ORANGE COAST COLLEGE

Academic Senate Meeting | 10/22/19 | 11:30 am - 12:30 pm | Faculty House

Kevin Ballinger, Marco Baeza, Nathan Jensen, Jaki Kamphuis, Kate McCarroll, Rich Pagel, Andreea Serban, Angélica Suarez, John Taylor.

President Loren Sachs called the meeting to order at 11:30 a.m.

approve the October 8, 2019, minutes; motion seconded; motion approved unanimously.

approve the October 15, 2019, minutes; motion seconded; motion approved unanimously.

No public comments were made.

Districtwide fundraiser softball game between CFCE, C.O.P.E, and CFE on Saturday, November 2, at the softball field on Adams and Pine.

Dia de Angelitos and Dia de Muertos, October 30, 12 - 4:30 p.m., in the Multicultural Center: (1) 12-1, potluck and viewing of altar; (2) 1-2:45, viewing of Academy Award film, (3) 3-4, presentation by German Vasquez-Rubio, craftsman of original Coco guitar and internationally acclaimed Luthier; and (4) 4-4:30, face painting.

Senator Kennedy stated that she brought back a revised, updated resolution on the draft presented last week, the Resolution on Senate Purview, Shared Governance, and the AP/BP 7310 Anti-Nepotism Policies #F-2019-1. The revisions were based on Senate and E-Board feedback; the proposed resolution is now clearer and more focused. AB

Senators made these comments:

- The first draft was a little muddied and brought in other entities; this ties the
- -Nepotism policy but we are currently addressing the shared governance issues, so this is much clearer.
- There is lot to be said about collegiality and the 10 + 1 and communicating with all entities, as some union members were upset.
- When we first got the coordinator positions the Senate got them last and after the union and we had little time to review or vet until the Senate requested that they see them first before moving to the union.

Senator Kennedy noted that the draft resolution did not mention a particular union, since the letter we received from the District did mention two unions [out of three], but we did not know specifically how many of them were actually involved. Historically, CFE did negotiate changes that affected policies in the past (spring 2018], and those policies affected were the BP/AP Retiree Health Benefits and the Senate was not consulted; those changes were discovered after the fact at a DCCBPAP meeting.

To clarify historical background and Senate purview, Senator Kennedy and President Sachs introduced former Academic Senate President Eduardo Arismendi-Pardi, who was invited to speak to the Senate about .

> Dr. Arismendi-Pardi addressed the Senate and provided a Venn diagram of the three Senate/union/management intersections to illustrate how collegiality should work, noting that there are three perspectives, but that in the Senate we need to focus on Senate purview. When one looks at a policy as a representative of the Senate, one must ask how it relates to academic and professional matters. This policy very much relates to both. Historically, there was a resolution on shared governance and working together, so we need to have collegial conversations. As the Senate looks at academic and professional matters, the union looks at working conditions, and management looks at supervisory roles. We work together.

AP 7310 Anti-Nepotism

New

References: Government Code Sections 1090 et seq. and 12940 et seq.

The District recognizes the potential for conflict of interest, claims of disparate treatment, and/or discrimination in the employment of relatives in the same department or work unit or in a direct or indirect supervisory relationship. The District further recognizes that there are infrequent but compelling circumstances under which such employment relationships may be in the best interests of the District.

well as potential conflicts that materialize after initial employment. Where such may occur, the Chancellor or designee will be responsible for determining the appropriateness of the assignment. The District retains the right to reassign or transfer employees where such assignments have the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest.

employees or Trustees using their 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). The relationships covered by this Procedure are the following:

- current or past spouses
- current or past registered domestic partners
- parents and grandparents
- siblings
- children and grandchildren
- step-children
- in-laws
- nephews and nieces
- first cousins
- current or past cohabitation

This Procedure prohibits such employees to be placed to an assignment within a department or organization at a College or the District Office where the employee and the applicant for employment would be in the same organizational chain of command, or at the same site/College as the employee.

Each applicant for employment or current employee (transfer or promotion) is restricted to having a relationship as defined above with up to one other person at a time who is an employee at the same site/College or up to two others if the other two are not employed at the same site/College as the applicant or transfer/promotion employee.

If any relationship covered by this Procedure develops subsequent to being hired, the employees are required to notify the Vice Chancellor of 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 may allow exceptions to the Procedure only if the relationship is not and will not create an adverse impact on work productivity or performance of themselves or others in the workplace; the relationship does not and will not create a conflict of interest, or a perceived conflict of interest; the relationship is between two faculty members, two classified employees, or a classified employee and a faculty member and there is no indication of a conflict of interest or a negative impact on the work environment.

Applicants

Each applicant for any position within the District will be required to disclose relationships as defined in this Procedure at the time of application. Also, a5.1 Tm0 g G[(th)-5e)-f3a)9(ti)4( )113r)13ansherel9(u)-3e)-3n)-(t applying for a position would be asked to clarify how they would reduce or eliminate any negative impact or perceived conflict of interest.

Employment and transfer applicants may participate in the recruitment process and have the ability to be considered for an interview regardless of an existing relationship as defined in this Procedure. The Vice Chancellor of Human Resources shall not remove an applicant from the recruitment process prior to identifying that a conflict of interest or a violation of this Procedure exists.

Complaints about possible violations of this Procedure should be submitted to the Vice Chancellor of Human Resources. Violations may result in discipline up to and including termination of employment or disqualification in the hiring process.

The Senate proposed these changes to the proposed policy:

- R indirect interpreted too broadly , and leave only direct supervisory
-

> We are trying to clean up the nepotism issues that exist and persist in this organization and create a less strict policy, a clear process, but that a more inclusive policy. Right now, existing departments have cousins, nephews, nieces, and brothers who have created a supervisory challenge we want to prevent this moving forward.

President Sachs invited Dr. Baeza to return on November 19, and the Senate can create a list of questions to provide ahead of time and also have questions and answer at the meeting itself.

Dr. Baeza noted that there are two proposed policies--

October 29, 2019

Orange Coast College Academic Senate

(Revised) Resolution on Senate Purview, Shared Go

[illegible] October 2 [illegible] October 22, 2019. Approved by the OC College [illegible]

Se[illegible] on October 22, 2019

[illegible] in [illegible] policies and [illegible]

Whereas, Co[illegible] procedures that are clearly Senate purview;

[illegible]wledge these nepotism policies and procedures as part of [illegible]

Whereas, Coast C[illegible] hiring policies and procedures AP 7120 Empl[illegible] Recruitment and Selection refer directly to the nepotism [illegible] policies and states that [illegible] nce with it [illegible] P/AP 7310 [illegible] tism);

Whereas, California Education Code 87360 (b) [illegible] criteria, policies, and procedures for new faculty members [illegible] will be develope[illegible]

[illegible] negotiation of Senate purview hiring policies and procedures that excludes t[illegible] nance and the Senate's purview; therefore,

Be it Resolved t[illegible]

[illegible] rd of Trustees recognize the purview [illegible] the Senates within the California Education Code [illegible]

[illegible] purview [illegible] AB 1725 [illegible] acknowledgements of said Senate purview (AP 2510) [illegible] the 10+1 and [illegible] District [illegible] policy

[illegible] ussed and [illegible]

[illegible] Local Decision Making. Coast Community College District. 4 Apr. 2018, https://w[illegible].edu/b[illegible]

"AP 73[illegible] Anti-Nepotism (proposed)." [illegible] Community College District.

ASCCC Local Senates Handbook. Academic Se[illegible] ate for California Community Colleges. 2015. https://www.asccc.org/papers/handbook2015

https://www.cccd.edu/boardof[illegible] Policies/Documents/Human_Resources/BP_7120_Employee_Recruitment_and_Selection.pdf

[illegible] https://www. cccd.edu/boardo[illegible] stees/Doc[illegible]

[illegible] 2018. https://www.asccc.org/sites/default/files/Hiring%20P[illegible]