



## **Chabot-Las Positas Community College District**

### **Chancellor's Council**

Tuesday, May 11, 2021

3:00 – 4:30 p.m.

ConferZoom

### Meeting Minutes

Present: Ron Gerhard, Noell Adams, Dyrell Foster, Miguel Colon, Dave Fouquet, Theresa Pedroza, David Rodriguez, Susan Sperling, Sarah Thompson, Rachel Ugale, Chasity Whiteside, Yvonne Wu Craig

Guests: Wyman Fong, Bruce Griffin, Owen Letcher, Jonah Nicholas, Kirti Reddy

Chancellor Ron Gerhard called the meeting to order at 3:04 p.m.

#### **I. Review and Approval of Agenda**

The agenda was approved as presented. **(Pedrosa/Whiteside)**

SThompson requested to add a resolution from the LPC Academic Senate. RGerhard stated we it can be added in between accreditation and future agenda items.

MColon asked if there could be a chat about Zoom and FERPA. There can be some issues with faculty recording their zoom sessions and then sharing them with other classes.

RGerhard stated Zoom and FERPA will be added after the LPC Academic Senate Resolution.\*

TPedrosa and CWhiteside agreed to add. **All in favor.**

#### **II. Review and Approval of the April 13, 2021 Minutes**

There was a motion to approve the April 13, 2021 minutes. **(Pedrosa/Craig) All in favor.**

#### **III. 2021-2022 Chancellor's Council Membership**

KCostello stated that this was added to send any changes to membership for the 2021-22 Council. NAdams mentioned that there is one person running for Chabot's Classified Senate President, so we can safely add Heather Hernandez to the membership. YCraig stated that elections are taking place currently and someone new will serve in her position. TPedrosa is serving as the representative for Chabot's Student Senate. DRodriguez will no longer be serving and believes the next LPC Classified Senate President is Jean O'Neil-Opipari. Any other changes should be email to KCostello directly.

**IV. 2021-2022 Meeting Schedule**

The 2021-2022 proposed meeting schedule was presented and approved.

**(Pedrosa/Thompson) All in favor.**

**V. Board Policies/Administrative Procedures (standing item)****a. Second Reading**

There was a motion to approve these second readings. **(Rodriguez/Adams) All in favor.**

- 1. BP 5130 Financial Aid**
- 2. AP 5130 Financial Aid**
- 3. AP 5203 Lactation Accommodation**
- 4. BP 5400 Associated Students**
- 5. AP 5400 Associated Students**
- 6. BP 5410 Associated Students Elections**
- 7. BP 5420 Associated Students Finance**
- 8. AP 5420 Associated Students Finance**
- 9. BP 5430 Co-curricular Activities**

RGerhard stated that our current policy and procedure on policy review and renewal states are on a 6-year review cycle. As we've seen, it is quite difficult because there are many policies and administrative procedures with a lot of healthy discussion. This has not been a light effort. Looking at other districts and seeing what their process calls for, instead of doing a 6-year cycle, they do an 8 or a 10-year cycle. How does Council feel about this? MColon asked if we do this, would it gate our ability to come back mid-cycle and make a change or can we only bring it back when it is up for review. RGerhard stated that we would not have to wait for that policy or procedure to come back for the next cycle because anyone can bring a board policy or administrative procedure forward at any time. NAdams stated that this is a good idea with the caveat that we can bring something forward at any time. There was a lot of work in this last round and makes a bit more sense in our schedules to extend. The more involved policies and procedures takes about 3 go arounds, so slowing it down a bit may help. SThompson asked how we would go about consolidation. That should be part of the review process as well. As we are embracing the practice that board policies are more general in nature and administrative procedures are more specific, maybe the board policies can be combined in some way when they are similar in nature. JNicholas asked about non-substantive changes to procedures to go as information only items. DRodriguez stated that we do have 7 chapters, which could be 7 years, but we can take the first two months to screen out non-substantive changes and move those along. We could then take the ones that take longer, we can group them for review. RGerhard stated that chapters 5 and 7 have the most in terms of numbers of policies and procedures. We could perhaps parcel those out into different years. This is a theoretical conversation. The work that has been done is critically important, but at the same time, there are other equally important topics that we could have talked about during these meetings. Finding a better

way to spread out and organize this work will make Chancellor's Council more efficient and a better operating and vital body within our shared governance structure.

## **VI. IPBM Evaluation**

RGerhard stated that we need to devise an evaluation tool to evaluate our IPBM structure, with best practices and following of accreditation standards. A few of you have volunteered to work with the Chancellor, absent the VC ESSS, to devise a survey to go out to all the IPBM committee members. Jennifer Aries is working on what the survey instrument may look like. DRodriguez and YCraig volunteered. Anyone else that wants to volunteer after the fact, contact KCostello and RGerhard.

## **VII. Accreditation**

The accreditation districtwide steering committee has been meeting and looking at timelines as well as district support center contributions to the reports. The colleges institutional self-evaluation reports or ISERS are due to the commission on the 23<sup>rd</sup> of December. For general awareness for the Council, the bulk of the vetting and solicitation of feedback will occur during the middle and tail end of the fall term.

## **VIII. LPC Academic Senate Resolution\***

*SThompson brought a resolution in support of the AAPI community to Chancellor's Council before it is brought to the board. RGerhard asked about the statement, "Academic Senate will explore concrete action to support the API Community members academic and psychological needs," by asking if there was some discussion in terms of what that my look like. SThompson stated that this was approved at a senate meeting she was absent from and the ambiguity of the last resolved is something that I'm not totally comfortable with and this is something that is going to need to be operationalized next year as we began our fall senate session. DFoster mentioned that it states that the senate will explore concrete action so there is room for that exploration to determine what those actions might be.*

## **IX. Zoom and FERPA\***

*MColon was no longer on the Zoom. DFouquet stated that the issue comes from a couple of things. One is that faculty are wondering if the district has a plan in place so that they can save their Zoom recordings, since they will be deleted at the end of the fiscal year. We have until June 30 to get that sorted. Will we have a place districtwide where they can be housed? Another question that has come up is suppose that a faculty member has recorded a previous lecture and make those lectures available asynchronously going forward. Is this a FERPA violation? Those students' names would be visible in the recording. According to our legal counsel, it would be very useful to have a district level policy on whether faculty could use old recordings of lectures given to actual students. Faculty are paid for preparation and grading outside of the actual class time and some of our negotiation team feel that it is a reasonable expectation for that faculty member who is teaching asynchronously to have developed content specific for that purpose that does not violate anybody's privacy rights. A district level policy would be very useful in that regard.*

*BGriffin stated that to the extent that there is a policy, it must align with what the legal finding is on FERPA. Other districts wrestled with operationally how you would allow students to opt out of a recording if they are asking a question and the captioning is automatically running.*

*SThompson sees issues beyond revealing students' names. When you teach sensitive issues, students may not be only revealing their names, but also political positions, personal stories. I would encourage never to have recordings of themselves because it is asking to be a target. It is also revealing students' responses to those issues. That is much more of a privacy violation than just showing their names. DFouquet agreed. There may be some faculty that are planning to use in the fall some recordings from the previous year. The last thing you want to do to someone who is planning to use those recordings is to tell them they cannot use them at the last minute.*

*RGerhard mentioned that the state chancellor's office has put out legal opinions regarding online asynchronous and synchronous classes, the video recordings and whether there are FERPA implications. There was a legal opinion regarding faculty requiring students to leave the cameras on. The document states, "FERPA protects the privacy of student education records, and may be implicated by recordings of online classes that contain student information. An education record includes records, files, and documents that contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution. Under the United States Supreme Court's interpretation of FERPA, a video record of a live synchronous online class retained in a database will constitute a student record if the recording includes the student's image or an audio recording that could be associated with the student. Accordingly, the recording of live synchronous online classes will be more likely to implicate FERPA if faculty are also requiring students to keep their cameras on." This doesn't speak specifically to answering the question, but later in the document, it advises district to develop district policies and procedures that would put parameters around this. DFoster mentioned there were several questions that came up when the change took place to online classes. VP Garcia had reached out to HR to get some broad legal consultation on some of the questions that were raised. The information was put into the chat, but keep in mind this was from fall of 2020, so some things may have changed.*

*RGerhard stated that the original request was to develop policies and procedures surrounding the use of online recordings for instructional purposes and any implications to FERPA.*

*MColon stated that the key is that if we do feel that it's a violation, we specifically say do not record and share recordings with other classes. RGerhard mentioned that the document that DFoster shared, it sums up, "we therefore recommend that the district strictly can control recordings of lectures or classes to avoid FERPA issues." DFouquet mentioned it would be helpful to also add what is allowable.*

*TPedrosa mentioned that in some classes it helps that the recording is available because sometimes the teacher talks too fast, or something is missed.*

**X. Future Agenda Items**

DFouquet mentioned our agenda doesn't have a good of the order item. It was announced that SThompson is the FA's representative to the Faculty Association of California Community Colleges board. The other faculty member from Chabot that was elected to the FACCC board as regional governor for region A is completely independent from our FA relationship to FACCC.

SThompson mentioned that Cal Bright's audit has returned, and the recommendation is to shut it down unless it changes how they hire people, their faculty, their success rates, and the courses they offer.

MColon wants to consider for the next Chancellor's Council meeting, a joint resolution for our LGBTQ+ community. We would love for it to be presented to the board of trustees, but we would like to ask that an administrative policy be created around that. RGerhard stated that it will be added as a placeholder, pending that it has been moved through the process with the board.

TPedrosa asked why there weren't more zoom classes for next semester. RGerhard stated that we can discuss that at a future meeting. DFouquet mentioned that there was an agreement that faculty could choose if to deliver their online classes synchronously or asynchronously and I think when you refer to a zoom class, you're speaking of synchronous instruction. There is a phenomenon that you hear students say they prefer synchronous instruction, but when multiple sections offered, the asynchronous sections are filling way faster. MColon stated that as soon as students realized that he was recording and posting the lecture notes, enrollment plummeted. DFouquet mentioned that there are students that crave that structure of having to be at a set place at a set time. It might be good to nudge people back to that. SSperling mentioned that we have so much more refined research that we need to do on an institutional basis. We need really focused institutional research on both campuses for this subject. RGerhard stated this will be a continuing conversation.

**XI. Next Meeting: September 14, 2021**

The meeting adjourned at 4:21 p.m.