

Academic Senate  
Submitted 03/23/2023

**Academic Senate President Continued Alleged Violations  
& Call for a Vote of Reprimand**

1. A.S. President has consistently allegedly violated Article IX of our Academic Senate By-Laws (see attachment).
  - a. Some known and shared instances of our A.S. President's actions involve scheduling, modifying resolutions without consent of author, offering numerous opinions without direction given by the Senate (body reps.) and acting without the consent of the Senate and not sharing these actions with the Senate body when taken.
2. Our A.S. President, again acted alone and in alleged violation of Article IX of our A.S. By-Laws, posted in a public setting the name and signatures of the 70 faculty who supported moving the Referendum forward.
  - a. This is, in my opinion, both immoral and prime facie illegal, as it violated human decency of those 70 members and their prime facie right of privacy.
    - i. It subjects those 70 faculty members to the potential of identity theft and fraud.
    - ii. Subjects these 70 members to unwarranted confrontations regarding their private and political views.
3. Our A.S. Presidents action of posting the names and signatures of those who support moving the Referendum forward allegedly violates each of the 70 member's right to privacy according the Government Code Section 7924.110 (see attachment):
  - a. This applies even though the signatures have subsequently been redacted. The names of the 70 faculty members are still posted on our public website in alleged violation of this Section, and, in addition, the A.S. President has denied a request to remove the names from the public platform.
4. The problem:
  - a. The A.S. Senate President's actions, already in alleged violation of the A.S. By-Laws, now allegedly subjects the Senate (body reps.) to potential criminal and civil lawsuits
5. Correction options:
  - a. Closed session vote of reprimand of the A.S. president's actions.

In my opinion, should no action be taken by the Senate (body reps.), then this would suggest that the Senators (body reps.) accept and condone these types of behaviors.

**Sent:** Wednesday, March 1, 2023 3:25 PM

**To:** Nick Strobel <nstrobel@bakersfieldcollege.edu>; BC Faculty <bc\_faculty@bakersfieldcollege.edu>

**Cc:** Tarina Perry <tperry@bakersfieldcollege.edu>

**Subject:** Re: Thoughts on the referendum petition

Hello BC Faculty,

To clear up any understanding of the role of an Academic Senate President, viz., what a President can and cannot speak on and the requisite conditions needed to offer an opinion, please check out this snapshot of the Academic Senate Constitution, Article IX, Sections 1 and 2.

### **ARTICLE IX -- LIMITATION ON PUBLIC STATEMENTS**

Section 1     The President shall be the official spokesperson for the Academic Senate

Section 2     The President shall not take a position on public issues unless one of the following conditions is met:

- a. The position of the Senate (body rep.) is already a matter of record.
- b. The President is given specific authorization by the Senate (body rep.) to express an opinion on a given public issue.
- c. The issue is submitted to the Academic Senate and, the Academic Senate authorizes the President to issue an opinion on a given public issue.



**State of California**

**GOVERNMENT CODE**

**Section 7924.110**

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7924.110. (a) Notwithstanding Sections 7920.510, 7920.515, 7920.520, 7920.530, 7920.540, 7920.545, 7922.545, subdivision (a) of Section 7920.525, subdivision (b) of Section 7922.540, and Sections 7922.500 to 7922.535, inclusive, the following are not public records:

- (1) A statewide, county, city, or district initiative, referendum, or recall petition.
- (2) A petition circulated pursuant to Section 5091 of the Education Code.
- (3) A petition for reorganization of school districts submitted pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of Division 3 of Title 2 of the Education Code.

- (4) A petition for reorganization of community college districts submitted pursuant to Part 46 (commencing with Section 74000) of Division 7 of Title 3 of the Education Code.

- (5) A memorandum prepared by a county elections official in the examination of a petition, indicating which registered voters signed that particular petition.

(b) The materials described in subdivision (a) shall not be open to inspection except by the following persons:

- (1) A public officer or public employee who has the duty of receiving, examining, or preserving the petition, or who is responsible for preparation of the memorandum.

- (2) If a petition is found to be insufficient, by the proponent of the petition and a representative of the proponent as may be designated by the proponent in writing, in order to determine which signatures were disqualified and the reasons therefor.

(c) Notwithstanding subdivisions (a) and (b), the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a city attorney, a school district attorney, and a community college district attorney shall be permitted to examine the materials described in subdivision (a) upon approval of the appropriate superior court.

(d) If the proponent of a petition is permitted to examine a petition and a memorandum pursuant to subdivision (b), the examination shall commence not later than 21 days after certification of insufficiency, and the county elections official shall retain the documents as prescribed in Section 17200 of the Elections Code.

(Added by Stats. 2021, Ch. 614, Sec. 2. (AB 473) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 7931.000.)