



**Resolution 2022.12.2 - Constitutional Changes (Removal of Officers):** SDMC AS Academic Affairs Committee

Move: Duckles

Second: Sundayo

Whereas, The Academic Affairs Committee reviews, considers and comments on standards established by State and local governance policies under the purview of the Senate, and

Whereas, The Academic Affairs Committee finds a need to revise the current Senate Constitution's Section 6-Removal of Officers in order to clarify the process for removal and broaden the scope of conditions for removal, and

Whereas, Amendments to Senate Constitution may be adopted during regular Senate meetings, by two-thirds (2/3) vote of Senators present at that regular meeting, given that the proposed amendments have been previously presented; be it therefore resolved that the following Senate Constitution amendments be ratified:

**Current version of Section 6, p. 5**

SECTION 6 – REMOVAL OF OFFICERS:

- A. An officer may be removed for failure or inability to perform his /her duties as determined by the Senate.
  1. When an allegation regarding failure or inability to perform is made, an investigative committee will be formed.
  2. The investigative committee will consist of:
    - a. The Senate President
    - b. The Vice President or President Elect
    - c. The Chair of the Academic Affairs committee
  3. If one of those officers is the object of the investigation, a third member will be chosen by the Senate Executive Committee.
- B. If the investigative committee determines that the allegations have merit, the officer will be given the opportunity to improve his/her performance after meeting with the Senate Executive Committee regarding the Senate's concerns.
  1. The investigative committee will describe, in writing, the metric for improvement of performance and develop a timeline and provide copies of the metric and timeline to the officer.
  2. At the end of the specified timeline, the investigative committee will report the findings to the executive committee and make recommendations.
- C. An officer may be removed by a 2/3 majority vote of the Senators attending the Academic Senate meeting at which the recall is an agenda item.
  1. The officer in question does not vote.
  2. If an officer is removed, the Senate's Election Chair will conduct a special election to replace the officer.
  3. The new officer will complete the balance of the former officer's term.

## Proposed Revisions:

- A. A Senate officer can be removed for failure or inability to perform his/her duties to the Senate or for failure to adhere to SDCCD Board Policies or Administrative Procedures relevant to the performance of Senate duties.
- B. Below is the process to be followed for removal.
1. An allegation must first be submitted, in writing, to either one of the Senators at large or directly to the Executive Committee. Allegations must include an original author or grieved party.
  2. Once the allegation is received by the Executive Committee, and it is determined that further investigation is needed, an autonomous investigative committee will be formed.
  3. The investigative committee will consist of:
    - a. The Senate President
    - b. The Vice President or President Elect
    - c. The Chair of the Academic Affairs committee
    - d. In the event that one of the above officers is the object of the investigation, an alternate will be chosen by the Senate Executive Committee.
  4. If the investigative committee determines that the allegations have merit, the officer in question will be given the opportunity either to improve his/her performance of the duties in question or rectify their failure. This process is separate from and not meant to preclude any grievance procedure filed with SDCCD Human Resources (HR) or the American Federation of Teachers (AFT).
  5. The investigative committee will report their findings and recommend in writing the process for improvement of performance or behavior redress, develop a timeline and metric for improvement, and provide copies of the process, timeline, and metric to the officer in question. The process can not include monetary penalties or fees imposed by any party on the officer.
  6. At the end of the specified timeline, the investigative committee will report the findings and make recommendations to the Executive Committee..
  7. In the event that the investigative committee recommends removal due to a lack of improvement or failure to follow the recommended process, the Senate Executive Committee will bring the matter to the Academic Senate with recommendation for removal. The vote regarding removal is by 2/3 majority vote of the Senators attending an Academic Senate meeting at which the removal vote is posted as an agenda item.
    - a. The officer in question does not cast a vote if the recommendation is for their removal.
    - b. The officer in question will be given the opportunity to address the Academic Senate.
    - c. If an officer is removed, the Senate's Election Chair will conduct a special election to replace the officer.
    - d. The new officer will complete the balance of the former officer's term.

Presented to the Academic Senate: December 12, 2022

Approved by the Academic Senate: February 13, 2023

The vote delineations are listed on the following page:

	MEMBER		Present/Proxy	Approve	Disapprove	Abstain
1	Gina	Abbate	*	1		
2	Carlyne	Allbee	Excused			
3	Isaac	Arguelles-Ibarra	Excused			
4	Janna	Braun	*	1		
5	Michael	Brewer	*	1		
6	Henry	Browne	*			1
7	Jennifer	Cost	*			1
8	Ian	Duckles	*	1		
9	Nellie	Dougherty	*	1		
10	Justin	Estep	*	1		
11	Rob	Fremland	*	1		
12	Sakeenah	Gallardo	Excused			
13	Veronica	Gerace	*	1		
14	Helen	Greenbergs	Proxy - Mongelluzzo	1		
15	Alison	Gurganus	*	1		
16	Andrew	Hoffman	*	1		
17	Geoff	Johnson	*	1		
18	Janue	Johnson	Proxy - Gurganus	1		
19	Ryan	Mongelluzzo	*	1		
20	Candace	Katungi	*	1		
21	Jesse	Keller	*	1		
22	Sam	Lee	*	1		
23	César	Lopez	*	1		
24	Laura	Maki	*	1		
25	Natalie	Mapes	*	1		
26	Thekima	Mayasa	*	1		
27	Dina	Miyoshi	*	1		
28	Ryan	Mongelluzzo	*	1		
29	Jill	Moreno Ikari	*	1		
30	Katherine	Naimark	Proxy - Abbiate	1		
31	Dave "Das"	Odasso	*	1		
32	Scott	Plambek	*	1		
33	Alison	Primoza	*	1		
34	Anthony	Reuss	*	1		
35	Robert	Sanchez	*	1		
36	Kristian	Secor	*	1		
37	Irena	Stojimirovic	*	1		
38	Judy	Sundayo	*	1		
39	George	Svoboda	Excused			
40	Manuel	Vélez	Guest			
41	Karen	Wait	*	1		
42	Sandra	Watts	*	1		
	*	*	*	34	0	2