

Senate Executive Board Members

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2nd Vice President: Aditi Sapra
Secretary: Michael Koger
Parliamentarian: Angelica Martinez
ASCCC Representative: Farrah Nakatani
Past-President: Doralí Pichardo Díaz
RHCFA President: Diana Valladares
Curriculum Chair: Elizabeth Ramirez

Discussion Expectations

1. Be respectful
2. Step back or step up
3. Challenge the idea, not the person
4. Stay focused on the issue
5. Speak your discomfort or support
6. Acknowledge each other's experiences
7. Commit to learning from each other

10 + 1

"Academic and professional matters" means the following policy development and implementation matters:

- (1) curriculum, including establishing prerequisites and placing courses within disciplines;
- (2) degree and certificate requirements;
- (3) grading policies;
- (4) educational program development;
- (5) standards or policies regarding student preparation and success;
- (6) district and college governance structures, as related to faculty roles;
- (7) faculty roles and involvement in accreditation processes, including self-study and annual reports;
- (8) policies for faculty professional development activities;
- (9) processes for program review;
- (10) processes for institutional planning and budget development; and
- (11) other academic and professional matters as are mutually agreed upon between the governing board and the academic senate



Academic Senate Agenda

September 19, 2023 1:00 p.m.

Locations: 3600 Workman Mill Road, Room LR128, Whittier, CA/3000 San Gabriel Blvd., Rosemead, CA 91770/ 7226 Hamner Ave, Eastvale, CA 91752/840 East Whittier Blvd, La Habra, CA. 90631/ 18 W Sierra Madre Blvd # A, Sierra Madre, CA 91024/ 214 W Rt 66, Glendora, CA 91740/ 101 The City Dr., Orange, CA 92868/ 1370 Veteran Avenue # 104, Los Angeles, CA 90024

1. Call to Order
2. Approval of Minutes from September 5, 2023
3. **Public Comment:** Persons wishing to address the Academic Senate on any item on the agenda or comment on any other matter are allowed three minutes per topic. Pursuant to the Brown Act, the Academic Senate cannot discuss or take action on items not listed on the agenda. Matters brought before the Academic Senate that are not on the agenda may, at the Senate's discretion, be referred to the Senate Executive Council or placed on the next agenda.
4. **Guest Report**
 - a. Discussion: DEIA Definitions, Dr. Julio Flores (Attached)
5. **President's Report**
 - a. Announcement: Financial Aid Drops
 - b. Announcement: All committee chairs, whose committees were not deemed as Brown Act committees by the District lawyer shall meet with their committee and determine the meeting modality that would garner the most participation and avoid exclusion. (Attached)
 - i. According to the Elana Rivkin-Haas, Legal Counsel, the Brown Act committees are:
 - A. Board of Trustees
 - B. Citizen's Oversight Committee
 - C. Rio Hondo College Foundation
 - D. Academic Senate
 - E. Associated Students of Rio Hondo College
 - F. Planning and Fiscal Council
 - G. Curriculum Committee
 - H. Staff Development Committee, (Attached)
 - c. Announcement: Board of Trustees Report Out
 - d. Announcement: President's Cabinet Report Out
 - e. Announcement: IEC Committee Appointment
 - i. Christian Vaca
 - f. Announcement: Student Equity Committee Appointments
 - i. Angela Sotelo, Counseling Representative
 - ii. Lizette Arevalo, At-large Member
 - iii. Wendy Carrera, At-large Member
6. Vice President's Report

- a. 1st Vice President, Kelly Lynch
- b. 2nd Vice President, Aditi Sapra

7. Unfinished Business

- a. None

8. New Business

- a. None

Committee Reports

b. Senate Committees

- i. Academic Rank, Frank Sotelo
- ii. Curriculum, Elizabeth Ramirez
- iii. Distance Education, Kenn Pierson-Geiger
- iv. Instructional Technology (ITC), Dana Arazi
- v. Open Educational Resources (OER), Sheila Lynch
- vi. Outcomes, Sean Hughes-No report
- vii. Staff Development/FLEX, Katie O'Brien

c. Planning & Fiscal Council Committees

- i. Facilities, Scott Jaeggi-No report
- ii. Institutional Effectiveness (IEC), Julio Flores- Appendix A
- iii. Planning and Procedural Council, Rudy Rios
- iv. Program Review, Marie Eckstrom
- v. Safety, Brian Brutlag

d. Additional Committees

- i. Enterprise Systems Advisory, Colin Young
- ii. Foundational Skills & Instructional Support, Tyler Okamoto
- iii. Online Education Initiative (OEI), TBD
- iv. ASCCC Open Educational Resources Initiative (ASCCC OERI), Sheila Lynch
- v. Student Equity, Julio Flores-Appendix B
- vi. Student Success and Support Services Program (SSSP), Bill Curington-No report

9. Announcements

10. Adjournment

**Rio Hondo College
Vision Statement**

Rio Hondo College aspires to be an evolving community-focused institution that embraces diversity, equity, and inclusion as a means to achieve personal, professional, and educational goals in a caring and rigorous environment.
(Board Approved 5/12/21)

Mission Statement

Río Hondo College is an educational and community partner committed to advancing social justice and equity as an anti-racist institution that collectively invests in all students' academic and career pathways that lead to attainment of degree, certificate, transfer, and lifelong-learning goals.
(Board Approved 7/08/20)

Appendix A: IEC Report

- Administer The HEDS Diversity and Equity Campus Climate Survey in October o Survey: https://www.hedsconsortium.org/wp-content/uploads/2023-2024_HEDS_Diversity_Equity_Survey_Instrument.pdf
- Committee also approved additional set of questions

Important Planning Dates

- Annual Program Plans & Program Reviews are due Friday, October 13, 2023
- Annual Unit Plans are due Wednesday, November 15, 2023
- Annual Area Plans are due Friday, December 15, 2023

Submitted by Julio Flores

Appendix B: Student Equity Committee Report

- Welcome Wendy Carrera and Lucha Arevalo to SEC
- Presenting and soliciting feedback of DEIA terms to constituency groups before making its way to PFC
- Male Success Initiative and Women in College Initiative to begin workgroups for each DI group, please email Ceci Rocha (CRocha@riohondo.edu) and Julio Flores (JFlores@riohondo.edu) if interested in serving on workgroup
- RTLI to continue its work this semester. Thank You, Juana Mora and Gisela Spieler-Persad!
- Conversations and planning on Cultural Learning Communities for implementation Fall 2024

Submitted by Julio Flores

**Rio Hondo College
DEI Core Concepts
SE Committee Recommendations**

Equity is the **institutional** commitment to the identification and elimination of opportunity gaps to achieve equality in academic outcomes. Equity seeks to render justice by identifying structural factors and institutional practices that benefit **certain** groups and harm others.

Diversity is supportive of the proposition that everyone and every group should be valued. It is about understanding these differences and moving beyond simple tolerance to embracing and celebrating the rich dimensions of our traits and characteristics that make people unique, including the dimensions of race, ethnicity, gender, sexual orientation, socio-economic status, age, neurodiversity, abilities, religious beliefs or other ideologies.

Inclusion is the action that ensures that people are and feel welcomed, appreciated, and valued. Inclusion is the practice to achieve diversity, and it goes beyond numerical representation to support authentic and empowered participation and a true sense of belonging **for all**.

Educational justice is making an institutional commitment to redesigning systems to ensure equitable distribution of resources and eliminating opportunity gaps for historically and disproportionately impacted students. It requires a systemic and structural understanding of the conditions that have historically created and continue to create unequal academic outcomes.

Social justice is an achieved consciousness and the institutional commitment to an equitable resource distribution that ensures an environment, **free from discrimination**, where all members are physically and psychologically safe and secure.

Antiracism refers to the work of actively opposing institutional policies and practices that produce unequal outcomes for disproportionately impacted racial groups. Practicing antiracism requires constantly identifying, challenging, and upending existing racist policies and requires the institution to replace them with antiracist policies **and procedures** that foster equity between racial groups.

Accessibility is an institutional commitment to provide the opportunity and accommodations for a person with a disability to acquire the same information and materials, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. This includes the intentional design or redesign of technology, policies, products, services, and facilities that increase one's ability to use, access, and obtain services and an education.

DRAFT

From: Marilyn M. Flores

Sent: Friday, August 18, 2023 5:56 PM

Subject: Brown Act Bodies - Memo for Committees Requiring In-Person Meetings

Good afternoon Rio Leadership:

I have requested a legal analysis to determine which committee and other bodies fall under the Brown Act and require in person meetings. Please find the attached analysis listing which collegial governance committees must meet in-person to comply with the Brown Act. They are:

- Board of Trustees
- Citizen's Oversight Committee
- Rio Hondo College Foundation
- Academic Senate
- Associated Students of Rio Hondo College
- Planning and Fiscal Council
- Curriculum Committee
- Staff Development Committee

I am requesting that chairs and co-chairs please share this information and begin making room requests for these bodies that must meet in person under the Brown Act. Next week I will be sending out another memo on the Districts obligation to provide reasonable accommodations for employees serving on a body covered by the Brown Act. In the meantime, please note that under AB 2449 members can participate remotely based on "just cause," which includes a "need related to certain statutorily defined forms of physical or mental disability." Note, however, this exception can only be used for two meetings in a calendar year and the committee or council must allow for the public to participate remotely, including the ability to make public comment remotely, if there is one or more members joining remotely. The employee would also need to participate both orally and by video and identify on the record their relationship to anyone over 18 who is in the *same room* with them (not home). To invoke this exception to in-person participation, the employee would need to make a written request to the committee/council chair as to what their "just cause" is to participate remotely, i.e., that the employee has a physical or mental disability. There is no need to post the member's location on the agenda. Also, a quorum of the membership must be in person at a single location within the District's boundaries. Again, I will forward this memo next week with additional details and information along with a template for the language and disclosures for teleconferencing for "just cause," which also needs to include information about how the public can participate remotely.

For all non-Brown Act collegial governance meetings, department meetings, task force meetings, etc., please continue with our previous process of having a discussion on modality of meeting at your first meeting. As a reminder, we are asking that committees and departments discuss and decide the best format/modality for meetings that will allow for increased participation and not exclude participation. Please discuss with your constituency groups and decide the modality in which you will hold meetings. We do have a limited number of OWL cameras if you choose to offer a hybrid option, with some attendees attending in-person and others remotely. Please ask your supervisors of the location of the OWL cameras to be checked out if needed.

Rio Hondo continues to be open 5-6 days a week with staff working during all operational hours in order to best serve the needs of our students and community.

Thank you everyone and more information to come next week. Have a safe weekend.

Sincerely,



Marilyn Flores, Ph.D.
Superintendent/President

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3600 Workman Mill Road, Whittier, CA 90601



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MEMORANDUM

To: Dr. Marilyn Flores, Superintendent/President

From: Elana Rivkin-Haas, Legal Counsel

Date: August 17, 2023

Subject: Applicability of the Brown Act to Rio Hondo College Boards, Committees, and other Bodies

Our office was asked to analyze the applicability of state law open requirements under the Ralph M. Brown Act (“Brown Act”) to various governing bodies and committees of the Rio Hondo Community College (“District”).

I. Introduction

Adopted in 1953, the Brown Act guarantees the public’s right to access information regarding the conduct of public agency business, and, among other things, gives the public the right to attend and participate in meetings of local legislative bodies. The underlying core principle of the Brown Act is that all meetings of a local “legislative body” must be open and public except when the Brown Act expressly authorizes otherwise. Courts have liberally construed the terms of the Brown Act to effectuate its purposes. (See e.g., *Rowan v. Santa Clara Unified School Dist.* (1981) 121 Cal.App.3d 231; 79 Ops.Cal.Atty.Gen. 69, (1996).)

A “legislative body” for purposes of the Brown Act is not limited to the actual governing board or body of a local agency, such as a school board or city council. As relevant here, Government Code section 54952 defines “legislative body” as follows:

- a) The governing body of a local agency or any other local body created by state or federal statute.
- b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or

formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

- c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:
 - a. Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.
 - b. Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

Any of the District's commissions, committees, boards, or other bodies that fall within the definition of "legislative body" above will be subject to all provisions of the Brown Act, including that meetings be open to the public and that members of the body or committee must participate in meetings in-person, unless a statutory exception for remote participation applies, as well as requirements related to timing for posting of agendas and public participation.

II. Analysis of Rio Hondo College Governance Committees

Below is an analysis of whether the Brown Act applies to specific District committees and other bodies associated with the District.

A. Board of Trustees

The Brown Act defines "legislative body" to mean, among other things, "[t]he governing body of a local agency." (Gov. Code, § 54952(a).) For purposes of the Brown Act, a "local agency" is a "county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency." (Gov. Code, § 54951.) Accordingly, the District is a local agency under the Brown Act, and the Board of Trustees ("Board"), as the District's statutorily created governing board, is a legislative body subject to all requirements of the Brown Act.

B. Citizen's Oversight Committee

Under the Brown Act, the term "legislative body" includes, in addition to the governing body of a local agency, "any other local body created by state or federal statute," as well as any "commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body." (Gov. Code, § 54952(a)-(b).)

The Citizen's Oversight Committee ("COC") provides review and oversight of the District's expenditures of bond funding under Measure A, which are required to be used for specific District facilities projects. Measure A was approved by the voters during the March 2, 2004, election in accordance with Proposition 39. When a bond measure is approved for a community college district under Proposition 39, Education Code section 15278 requires the governing board to establish and appoint members to a COC. The COC is thus a local agency body created by state statute, and, therefore, it is a legislative body under Government Code section 54952(a). Additionally, the COC is established by action of the Board, and thus, also constitutes a legislative body under Government Code section 54952(b). Accordingly, the COC is subject to the Brown Act and must comply with all its requirements.

C. Rio Hondo College Foundation (RHCF)

The Rio Hondo College Foundation ("RHCF") is a non-profit organization that secures philanthropic funding through contributions from individuals, corporations, foundations, and non-profits to assist the College in meeting its commitment to student success. A private entity will be subject to the Brown Act only if it was either: (1) created by an elected legislative body in order to exercise governmental authority delegated to it; *or* (2) receives funds from a local agency *and* shares a board member, who is a full voting member, with the local governmental agency. (Gov. Code, § 54952(c)(1).)

Although the RHCF assists in finding funding to support the District's mission and its students, it is not a body created by the District or Board to exercise governmental authority, and, thus, it is not a legislative body under the first prong of Government Code section 54952(c)(1). Therefore, to be considered a "legislative body" under the second prong of Government Code section 54952(c)(1), a member of the District's Board must serve on the RHCF Board and RHCF must receive funds from the District. Since a member of the District's Board serves as a full voting member of the RHCF Board, and RHCF receives funds from the District for a portion of the RHCF's executive director's salary, as well as funding the full salary of the Superintendent/President who is an officer of the foundation, RHCF satisfies both conditions under the second prong of Government Code section 54952(c)(1) and is therefore a "legislative body" under the Brown Act.

D. Academic Senate

As noted above, the Brown Act, defines a "legislative body" to include "a commission, committee, board or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by...resolution, or formal action of a legislative body." (Gov. Code, § 54952(b).) Thus, to be considered a legislative body under the Brown Act, the Academic Senate must either be a decisionmaking or advisory body *and* be created by resolution or other formal action or the Board or other legislative body within the District.

The primary purpose of the Academic Senate is to make recommendations to the Board on academic and professional matters as provided by regulations adopted by the State Board of Governors of the California Community Colleges. (Cal. Code Regs., tit. 5, § 53200(b).) Accordingly, the Academic Senate is an advisory body of the Board and so meets the first

requirement to be considered a legislative body under the Brown Act of being an advisory commission, advisory committee, or advisory body of a local agency.

The second requirement that must be satisfied for the Academic Senate to fall within the purview of the Brown Act is that it must be established by resolution of other “formal action” of the Board or other legislative body. Under applicable administrative regulations, while the Academic Senate is established by a vote of the faculty of a community college through a secret ballot, the community college’s governing board must also recognize the academic senate and authorize the faculty to set and amend the composition, structure, and procedures of the Academic Senate and provide for the selection of its members. (Cal. Code Regs., tit. 5, § 53202(a)-(c).) Thus, the Academic Senate at the District was jointly formed by the faculty and the Board.

Although the applicable administrative regulations do not expressly state what form of action is required by the Board to recognize and authorize the Academic Senate, the term “formal action” as used in Government Code section 54952 has been broadly construed, and the California Attorney General (“AG”) has opined that “the legally mandated joint action to be taken by the faculty of a community college and a district board in establishing an academic senate constitutes the requisite ‘formal action.’” (66 Ops.Cal.Atty.Gen. 252, (1983); *See also Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799.) The AG thus concluded that, as an advisory committee to a community college’s governing board that requires formal board action to create, an Academic Senate is a legislative body subject to the Brown Act and must comply with its requirements open meeting requirements.

E. Associated Students of Rio Hondo College

As previously discussed, any “commission, committee, board or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by... resolution, or formal action of a legislative body,” is a legislative body for purposes of the Brown Act. (Gov. Code, § 54952(b).) Accordingly, whether Associated Students of Rio Hondo College (“ASRHC”) is subject to the Brown Act depends on its role and how it was created.

ASRHC is a student representative organization established under Education Code section 76060, which authorizes the governing board of a community college district, to allow students of a community college to organize a student body association. Specifically, the Board authorized the creation of ASRHC under BP and AP 5400, the adoption of which required formal Board action.

Under applicable administrative regulations, a community college’s governing board is also responsible for adopting the requisite “policies and procedures that provide students the opportunity to participate effectively in district and college governance,” including the right “to offer opinions and to make recommendations . . . to the governing board of a district with regard to district and college policies and procedures that have or will have a significant effect on students” (Cal. Code Regs., tit. 5, § 51023.7). As such, ASRHC is an advisory body to the Board established by formal Board, and, therefore, ASRHC is a legislative body within the meaning of the Brown Act.

It should also be noted that, as with the Academic Senate, the AG has also concluded that student body associations of a community college are subject to the Brown Act. (75 Ops.Cal.Atty.Gen. 143, (1992) [finding the statutory and administrative actions required by a community college district board to create a student association “constitute ‘formal action’... making the student association an advisory body to the district board.”].)

F. Planning and Fiscal Council

The Planning and Fiscal Council (“PFC”) is responsible for developing and presenting planning, budget, and other recommendations to the Superintendent/President, and was created through the Board’s adoption of Administrative Procedure (“AP”) 3250. The PFC is comprised of certain District administrators, the CSEA representatives, members of the Executive Committee of the Academic Senate, representatives of the ASRHC, and additional faculty members.

The Brown Act defines the term “legislative body” to include, any advisory body created by formal action of a legislative body, with only a limited exception for advisory committees composed solely of the members of the legislative body that are less than a quorum of the legislative body and that do not have either continuing subject matter jurisdiction or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body. (Gov. Code, § 54952(b).) Since the PFC is not comprised solely of members of the Board, and, based on the above, the PFC is as an advisory committee established through a formal action of a legislative body, i.e., the Board, the PFC is a legislative body within the meaning of the Brown Act.

G. Curriculum Committee

As relevant here, the Brown Act defines a “legislative body” as a “commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by...resolution, or formal action of a legislative body.” (Gov. Code, § 54952(b).) The Curriculum Committee is a sub-committee of the Academic Senate charged with reviewing and recommending course and program additions, revisions, and deletions and recommending policy related to academic offerings to the Board. Accordingly, the Curriculum Committee is an advisory committee of a local agency, but whether the Curriculum Committee constitutes a legislative body under the Brown Act ultimately depends on whether it was created by formal action of a “legislative body.”

The fact that the Curriculum Committee reports its recommendations directly to the Board does not change this analysis. Additionally, because the Curriculum Committee appears to be a standing committee with continuing subject matter jurisdiction, it cannot fall under the exception for ad-hoc advisory committees under Government Code section 54952(b).

While the District has been unable to locate documentation related to the initial creation of the Curriculum Committee, according to all available sources, including its own by-laws and AP 4020, the Curriculum Committee is a sub-committee of the Academic Senate. Thus, the Academic Senate, which as discussed above is a legislative body for purposes of the Brown Act, probably took some form of official action to establish the Curriculum Committee, and courts

have found that a committee is considered “created by” formal action of a legislative body “if the legislative body played a role in bringing [the committee] into existence.” (*Californians Aware v. Joint Labor/Management Benefits Committee* (2011) 200 Cal.App.4th 972, 978 as modified on denial of reh'g (Nov. 28, 2011).) That is, the phrase “formal action of a legislative body” is interpreted broadly, and the Curriculum Committee is likely a “legislative body” under the Brown Act. A definitive determination, however, would require additional information or documentation about its creation. To help reduce the possibility of misunderstandings and controversy within the District community, as well as to avoid potential legal risks, it is recommended that the District treat the Curriculum Committee as a subject to the Brown Act, even if there remains some uncertainty as to whether it is.

H. Staff Development Committee

The Staff Development Committee (“SDC”), like the Curriculum Committee, is a sub-committee of the Academic Senate. The SDC is charged with planning and implementation of professional growth and renewal opportunities for individuals, departments, constituency groups and the campus to foster improved morale, increased efficiency, and greater institutional effectiveness. The SDC thus appears to preform both advisory and decision-making functions.

As with the Curriculum Committee, because the SDC is a sub-committee of the Academic Senate, a legislative body under the Brown Act, the Academic Senate probably took some formal action to create the SDC. Similarly, the SDC does not fall within the exception for advisory ad-hoc committees because the SDC seems to have both decision-making and advisory roles, is not comprised solely of members of the Academic Senate, and it appears to be a standing committee with continuing subject matter jurisdiction. (Gov. Code, § 54952(b).)

For the reasons above, the SDC would likely be considered a legislative body under the Brown Act. While additional information or documentation on how specifically the Academic Senate created the SDC is needed to make definitive determination as to whether the SDC is Brown Act body, as with the Curriculum Committee, the prudent approach would be to treat the SDC as being subject to the Brown Act.

III. Conclusion

The Brown Act applies to the governance committees of Rio Hondo College that meet the definition of “legislative body” under Government section 54952. As detailed above, the following District committees and bodies are clearly subject to the requirements of the Brown Act: (1) Board of Trustees; (2) Citizen’s Oversight Committee; (3) The Rio Hondo College Foundation; (4) Academic Senate; (5) Associated Students of Rio Hondo College; and (6) Planning and Fiscal Council.

In addition to the bodies and committees above, the Curriculum Committee and the Staff Development Committee both appear to be legislative bodies under the Brown Act because they are both sub-committees of the Academic Senate, which is a legislative body, although further information about how these committees were created is required to make a definitive determination. As the Brown Act, is generally liberally construed and courts tend to put function over form when determining if a committee is subject to the Brown Act, it is recommended that

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both the Curriculum Committee and the Staff Development Committee comply with the Brown Act, as well as any other sub-committees of the Academic Senate or Board that are not ad-hoc advisory committees comprised solely of members from their respective parent body.

If you have any questions about any of the above, please do not hesitate to contact us.