

ORANGE COAST COLLEGE

Academic Senate Meeting | 09/08/20 | 11:30 am - 12:30 pm | Zoom Meeting

Academic Senator Attendance

Jessica Ayo Alabi, <i>at-Large</i>	Present	Lee Gordon, <i>at-Large, Vice President</i>	Absent
Carol Barnes, <i>Counseling</i>	Present	Marilyn Kennedy, <i>Lit & Lang, PDI Chair, Secretary</i>	Present
Jamie Blair, <i>at-Large</i>	Present	Jodie Legaspi, <i>Athletics & Kinesiology</i>	Present
Tyler Boogar, <i>Math & Sciences</i>	Present	Doug Lloyd, <i>at-Large, Parliamentarian</i>	Present
Sean Connor, <i>at-Large</i>	Present	Leland Means, <i>Visual & Performing Arts</i>	Present
Eric Cuellar, <i>at-Large</i>	Present	Jeanne Neil, <i>Business & Computing</i>	Present
Tina De Shano, <i>Consumer & Health Sciences</i>	Present	Charles Otwell, <i>Curriculum</i>	Present
Jodi Della Marna, <i>Library</i>	Present	Max Pena, <i>at-Large</i>	Present
Matt Denney, <i>Technology</i>	Present	Clyde Phillips, <i>at-Large</i>	Present
Rendell Drew, <i>at-Large</i>	Present	Loren Sachs, <i>at-Large, President</i>	Present
Cyndee Ely, <i>Part-Time Faculty</i>	Present	Jordan Stanton, <i>Social & Behavioral Sciences</i>	Present
Diogba G'bye, <i>Part-Time Faculty</i>	Absent	Stella Tsai, <i>SCOCC representative</i>	Absent

Guests (Optional & Voluntary Sign-In): Rupa Saran, Jaime Speed Rossiter, Anna Hanlon, Arabian Morgan, Barbara Cooper, Bob Fey, Daniel Shrader, Dr. Eduardo Jesus Arismendi-Pardi, Eileen Tom, Elizabeth Page, Jaki Kamphuis, Michael Mandelkern, John Tayler, Katie McCarroll, VPI Pam Walker, Rebecca Morgan, Renee DeLong, Rich Pagel, and Tara Giblin.

1. Preliminary Matters

- A. **Call to Order:** President Loren Sachs called the meeting to order at 11:30 a.m. He requested that New Business, A, ConferZoom Updates, needs to be moved to before the Consent Calendar in order to accommodate the schedule of the presenters.
- B. **Approval of the Minutes – September 1, 2020:**
Motion 1: Senator Kennedy moved to approve the September 1, 2020, minutes with minor changes; motion seconded; motion approved unanimously.
- C. **Opportunity for Public Comment:**
 Eduardo Arismendi-Pardi.
- D. **For the Good of the Order (Member-of-the-Senate Announcements):**
Senator Means: Noticed many emails in his email box with containing unexplained acronyms and suggested that if one sends out an email, that explaining the acronyms used would be helpful.
Senator Drew: Reported that there will be a new Multicultural Center Coordinator position. The position will be discussed at the IMC meeting. There is a lot of interest in the position. Vice President Niroumand will talk to the IMC about the position that will come before the Senate for discussion. The MOU will also be established with the Union.

2. New Business

A. ConferZoom Updates – Online Coordinator Jaime Rossiter & Rupa Saran:

There will be some changes to ConferZoom in December, and one great new feature is the calendar integration with ConferZoom meetings. However, the big change is that administrative access to ConferZoom meetings will now be at the District level so that meetings stored on the ConferZoom server will now have potential to be accessed by the District, as opposed to before. There will be a protocol put in place that will have strict guidelines about when the recording potentially may be accessed and all policies and protocols currently in place regarding student code of conduct or student complaints will still apply. Online Coordinator Rossiter will put together resources for faculty if they do not wish to store meetings on ConferZoom. Faculty have the option to store meetings in their local computers and or in another place, as well.

Senator 1: Does the District have access to our emails right now?

Rupa Saran (CCCD Sr. Director of Information Technology, Applications, & Development): Yes, the District has access to emails. However, no one looks at emails unless requested.

The reason why the District will now have access to ConferZoom meeting recordings is because there were some faculty members who had difficulty within Canvas due to their email setups. The change is meant to better support the faculty at the local level without having to go to the state level for support. Each college has a Canvas administrator (John Taylor at OCC) and group administration who manage the Canvas shell and they support and assist with recordings, etc. Most likely only those who are college are District technology administrators will have the potential for access. This discussion will continue in November more fully.

Senator 2: Are we required to use ConferZoom when we do lectures on campus?

Jaime Rossiter: No, you are not required to use ConferZoom. You can use Microsoft Teams, Google Hangouts, etc. There is also a setting on ConferZoom so that when you record a meeting, it records to your local computer, then you can store it somewhere else. You also have access to Google Drive with your Canvas email. There is no admin access to Google Drive.

Senator 2: A couple of times I opened a Zoom meeting without being on Canvas. It recorded the lectures, then it sent the recording to my OCC mail. From there, I copied and pasted it into my module.

Jaime Rossiter: That is storing it on the ConferZoom server. There would be something that you might be able to change if you do not want to do that. For example, I store my lectures on YouTube. I record them to my local computer, then I upload them to YouTube. There are other options.

Senator 3: Reminded the senate body that any Senate member's emails are subject to a public records request.

3. Consent Agenda

Motion 2: Senator Pena moved to approve the consent agenda; motion seconded; motion approved unanimously.

4. Officer, Senator, & Committee Reports

A. Academic Senate President – Loren Sachs:

Equity Task Force: Reported that the E-board requested the number of faculty representatives be expanded to six. That did not happen. College Council would have to also expand the other participant groups, as well. This is the group that is going to establish the framework that other constituencies are going to work under and within.

B. District Consultation Council Board Policy & Administrative Procedure Subcommittee

(BPAP): Oral and written report submitted by Secretary Marilyn Kennedy (See attached report in the Appendix at the end of these minutes.): Report on Committee's Charge, BP 7240 Confidential Employees, AP 5910 Sexual Misconduct—Revision, and AP7120C Faculty Hiring Revision.

C. Multicultural Center Update – Rendell Drew:

He has been approached by faculty members asking when the Equity Committee will be addressed in the Senate. There are things that are currently moving forward, such as the development of a Multicultural Center Coordinator position. He is excited to share with others what is being done.

5. Unfinished Business

A. Emergency Remote Teaching (ERT) – Curriculum Chair Charles Otwell:

The hope is that we will be able to use what was submitted as an Emergency Remote Teaching addenda as the addenda for the synchronous online courses. It needs to be figured out exactly what that means in terms of the ACCJC and a couple of other things. The Curriculum Committee reached out to the state Academic Senate [ASCCC] and its Curriculum Chair [Carrie Roberson]. Committee Chair Otwell heard back from someone at the ACCJC. It seems that they are going to be treating all addenda as permanent. They are going to expedite approval of changes of any kind of an application for a substantial change that we have to make. It seems that the temporary designation is not going to have any meaning with the accreditation body. That is not a big concern for the Senate. What needs to be figured out is if we are going to be able to use the process that is already in place going forward. The belief is that we will be able to, but we need to double check.

Vice President of Instruction – Pam Walker: They are working on consolidating all the information and getting the right information to everyone. Please expect to hear from the Curriculum Committee soon.

6. New Business, Continued

B. Evaluations – CFE President Rob Schneiderman & Executive Director Bob Fey:

CFE President Schneiderman: The synchronous and the hybrid classes will be evaluated using the on-campus, regular evaluation forms. All the observations will not require all the signatures that were required last time. Only the observer needs to sign and then the evaluatee will acknowledge that they received it within ten days of the observation. If the tenure-track person just acknowledges it over email, that is okay, too. They can always attach that to the final file.

There will be some issues because not everybody has experience with either online teaching or synchronous. The hope is that people are merciful to the Zoom teaching because if you write an improvement plan that requires specific items in Zoom teaching

and we are not doing the Zoom teaching in the future, there is no way to complete the improvement plan. There is also a new form for the improvement plan. Anybody that does an improvement plan will need to fill out a specific form that has what needs to improve, how you improve it, what is the goal, and the date when the improvement needs to be completed.

President Sachs: In the spring we paused full-time and part-time faculty evaluations, yet those are intended to go forward. Was there going to be a change in forms or expectations of those relative to being remote versus in person?

CFE President Schneiderman: We do not address the expectations because that is the professional expectations that the colleagues and the people on the committee have of one another. You are correct, there are going to be more evaluations this semester because of the ones that were in spring that ended up getting postponed will be done in fall.

Senator 3: I was not aware that they had changed the need to improve for full-time tenured faculty. One of the things that will be helpful for the Senate is an ASCCC paper called "Sound Principles for Faculty Evaluation" which was written by the Academic Senate. It is very extensive in terms of faculty purview, union purview, and 10+1. AB 1725 states that the evaluation process should promote professionalism, enhance performance, and be closely linked with staff development efforts. There should be an interaction with the Senate before anything has changed with the Union on evaluations [per Ed. Code].

The second item in the paper is the process of faculty response to any criticism. This is in particular with the Zoom issue for people who either will not be teaching in the future and cannot do any improvement because they are not going to be doing that or for people that have been trained on the fly and do not want to do this and are doing this because it is a necessity due to a health issue. What is not in our contract but recommended in the paper is a process of grievance or appeal for faculty members. There is no real voice for faculty there in our contract now as to appeals. The second point is the emergency contingency. There are some faculty who are expressing concerns about that aspect as it relates to Zoom and online teaching in particular.

CFE President Schneiderman: Asked Senator 3 to send him that document or have it attached to the minutes [[Sound Practices for Faculty Evaluations](#)]. He stated that they have a good relationship with the three senates, and they will consult and do the will of the faculty, the Senate, and the unions. With full-time faculty, they have a process that if there is disagreement on the committee, what happens with the evaluation is that it becomes a continuing evaluation. There is somewhat of an appeals process that is not the end of the line if there is a disagreement within the committee on improvement or on the status of the faculty member. I can see this being an issue. We do not have a really great solution for it. We did remove something from the part-time faculty evaluation which previously said that when someone gets a specific type of evaluation, like a not unsatisfactory, but let's say needs improvement, that they immediately have their classes cut. It was viewed as kind of punitive that if they got an improvement plan that rather than being able to teach their load, they would just have their salary cut. That was removed and now it is just up to the assignment from the dean, whether the person continues their same load or not. That takes away some of the punitive nature of it because it should not be punitive. It should be for improvement. It will be messy with Zoom.

President Sachs: The point is professional growth and development. Understand that, it might be a weird experience because not everybody necessarily taught classes in the spring when this first started. This could be their first attempt at it. One of the things I will do differently is to do evaluations as late into the semester so I can give adequate feedback to faculty. Faculty who evaluation should consider waiting a little bit longer for the evaluate and evaluator to get more comfortable with Zoom and remote. All of the student surveys will be handled entirely by IE.

Senator 2: Encouraged senators, the union, and the Curriculum Chair that when they have a form for an evaluation, to think about the idea of continuity and a standard. When there are many new people being evaluated online, there is no continuity and there is no standard. That is a major concern with having a lot of people evaluating people online who have their own standards because they are all new at teaching online and they are all new at evaluating online. They are going to be applying their own standards to what they think is good, bad, and terrible. Faculty needs to keep that in mind because there is no continuity, no constant, and no standard. The major concern is that any impact on people's jobs, their tenure, their personnel files, or anything, faculty need to step back and ask, do we want that to happen? Because we are primarily a face-to-face college. Evaluating people on the basis of what their modules in their canvas looks like at all is highly problematic.

Senator 3: Concurs with Senator 2's comments which were very well stated. Any changes on the evaluation process have to be talked about with the Senate before they are changed at the Union. If that has not happened and something happens to the evaluation, that is grounds for an appeal immediately. If we are evaluating people without consistent standards by people who are subjective because we are all still learning at different levels, that is not only a mess, but it is also a legal mess in the potential. We need to stand back and rethink this in terms of standards and terms of protocol during this timeframe, maybe up through the end of next spring, so we fix things before there are problems. I think we should have an ongoing discussion on this.

President Sachs: At the last Board of Trustees meeting, Trustee Prinsky stated that she would like to see equity issues and inclusion rolled into the evaluation process. The conversation on this topic will continue. For those with evaluation concerns and remote teaching, the Senate may be a point of contact for some.

CFE President Schneiderman: Agreed with Senator 2 regarding standards concerns and with Trustee Prinsky about equity and inclusion issues. This whole evaluation issue now could be a legal mess. He stated we should encourage committee evaluators now not be too harsh on evaluations by doing unsatisfactory with improvement plans. Those recommendations are considered requirements. He encouraged faculty to document their recommendations rather than give an unsatisfactory because there is currently too much ambiguity.

C. Equity Task Force Discussion – All-Senate Discussion

President Sachs: There is an Equity Task Force and also a consulting side for it, as well. The new IMC Coordinator will also be part of the task force. The remaining of today's discussion is addressing what the criteria would look like for selecting the members of this Task Force.

Senator 4: Expressed his excitement about the Equity Task Force. He received many phone calls, emails, information, etc. from faculty. They are requesting equitable representation on the Task Force and the committees. Does this really come under the faculty purview, 10 +1? With the selection of individuals to the Equity Task Force and with the upcoming Multicultural Center Coordinator position, they want to make sure that this is just not “window dressing.” President Dr. Suarez is truly committed and has demonstrated far above other preceding presidents her commitment to diversity and addressing some issues with social justice.

Senator 2: Stated she is not really concerned about the 10+1 at this juncture but is concerned about the purpose of the Task Force and the outcome. Her main concern about this task force is if one of the outcomes is to shift the culture at OCC, if this task force goal is to change anti-racism, systemic racism, and institutional discrimination at OCC. If that is not one of the outcomes, she is not interested. She has enumerated her own personal experiences with racism at OCC with her colleagues and students and enumerated experiences of students with racism at OCC. She has named individuals at a Flex session but will not name them now, people in positions of power and decision making who could have made changes over the last fifteen years and refused and who were part of institutional discrimination. If we're not going to integrate equity in shared governance instead of having a task force over here to do the job, if we are not going to do equity in student governance and every single committee, council, group, and if equity is going to be over there, what is the point? Then there is no point in having a task force. If equity is not going to be central to Academic Senate, Classified Senate, College Council, if it is going to be an agenda item but not part of what we do and how we do our work, what is the point? This college has a problem in how it does its work. Students have spoken, alumni students, current students, and I don't know how much more we need to hear to be committed to change. If the makeup of the Task Force is not committed to equity and it has not been properly trained on equity, and just wants to be on the committee for whatever reason, then that is also going to be a problem.

Senator 5: That part of the vetting in the Senate is to find out what the goals of this committee are, what are they tasked to do? What Dr. Arismendi-Pardi said about it not being vetted in the Senate, clarified that it did not allow that discussion to happen. In being a part of the Senate for many years and an officer on and off, I see that there is often a rush to get something done. Administration will come to the Senate and present an announcement. However, an “announcement” is not vetting it in the Senate when it is under the 10 +1. There is a big difference. This has been a concern of past presidents on many occasions. There is announcing and there is vetting. Once we get an announcement in the Senate, we have to go back to our constituents. We have to get their input and then the Senate has to vet it. It may not be intentional, but that is what happened in this case. There was an announcement and we didn't have time to vet it. We make a formal recommendation on the goals of the Task Force and the makeup of the Task Force with the faculty component of it. That is the part that is under the 10+1. They make this formal, whether it be a resolution or motion directly to management, that is the President not to College Council.

College Council was an advisement body that the President wanted to hear from; it is not a final say so. The Senate has a voice that is either “mutual consent” or “rely primarily” on 10 + 1 issues, and when administration does not accept what the Senate has voted on either as a motion or a resolution, there are

procedures that must be followed. She stated that she has been on many committees in the last forty-three years. When you are given only a small voice; you only play a small role. She concurred with Senator 2 that she also would not be interested if the Senate is not involved or given a small voice in 10 + 1.

Senator 5 asked to have the *Self-Paced Math Demographics 2016 Fall & Summer* screen shared on Zoom. For over 35 years the first column on the screen shows the percentage of students in her self-paced lab courses, six different classes. In every equity category, ethnicity, disability, economic disadvantage, veteran, and Foster Youth, she has a higher percentage of students than other classes. When she has asked for help for them, she was often told to "send them to tutoring" or "change your instruction," but based on her experience, it has not been the teaching. There are many other factors that she has discussed with students over and over again that need to be addressed that are not teaching-related. For example, she made a partnership with DSPS and saw some success. She is trying now with CLEEO and Umoja but there is no formal process or mechanism to consistently help these students. Those are the types of partnerships that need to be developed and the only way to find out what they are is to have more faculty representation.

Senator 5 would like to see an educational pathway for Equity students. Those are some points for discussion, but they will not go anywhere else unless there are enough faculty involved. When faculty were involved at the basic skills level, that faculty committee gave over eight-five different proposals to teachers to help them directly in the classroom with the BSI-faculty. It was the only place faculty could go to be heard on basic skills because it was a faculty-only committee. When Dean John Taylor started coming to the meeting as a guest and faculty did not know how to achieve what they needed to achieve, he offered his help. That is the kind of committee faculty need when they need to promote success.

She asked for the Senate support to formally send a motion to the President for six faculty members to be on Task Force, so faculty can accomplish the things necessary and proposed for students today.

(Public comment by Eduardo Arismendi-Pardi in this section.)

President Sachs: Stated that the Equity Task Force was presented as more of a global thing and the Senate as more of the points place for classroom issues. That's how it was presented at College Council last week. We will talk about this more next week

Senator 4: What are the specific goals and directions of the Task Force? Can that be presented to the Senate?

7. Adjournment of the Regular Meeting

President Sachs adjourned the meeting at 12:33 P.M.

Approval of the Minutes: September 22,2020

MINUTES: First draft written by Beatriz Rodriguez, Administrative Assistant to the Senates. 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 Minutes 9/1/20	Motion 2 Consent Agenda	Senate Membership
Aye	Aye	Alabi, Jessica: Senator-at-Large (2020-2023)
Aye	Aye	Barnes, Carol: Counseling Senator (2018-2021)
Aye	Aye	Blair, Jamie: Senator-at-Large (2018-2021)
Aye	Aye	Boogar, Tyler: Math & Science Senator (2020-2023)
Aye	Aye	Connor, Sean: Senator-at-Large (2020-2023)
Aye	Aye	Cuellar, Eric: Senator-at-Large (2018-2021)
Aye	Aye	De Shano, Tina: Con. & Health Sciences Senator (2020-2023)
Aye	Aye	Della Marna, Jodi: Library & Learning Support Senator (2020-2023)
Aye	Aye	Denney, Matt: Technology Senator (2020-2023)
Aye	Aye	Drew, Rendell: Senator-at-Large (2020-2023)
Aye	Aye	Ely, Cynthia: Part-Time Senator (2020-2021)
Absent	Absent	Diogba G'bye: Part-Time Senator (2020-2021)
Absent	Absent	Gordon, Lee: Senator-at-Large (2019-2022)
Aye	Aye	Kennedy, Marilyn: Lit & Lang Senator, PDI Chair (2019-2022)
Aye	Aye	Legaspi, Jodie: Athletics & Kinesiology Senator (2020-2023)
Aye	Aye	Lloyd, Douglas: Senator-at-Large (2020-2023)
Aye	Aye	Means, Leland Visual & Performing Art Senator (2018-2021)
Aye	Aye	Neil, Jeanne: Business & Computing Senator (2019-2022)
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Aye	Aye	Pena, Max: Senator-at-Large (2019-2022)
Aye	Aye	Phillips, Clyde: Senator-at-Large (2020-2021)
Aye	Aye	Sachs, Loren: Senator-at-Large (2019-2022)
Aye	Aye	Stanton, Jordan: Social & Behavioral Sciences Senator (2019-2022)

Appendix:

District Consultation Council Board Policy and Administrative Procedure (BPAP) Subcommittee Report

Charge of Committee: "This body will not recommend specific actions or formulate recommendations related specifically to collective bargaining or matters under the purview of the Academic Senates. Representatives of collective bargaining units or the Academic Senates may benefit from the Board Policies and Administrative Procedures Subcommittee's discussion of related matters but will maintain separate and distinct processes for addressing their collective concerns."

Policies Reviewed at the September 4, 2020, Meeting

BP 7240 Confidential Employees—Revision: Updated on managers' policy but no change in working conditions. Also, no concerns expressed from the Confidential representative, but the Confidential employees' group will be contacted for any feedback. A paragraph from the AP was moved to the BP, and other updates were added to mirror the Ed Code.

AP 5910 Sexual Misconduct--Revision: On May 6, 2020, the Department of Education announced new requirements in Title IX which were published on May 19, 2020. Therefore, the BOT approved an interim policy until our committee has reviewed and approved it because the new regulations demanded compliance by August 14, 2020. **Major Changes:** There is now a broader Title IX team, as an advisor and hearing officer have been added. Definitions are substantially changed and clearly delineated on pages 1-5, there is an investigatory procedure with major changes that include cross examination and due process, and a new process to determine responsibility. The appeal process will be clarified more and moved to an appeal panel. No major changes to education and training requirements since we were already there. There is still work to clarify how faculty refer students with a complaint. Sexual harassment is now included under this procedure as well, in terms of due process and reporting.

Evidentiary Standard for Proof of Responsibility: I asked the District why they chose the lowest evidentiary civil standard of proof for a responsibility finding, as they selected the "preponderance of the evidence" standard. [Justia.com](https://www.justia.com) says that "This standard require[s] the jury to return a judgment in favor of the plaintiff if the plaintiff is able to show that a particular fact or event was more likely than not to have occurred. Some scholars define the preponderance of the evidence standard as requiring a finding that is at least 51 percent of the evidence favors the plaintiff's outcome." This standard is generically referred to as 50% plus a feather.

The District had the option to select the "Clear and Convincing Evidence" civil standard, the middle level of evidentiary stand of proof, which the Department of Education allowed, but if our District does so, according to *Inside Higher Education's* article, [U.S. Publishes New Regulations on Campus Sexual Assault](#), "Colleges will be able to determine whether to use a 'preponderance of the evidence' or 'clear and convincing' standard as a burden of proof and **must use the same standard for all complaints, no matter if they involve student or faculty misconduct**" [emphasis added]. We need to be concerned with fairness and standards of proof not just for students but faculty or other employees, as well, as sexual harassment is covered under this policy, and faculty could be accused as well as a student.

Equity: I explained to the committee that there have been concerns raised at Harvard and beyond on racial inequities in accusations and findings of responsibility in regards to some minority groups: "[The Question of Race in Campus Sexual Assault Cases](#)" "[Campus Sexual Assault and Race the Unexamined Question](#)" If we are truly dedicated to equity issues, we need to consider the standards of proof in terms of fairness and equity, as well.

AP 7120C Faculty Hiring--Revision: The proposed changes were made over the summer without faculty input, and so there will be language that the faculty may wish to change, add to, or delete. **Major Proposed Changes: (1) Complete applications only** will be moved forward. **(2) Equity**

& Inclusion: At the bottom of page 3, a paragraph is added from the Chancellor and the Ed Code about responsiveness and understanding of racial, ethnic, disability, gender identity, sexual orientation, socioeconomic, academic and cultural diversity within the community college student population including students with different ability statuses (physical and learning). **(3) College President's review of Search Committee:** Will review for inclusion and equity. If the College President does not approve a Search Committee due to a lack of diversity, the College President may collaborate with the Academic Senate to adjust the Search Committee composition. **(4) Must submit a minimum of three preferred candidates** or the College President will be consulted and assist in determining if more can be moved forward, if there is a need for a new search, or of a discontinuance and reopening later. **(5) HR/EEO Diversity Checks at Each Step:** At the conclusion of each step of the search process, HR/EEO will review recommendations to ensure there is no adverse impact to disproportionately impacted groups with the options of going back for re-inclusion, a new search, or a discontinuance. **(6) College President May Add to the Search Committee:** More faculty or administrators may be added to the Search Committee at the discretion of the College President.