Sciences Senator; Leland Means, Visual and Performing Arts Senator; Jeanne Neil, Business and Computing Senator; Clyde Phillips, Student Services Senator; Rachyl Reynosa, Associated Students Representative; Irini Rickerson, Senator at Large; Brent Rudmann, Social and Behavioral Sciences Senator; President Loren Sachs, Senator at Large; Will Thai, Part-Time Senator.

Senate Members Absent: Eric Cuellar, Leland Means, Irini Rickerson.

Guests: Bob Fey, Dig G'Bye, Rick Harlow, Jaki Kamphuis, Rich Pagel, John Taylor.

2. Approval of the Agenda:

Motion 1: Senator Ely moved to approve the agenda but amending it by moving New Business directly after the consent calendar; motion seconded; motion approved unanimously.

3. Approval of the Minutes for April 2 & 16, 2019:

Motion 2: Secretary Kennedy moved to approve the April 2, 2019, minutes with minor changes; motion seconded; motion approved unanimously.

Motion 3: Secretary Kennedy moved to approve the April 16, 2019, minutes; motion seconded; motion approved unanimously.

4. Public Comments:

Bob Fey, Jaki Kamphuis.

5. For the Good of the Order:

A. Senators Announced These Upcoming Events or Made These Comments/Requests:

1. [Cultural Competency Workshop](#) | April 23, 2019 | 12:30 – 2:00 p.m. | Multicultural Center: Certificates of Participation to be provided, Professional Development Institute (PDI) credits available.
2. [Communities of Practice for Part-Time Faculty:](#) (1) Reflection on Teaching & Best Practices | April 25, 2019 | 4-5 p.m. | RC 101, Recycling Center, (2) Part-Time Faculty Day at the Baseball Game | 2 p.m. | OCC Baseball Field, and (3) Wrapping up Your Semester | 4-5 p.m. | RC 101, Recycling Center
3. [CLEEO Presentation and Art Exhibit](#) | April 30, 2019 | 3-4:15 p.m. | Multicultural Center

4. [CLEEO Summit](#) | May 2, 2019 | 3-4 p.m. | Multicultural Center
5. **Allen West, former Congressman: Speaking** | May 1, 2019 | 7-9 p.m. | Science Hall
6. **Congressional Members Visiting Campus:** Senator Gordon stated that two members of congress visited our District and campus this week: Harley Rouda of the 48th District met with the Board of Trustees and Katie Porter of the 45th district met with students in the Math & Business Computing Center.
7. **Request for Flyers to Be Sent Prior to Announcements:** Vice President Blair asked the Senators to send flyers for events to the Senate Administrative Secretary so that he can send them out to faculty.
8. **Senate Kiosk for Event Flyers:** Senator Drew asked if we could have a kiosk of flyers for the Faculty House; President Loren Sachs stated that we will have an enclosed bulletin board coming soon and we can look into possibly posting flyers there.

6. Consent Calendar:

Motion 4: Senator Ely moved to approve the consent calendar; motion seconded; motion approved unanimously.

Hiring Committee: Instructor Kinesiology – Women’s Basketball: Laura Behr

7. New Business

A. **Short-Term, Temporary Staffing: Overview & Action – OCC Director of Human Resources Rebecca Morgan:**

Director Morgan provided an update regarding a new process for short-term, temporary, hourly 160-day classified employees:

The District was audited by CalPers and the auditors discovered that our part-time classified staffing policy was not meeting Ed. Code; there were fines. The Short-Term Temporary Employee Project is implementing changes in order to come into compliance with Ed. Code and the CFCE contract. The District is hiring a Staffing Coordinator to administer and organize this temporary staffing program. Just as a reminder, short-term, temporary employees cannot replace the work of a Classified professional; they can only assist the work of Classified professionals for a short period of time on projects or during busy seasons.

The new process is still in the initial stages and not all processes are complete yet, but if you have a short-term, temporary employee you would like to have back next year you have to fill out a form. The deadline is tight as these have to be approved at the BOT meeting in time for the start of the next fiscal year, July 1. These requests will be reviewed, categorized, audited, approved or disapproved. All audits from managers requesting returning positions will be approved or not by May 10th. Director Morgan stated that she and her team will assist in finding creative solutions for your staffing needs, and she will advocate for us at the district. When you fill out a request, make sure that it is very specific as to your specific staffing needs and any special requirements or safety issues. Also consider hiring students, as they have the least amount of restrictions in regards to hiring. Finally, all new employees will be Live Scanned for security reasons.

Senators Had These Questions and Comments:

--Has CalPers audited before?

Direct Morgan stated that she didn’t know because she is a new employee, but that the audit is still underway and not yet complete.

--The process for re-hiring short-term employees should be changed, as this current process does not allow departments and managers enough time, in particular, to fill out all these forms.

Director Morgan stated that the deadline is due to BOT deadlines for the fiscal year. The positions now have to have board approval.

--We are concerned about meeting our staffing needs for the summer and fall.

Director Morgan stated that she and the college will do whatever they can to assist you, and will be creative and flexible in doing so. Additionally, the Tutoring Center will have its own, new full salary schedule for tutors—that will be different. You will be staffed for your needs.

--We have concerns as we wish to re-hire a short-term employee who has already has been trained in safety issues regarding chemistry lab classes. We'd like to have them at least two years.

Director Morgan clarified that is imperative to make sure when you fill out your request to make those needs and others very specific and clear. These concerns should be brought up to your manager and to ensure that these details are included in the Temporary Employee Request form.

--We are concerned about having these employees cut due to budget issues and we don't want the budget balanced on the back of these employees. We have money that we may need to consider using some of the reserve for these employees who are essential to our campus and students' needs. However, there are concerns that the reserve may lower due to the new funding models.

8. Officer, Senator, and Committee Reports:

- A. **President's Report:** President Sachs attended the BOT meeting where the new OCC President was announced and introduced, Dr. Angélica Suarez, who will start on July 1, 2019. The Academic Senate E-Board is working on plans to invite Dr. Suarez to an Academic Senate meeting before the Spring semester ends. At College Council the Smoke-Free Task Force was discussed and the Classified Senate is reviewing the composition of that tomorrow. Once there is clarity regarding the number of positions, we will put out a call for faculty to serve on that committee. College Council approved the Equity Plan that the Senate approved a week or so before.
- B. **District Consultative Council Subcommittee on Board and Administrative Policies – Senator Kennedy:**
BP 4250: Probation, Disqualification, Dismissal and Reinstatement: The new changes raise the threshold from 33% to over 50% of W, I, and NP grades in a semester to be placed on progress probation and from 33% to over 50% of W, I, and NP grades in three (not two) consecutive semesters to be placed on progress disqualification.
AP 7350 Resignations: This will be brought to the Senate next week for a quick review of minor changes—will seek feedback mostly in regarding informing faculty of possible alternative to resignation.

9. Unfinished Business:

- A. **BP & AP 7310 Nepotism Policy Review and Discussion – Senator Marilyn Kennedy:**

Senator Kennedy reported that at the last meeting it was near unanimous that the current policy needs to be dramatically changed and more like other typical community college nepotism policies. Only the Classified Union representative was advocating to keep the status quo and add more lists of relatives as prohibited relationships, defended as a need due to regular complaints received by the Classified Union. It was noted at the meeting that the issues/complaints are in response to a policy that mandates reporting and that personnel issues in general are better served through managing employees rather than differentiating them by marital or relationship status.

Additionally, the committee received a written response from a manager, which Senator Kennedy read to the Senate as it was written:

I am in favor of a basic nepotism policy that prevents conflict of interest between an employee and supervisor. Preventing cronyism, favoritism, and biases cannot be all encompassed through a nepotism policy, no matter how wide it grows. There would always be gray areas such as friends, family of friends, business partners etc. that should call for HR/management's judgement to determine if there may be a true conflict of interests.

In my personal opinion, it is best practice to accurately identify and then review any conflict or perceived conflict of interest based on potential supervisor's; hiring panel; hiring authority's individual relationship with a candidate through HR approval. Family members should be identified by applicant and all other perceived conflict of interest relationships with candidates should be identified by both hiring panel and hiring authority and reviewed by HR before interviews.

The nepotism policy should basically state family members should not be allowed to work under another family member's immediate supervisor; higher chain of command; where it is determined there is a significant conflict of interest. Should family members promote or transfer they should continue to identify any known relationships in the new job application to inform management.

Other than that, if 2 or more family members are fairly assessed as best qualified candidates they should be allowed to work in District and possibly same department if they have no influence over each other's supervised work. Supervisors can address morale and business impact concerns by being accountable, equitable by following performance management standards and hiring policies.

Senator Kennedy noted that Ed. Code allows management to transfer or prohibit employment in a department if there are morale, supervisory, safety or security issues and we can't change that as that supersedes any Board policy language. [Section [12940](#) (3) (A): "Nothing in this part relating to discrimination on account of marital status shall do either of the following: Affect the right of an employer to reasonably regulate, for reasons of supervision, safety, security, or morale, the working of spouses in the same department, division, or facility, consistent with the rules and regulations adopted by the commission."]

The Classified Senate E-Board met with some of the Academic Senate E-Board and we are in agreement about most of the issues—there are just a few disparities in language that we wish to work out. For instance, there is no other policy that requires reporting of relationship status if you are not applying for a job or transfer like ours does. Typically, when one applies for a job or a transfer, then potential conflicts of interest are noted. That is the appropriate place for that type of reporting information, not with every change in relationship status of an employee. Senator Kennedy asked President Sachs to provide an update on the meeting he had with the Classified Senate E-Board before this Senate meeting.

President Sachs reported that there is a new BOT subcommittee meeting this Thursday, so in order to be preventative we are issuing a request to pull this policy from any action until the fall semester. It is still too controversial and divisive in its current form to be vetted. There is difference between the groups, but we will work together with the Classified Senate. The current concern is the *supervision* definition—direct supervision has been inferred by the District to mean anyone who works under a VPI of a campus. Functionally, that is not really the issue. We need to word it more as the *immediate supervisor* such as a dean; that change would remove many of these problems.

It was noted by a senator that we want faculty protection kept, not removed. Also noted was that right now if you check a box during the application process that application is pulled and has caused delays. Are people allowed to be in the same department?

Senator Kennedy noted that we want to keep faculty protection, and that if an application is pulled the current plan is to expedite it so that if there is no conflict of interest, so that person stays competitive and his/her application is returned to the applicant pool quickly. Yes, faculty have been hired with spouses in the same academic departments recently.

Senator Kennedy read the end of the manager's message:

The current and draft versions I believe negatively impact hiring practices long term by

- 1-limiting our pool or growth potential of talented and qualified applicants
- 2-inconsistent application of complex nepotism rules

3-increasing the volume and time HR has to actively review appeals and exception requests. Higher volume = higher chance of #2 above.

Senator Kennedy noted that practically we need to get return to a typical template used at other campuses where one cannot work for a relative who is your immediate supervisor. We will continue on this.

10. Adjournment:

President Sachs adjourned the meeting at 12:29 p.m.

Approval of the Minutes: April 30, 2019

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

Voting Tallies Chart

Motion 1	Motion 2	Motion 3	Motion 4	Senate Membership
Agenda	Minutes 4/2/19	Minutes 4/16/19	Consent	
Aye	Aye	Aye	Aye	Barnes, Carol: Counseling Senator (2018-2021)
Aye	Aye	Aye	Aye	Blair, Jamie: Senator-at-Large (2018-2021)
Absent	Absent	Absent	Absent	Brown, Cameron: Athletics & Kinesiology Senator
Absent	Absent	Absent	Absent	Cuellar, Eric: Senator-at-Large (2018-2021)
Absent	Absent	Absent	Aye	Dale, John: Library Senator (2017-2020) 11:43 arrival
Aye	Aye	Aye	Aye	Denney, Matt: Technology Senator (2017-2020)
Aye	Aye	Aye	Aye	Drew, Rendell: Senator-at-Large (2016-2019)
Aye	Aye	Aye	Aye	Ely, Cynthia: Part-Time Senator (2018-2019)
Aye	Aye	Aye	Aye	Gordon, Lee: Senator-at-Large (2016-2019)
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Absent	Absent	Absent	Absent	Holt, Kelly: Senator-at-Large (2017-2020) 11:47 arrival
Aye	Aye	Aye	Aye	Isaac, Darryl: Con. & Health Sciences Senator (2017-2020)
Aye	Aye	Aye	Aye	Kennedy, Marilyn: Lit & Lang Senator, PDI Chair (2017-2020)
Absent	Absent	Absent	Absent	Lloyd, Douglas Math & Sciences Senator (2017-2020) 11:52 arrival
Absent	Absent	Absent	Absent	Means, Leland Visual & Performing Art Senator (2018-2021)
Aye	Aye	Aye	Aye	Neil, Jeanne: Business & Computing Senator (2016-2019)
Aye	Aye	Aye	Aye	Phillips, Clyde: Student Services Senator (2017-2020)
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Absent	Absent	Absent	Absent	Rickerson, Irini: Senator-at-Large (2018-2021)
Aye	Aye	Aye	Aye	Rudmann, Brent: Social & Beh. Sciences Senator (2017-2020)
Aye	Aye	Aye	Aye	Sachs, Loren: Senator-at-Large (2016-2019)
Aye	Aye	Aye	Aye	Thai, Will Part-Time Senator (2018-2019)
				Part-Time Senator Vacant (2018—2019)
				Senator-at-Large: Vacant (2017-2020)
				Senator-at-Large: Vacant (2017-2020)