



**ANTELOPE VALLEY COLLEGE
ACADEMIC SENATE MEETING
AGENDA
February 16, 2017
3:00 p.m. – 4:30 p.m.
L-201**

To conform to the open meeting act, the public may attend open sessions

1. CALL TO ORDER AND ROLL CALL
2. OPENING COMMENTS FROM THE SENATE PRESIDENT
3. OPEN COMMENTS FROM THE PUBLIC
4. APPROVAL OF MINUTES
 - a. December 1, 2016 Academic Senate Meeting (attachment)
 - b. January 11, 2017 Academic Senate Meeting (attachment)
5. REPORTS (5 minutes maximum)
 - a. Honors Committee - John Vento
 - b. Program Review Committee - Carol Eastin
 - c. Accreditation Committee - Tina McDermott, Mike Pesses
6. DISCUSSION ITEMS
 - a. Senate President Terms Feedback - Kathryn Mitchell, Dr. Ken Shafer (attachment)
 - b. AP 7348 Accommodations (attachment)
 - c. AP 3225 (attachment) Institutional Effectiveness (attachment)
 - d. BP 7360 Discipline and Dismissals (attachment)
 - e. AVID - Michelle Hernandez (attachments)
[What is AVID for Higher Education?](#)
7. ACTION ITEMS
 - a. By-Laws Ratification - Dr. Glenn Haller (attachments)
8. INFORMATIONAL ITEMS
 - a. Equivalencies (attachments)
 - Drama/Theatre Arts
 - Administration of Justice
 - Fashion and Related Technologies
 - English
 - b. Faculty Accreditation Coordinator - Mike Pesses
 - c. Hiring Committee - Foundation Director - John Toth
 - d. Hiring Committee Pool
 - Biology - Rick Motawakel
 - Math - Lisa Karlstein
 - Math - Mike Hutchison
 - Spanish - John Toth
 - Librarian - Aurora Bird
 - English - Jack Halliday
 - English - Igor Marder
 - Automotive Technology - Susan Snyder
 - Automotive Technology - Neal Weisenberger
 - Deaf Studies - Deborah Sullivan-Ford
 - Interpreter Training - Mike Rios
 - Music - Matthew Rainbow
 - Sociology - David Newby

- Electrical Technology - Irit Gat
- General Counselor - Bassam Salameh
- General Counselor - Ken Shafer
- e. Academic Ranking
 - Kirk Vichengrad
 - Jeffrey Bretz - Adjunct Assistant Professor
- f. Professor Emeritus
 - Lee H. Grishman
- g. CCE Course Update - Dr. Irit Gat
- h. AP 3100 Organizational Structure (attachment)
- i. BP 3710 Securing of Copyright for District Materials from AVC (attachment)
- j. AP 3710 Securing of Copyright for District Materials from AVC (attachment)
- k. Academic Senate Meeting, January 11, 2017 - Procedural Correction - Dr. Glenn Haller

9. ANNOUNCEMENTS

10. ADJOURNMENT

2017 ACADEMIC SENATE MEETINGS & COMMITTEE REPORTS	
February 16, 2017 Honors Committee Program Review Committee Accreditation Committee	March 2, 2017 Distance Education & Technology Committee Faculty Professional Development Committee Academic Policies & Procedures Committee
March 16, 2017	April 20, 2017 Distance Education & Technology Committee
May 4, 2017 Faculty Professional Development Committee Academic Policies & Procedures Committee Program Review Committee	May 18, 2017 **ANNUAL REPORTS AGENDIZED** Honors Committee Accreditation Committee

NON-DISCRIMINATION POLICY

Antelope Valley College prohibits discrimination and harassment based on sex, gender, race, color, religion, national origin or ancestry, age, disability, marital status, sexual orientation, cancer-related medical condition, or genetic predisposition. Upon request, we will consider reasonable accommodation to permit individuals with protected disabilities to (1) complete the employment or admission process, (b) perform essential job functions, (c) enjoy benefits and privileges of similarly-situated individuals without disabilities, and (d) participate in instruction, programs, services, activities, or events.

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Dr. Irit Gat, Academic Senate President: igat@avc.edu at least 48 hours before the meeting, if possible. Public records related to agenda items for open session are available for public inspection 72 hours prior to each regular meeting at the Antelope Valley College Academic Senate's Office, L-202, 3041 West Avenue K, Lancaster, California 93536.



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To conform to the open meeting act, the public may attend open sessions

1. CALL TO ORDER AND ROLL CALL

That Academic Senate meeting of February 16, 2017 was called to order at 3:05 p.m. by Dr. Irit Gat, Academic Senate President.

2. OPENING COMMENTS FROM THE SENATE PRESIDENT

- Dr. Gat welcomed senators to the first Academic Senate meeting of the spring semester.
- Dr. Gat asked senators to remind their constituents to get recommendations in for students who have applied for scholarships.
- Dr. Gat congratulated Ms. Tina McDermott for the outstanding accreditation report.
- Dr. Gat congratulated Dr. Glenn Haller on a great job with Outcomes, as mentioned in the accreditation report.
- Dr. Gat apologized to Dr. Haller for neglecting to include him in Opening Day introductions of the Bylaws Task Force.
- Dr. Gat reported the passing of former senator Cathleen Overdorf, who passed away in December.

3. OPEN COMMENTS FROM THE PUBLIC

- Ms. Carolyn Burrell attended the Branding meeting. Ginsler is the design firm who will create the prototype.

4. APPROVAL OF MINUTES

- a. December 1, 2016 Academic Senate Meeting (attachment)
*A motion was made by Mr. Larry Veres and seconded by Mr. Jack Halliday to approve minutes of the December 1, 2017 Academic Senate meeting.
Motion carried unanimously with one (1) abstention.*
- b. January 11, 2017 Academic Senate Meeting (attachment)
*A motion was made by Mr. Rick Motawakel and seconded by Mrs. Susan Lowry to approve minutes of the January 11, 2017 Academic Senate meeting.
Motion carried with twenty abstentions.*

5. REPORTS (5 minutes maximum)

- a. Honors Committee - John Vento
Mr. John Vento presented the Honors Committee report – see attachment.
- b. Program Review Committee - Carol Eastin
Ms. Carol Eastin presented the Program Review Committee report – see attachment.
- c. Accreditation Committee - Tina McDermott, Mike Pesses
Ms. Tina McDermott presented the Accreditation Committee report – see attachment. Tina introduced Mike Pesses, the new Accreditation Coordinator.

6. DISCUSSION ITEMS

- a. Senate President Terms Feedback - Kathryn Mitchell, Dr. Ken Shafer (attachment)
Ms. Kathryn Mitchell presented feedback from she and Dr. Shafer's research to find the senate president terms for community colleges throughout California – see attachment. The majority had 2-year terms.

Kathryn Mitchell – researched over break majority of CC in California. Split up and gathered information to come up w/recommendation. The majority had 2 year term for senate presidents. Members discussed shadowing, release time and whether ex-officio should continue to attend meetings. Dr. Gat explained a change in term would require a constitution change; the entire faculty would vote. She suggested waiting for the Bylaws committee to finish their work. She asked senators to take back to divisions and bring feedback to the March 2, 2017 meeting. Dr. Glenn Haller noted a Constitution ad hoc committee is needed.

The call for the new senate president will go out in two weeks. The call for all three senate executive positions will follow. Dr. Gat thanked Ms. Mitchell and others who conducted the research.

- b. AP 7348 Accommodations (attachment)
It was noted it appeared the language is intentionally vague.
- c. AP 3225 (attachment) Institutional Effectiveness (attachment)
No suggestions.
- d. BP 7360 Discipline and Dismissals (attachment)
Senators read this as a union issue. Dr. Scott Lee will address at CCC.
- e. AVID - Michelle Hernandez (attachments)
Ms. Michelle Hernandez presented *AVID for Higher Education* – see attachments. Faculty are invited to attend the Lunch & Learn events and can earn Standard 3 flex credit.

7. ACTION ITEMS

- a. By-Laws Ratification - Dr. Glenn Haller (attachments)
A motion was made by Dr. Susan Lowry and seconded by Ms. Susan Knapp to approve the Bylaws ratification.
The entire text did not make it into the agenda. The full version will be presented at the next meeting. Dr. Haller noted the portion with 1-5.1.4 has to be removed.
Motion carried unanimously.

8. INFORMATIONAL ITEMS

- a. Equivalencies (attachments)
 - Drama/Theatre Arts
 - Administration of Justice
 - Fashion and Related Technologies
 - EnglishThe aforementioned equivalencies were approved.
- b. Faculty Accreditation Coordinator - Mike Pesses
Mr. Mike Pesses will serve as the new Accreditation Coordinator.
- c. Hiring Committee - Foundation Director - John Toth
Mr. John Toth will serve on the hiring committee for the Foundation Director.
- d. Hiring Committee Pool
 - Biology - Rick Motawakel
 - Math - Lisa Karlstein
 - Math - Mike Hutchison
 - Spanish - John Toth
 - Librarian - Aurora Bird
 - English - Jack Halliday
 - English - Igor Marder
 - Automotive Technology - Susan Snyder
 - Automotive Technology - Neal Weisenberger
 - Deaf Studies - Deborah Sullivan-Ford
 - Interpreter Training - Mike Rios

Approved: Academic Senate Meeting of March 2, 2017

Music - Matthew Rainbow
 Sociology - David Newby
 Electrical Technology - Irit Gat
 General Counselor - Bassam Salameh
 General Counselor - Ken Shafer

The aforementioned faculty members will serve as candidates to serve as a faculty member on future hiring committees.

- e. Academic Ranking
 - Kirk Vichengrad - Adjunct Assistant Professor
 - Jeffrey Bretz - Adjunct Assistant Professor
 Academic Ranking requests for the aforementioned adjunct faculty members were approved.
- f. Professor Emeritus
 - Lee H. Grishman
 The Professor Emeritus request for Dr. Lee H. Grishman was approved.
- g. CCE Course Update - Dr. Irit Gat
 The CCE Courses were approved as presented.
- h. AP 3100 Organizational Structure (attachment)
- i. BP 3710 Securing of Copyright for District Materials from AVC (attachment)
- j. AP 3710 Securing of Copyright for District Materials from AVC (attachment)
- k. Academic Senate Meeting, January 11, 2017 - Procedural Correction - Dr. Glenn Haller
 Dr. Glenn Haller read a statement regarding the English Equivalency approved by the Senate Executive at the January 11, 2017 Academic Senate meeting that was held outside semesters - see attachment.

9. ANNOUNCEMENTS

10. ADJOURNMENT

The Academic Senate meeting of February 16, 2017 was adjourned at 4:21 p.m. by Dr. Irit Gat, Academic Senate President.

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Approved: Academic Senate Meeting of March 2, 2017

Guests/Ex-Officio: Michelle Hernandez, Tina McDermott, Mike Pesses, Carol Eastin, Kathryn Mitchell , John Vento Y=Yes, N=No, A=Abstain, NP = Not Present, MF=Motion Failed, 1=Motion, 2=Second			4a 12/1/16 Minute	4b 2/ 6/1 Minutes	7a ByLaws Ratific
February 16, 2016 Senate	Present	Proxy	Y/N/A	Y/N/A	Y/N/A
Bowen, Jason	X		X	A	Y
Burrell, Carolyn	X		X	A	Y
Christopher, Violet	X		X	A	Y
Flores-Kagan, Diane	X		X	A	Y
Fuller, Rosa	X		X	A	Y
Gat, Irit	X				
Ginosian, Dezdemonia	X		X	A	Y
Haller, Glenn	X		X	A	Y
Halliday, Jack	X		2	A	Y
Harper, Jessica	X		X	Y	Y
Jaffe, Matthew	X		X	Y	Y
Karlstein, Lisa	X		X	A	Y
Knapp, Susan	X		X	A	2
Leighton, Jonet	X		X	A	Y
Lowry, Susan	X		X	2	1
Mitchell, Kathryn	X		X	A	Y
Motawakel, Rick	X		X	1	Y
Palmetto-DeSpain, Tamira	X		X	A	Y
Rao, Harish	X		X	A	Y
Rezek, Terry	X		X	A	Y
Rider, Van	X		X	A	Y
Shafer, Ken	X		X	A	Y
Snyder, Susan	X		A	A	Y
Sundberg, Liz	X		X	A	Y
Veres, Larry	X		1	A	Y

Academic Senate Meeting: November 3, 2016

Bowen, Jason	
Burrell, Carolyn	
Christopher, Violet	
Flores-Kagan, Diane	
Fuller, Rosa	
Gat, Irit	
Ginosian, Dezdemonia	
Haller, Glen	
Halliday, Jack	
Harper, Jessica	
Jaffe, Matthew	
Karlstein, Lisa	
Knapp, Susan	
Leighton, Jonet	
Lowry, Susan	
Mitchell, Kathryn	
Motawakel, Rick	
Palmetto-DeSpain, Tamira	
Rao, Harish	
Rezek, Terry	
Rider, Van	
Shaffer, Ken	
Snyder, Susan	
Sundberg, Liz	
Veres, Larry	



Date: February 16, 2017

To: Dr. Irit Gat

Cc: Nancy Master

Re: **Honor report**

- 472 students are involved in the Honors program (2/16/17)
- More than 50 students were removed from the program in January 2017.
- More than 60 students joined the program in January 2017
- More than 90 students are expected to complete/transferred the honors program in spring 2017
- UCLA TAP process should be done by the end of February
- The following faculty were approved for honors options
 - English: Eric Martin
- Counseling: In addition to Susan Knapp, Rosa Fuller, Cynthia Wiska and Tamira Palmetto Despain are designated Honors counselors
- Honors Options: Working with Rick Shaw to develop a paperless Honors option
- Honors Budget was merged with the Senate Budget
- Dean La Donna Trimble will allow honor students that complete the program to get a special notation on their transcripts beginning spring 2017. Details are still pending
- Two Honor Students: Stephanie Aceves and Samir Al Salek were selected for the 2017 Phi Theta Kappa (PTK) All California Academic Team. The students will be recognized at a luncheon in Sacramento on March 23rd; - **a first for AVC.**

Program Review was mentioned 40 times in the Evaluation Report written after our accreditation site visit in October. One of the six recommendations included making better use of data to enhance program review, resource allocation and institutional planning, especially by the disaggregation of learning outcomes data and operational outcomes data for subpopulations.

The quality of and use of our Program Review reports was cited in each of the four Standards. The team repeatedly noted that our program review reports document our discussions about outcome findings and our use of data and stakeholder input to make informed decisions to improve our programs. The visiting team saw that we integrate program review, planning, and resource allocation into a comprehensive process. The team noted that they did not find interventions being planned to improve the achievement gap between face-to-face and online students.

Well done! Each and every one of you were part of making that Evaluation Report so good because you documented your work!

Most of the members of the Academic Senate have the option of using their 2016 reports for a second year. If your 2015-16 data and current thinking both support the continued use of your 2016 report you will check the Status Quo box and submit your report to me. I post the reports on the Program Review webpage for public access.

The exceptions are:

The Office for Students with Disabilities is writing a comprehensive report this year.

The Library, Math, Science & Engineering, and Health & Safety Sciences are writing annual update reports this year.

We are using Tableau to post data for Program Review this year. I have been hearing enthusiasm and thanks from people who have used the new Tableau dashboards to look at discipline data. People seem to especially like the interactive features to access the data they want. Take some time to play with it. The Chairs will have some training in March on Tableau. Svetlana in IERP is meeting with people one-on-one as the need arises.

Thank you and keep up the great work!

Accreditation Update to the Academic Senate
Feb 16, 2017

Tina Leisner McDermott and Mike Pesses
Accreditation Coordinators
Antelope Valley College

(661)722-6300 x6144 and 6914
tmcdermott@avc.edu mpesses@avc.edu

1. Tina - announce Mike / pair / mentoring this semester
2. Mike will review commendations:
 - Com #1 = Special recognition of the Aeronautical and Aviation Technology program
 - Com #2 = “Thoughtful planning” in terms of planning for grants, but having contingencies if discontinued
 - Com #3 = Our integrated planning
 - Com #4 = The implementation of the counseling program *Armada*
 - Com #5 = Our commitment to student access and equity
 - Com #6 = Our orientation and mentoring of new and part-time faculty
 - Com #7 = ITS’ successful implementation of “complex initiatives” and collaboration when it comes to decision making
3. Tina will review recommendations:
 - Rec #1 = More in depth dialogue using dashboard data in Program Review, and disaggregation of SLOs and OOs.
 - Rec #2 = improve online student achievement rates
 - Rec #3 = create SLO-PLO curriculum maps
 - Rec #4 = include information competency in all SLOs and PLOs
 - Rec #5 = more training for hiring committees

- Rec #6 = create a systematic and regularly scheduled process for evaluating governance and decision making effectiveness
5. MIDTERM REPORT DUE 2020 How we are moving forward this semester:
- Mike, Tina, and Bonnie will review recommendations and QFE and identify responsible parties to form a work team
 - Work team will meet this semester to launch process of following recommendations and implementing QFE (FYE program assessments and ILO sustainability of process)

END OF REPORT

AVC Academic Senate

Academic Senate President Terms & Leadership Models

Senate Sub-Committee Report
Kathryn Mitchell & Dr. Ken Shafer

Senate President Terms

- The majority of CA community college Senate president's terms are 2 years.
- A few have 1 year terms, but only one other college has a 3 year term as far as we found.
- The majority of colleges allowed consecutive terms (2-3 maximum) if the president wanted to be voted in again, though a few required a 1 year break between terms.

VP/President Elect

- Approximately $\frac{1}{3}$ of the colleges have either the VP as the President Elect or just have a President Elect on the exec.
- The VP/Pres Elect's term is 1 year.
- A few colleges had a semester of shadowing for the Pres Elect, but we did not read contracts to find out about re-assign time, if offered.

Immediate Past President

- Approximately $\frac{1}{3}$ of the colleges had the Immediate Past Pres on the exec, while others kept the position ex-officio on the Senate only.
- The term ranged from 1 semester to 1 year.

Election Process

- The majority of the colleges had the Senate elect the president, while a few had the entire faculty vote.
- The majority of colleges had some sort of Election or Nominating Committee that handled the process; 2 colleges found had the Immediate Past Pres in charge of elections (both schools had 1 year pres term).

Recommendations for Leadership Models by Sub-Committee

After researching and discussion, the subcommittee recommends the following:

1. The Senate President term be 2 years.
2. Consideration of the first VP to be President-Elect the second year of the President's term.
3. Immediate Past-President to be advisor/ex-officio on the Senate for only 1 semester.

AP 7348 Accommodations

References:

29 U.S. Code Section 207(r);
42 U.S. Code Section 12101 et seq.;
42 U.S. Code Sections 2000e et seq.;
29 Code of Federal Regulations Parts 1605.1 et seq.
Government Code Sections 12926, 12940, and 12945;
Labor Code Sections 230 and 1030 et seq.
Title 2 Sections 11040 et seq., 11050, et seq., and 11060 et seq.

Absent undue hardship or direct threats to the health and safety of employee(s), the District provides employment-related reasonable accommodations to:

- qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions;
- employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider;
- employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
- employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

For Disabilities:

The District has an affirmative duty to provide reasonable accommodations to applicants or employees with disabilities unless the timely, good faith interactive process reveals that there is no reasonable accommodation that will allow the applicant or employee to perform essential job functions without causing the agency undue hardship or without presenting a direct threat to the health and safety of himself/herself or others.

For Pregnancy and Related Medical Conditions:

The District must provide an interactive process to assess reasonable accommodations, in addition to leave rights, to employees disabled by pregnancy and related medical conditions.

For Victims of Domestic Violence, Sexual Assault, or Stalking:

Effective January 1, 2014, the District also has an affirmative duty to provide reasonable accommodations to employee-victims of domestic violence, sexual assault, or stalking, that would protect the safety of the employee-victim while at work. As is the case with disability-related accommodations, the law requires a timely, good faith interactive process. The goal is to identify safety-related accommodations that do not cause undue hardship and that do not compromise the safety and health of all employees. Like the interactive process for disabilities, the agency has the duty to restart the interactive process if the employee requests new accommodation(s) due to changed circumstances.

For Religious Belief or Observance:

The District is required to prove that it has explored any available reasonable alternative means of accommodating the religious belief or observance. Though an interactive process is not legally mandated for religious accommodation, an interactive process meeting is suggested as good practice and is an effective way for an employer to prove that it explored any available reasonable alternative means of accommodating the religious belief or observance.

Lactation Accommodation

An overtime-eligible employee who wishes to breastfeed and/or express breast milk for her infant child during her scheduled work hours will receive additional unpaid time beyond the 15-minute compensated rest period. Employees desiring to take a lactation break must notify a supervisor prior to taking such a break. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

The District will make reasonable efforts to accommodate employees by providing an appropriate location to express milk in private. The District will attempt to find a location in close proximity to the employee's work area, and the location will be other than a toilet stall. Employees occupying such private areas shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance.

Any employee storing expressed milk in any authorized refrigerated area within the work area shall clearly label it as such. No expressed milk shall be stored at the work area beyond the employee's workday.

AVCCD is required to engage in a "timely, good faith, interactive process" with an employee or applicant in response to requests for reasonable accommodation which may involve one or more of the following:

- *Potential Accommodations for Religious Creed, Religious Dress Practice, or Religious Grooming Practice*
- *Disability Accommodation*
- *Supporting Documentation or Certification*
- *Reasonable Medical Documentation of Disability*
- *Interactive Communication or Interactive Process*
- *Potential Accommodations for Applicants or Employees with Disabilities*
- *Potential Accommodations for Employees Affected by Pregnancy and Related Medical Conditions*
- *Determination Regarding Accommodation*

- *Certification of Victim Status*

Interactive Process:

An effective interactive process provides the means by which an employer and employee determine if a reasonable accommodation is feasible based on the following:

- Analysis of the essential job functions
- Identification of the limitations of the position
- Identification of possible accommodations
- Consideration of preferences of the employee or applicant

An accommodation may be requested by the employee, an applicant or a healthcare provider, a family member or another representative.

A decision regarding the allowance of a proposed accommodation should be made whenever possible within 20 days of the interactive meeting.

Following each interactive meeting, the employer should document the accommodations considered in a letter to the file or a letter to the employee. Documentation should include:

- Attendees present during the interactive meeting. And that the employee was notified of their option to have a representative present.
- That the employer was flexible in terms of scheduling the meetings.
- Whether the meeting was tape recorded
- A list of accommodations suggested during the meeting
- Responses to the proposed accommodations
- Whether the meeting resulted in any agreement

If an accommodation cannot be agreed upon, the denial must be supported by specific, legitimate reasons.

A periodic review of the status of the accommodation should take place to review the effectiveness of the accommodations, and to review the need to either continue or terminate the accommodation.

New 10/16

AP 3225 Institutional Effectiveness

References:

Education Code Sections 78210 et seq. and 84754.6;
ACCJC Accreditation Standard I.B.5 - 9

The district shall develop, adopt and publically post goals that address all of the following: (1) accreditation status; (2) fiscal viability; (3) student performance and outcomes; and (4) programmatic compliance with state and federal guidelines.

The goals should be challenging, quantifiable, address achievement gaps for underrepresented populations, and align the educational attainment of California's adult population with the workforce and economic needs of the state.

Adopted: 11/14/16

BP 7360 Discipline and Dismissals - Academic Employees

Reference:

Education Code Sections 87666 et seq., 87732

No regular academic employee shall be dismissed except for one or more of the causes listed in Education Code Section 87732. The Board shall determine whether a contract or regular employee is to be dismissed or penalized. If the employee is to be penalized, the governing board shall determine the nature of those penalties. A contract or regular employee may be dismissed or penalized if one or more of the grounds set forth in Section 87732 are present and the following are satisfied:

- The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of Education Code Sections 87660 et seq., **and any administrative procedure for evaluation contained in a collective bargaining agreement;**
- The Board has received all statements of evaluation which considers the events for which dismissal or penalties may be imposed;
- The Board has received a recommendation from the Superintendent/President.
- The Board has considered the statements of evaluation and the recommendations in a lawful meeting.

If the Board decides it intends to dismiss [or penalize] a contract or regular employee, it shall take the actions required by the Education Code, and the Superintendent/President or designee shall thereafter assure that the employee is afforded the full post-termination due process required by Education Code Sections 87666-87681.

The Superintendent/President shall establish procedures that define the conditions and processes for dismissal, discipline, and due process and ensure they are available to employees.

~~This policy governs the discipline and dismissal of regular academic employees. Education codes 87660 et. seq. and 87740, which govern the evaluation of, dismissal of, and the imposition of penalties on regular academic employees shall be applied in a manner consistent with the provisions of this policy.~~

See Administrative Procedure # 7360

Adopted: 5/8/06

Revised: 12/012/16



AHE Student Success Initiative

www.avid.org

AVID for Higher Education's (AHE) Student Success Initiative (SSI) is designed to support students who enter college underprepared. SSI addresses the gaps in student performance and success at institutions of higher education and assists students by developing the skills that enable them to deal effectively with the academic, cultural and financial challenges that college creates.

Research shows student performance and success is impacted by the gap:

- in college completion rates between low-income and high-income students, and between white students and students of color;
- between the number of students who intend to transfer from 2-year to 4-year colleges and the number who actually do;
- in collaboration between schools and colleges/universities;
- between the amount of teacher preparation received in graduate-school by college faculty and the quality of their professional performance as undergraduate teachers and advisors;
- between higher education's emphasis on student acquisition of discipline-specific content and the need for students to develop cross-disciplinary, lifelong learning skills;
- between the current (and urgent) need for higher education to make transformative change to meet the needs of today's growing number of first-generation students; and the reality that postsecondary institutions are notoriously slow to change.

SSI reduces barriers that traditionally limit levels of academic achievement by providing an academic support program to develop college success skills needed for academic success, persistence, and graduation. In addition, the SSI facilitates professional development using student success pedagogies applicable across academic disciplines and student services, and designs a college plan around the [AVID for Higher Education Essentials](#).

System Impact of the AHE Student Success Initiative

Evidence from participating colleges and universities points to the following system impacts of the AHE Student Success Initiative:

Impacts on Students: Students in the SSI are more likely to hold themselves accountable for their learning. They demonstrate improved academic behaviors, competencies, and self-efficacy reinforced by peer support and mentoring. They change their beliefs in their own abilities, and apply the learning strategies to rigorous college-level coursework.

Impacts on Faculty: The AVID campus planning team identifies institutional barriers to student persistence, acceleration and completion, develops a vision to remove these barriers, and advocates for and monitors the AVID students. The AHE professional learning opportunities provide faculty with research-based instructional pedagogy and concrete strategies for student engagement and teaching within various disciplines.

Impacts on Campus Culture: High expectations for student success and high levels of student support become the campus norm, and belief systems shift to a more positive commitment to student achievement. AHE helps institutions transition from a teaching environment to a learning environment that can lead to positive impacts on campus culture.

Some of the program outcomes mentioned above include: peer-supported learning communities, faculty development more directly focused on student engagement and success, and increased student persistence and successful course completion.

For additional information about AVC and AVID for Higher Education's Student Success Initiative, please contact mhernandez@avc.edu.



AVID for Higher Education Essentials



AVID's mission is to close the achievement gap by preparing all students for college readiness and success in a global society.

AVID for Higher Education collaborates with institutions of higher education to systemically address the goals of increased learning, persistence, completion, and success beyond college. AVID supports students in their efforts to earn a college degree and/or certificate by developing and strengthening academic skills and personal development. AVID assists postsecondary professionals in analyzing existing student support initiatives and data, identifying barriers and needs, and establishing student learning outcomes and assessments. When implemented with fidelity, AVID has the potential to impact the behaviors and expectations of postsecondary students, faculty, and administrators through thoughtful and ongoing faculty development and professional learning.

Essential 1 – Campus Leadership and Support

Campus leadership actively supports and participates in the implementation of AVID for Higher Education.

- AVID for Higher Education is funded annually through internal and external sources.
- Campus leadership has identified an AVID Liaison.
- Campus leadership collaborates with the AVID Liaison to establish the AVID Campus Team representing faculty, administration, and academic and student affairs.
- Campus leadership participates in the development of the AVID Campus Plan.
- Campus leadership participates in the AVID Summer Institute.

Essential 2 – The AVID Campus Team: Campus-Wide Collaboration

The AVID Campus Team works collaboratively to develop, implement and sustain AVID for Higher Education.

- The AVID Campus Team is composed of members representing faculty, administration, and academic and student affairs.
- The AVID Campus Team attends the AVID Summer Institute.
- The AVID Campus Team meets regularly during the academic year to collaborate on planning and logistical issues concerning AVID implementation.
- Roles and responsibilities for AVID Campus Team members have been established.
- The AVID Campus Team identifies the services that will be provided to AHE served students.
- The AVID Campus Team uses relevant data to develop and implement the AVID Campus Plan, and revises it based on certification results.

Essential 3 – Faculty Development and Professional Learning

The Campus Plan includes on- and off-campus AVID planning and professional development experiences.

- The AVID Campus Plan includes faculty development and professional learning opportunities based on campus needs assessment results.
- AHE faculty development and professional learning days are conducted by AVID Center's AHE staff.
- The AVID Campus Team, AVID Liaison, and others participate in AHE contracted planning days during which the AVID Campus Plan is reviewed and modified.
- The AVID Seminar classes include application of the AVID faculty development and professional learning on the campus.
- AVID Socratic Tutorial Training is provided to campus tutors for the support of AHE served students. There is a continuous cycle of training documented on all tutors.

Essential 4 – AVID Experience: First Year through Completion

AVID for Higher Education students receive support through the AVID Seminar and other curricular and co-curricular experiences that continue through graduation or program completion.

- There is evidence of curricular planning that uses AVID Seminar materials or embeds AVID strategies in existing first-year seminar courses.
- AVID Seminar instructor(s) are identified and participate in ongoing AVID faculty development.
- AHE served students are scheduled into at least two courses taught by instructors trained in AVID strategies.
- An AVID Student Center is designated on campus to provide emotional, social, and academic support to students.
- Co-curricular services for AHE students that extend through program/degree completion, are created and promoted by the AVID Campus Team and through the AVID Seminar class.
- AHE Seminar students are encouraged to attend Socratic Tutorial sessions weekly.

Essential 5 – Evaluation and Research

AVID for Higher Education campuses participate in the evaluation of AVID for Higher Education through data collection and related research.

- A needs assessment is conducted and used to develop and revise a multi-year AVID Campus Plan.
- Required AHE Data Collection and Certification Self-Study reports are completed and submitted. The information is used for program improvement as reflected in the AVID Campus Plan.
- Formative data (surveys, observations, etc.) are used to monitor and improve the implementation of AVID strategies and services on the campus.
- Opportunities for research on AVID for Higher Education have been created.

B108.0 Hiring Committee Representative Pool

B108.1 The President shall send a call to all faculty for those interested in being placed in the Hiring Pool in the second week of the school year.

B108.2 The call, which must be in writing, shall explain the purpose of the pool, the requirements for being a part of the pool, an explanation of the selection process from the pool, required documents for consideration and the deadline for submission of the documents.

B108.3 Interested faculty shall then submit their interest in writing.

B108.4 Upon receipt of the letter of interest, the Executive Committee will place the name of the interested faculty member in the Hiring Committee Representative Pool.

B108.5 When there is need for a Senate Representative on a Hiring Committee, the Executive Committee shall pick a name from the pool through a random draw.

B108.5.1 If the faculty member chosen is from the same Division as that which is hiring, the member will be ruled ineligible and the name will be returned to the pool, and another chosen through a random draw.

B108.6 Once an eligible Senate Representative has been selected, the Executive Committee shall then inform the appropriate individuals, including the Senate as an Information item.

B105.1.4 Presidential and Vice-Presidential Concurrent Vacancies

B105.1.4.1 Should the Vice President be unable to succeed to President or the position is vacant at the time of a Presidential vacancy, an Emergency Executive Committee shall be created.

B105.1.4.1.1 The Emergency Executive Committee shall consist of the Past President, First Executive Officer and Second Executive Officer. Should any or all of the three be unable or unwilling to participate, the vacant position(s) shall be filled by former Past Presidents, in reverse chronological order to their term.

B105.1.4.1.1.1 The first order of business for the Emergency Executive Committee shall be putting in place elections in accordance with §107.1 of the Constitution.

B105.1.4.1.1.2 The Emergency Executive Committee shall have the power to act as the President as well as the Executive Committee

B105.1.4.1.1.3 The Emergency Executive Committee shall not take any action aside from setting the agenda unless approved by a two-thirds vote of the Senate.

B105.1.4.1.1.4 For the purpose of representation, including chairing Senate meetings, the acting representative shall be, in order of precedence: Past President, First Executive Officer, Second Executive Officer, former Past Presidents, in reverse chronological order to their term.

B105.1.4.1.1.4.1 No member of the Emergency Executive Committee may chair any meeting that includes an election if they are running for that office.

B105.1.4.2 The Emergency Executive Committee shall remain in place until such time as elections can be held to determine a President.

B105.1.4.3 If there is a time where there are no more than two individuals to create an Emergency Executive Committee, all Senate business shall be suspended with the exception of putting in place elections in accordance with §107.1 of the Constitution.

B105.1.4.3.1 If all Senate business is suspended under B105.1.4.3, the Legislative Liaison shall oversee, conduct and chair the election.

B105.1.4.3.1.1 Should the Legislative Liaison be unwilling or unable to oversee, conduct and chair the election, the Faculty co-Chair of the Academic Policies and Procedures standing committee shall do so.

B401.1.19 Appoint advisors, who are faculty member, to the Senate as deemed necessary and proper, with consultation with Executive Committee.



ANTELOPE VALLEY COLLEGE

Visual and Performing Arts Division
Minimum Qualifications & Equivalencies
Drama/Theater Arts

Minimum Qualifications: Master's or master of fine arts in drama/theater arts/performance

OR

bachelor's or bachelor of fine arts in drama/theater/performance

AND

master's in comparative literature, English, communication studies,
speech, literature, or humanities

OR

the equivalent.

Academic Affairs Division, California Community Colleges

Antelope Valley College Equivalency:

Bachelor's or bachelor of fine arts in drama/theater/performance AND masters with at least 30 upper division and graduate credits in drama/theater arts/performance with a minimum of 15 of these units at the graduate level.



ANTELOPE VALLEY COLLEGE

Social Behavioral and Sciences Division
Minimum Qualifications & Equivalencies

Administration of Justice

(Police Science, Corrections, Law Enforcement)

Minimum Qualifications: Any Bachelor's degree **AND** two years of professional experience **OR** any associate degree **AND** six years of professional experience
Academic Affairs Division, California Community Colleges

Antelope Valley College Equivalency:

- College work equivalent to a Baccalaureate degree and two years of related occupational experience in the discipline; or, college coursework equivalent to an Associate degree plus six years of occupational experience related to the discipline.



ANTELOPE VALLEY COLLEGE

Technical Education Division
Minimum Qualifications & Equivalencies
Fashion and Related Technologies
(Merchandising, design, production)

Minimum Qualifications: Any bachelor's degree and two years of professional experience, or any associate degree and six years of professional experience.

Academic Affairs Division, California Community Colleges

Antelope Valley College Equivalency:

- College work equivalency to a Baccalaureate degree and two years of related occupational experience in the discipline; or college work equivalent to an Associate degree plus six years of occupational experience related to the discipline



ANTELOPE VALLEY COLLEGE

Language Arts Division
Minimum Qualifications & Equivalencies
English

Minimum Qualifications: Master's in English, literature, comparative literature, or composition

OR

bachelor's in any of the above

AND

master's in linguistics, TESL, speech, education with a specialization in reading, creative writing, or journalism

OR the equivalent.

Academic Affairs Division, California Community Colleges

Antelope Valley College Equivalency:

Bachelor's in English, literature, comparative literature, or composition **AND** Master's in technical writing, screenwriting, or one of the following Humanities areas: Culture and Theory, Film and Media Studies, Gender and Sexuality Studies, Global Cultures (General or Specific), History, Humanities (General), Philosophy, Religious Studies, Visual Studies, or Art History, with twenty-four graduate semester units (or equivalent quarter units) of course credit in textual analysis and interpretation, academic research, scholarly methods, critical theory, rhetoric and argumentation, language studies, writings in translation, interdisciplinary approaches, cultural discourses and narratives, and/or voices of diversity. Twelve of the units may be taken at the upper division level.

AP 3100 Organizational Structure

Reference:

Education Code Section 72400; Title 5, Section 53200

The District's organizational structure shall be:

ORGANIZATIONAL DIVISIONS, DEPARTMENTS AND OFFICES (See
Appendix I – Organizational Charts)

President's Executive Council-Level Administration

President's Executive Council level administration consists of those officials and functions that control the organization and operation of the college system, or employees whose responsibilities extend over a major administrative division of the college.

In the Antelope Valley Community College District, President's Executive Council-level administration shall consist of the President; Vice President Academic Affairs; Vice President Student Services, Vice President of Human Resources and Employee Relations; Executive Director of Business Services; Executive Director of Information Technology Services, Executive Director of Facilities; Dean of Institutional Effectiveness, Research and Planning; Executive Director of Marketing and Public Information and Executive Director of the Foundation.

Line of Responsibility (EC 70902)

Each District employee shall be responsible to the Board through the President. Supervision of District employees shall be exercised by personnel to whom such responsibility has been specifically delegated.

District personnel shall refer matters requiring administrative action to the administrative officer having immediate responsibility of the area in which the problem arises.

Administrative officers shall refer such matters to the next higher authority if circumstances warrant.

All District employees have the right to appeal any decision made by an administrative officer to the next higher authority and, through appropriate successive steps, to the Board.

President's Executive Council

Purpose

It is the desire of the Board that democratic working relationships be maintained among the personnel of the administrative staff, and to maintain a free flow of communications involving College Administration and District employees.

Meetings

Regular meetings shall be held at periodic intervals as determined by the President. The President may also call special meetings as conditions may warrant.

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Responsibilities

The President's Executive Council shall function in an advisory capacity to the President on matters related to District policies, administrative problems, collective bargaining issues or any issue related to the District's education program or school operation.

The President's Executive Council shall also serve as a channel of communication in the administrative organization of the District.

Administrative Council

In an endeavor to promote communications with middle management and supervisory officials, the President may establish an Administrative Council whose membership shall consist of management personnel.

The responsibilities of the Administrative Council shall be communication and operation.

Meetings shall be held at the discretion of the President.

PROCEDURE FOR CHANGING THE ORGANIZATIONAL STRUCTURE OF THE COLLEGE

This procedure describes the organizational units at Antelope Valley College, which persons or groups can initiate a review of the current organizational structure, the steps for reaching recommendations for proposed changes, and who has the authority to implement proposed changes. The goal of such reviews shall be to improve efficiency and/or cost effectiveness of services, programs, learning outcomes or operational outcomes:

- A. Organizational Units: Antelope Valley College is organized into four structural levels.
 1. College
 2. Offices: Superintendent/President; Academic Affairs; Human Resources and Employee Relations; Business Services; Information Technology Services; Marketing & Public Information; Facilities; Institutional Effectiveness, Research and Planning; AVC Foundation.
 3. Areas/Divisions: (these synonymous terms for subdivisions of offices are used for instructional divisions and non-instructional areas, e.g. Health Sciences Division.
 4. Departments (subdivisions of areas/divisions)
- B. Initiation of a review
 1. The Superintendent/President may initiate a review of any of the organizational units.
 2. The College Coordinating Council (CCC) and Strategic Planning Committee may request a review of any organizational unit by sending a request for a review to the Superintendent/President.
 3. The administrative head of any office, area/division, or department may request a review for his/her own organizational unit by sending a request for a review to the Superintendent/President through the administrative structure.
 4. All requests for a review must be in writing and state the rationale and provide data that support the goals of such reviews.
 5. The Superintendent/President will inform the President's Executive Council and CCC of any requests for a review.
 6. The Superintendent/President has the final authority to initiate a review of an organizational unit.
 7. The Superintendent/President will initiate a review by sending a memo to notify all constituencies that a review is being implemented. This memo will appoint an administrator to oversee the

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review, set forth the rationale and data that justify the review, and establish a timeline for the formulation of proposed changes.

C. Process for organizational changes

Intra-divisional, Academic Affairs changes

Intra-divisional department re-organization within Academic Affairs will be completed within the division, with approval of the majority of the faculty, the dean, and the Vice President. Information of the change will be provided to the Academic Senate. Proposed changes may be initiated by any party.

Other organizational changes

1. The administrator in charge of the review will solicit input from all employees in the organizational unit(s) affected by the review, including any not identified in the initial review that might be impacted as a result of proposed changes.
2. Based on this input, the administrator will formulate proposed changes through dialogue/discussion with the affected organizational units.
3. A written summary of the proposed changes will go out to the entire campus allowing two weeks for discussion. During that period, administrators and employees should evaluate any adverse impact that might arise from the proposed change.
4. The campus community will give input/feedback to the administrator overseeing the review.
5. The administrator overseeing the review will present the proposed changes and a summary of campus feedback to CCC for discussion.
6. The Superintendent/President will make the final decision on proposed changes based on feedback from the campus community and the discussion at CCC.
7. This final version of the proposed changes will go out to the entire campus for discussion/feedback for at least one week.
8. The Superintendent/President will take the final changes to the Board of Trustees for information.
9. The Superintendent/President will communicate the final changes to the appropriate vice presidents, deans, directors, and employees and follow up with implementation.

11/7/05

Revised: 10/9/06

Revised: 4/9/07

Revised: 6/11/07

Revised: 6/14/10

Revised: 11/14/16

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BP 3710 Securing of Copyright for District Materials

Reference:

Education Code Sections 72207, 81459, 17 United States Code 201

The Superintendent/President is directed to develop appropriate administrative procedures to implement the provisions of the Education Code that authorize the securing of copyright protection for works, including but not limited to registering copyrights and policing infringements, on behalf of the District. The procedures developed by the Superintendent/President shall assure that the District may use, sell, give or exchange published materials and may license materials prepared by the District in connection with its curricular and special services.

These procedures shall not infringe upon the rights established through collective bargaining as described in Article XIX of the Faculty Collective Bargaining Agreement titled "Intellectual Property Rights."

See Administrative Procedure #3710

Adopted: 11/7/05

Reviewed: 3/13/17

AP 3710 Securing of Copyright for District Materials

Reference:

Education Code Sections 72207; 81459, 17 United States Code 201

The President, through legal counsel, shall initiate the process for securing copyright for any materials the District is entitled to ownership and for which the District wishes to obtain copyright protection to safeguard its rights of using, selling, giving or exchanging and licensing of those materials. Through legal counsel, the Superintendent/President shall initiate action to protect the District's copyrights against infringement.

Copyright Issues in the Library (17USC108)

Interlibrary Loan

Lending

The library may make one copy of an article from a periodical or chapter of a book in order to fulfill a request for this material from another library through interlibrary loan.

- The copy must become the property of the requestor.
- The copy must have a notice of copyright.
- The copy must be for private educational purposes.

Interlibrary Loan/Reserve Photocopy Notice

Notice: This material may be protected by copyright law. (Title 17 U.S. Code)

Borrowing

Issues surrounding the borrowing of materials are complex. It is considered appropriate to follow the **CONTU Guidelines on Photocopying and Interlibrary Loan Arrangements**.

- The library may only receive in any calendar year five copies of an article or articles from any one particular journal or periodical published within the last five years prior to the date of the request. This is known as "The Rule of Five". Subsection 108 (g) (2)
- The Rule of Five does not apply to works prior to the last five years.
- The requested copies must become the property of the requestor.
- The copies may be used only for "private study, scholarship or research."
- The library shall keep records of all requests "until the end of the third complete calendar year after the end of the calendar year in which the respective request shall have been made". (CONTU Guidelines 4)
- The "Warning of Copyright" must be printed on the interlibrary loan request form and be prominently displayed at the place where interlibrary loan requests are taken.

"Warning of Copyright" Notice

Notice

Warning Concerning Copyright Restrictions

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under Certain Conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use", that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

Photocopy Machines

Photocopy Machine Liability

General Exemptions. Clause (1) of subsection (f) specifically exempts a library or archives or its employees from liability for the unsupervised use of reproducing equipment located on its premises, provided that the reproducing equipment displays a notice that the making of a copy may be subject to the copyright law. Clause (2) of subsection (f) makes clear that this exemption of the library or archives does not extend to the person using such equipment or requesting such copy if the use exceeds fair use. Insofar as such person is concerned the copy or phonorecord made is not considered "lawfully" made for purposes of sections 109, 110 or other provisions of the title.

Photocopy Machine Notice

Notice: The copyright law of the United States (Title 17 U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement.

Other Library Copyright Issues (17UCS108)

Replacement of Damaged Copy

Subsection (c) authorizes the reproduction of a published work duplicated in facsimile form solely for the purpose of replacement of a copy or phonorecord that is damaged, deteriorating, lost or stolen, if the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price. The scope and nature of a reasonable investigation to determine that an unused replacement cannot be obtained will vary according to the circumstances of a particular situation. It will always require recourse to commonly-known trade sources in the United States, and in the normal situation also to the publisher or other copyright owner (if such owner can be located at the address listed in the copyright registration), or an authorized reproducing service.

Out-of-Print Works

Subsection (e) authorizes the reproduction and distribution of a copy or phonorecord of an entire work under certain circumstances, if it has been established that a copy cannot be obtained at a fair price. The copy may be made by the library where the user makes his request or by another library pursuant to an interlibrary loan. The scope and nature of a reasonable investigation to determine that an unused copy cannot be obtained will vary according to the circumstances of a particular situation. It will always require recourse to commonly-known trade sources in the United States, and in the normal situation also to the publisher or other copyright owner (if the owner can be located at the address listed in the copyright registration), or an authorized reproducing service. It is further required that the copy become

the property of the user, that the library or archives have no notice that the copy would be used for any purpose other than private study, scholarship, or research, and that the library or archives display prominently at the place where reproduction requests are accepted, and include on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

Multiple Copies and Systematic Reproduction

Subsection (g) provides that the rights granted by this section extend only to the "isolated and unrelated reproduction of a single copy or phonorecord of the same material on separate occasions." However, this section does not authorize the related or concerted reproduction of multiple copies or phonorecords of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one individual or for separate use by the individual members of a group. With respect to material described in subsection (d)—articles or other contributions to periodicals or collections, and small parts of other copyrighted works—subsection (g)(2) provides that the exemptions of section 108 do not apply if the library or archive engages in "systematic reproduction or distribution of single or multiple copies or phonorecords." This provision in S. 22 provoked a storm of controversy, centering around the extent to which the restrictions on "systematic" activities would prevent the continuation and development of interlibrary networks and other arrangements involving the exchange of photocopies. After thorough consideration, the Committee amended section 108(g)(2) to add the following proviso:

- Provided, that nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

11/7/05

Reviewed: 3/13/17

By the authority of section 208.4 of the Constitution, the Legislative Liaison shall explain and interpret this Constitution when required.

It has come to the attention of the Legislative Liaison that the January 17 Out of Session meeting dealt with a action item that by the Constitution the Executive Committee is unable to act upon during such a meeting.

In that meeting, the Executive Committee approved an equivalency so that there would be no waiting for action by the full Senate so a hiring process might begin prior to the return to normal session by the Senate.

This is in direct violation of Section 110.3 which states “Any action which requires entering into a contract or any other binding, irrevocable agreement or which may terminate or have a majority of the action completed before the full Senate may ratify shall not be taken during this Out of Session period.”

Since the approval of the equivalency was the only action the Executive Committee decided upon at that meeting, that decision was forwarded to the hiring committee in question, and there was reliance by that hiring committee on the decision BEFORE Senate ratification, it is clear to us that the meeting was in violation of the Constitution.

There are three arguments raised to allow the validity of the meeting, despite the on-face Constitutional prohibition.

First, that if the Constitution was followed, there would have to be a significant and perhaps detrimental effect on the hiring process.

We sympathize with the dilemma the Executive Committee was put in with a late submission, however we can not condone their actions.

In reviewing the contemporary writings and discussions during the framing of section 110.0 on Out of Session meetings, it is clear that section 110.0 was specifically written in such a way as to prevent any Executive Committee from taking advantage of the fact that an action would be fully in effect before the Senate could grant its ascent.

Section 110.3 was therefore put into place to prevent any such irreconcilable action from being taken.

Further, if we take a look at this from a process standpoint, part of this argument is that “there wasn’t sufficient time to stay within the bounds of the Constitution.”

We reject this argument from a legal prospective using a colloquialism – “Bad planning on your part does not constitute an emergency on our part.”

There was the ability, despite the constraints of the Brown Act, for the President to call for a special meeting to discuss this matter, by phone and other methods, despite the Senate being out of session.

Second, it was argued the meeting was called without fully understanding the Constitutional provision, and with only the best intentions.

We are not in any way indicting the Executive Committee with any act of malice. To the contrary, we find their wish to serve the faculty and students admirable.

We are of the opinion, however, that ignorance of the law, no matter how well intentioned, is no excuse to violate the law.

We also have to firmly reject this argument on public policy grounds as in our opinion allowing these actions to be determined an “acceptable” violation of the Constitution and thereby condoning the illegal actions, creates a most slippery slope for future Executive Committees who may actually have evil intents.

Finally, it was argued that there is no remedy available to the situation.

Technically this is not true. The remedy is to consider the meeting as not having taken place and any actions taken during it to be void and immediately withdraw from any entity relying on the action.

However given certain mitigation factors as reviewed above as well as the fact that the Executive Committee has since the meeting rendered the action moot by determining the work product of the Equivalency Committee to be communicated as an information item and not actionable by the Senate, we have determined the matter to be closed with the following provisions:

1. This decision is placed in the record so that the unconstitutional actions of Executive Committee can not be determined or considered by future Executive Committees as to be an acceptable precedence.
2. The President instruct the Bylaws Ad Hoc Committee to examine the placing into the Bylaws of the following:

B102.4 Out of Session Meetings

B102.4.1 All Out of Session meetings must take place in accordance to §110.0 of the Constitution.

B102.4.2 Prior to calling an Out of Session meeting, the Executive Committee must submit all agenda items to the Legislative Liaison.

B102.4.2.1 The Legislative Liaison must analyze the agenda items and determine if any are under violation of §110.3 of the Constitution.

B102.4.2.2 If the Legislative Liaison determines an agenda item to be in violation, action may not be taken on it until the reconvening of the full Senate.

B102.4.2.3 Any action taken in an Out of Session meeting that has not been approved by the Legislative Liaison shall be declared immediately void.

B102.4.2.4 Removal of any or all of §B102.4.2 from these Bylaws shall require vote of seven-eighths of all Senate members eligible to vote.