



explained that two senators requested that items be removed from the Consent Calendar: the EEO & Equity Advisory Committee and all the tenure-track committees, and so they will be removed.

There are two open slots on the EEO & Equity Advisory Committee, three faculty who have applied for them, so those names will be drawn from the hat at the E-Board meeting today [and placed on the Consent Calendar next week]. There was a call sent out for the tenure-track committees and we ranked the respondents and put them on the agenda for today, but it was not fully in compliance with the rules of the Senate [[Committee Member and Task Force Volunteer Appointment Selection Process Resolution](#) and CFE Contract 8.5.c (1): one tenured faculty member appointed by the Senate from outside of evaluatee's discipline,] so in the E-Board today we will draw the names from the hat for each tenure-track committee and select one Senate representative for each; these will go on the consent calendar for next week.

noted that the Curriculum Committee Social and Behavioral Sciences (SBS) representative does not need to be on the Consent Agenda, as that is an elected-by-the-division position and does not require Senate approval. The Curriculum Committee SBS representative was removed, as that person was elected by the division.

noted that there are three positions for senators-at-large, and since he is one of two volunteers, he was handing the gavel for this vote over to Vice-President Drew announced the positions on the Consent Agenda for acclamation:

Lee Gordon & Loren Sachs

□ approve the consent agenda for the senators at large; motion seconded; motion approved. Vice-President Drew returned to gavel to President Gordon to proceed with the meeting.

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thirteenth and final position, the College President has agreed to turn to the next ranked position on the full-time hiring prioritization table and hire a philosophy professor. He thanked President Suarez for her cooperation. Due to the urgency of time, President Gordon will ask the Executive Board to designate a member of the Senate to serve on the philosophy tenure review committee at today's E-board meeting. [\[Committee Member and Task Force Volunteer Appointment Selection Process Resolution](#) and CFE Contract 8.5.c (1) (d): One tenured Faculty Member appointed by the Senate from outside of the evaluator's discipline.]

: In a four-to-one vote, the Coast District Board of Trustees voted Wednesday to shift Board the policy language "mandates" "strongly recommends" masks, testing and vaccine COVID 19 mitigation strategies — to be effective June 1st. There will no longer be mask or vaccine mandates in the summer. Chancellor Weispfenning said that "Given the difficulty of maintaining an ongoing testing protocol, continued enforcement of a vaccination mandate would have diminishing returns and rising costs." The Chancellor also predicted that if the District did not adjust its COVID policies, approximately 30% of Coast District students would attend a different set of community colleges outside of the CCCD.

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OCC curriculum process and that any CBE be taught only by OCC full-time or part-time faculty. The union should deal with any compensation issues.

The AF Committee also met last week to discuss the Diversity, Equity, Inclusion, and Accessibility Plan as per its impacts on academic freedom. The committee is in dialogue with the Foundation for Individual Rights and Education ([FIRE](#)) about two aspects of this issue: academic freedom and First Amendment rights. The AF Committee reviewed the whole plan and focused on areas that had to do with those issues:

- 5.1.3 Design a syllabus review process with peer and student reviews, reviewing every faculty member's syllabus
- 2.1.2 Provide anti-racist learning and include this as part of the evaluation process
- 2.1.4 Create required training

Overall academic freedom and constitutional rights were reviewed; they are two separate issues. The discussion and analysis that followed focused on the syllabus as a faculty member's intellectual property. This was at the meeting discussing that in detail. Requiring a mandated personal statement in a faculty member's syllabus and having it peer reviewed by faculty and students removes that faculty member's academic freedom, intellectual property, and also takes away from the intellectual classroom environment necessary for faculty and class discussions of difficult subjects. This is also true of any evaluation based on this. In addition, as a faculty member has individual constitutional rights and therefore required statements violate the faculty member's individual First Amendment rights by compelling speech via a government entity, as OCC is a public college.

Secondarily, there was a discussion and analysis on mandated training and there was no disagreement about mandated training per se. The concern is that there would be backlash to this training, as research is showing this to be the effect and was discussed in the last two weeks in the



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Stated that as a part of the President's Taskforce in Equity, Diversity, Inclusion, and Accessibility, they spent a lot of time going through the plan that was first presented to the Senate three weeks ago.

Shared a PowerPoint Presentation and noted that previously, they came to the Senate on April 5 and requested feedback through a Google form specific for the faculty. The plan was to return to this meeting, review the feedback, and get a potential endorsement.

In terms of the data, because of the complexity of the feedback, the

about a requirement of training, so there might be a recommendation to change that word to optional or there might be recommendations to add verbiage regarding academic freedom. Those might be clustered in terms of changes in the text, but then under that, they would list all the individual changes. They are different recommendations for changes in the language.

Does not prefer the clustering process as he has been through the clustering process at OCC and has seen where specific individual requests disappear into the clusters. This is too important for that. These issues should be taken up and considered by the committee on merit. The Senate should not yield its purview to a clustering process outside of the Senate's control. If necessary, the Senate can delay the process by having the Senate take all of the analysis and have a separate meeting of the Senate and have all of the issues held. He does not want to see these items disappear in the clustering process which he has seen happen before at OCC. This is too important to allow that to happen.

Asked what the recommendation is so she can take that back to the DEIA Taskforce.

A different system than the clustering method.

Made the recommendation not to vote on this item today and have it brought back next week on May 3. That would also give the faculty more time to look the document over and consider President Gordon's input about the clustering

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Asked President Emeritus Sachs and Curriculum Chair Otwell to further comment on the extent to which there had been the realization on the part of OCC faculty leadership at the time that this CBE item was first advanced, about a year ago, and whether there was an understanding of the scale of the idea and provide a bit of a historic retrospective.

Stated that it has been about a year-and-a-half ago since this topic stated first being discussed at the District; it was something that the District was just exploring. The fear then was that they were going to do something district-wide and that would not be something acceptable because each college was unique, each college had their own curriculum committee, etc. The idea of a one-size-fits-all was never part of it. There is now a perception at the District that all three colleges have known about this proposal to the policies all along and that is not the case. This is not what the Senates at GWC and OCC agreed to.

Reiterated Senator Sachs' point which is that the narrative from the District now is why are the OCC and GWC academic senates revisiting this issue now? This is a settled matter. This was presented to the colleges more than a year ago so why are they doing this? A year ago, OCC and GWC never indicated an acceptance of this initiative, and they had no idea the scale with which it was going to be proposed to be implemented.

What came up about a year ago was Credit for Prior Learning. We were worrying about the District trying to dictate to OCC how its processes should work. Competency-Based Education came out much more recently. We have known about the statewide senate push on this for over a year, but he did not know anything about Coastline's plans until very recently. They did have a District curriculum meeting last week where he asked the chairs from Coastline about this, and they did not know that much about it either yet. They are thinking that curriculum-wise, there will be an addendum for a competency-based education option for a course. They will do it with the addendum process, which would make sense because then they can ask for separate approval of the addendum as a piece of curriculum. At this point that is all he knows about CBE.

As the OCC representative at the Board Policies and Administrative Procedures (BPAP) meeting on Friday, I will be required to vote on this. My take is that the Senate wants me to vote "no." Do you want me to request changes, as well? In response to a request from President Gordon, she noted that the faculty vote is not predominant on the BPAP committee, and this CBE issue is primarily and faculty purview issue. She is concerned about that. This affects all teachers everywhere on campus. We need a stronger voice.

Stated the relative voting strength of faculty on that important district-wide board policy and administrative procedures committee in terms of the representatives of the OCC and GWC Academic Senates, etc., indicates a weakness in shared governance at the district level, not at the college level. They have vigorous shared governance and effective shared governance at the college level. Even though the District is under the same laws and structures as the College, the College, in fact, is a unit of the District. In this case where there seems to be clear opposition by the faculties of the two colleges which combined represent a substantial majority of the entire District are not able to have their voice heard effectively because of the structure of this District committee. In the next academic year, it might be worthwhile to look at a way to have more effective shared governance at the level of the Coast district.

agenda item.

Not enough time to go over this



Aye	Aye	Means, Leland: Visual and Performing Arts Senator (2021-2024)
Aye	Aye	Neil, Jeanne: Business and Computing Senator (2019-2022)
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Aye	Aye	Pena, Max: Senator-at-Large (2019-2022)
Aye	Aye	Sachs, Loren: Senator-at-Large (2019-2022)
Aye	Aye	Stanton, Jordan: Social and Behavioral Sciences Senator (2019-2022)

## Academic Freedom Committee Report and Statement

There was review and discussion of the following portions of the OCC DEIA Plan that mandate particular positions or ideologies in the form of written or oral statements, per syllabi, syllabi peer review and student review, faculty evaluation, and required training:

- 5.1.3. Design syllabus review process with peer-review and standard rubric, involving students in the process of review.
- 2.1.2. Provide antiracist learning (accessible learning, accountability in evaluation, standard of DEIA)
- 2.1.4. Create required and compensated professional development and training programs that addresses culturally responsive curriculum and pedagogy for faculty. (OCC DEIA Plan, April 8, 2022)

Academic freedom and constitutional rights research was reviewed, with the subsequent discussion focused on two issues: (1) the academic freedom of the professor and (2) the U.S. First Amendment constitutional rights of the individual.

Discussion and analysis focused on the syllabus as a faculty member's intellectual property. Therefore, requiring a mandated personal DEIA statement in a faculty member's syllabus and having it peer reviewed or student reviewed for conformity to some standard violates a faculty member's academic freedom and also dismantles the intellectual classroom environment that facilitates the robust investigation of ideas. This is subsequently true of any evaluation based this. . Further, a faculty member has individual constitutional rights; therefore, this also violates the First Amendment rights of the faculty member by compelling speech via a government entity.

There was additional discussion and analysis on mandated training. We are not against mandated training per se, but research strongly suggests that the consequences will likely create a "backfire" effect (*Washington Post, New York Times*). However, training that would require a faculty member's agreement to an ideology or statement would result in additional removal of the faculty member's academic freedom and add an extra burden of individual loss of constitutional rights by compelling speech. These concerns bear more profundity at a public university [government entity], which must uphold First Amendment rights, by law.

The Academic Freedom Alliance acknowledges that

It is a serious intrusion on the freedom of speech of the faculty to mandate or otherwise direct that such statements must be included in individual course syllabi or otherwise adopted or embraced by individual professors. The inclusion of anti-racism statements in course syllabi must be voluntary and left to the conscience of individual professors.

Mandatory anti-racism statements currently being developed are in principle indistinguishable from myriad other statements of belief that university officials have

sometimes attempted to force members of the faculty to endorse in the past. No matter how widely shared or normatively desirable any particular statement of values might be, individual professors should not be directed or coerced to endorse or accept such statements.

For public universities, mandating that professors embrace such statements is a clear violation of the First Amendment of the U.S. Constitution.

These statements and quotes above are made concurrently with the acknowledgement that the issues of diversity, equity, and inclusion need not come at the expense of academic freedom. In fact, a central purpose of academic freedom is precisely to support diversity, equity, and inclusion. The right to dissent – in a civil and respectful manner – must remain sacrosanct.