



**Chabot-Las Positas Community College District
Chancellor's Council**

Tuesday, September 14, 2021

3:00 – 4:30 p.m.

ConferZoom

Meeting Minutes

Present: Ron Gerhard, Dyrell Foster, Miguel Colon, Dave Fouquet, Heather Hernandez, Kyle Johnson, Jean O'Neil-Opipari, Theresa Pedroza, Nathaniel Rice, Susan Sperling, Sarah Thompson, Rachel Ugale, Chasity Whiteside

Guests: Wyman Fong, Owen Letcher, Jonah Nicholas, Kirti Reddy, Theresa Fleischer-Rowland, Sharon Schuyler

Chancellor Ron Gerhard called the meeting to order at 3:04 p.m. This is the first meeting of the 2021-2022 academic year. Introductions took place due to new members.

I. Review and Approval of Agenda

The agenda was approved as presented. **(Pedrosa/Johnson) All in favor.**

II. Review and Approval of the May 11, 2021 Minutes

There was a motion to approve the May 11, 2021 minutes. **(Thompson/Pedrosa) Hernandez, Fouquet, O'Neil-Opipari abstained.**

III. IPBM Evaluation and Review

RGerhard discussed the first annual IPBM retreat and hopes that it was found as an opportunity to engage in the continuous quality improvement process in evaluation our IPBM structure. VC Fleischer-Rowland is working with the facilitators to finalize a document that will come to the next Chancellor's Council, and you will see some very consistent themes in terms of areas that chancellor's Council perhaps can engage in terms of making modifications and adjustments to our IPBM structure to make it more efficient in the spirit of continuous quality improvement. KJohnson thanked everyone that was there for being so open and accepting of the student view and perspective. HHernandez mentioned that it was well structured and well attended. It may be a big ask to do this annually, maybe evaluating can take place every two years. RGerhard stated that

suggestion will be brought back to the October meeting. DFouquet mentioned that the scheduling conflicted with the FA board meeting.

RGerhard mentioned next steps include TFleischerRowland is in the process of finalizing a document that will show the themes and some elements that were consistent in the breakout rooms. Chancellor's Council will take that up and that leads into the next topic of the Council's charge and goals.

a. Chancellor's Council's Charge

RGerhard shared the Board Policy 1300 Collegial Consultation. Part of the vision of the retreat was to set the framework in terms of updating this document. This is an aged document from 1996. It speaks to the Chancellor's Council in terms of the role and purview of responsibilities. It also speaks to or is absent, in some cases, in terms of the areas of engagement of our constituencies. There is a lot that is spoken to in terms of the roles, responsibilities, and authority of the academic senate, but what is absent is any language or guidance in terms of classified professionals or students. Council will be asked to revise this aged document. It includes references to committees that haven't existed for at least the last four years.

According to this board policy, Chancellor's Council is:

- *To provide a means for the colleges to communicate with one another and to their constituents, the district and college developed recommendations in the above ten areas of collegial consultation.*
- *To serve as a vehicle for identifying and resolving District matters. Should there be issues on which college-developed recommendations are in conflict or require a joint effort, such issues shall be identified as district matters. Prior to Board presentation, such District matters will be referred to the Chancellor's Council for resolution. District matters should be of sufficient import that the policies of one college result in a significant impact on the ability of the other college to carry out its own policies. The Chancellor's Council will develop a recommended resolution which will be ratified by the Chancellor and by each college President and senate following the processes established in the separate college governance policies. Typically, such a recommendation will be developed by the appropriate council. The administrative procedures for the council are located in the Administrative Rules and Procedures.*
- *To serve as a vehicle for the Chancellor to identify the need for policies and procedures in any of the ten areas of academic and professional matters, the Council will be asked for direction on the development of these policies and refer such issues to the colleges or district councils for creation of such policies.*
- *The composition of the Council shall be jointly agreed upon by the Chancellor and Academic Senates.*
- *The membership for the District Curricular Committee, the District Matriculation Council, the District Institutional Planning Council, the District Budget Study*

Group, and the Chancellor's Council is located in the Administrative Rules and Procedures.

There are some pretty clear themes of what the role and purview of Council, which are districtwide matters.

b. Council's Annual Goals

RGerhard added a goal for the Council to update the board policy. HHernandez asked if the discussion is about revising the board policy or goals for Chancellor's Council. It was stated that Noell Adams had mentioned that the board policy was revised in a workgroup back in 2019. It was asked if the language suggested by that workgroup would be reviewed or if council would revise. RGerhard stated that Melissa Korber and Noell Adams worked together to revise this board policy. It was put on hold until there was some stability in terms of a permanent chancellor. It is now time to get back to completing this critical work. The previous work will be used as a starting point.

KJohnson suggested promoting diversity and inclusion regarding every decision made.

SThompson mentioned that one of the challenges for the Chancellor's Council is that it simply does not meet enough to carry anything through. RGerhard agreed and one example of that is the whole fast track and evolution of our COVID vaccination mandate policies. Given the urgency, and how things evolved over the summer, the lack of meetings is a hurdle in some respect.

RGerhard stated that one area to think about is a task force convened on the subject of course auditing. Perhaps, we want to have that as a goal to finalize. The task force was asked to come together to do some research and evaluation that would inform a significant change in terms of an academic policy. We want to circle back and have some finality to the that discussion.

MColon suggested that one of the goals should be entertaining resolutions as they are presented. I think we need to be flexible in addressing them. RGerhard stated that this is a good example of why the council exists.

IV. Budget Update

VC Jonah Nicholas discussed the budget. It is a balanced budget at all sites. The overall structural surplus within the unrestricted fund is approximately \$6 million, so the gap between our reliance on the hold harmless funding versus our operational surpluses has shrunk. The implementation of great than a 5% COLA and additional monies for full time faculty really helped. It is anticipated that the hold harmless number in the coming year will grow substantially simply because our FTES continues to be, year or year, seeing a decline.

V. COVID Update

VC Owen Letcher gave a COVID update. There are no new orders or changes from the county since August 2nd and we are still waiting for updates that may come out closer to the end of September, when several executive orders expire from the Governor's office.

a. Board Policies/Administrative Procedures/Process

RGerhard stated that over the summer the board had a retreat, which was pushed back because COVID issues were evolving rapidly. There was a lot involved with that retreat, but the afternoon was largely geared toward informing the board of data related to COVID-19, i.e. county and state data. Two policies were brought forward to the board that would ask the board to consider and deliberate over policies that would require vaccination mandates. The board policy regarding employees states:

The novel coronavirus and the disease it causes, COVID-19, is a global pandemic and has resulted in widespread severe illness and death worldwide, in the United States, and in California. In furtherance of this commitment to providing a safe and healthy environment, the district shall establish administrative procedures regarding COVID-19 vaccination to mitigate the risks surrounding exposure to COVID-19. These administrative procedures will require that all district employees and volunteers who access campuses or other district facilities, and/or participate in off-site work in-person for the district, must be fully vaccinated against COVID-19, unless approved as exempt due to verified medical or religious reasons (as defined in federal or state laws and regulations).

Employees who qualify as exempt may be subject to other safety measures in accordance with Cal/OSHA regulations.

As part of this vaccine requirement, the district may require vaccine boosters or supplemental administrations of vaccines as circumstances warrant.

Visitors to campuses or other district facilities (e.g., those individuals not considered students, employees, or volunteers of the district) during normal hours of operations must comply with all Cal/OSHA safety guidelines and other District policies and procedures, as well as any other district COVID-19 health and safety protocols in effect. Such health and safety protocols may include requiring vaccinations as deemed appropriate by the district.

The board policy regarding students states:

These administrative procedures will require that all students attending classes, programs, utilizing services or participating in any activity on any campus or otherwise in-person must be fully vaccinated against COVID-19, unless approved as exempt due to the verified medical or religious reason (as defined in federal or state laws and regulations). Students who qualify as exempt may be subject to other safety measures in accordance with applicable federal, state, or county regulations. Further, the district

may require vaccine boosters or supplemental administrations of vaccines, as circumstances warrant.

RGerhard stated that the normal policy process is they would come to Council, but due to the emergency conditions, they were taken to the board on August 21st. They were sent to all of you to provide some window of time to vet them with your constituencies and provide some feedback. It went for a second reading with the board on August 31st. What's next? We are in the process of developing the administrative procedures right now. Prior to the board adopting these two policy mandates, we did not have an advisory task force that will help formulate and shape these administrative procedures. RUGale asked the time frame. RGerhard stated that the timeframe is short. By the end of this week, you will receive a request for appointment. KJohnson would like to sign up. MColon questioned the time expectation. RGerhard stated that the committee will meet as much as they can get together. A lot of the groundwork is already laid out in terms of the procedure. The verification of vaccination status has a phenomenal response. About 95% of the responses overall indicated they are fully vaccinated. DFouquet asked what proportion of the employees have responded. RGerhard stated that there is about a 90% response rate. DFouquet mentioned that the impact effects would have some impact on the administrative procedures, so shouldn't the negotiations take place first. RGerhard stated that we are basically going to have to do those two things in parallel because of timing. The administrative procedure will not contradict working conditions. WFong mentioned that we do have an obligation to the unions in terms of the impacts of the mandate. There are two groups, employees and students, and the timeline for students would be intense because we want to do that before class registration is open. SThompson stated that there will be a lot of catchup to do this well because we have largely not been involved up to this point. The unions and administration have been active, but if we are going to contribute to this, maybe the best use of the task force is to have it written already and then the task force could provide feedback. It is not known how effective it would be for the committee to craft it. RGerhard stated that maybe the administrative procedure would be 80% complete and the committee would be the experts to think about the items that have not been included. We are really working to get something implemented for our students prior to November 11th.

SThompson mentioned that it is critical to have a counselor and someone from security included. MColon asked about enforcement. RGerhard mentioned that we already have policies and procedures in place for student discipline, should a student be unvaccinated. KJohnson suggested that we make it very clear that students must be vaccinated to attend in person classes. RGerhard stated this will make us revisit our communication strategies and approach to students. JO'Neil-Opipari mentioned that we need to adhere to HIPAA regarding who is going to be seeing this information and people who are against vaccine mandates are very studied in what they think the rules are, so we need to be sensitive to that. MColon mentioned if we are trying to give students the options of how they can take a class. Right now, we have been building a

schedule based on being on campus. We need to explore this sooner rather than later so that we can plan.

VI. Accreditation Update

TFleischerRowland gave a quick update on accreditation. The Senate Presidents have already calendared first and second readings. It is the goal on the timeline to bring both institutional self-evaluation reports to our Board of Trustees in November as an informational item and in December as an action item. As soon as our board approves those, they will go to the accreditation commission. Our actual visit will be next fall.

VII. Board Policies/Administrative Procedures (standing item)

a. Auditing Task Force Update

TFleischerRowland mentioned that there was a big discussion on auditing. The task force did some research and came together to look at all the other districts that have auditing policies. The task force's last meeting was in May and what was concluded as next steps is that the topic would go back to the colleges for consultation and give some time to talk through some of the primary questions:

- If we went forward with a policy on auditing, what courses would be allowed?
- Do we have a lot of students that might take this opportunity?

Next steps for that task force are going back to the colleges for consultation, and if it moves forward, working on criteria and work process, then some implementation considerations in terms of workload. The taskforce has not yet resumed.

SThompson stated that this is a great service to offer students, regardless of whether you have strict or broad parameters around the auditing. TFleischerRowland stated that there was great representation from the colleges, but this is something that maybe put back on Chancellor's Council. NRice mentioned that when this is done at the campus, we need to go into with eyes open in terms of accommodation requirements both for noncredit and for any auditing of classes that happen because regardless of how the student is there, if they have accommodation needs, those needs must be met and those have real world ramifications.

b. Collegial Consultation Board Policy/Procedure Update

c. First reading

- 1. BP 2410 Board Policy and Administrative Procedure**
- 2. AP 2410 Board Policy and Administrative Procedure**
- 3. BP 3310 Records Retention and Destruction**
- 4. AP 3310 Records Retention**
- 5. BP 5016 Transfer of Units from Other Colleges**
- 6. AP 5017 Response to Inquiry of Immigration Status**
- 7. BP 5140 Disabled Student Programs and Services**

- 8. AP 5140 Disabled Student Programs and Services**
- 9. BP 5200 Student Health Services**
- 10. AP 5200 Student Health Services**
- 11. BP 5300 Student Equity**
- 12. AP 5300 Student Equity**
- 13. AP 5410 Associated Student Elections**
- 14. AP 5430 Co-curricular Activities**
- 15. BP 5530 Student Rights and Grievances**
- 16. AP 5530 Student Rights and Grievances**

RGerhard stated that one of Council's significant roles is to review and advise on board policy and administrative procedure update development. These policies and procedures are up for a first reading. They are then brought back to your constituencies to ask for feedback.

VIII. College Resolutions

IX. CLPCCD Injury and Illness Prevention Program

X. Future Agenda Items

RGerhard stated that all items that we did not get to will be carried over to the October meeting. If there are any items that anyone would like to add to a future agenda, please send to KCostello in the Chancellor's Office.

XI. Next Meeting: October 12, 2021

The meeting adjourned at 4:32 p.m. **(Johnson/Pedroza)**