ACADEMIC SENATE
Meeting Minutes

October 11, 2016
12:00 – 1:00 PM
FACULTY HOUSE

RECORDER/ SENATE SEC. Allison Paine, Academic Senate Staff Aide: First draft and posting of final version of minutes from the secretary.
Senator Marilyn Kennedy, Academic Senate Secretary: Revisions of Staff Aide’s first draft and approval edits from senators/distribution to BOT.

GUESTS Kevin Ballinger, Crystal Crane, Bob Fey, Tara Giblin, Therese Grande, Dennis Harkins, Liz Parker, Felipe Salazar, Rob Schneiderman

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<th>MEMBERS</th>
<th>ITEM/S</th>
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<td>√ Isaac, Darryl: Consumer &amp; Health Sciences Senator</td>
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<td>Barnes, Carol: Counseling Senator</td>
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<td>Drew, Dr. Rendell: Senator-At-Large</td>
<td>√ Rudmann, Brent: Social Behavioral Sciences Senator</td>
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<td>Vacant: Senator-At-Large (R) Johnson</td>
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CALL TO ORDER
President Gordon

The meeting was called to order at 12:00 PM.

PUBLIC COMMENTS:
Public

Virginia Komenda

None.

APPROVAL OF THE AGENDA
All Senators

Motion 1: Secretary Kennedy moved to approve the agenda; it was seconded; motion passed unanimously.

Agenda was approved and adopted. Ayes: 15; Noes: 0; Abstentions: 0

All Senators

September 27, 2016, minutes unanimously approved with changes; October 4, 2016, minutes unanimously approved with changes.

Minutes for September 27, 2016, unanimously approved with changes. Minutes for October 4, 2016, unanimously approved with changes. Ayes: 15; Noes: 0; Abstentions: 0

ACADEMIC SENATE PRESIDENT REPORT/ANNOUNCEMENTS:
President Gordon

1. President Gordon informed senators that Vice President Sachs and he will attend the Area D Meeting in San Diego this weekend. He announced that senators received the proposed resolutions that will be vetted in San Diego; he asked senators to email VP Sachs and him no later than Friday with any proposed resolutions or amendments to the resolutions.

2. President Gordon noted the criteria and information for the upcoming nominations of two of the ASCCC awards for Diversity and Exemplary Programs were sent to the Senators for their consideration.

OFFICERS’/COMMITTEE REPORTS AND ANNOUNCEMENTS:
BSI Coordinator Virginia Komenda. Secretary Marilyn Kennedy

1. Basic Skills Initiative and Ad Hoc Funding Committee: BSI Coordinator Komenda announced that a meeting will take place on Friday, October 14, 10 AM, in the Faculty House to discuss proposals under review for funding allocation through the BSI funds. The BSI grant has an end date and will turn into the BSOT grant that will end in 2019. The BSI Committee is not sure what will happen after that, but speculates that the state may be merging the BSI with SSSP & Equity. Therefore, the BSI Committee is strategizing plans on working with those groups now to ensure a faculty voice and separate processes now and in the future.

2. Academic Freedom Committee: Secretary Kennedy announced that the committee has openings for faculty. Faculty interested in First Amendment, academic freedom, and faculty/student free speech issues are encouraged to contact the Senate Office as soon as possible if interested in joining this committee.
**CONSENT CALENDAR**

**ACTION ITEM/S**  
[All Senators]

Motion 2: Senator Rudmann moved to approve the consent calendar; motion seconded; the Consent Calendar was approved.

**ACTION ITEM/S**  
[All Senators]

Consent calendar approved. Ayes: 15; Noes: 0; Abstentions: 0

**OLD BUSINESS:**

[All Senators]

- No discussion.

**ACTION ITEM/S**

None.

**NEW BUSINESS: Dr. Vyskocil Open Session**

Vice Chancellor of Human Resources, Dr. Vyskocil

President Gordon introduced the Vice-Chancellor of Human Resources, Dr. Cindy Vyskocil, and stated that after her statements there would be a question-and-answer period. [Please note that there is a full audio recording of this meeting upon request. Links in brackets reference explanatory information or documents.]

**Statement**

**Introduction, Focus on Employee/Employer Relations:** Dr. Vyskocil stated that when she first arrived at the District she was facing a human resources structure that was “profoundly broken in so many ways.” In the past seventeen months District HR has been working to have the colleges focus on employee/employer relations; paper processing is being moved to the District. Robin Morgan is the new Manager of Employee/Employer relations who works under Interim OCC HR Director, Denise Leat; OCC is the only campus to have a second manager. An English instructor from GWC, Sasha Moore, is the new District Equity, Inclusion and Compliance Manager who is overseeing the new EEO Equity and Inclusion Committee which was formed at the district level and includes constituents from all campuses. In December, the committee will report its first set of outcomes to the Board and is in the process of determining what those will be now. Policy, practice, and barriers to inclusion coupled with a look at the college’s cultures is part of their purview. Cindy Barron is the new EHS Coordinator who can assist the campus when a functional limitation requiring accommodation is needed for employees.

**HR Focus on Management:** Management training has been the number one focus for the last seventeen months as managers felt “abused and beat up” and that there had been no organizational investment in their training. The focus of training for the managers has and is focused on these issues: (1) messages and communication; (2) preventing bullying, sexual harassment, and unlawful discrimination; (3) teaching the FRISK [facts, rules, impact, suggestions (directives), knowledge] technique protocol for handling employee issues in the workplace; [Links for explanations on FRISK: http://webcache.googleusercontent.com/search?q=cache:DVQbL8aNk9UJ:college.lattc.edu/academicaffairs/files/2010/01/FRISK-Manual.doc+&cd=1&hl=en&ct=clnk&gl=us or https://cindymiller.wordpress.com/2008/07/08/114/]; and (4) dealing with employees with functional imitations in the workplace.

**Changes in District HR Structure and Training:** The Executive Director for Human Resources position was taken out of that District HR structure and the position reduced to a management position; there is an expansion in benefits and now two directors and one manager are working in benefits. Classified employees are receiving a two-hour training on bullying, sexual harassment, and unlawful discrimination. The goal is to restore trust in HR, and as stated, “from what I hear that’s been lacking at a knowledge base.”

**Questions-and-Answers Period**

**Question 1: What is the distinction between the College and the District in HR? When should a faculty member take an inquiry to the College or across the street to the District?**

**Answer:** Concerns in the workplace regarding employee or employer relations issues would go through college human resources and the college HR will contact the District if they require assistance; if for some reason you have a discomfort with campus HR then you can approach District human resources. Payroll issues, movement on the pay scale, personnel file matters will go to District human resources for issues like changing deductions, payroll concerns.

**Question 2: Two years ago we had a First Amendment attorney here who is nationally renowned, who spoke about faculty rights and the use of the term “bullying” in disciplining faculty and students [Attorney info link: https://www.thefire.org/resources/speakers-bureau/Will-Creeley/ and audio recording link of his legal presentation: http://www.orangecountycollege.edu/about_occ/AcademicSenate/Documents/First%20Amendment%20Presentation%20Will%20Creeley%202013-17-2015.pdf]. Are you concerned that the policy you mentioned and/or are implementing may violate the U.S. Constitution’s First Amendment at some levels?**
Answer: “First I would refer you to the state of California who implemented a requirement to train employees on anti-bullying.” [California AB 2053, references training supervisory employees on sexual harassment and specific legally defined discrimination and abuse: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2053]

“I don’t actually like the term bullying.” I’m talking about processes and practices that are encourage respectful and professional interaction, making employees open and listening, and if you disagree, you don’t insist that you’re right, but collegiatically interact. This means creating departments, divisions, and employment areas where individuals feel as though they can speak an opinion that will not be shot down or have something negative said and that they’ll be listened to. “I feel like HR, over time in this District, owns areas that are not as functional as they could be. HR is working to reverse these attitudes.” She referred to the memo she sent out a month ago districtwide in terms of employee interactions [BP 3050 http://www.cccd.edu/boardoftrustees/BoardPolicies/Documents/General_Institution/BP_3050_Code_of_Professional_Ethics.pdf].

Question 3: Some divisions, with larger divisions and faculty being hired with a specialty, are being limited by the new district hiring process which limits faculty to three on a faculty hiring committee. This may work for smaller colleges like GWC and CCC, but OCC is larger and with larger divisions. We may need more faculty on hiring committees, up to five people, to ensure an adequate and appropriate hire. Can this be changed as a request but OCC is larger and with larger divisions. We may need more committees. 

Answer: That would be an item that could be discussed in Chancellor’s Cabinet and it can be reconsidered. We could be more inclusive and not use a “one-size-fits-all” approach. This issue was mentioned last spring and she will have Crystal Crane, District Human Resources Director, make a note of that.

Question 4: The new District model requires that the EEO Equity and Inclusion Advisory Committee must certify the explanations and evidence for promoting equal opportunities based on nine multiple measures. Could you explain briefly about the nine multiple measures and the methods that must be used for the certification and documentation process?

Answer: Last December the EEO plan was approved and then the State Chancellor’s office changed the rules after that [See the December 15, 2016, Chancellor’s Office Memo: http://extranet.cccco.edu/Portals/1/Legal/OGC%20WEBSITE/Memo%20New_Allocation_Model_of_EEO_Fund_Title_5_Section_53030.pdf] They sent out a grid that in order for a District to get funds they must redo their EEO plans under the framework of the multiples measures. They measure success, avenues used to obtain success, and it is very prescriptive. It leaves a lot for the committee in some areas and describes their charge in other areas. We had to pull that committee forward in the spring or we would have not been given funding. There is a brand new model with a descriptive charge to the EEO Committee with a hyper-focus on a number of things.

Question 4, Follow Up: What happens if a District does not meet those multiple measures?

Answer: Right now a District has to meet five of those nine measures. CCCD was receiving 45K; we received 65K this year. Funding is used to advertise faculty positions and a portion will also go to the EEO Committee to make decisions on allocation of funds. Issues of equity and inclusiveness will be looked at by the EEO E&I Committee to determine areas of improvement in the district and how to address them. [CCCD EEO Website: https://www.cccd.edu/employees/hr/equity/Pages/default.aspx and CCC Multiple Measures Crosswalk: http://extranet.cccco.edu/Portals/1/Legal/OGC%20WEBSITE/2015-2016%20EEO%20%20Methods%20Crosswalk%20Reference.pdf].

Question 4, Second Follow Up: I was a little unclear as to what the entire process is?

Answer: The EEO function of the committee is a state-driven process and we have to measure by those multiple measures. We also have an Equity and Inclusion purpose that the committee will have to decide, include that charge, and they will inform us in December.

Question 5: Many full-time faculty begin as part timers; the way that a prospective faculty member gets into the system is part of that recruitment. Are there any plans to update that process to help these faculty?

Answer: Negotiations will begin with the 50% or less part-time faculty very soon in regards to the new law regarding part-timers[ AB 1690: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1690], and scheduling will be addressed, as well. As part-timers have more retention we will have less new faculty. In January all part-time faculty were invited to participate in a professional development opportunity if they were interested in pursuing full-time employment and wanted advice on how to do so. Two successful and contrasting styles of teaching demonstrations were done by successful part-time to full-time faculty instructors. The new application administrative process was demystified and a panel discussion of attributes sought in candidates was also done in collaboration with the academic senate and administrators. Some office hour funding was made available last year and also we will have going forward some paid hours for flex for those part time faculty.

Question 6: In regards to Board Policies AP and BP 7310, Nepotism, and our BP 3050, Code of Ethics [http://www.cccd.edu/boardoftrustees/BoardPolicies/Documents/General_Institution/BP_3050_Code_of_Professional_Ethics.pdf], it states that all
employees must “avoid conflict of interest, or even the appearance of conflict of interest, between their obligations to the district and private business or personal commitments and relationships.” Therefore, if all employees are to avoid the appearance of conflict of interest, should our nepotism policies be expanded to include “cronyism,” that is, the partiality in hiring or recommending of friends or former colleague, in particular, at the administrative level, where there is a great deal of turnover year after year?

Answer: “The problem becomes you’re going to tie yourself up for years defining what a friend is.” (Provides an example of an acquaintance on her CCCD hiring committee who was removed). You need to be careful—family and blood relatives are a little easier to define, but when you come into cronyism and friendship, lifelong or close, that is more difficult. (Provides an example of an employee applying for an internal job. Should his/her officemate be excluded from serving on that hiring committee? She says no.) “If we prohibit all of these types of relationships, who would serve on our committees?” If there is evidence of someone using power or influence to get individuals hired, or whenever we get a complaint “we look very closely to see if we need to intervene or make sure there is a fair process.” This would be difficult to do in our District as we have so many intertwined relationships. “I get the counterargument regarding someone who has a long existing feud is on his/her internal hiring committee.” Part of it is ensuring that employees determine if they can fairly serve on a committee, if they cannot, they should make that decision. Cronyism has hurt public employment. The nepotism policy has been so problematic; we have the largest problem I’ve seen. We had one department with twenty-five relatives or marriage relationships. We had to investigate. Relatives can sometimes form an alliance. I don’t envy the entire discussion of nepotism. (Provides example of supervisory relative situation.)

Question 6, Follow Up: To clarify, the original question was not about hiring committees which is a separate but important issue, but the reporting aspects of a past working relationship among administrators. For example, a current administrator worked at a bakery ten years ago and helps to get past co-workers from there hired, especially interim positions. Those who get those interim positions often have a leg up. Pretty soon we are peopled with past bakery employees.

Answer: That does happen. You want to hire quality folks and you know those people have the experience. We have to be careful with interims. We have a mini-hiring process. You want to stay out of the appearance or perception that someone got the job or was placed there, as it harms both the employee and the District and we want to provide equal opportunities.

Question 7: The nepotism as it is written is a huge concern as the policy is worded as to afford a big overreach. Anyone sitting here whose child tries to be a faculty member in the future could be affected and the policy seems to fall nothing short of having that applicant being approved by the Chancellor. The idea that our children are ever excluded from working in the District is not even what the intent was. Further, the policy puts an onus on people to be honest, and the fact that you need this policy suggests there is a problem with that. It seems like almost any future hire could be hindered. Faculty could retire, divorce, and family members could be precluded from being hired if perceived as having a conflicting relationship. If someone had an axe to grind they could find a relationship to report on, it seems.

Answer: What you describe is why no one wins with nepotism. The angriest people I have come across are those whose children were not hired. It is a problem because of the emotional investment of wanting to see your child or spouse succeed. An OCC employee’s child could work at the District, CCC, or GWC under the policy. (Provides example of a surname recognized all over the District and people with high positions with a family member employed.) However, at a certain high level no relatives can be hired. It is not a perfect policy, but a family ancestry.com tree could be put over the org. chart and there is a lot of mirroring. We can maybe make changes father along when things change. There was some language added to make it more lenient for faculty. (Provides an anecdote of a family feud on campus.)

Question 8: The language of the nepotism policy and the memo sent out regarding policy 3050 Code of Ethics, as they are written, is so vague and seems slanted in favor of the District. It seems if you step one inch right instead of one-and-a-half inches right you would be in violation of the professional ethics policy. It is condescending to faculty and people who work at the school. It helps lead to a hostile work environment.

Answer: I’ll respond by saying this. We look into all complaints of a reasonable person. If you want to get into someone’s face and yell at them, you can’t do that. If you don’t like that, I get it. We have to have an environment where people act professionally. There’s been a history here at this District of folks not being held to account. Years later we have huge problems and we have to reset the deck. It’s almost impossible. Someone asked me what is meant by “respect.” If we have people asking that question, we have work to do.

Question 8, Follow Up: With all due respect, I am referring to the ambiguous language in the policies so that it is left to interpretation. Any disagreement could be considered unprofessional and bullying. Whose definition is that? And when there are real issues, they don’t seem to follow anywhere near what is stated in that memo that was put out.
**Question 9:** We had a really good meeting with you and (and another faculty member) regarding full-time faculty hiring. But there are concerns regarding the process at OCC being overly constricted.

**Answer:** It was discovered that in the internal committee process, it was a bit too restrictive in some areas, especially regarding the EEO person in the room saying “yes” or “no” to questions that could or could not be asked, or the restriction about when committee members could debrief about applicants. She spoke with all EEO people at all three campuses, and will review and improve as we do not wish to be so prescriptive that faculty are not able to have quality interviews; committees need to ask questions that are necessary and legal.

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<th>ACTION ITEM/S</th>
<th>Dr. Vyskocil will provide brochures to campus human resources for distribution to the faculty.</th>
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**NEW BUSINESS: Non-Agenda Public Comment**

**FOR THE GOOD OF THE ORDER**

VPI Ballinger reported that due to an unusually low reporting number of No Shows, with 1279 OCC class sections with no reported no shows (and state mandates to report them), that he will be sending out surveys to faculty to verify the accuracy of rosters in regards to the official reporting of no shows to ensure our records are correct for our financial aid audit.

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<th>ACTION ITEM/S</th>
<th>Please inform constituents of survey regarding no show/no drops coming to their campus email from VPI or Dean of Students Offices.</th>
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**MINUTES APPROVAL**

These minutes were formally approved by the Academic Senate on October 18, 2016.

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**ADJOURNMENT: 1 PM**

Fall Plenary: Thursday through Saturday November 3 - 5, 2016 at the Westin South Coast Plaza in Costa Mesa.

President Gordon and VP Sachs are attending – provide input to them by Friday, the 14th.

Senate Website Link to Agendas, Meeting Documents and Approved Minutes
http://www.orangecoastcollege.edu/about_occ/AcademicSenate/Pages/AgendasAndMinutes.aspx

Senators please note that most of the documents distributed during the meeting can be found in the supplemental documents at: http://www.orangecoastcollege.edu/about_occ/AcademicSenate/Pages/AgendasAndMinutes.aspx

Path from OCC’s website: orangecoastcollege.edu > About OCC > Academic Senate > CURRENT Agenda/Mtg. > Supplemental Documents

OCC Portal AS Committee Site (portal site also contains Audio (if available), Agenda and Meeting Documents):
http://occportal/Committees/as/Minutes2/Forms/Group%20by%20Academic%20Year.aspx
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1. Call to Order: President Gordon called the meeting to order at 1 PM

2. Agenda-Item Public Comments: None

3. Approval of the Agenda: Unanimously approved.

4. Reading/Approval of the Minutes: October 4, 2016, minutes unanimously approved.

5. Reports from Members of the Executive Board:
   - E-Board Member Topical Report – Year Out Scheduling/Part-Time Faculty (Sen. Kennedy Request): Not discussed this week

6. Consent Calendar List of Items: None.

7. Committee Appointment/Discussions:
   - Committee Appointments: Brent Rudmann, Kayleigh Sevi, Andy Stuart, added to Senate consent calendar for Turnitin vs. VeriCite Ad Hoc Committee
   - Discussion: Flex Coordinator Position/Committee Update: Discussion of Flex Coordinator MOU language and matching language changes to Senate October 4, 2016 discussion—VP Sachs and Sec. Kennedy will contact VPI Kevin Ballinger
   - Faculty/Program Nominees for ASCCC Awards: The PDAC [formerly Staff Development) shared governance committee will be contacted about communicating calls/requirements for awards

8. Setting Future Agenda, Discussion/Prioritization of Presentation Topics (15 minutes): Items were discussed and somewhat prioritized.

   **Possible agenda items:**
   - Administrative 10+1 Report Form Review—Oct. 25th?
   - Committee Selection Process—date needed
   - Common Assessments Initiative/Multiple Measures, Felipe Salazar—Oct. 18th or 25th
   - Continued Discussion of Nepotism BP-7310—T. Grande and M. Kennedy—Oct. 18th
   - Chief Arnold—Security/Faculty and Student Safety—date needed
   - Floor Nominations for Senators—Oct. 18
   - Chancellor John Weispfenning—Oct. 25
   - Motion to Amend Turnitin vs. VeriCite Ad Hoc Committee Motion: Oct. 18
   - Unfinished Business Mapping CSLOs to PSLOs Project—Nov. 1
   - Alternative Methods for Assessment Coordinators Position—Kelly Holt—Nov. 1

9. AS Budget: None.

10. Tasks and Duties for the Week: Discussed potential agenda items, as above.

11. Non-Agenda Item Public Comments: None