



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

Tuesday, November 9, 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 Pedrosa, Nathaniel Rice, Susan Sperling, Rachel Ugale, Chasity Whiteside

Guests: Theresa Fleischer-Rowland, Bruce Griffin, Craig Kutil, Owen Letcher, Sheri Moore, Jonah Nicholas, Kirti Reddy

Chancellor Ron Gerhard called the meeting to order at 3:00 p.m.

- I.** Review and Approval of Agenda  
The agenda was approved as presented. **(Pedrosa/Johnson) All in favor.**
  
- II.** Review and Approval of the October 12, 2021 Meeting Minutes  
There was a motion to approve the October 12, 2021 minutes. **(Kutil/Pedrosa) Kutil abstained.**
  
- III.** PBC Policy Recommendation  
RGerhard discussed the September 2021 PBC meeting agenda item: recapturing enrollment/strategic enrollment plan. JNicholas discussed the PBC recommendation to the Chancellor. It originated from the discussion in the district enrollment management committee , where there was a strong desire to address the difficulties that the district has been experiencing. There are three columns on where the district is funded at vs. what the target is and thirdly the actual FTES achieved. There is a large discrepancy because of the funded due to the rollback of FTES in 2017-18. So, the district is receiving a large number of hold harmless dollars throughout these years, which has certainly been beneficial financially from the district, but there is a sunset date on when those dollars will be available as current law stands. The real desire came out of DEMC and then brought forward to PBC ended up being a recommendation to the chancellor. JNicholas stated that the recommendation is broad.

The committee's recommendation: *In alignment with its charge to "recommend planning priorities across the colleges and district," PBC recommends to the Chancellor that an effective assessment would be to improve, enhance, and expand on strategies to increase enrollment and to bring back students who have "stopped out," dropped out, or otherwise disengaged with our colleges, and to help identify and remove system bottleneck and barriers.*

DFouquet pointed out that at DEMC there was some question about the main group productivity level, which basically would inform the size of our class schedules next fiscal year. There is some controversy in that a lot of members of the DEMC are wanting a much lower main group productivity number. Right now, it set at 490. The concern is that if we set it at 490, with slightly reduced FTES targets, which means we are going to be cutting our schedules even further and that is going to make it harder to restore. It means it will be much more likely to fall off a bigger fiscal cliff if we are not doing everything we can to keep the students that we have, so that is still being resolved.

RGerhard asked if there was a sense that the effort would occur, perhaps in PBC, over the course of the remaining fall semester and what's going on in spring. JNicholas pointed out that with DEMC, he offered to do a little homework to maximize not just productivity, but enrollment within the existing schedule by looking at the ways that the classes are currently scheduled. That may inform PBC. If nothing else, we can claim that one of the tri-chairs did work that was tied to this recommendation, but there was not, to my recollection, a specific course of action with identified individuals. RGerhard stated that DEMC, a committee within the FA collective bargaining agreement, is charged with making recommendations to the Chancellor related to enrollment levels, meaning FTES targets for the next year. Tied to that is productivity rates, which DFouquet mentioned. That conversation occurs in DEMC and have also been informed by negotiations. An MOU that was negotiated and agreed to with FA for this fall, it was agreed to keep lower enrolled classes that enhance what DFouquet is stating in terms of keeping classes going that ordinarily would be looked at for cancellation or consolidation. Those conversation are ongoing.

#### IV. College Resolutions

##### a. Full and Transparent Communication Resolution

MColon stated that this work came from the three senates at Chabot. The ask is to have a simple COVID case dashboard. Other districts have some that report on when a case was reported, where it was reported, and in some cases, it was disclosed if it was an actual covid case or if it was just an exposure. It will help making everyone comfortable to come back to campus.

SSperling stated that each case is put out to the campus community, with the location of the individual reporting and information about contact tracing. If a dashboard becomes part of the district's protocols, she will entertain it and discuss it with all parties.

RGerhard showed some work that OLetcher has done. Under the district's website, and under covid response, the left hand-side has a navigation pane with a link to the COVID-19 dashboard. This is the beginning of the dashboard, with cases shown for the entire district. It is about a week in arrears, following our COVID protocols. This is a work in process, but the beginnings of a dashboard. The conversation is appreciated.

DFouquet stated that the FA has been nudging along these lines as well and was hoping to have the information separated by location and the buildings where the exposure occurred. SSperling stated that her communication states the building location. DFouquet would like that information on the dashboard. It was also asked to have the most recent cases on the left-hand side so that you do not have to scroll to the right. RGerhard thanked OLetcher for his quick response to get that transparency out there.

V. COVID Update (5 min)

OLetcher mentioned that there was an FAQ posted this morning regarding masking in the workplace, but it is only for private work environments, not public work environments, so we are excluded. For future, it is for verified fully vaccinated 100% of the staff. That does have some future goal or number for us, but not necessarily immediate action that we will be able to take.

KJohnson mentioned that he is in communication with his executive board and students are not receiving their Cleared4 messages. There are EOP&S students and they're not getting their registration and their priority registration is today. What's the point of having priority registration if they cannot get their COVID vaccination verified on time? Some do not check their Zonemail, so they are not aware that there is a vaccination mandate until they register for classes. We need to notify students because there are huge complaints. I have yet to see this being publicized. Zonemail is not a good enough way to publicize the vaccine mandate.

RGerhard stated that we need to overcommunicate. Some of the things that we have been doing, largely behind the scenes, include communication with students back in October regarding the mandate. Beginning on November 2<sup>nd</sup>, emails to students went out reminding students of the vaccine mandates with information about the Cleared4 registration dates. The Board of Trustees approved the contract on October 19<sup>th</sup> and ITS has been working tirelessly to get that platform in place. There is a reason for putting the Cleared4 process before the registration process. It is critical because every student who is in that classroom must be fully vaccinated. In terms of the registration process, that process must occur prior to the students being able to take a seat in the class, even though the class doesn't start until January 18. The question of being able to register for classes before being fully vaccinated, the answer to that is we cannot let that occur because if we do, we open ourselves up to risk that students perhaps does not get the second shot and there could be instances or situations that students are taking a seat in that class that are not fully vaccinated on January 18<sup>th</sup>. We cannot disenroll students without given them certain due rights process that is

required and Title V and legislatively, without going through a lengthy, onerous, and difficult process. It has been structured in a way that before a student commits to a seat in that class, they have gone through a Cleared4 process.

DFoster mentioned that he hosted an office hour and the students' discussed registration. For some of the students who receive priority registration, such as our veterans' students, are required to enroll in at least one in-person class for their benefits. There is some anxiety in terms of not being able to secure that in-person class right now and questions arise regarding what happens if the student does not get into the class, will they lose their benefits. The international students are in the same situation as well. It is appreciated that these concerns are being brought forward.

SSperling brought up a personal observation regarding this subject. She has never seen a time that has presented more challenges for leadership than this. These are huge challenges, and we are trying our best to meet them. The easy answers are not always there and in three decades there has never been a time of such intense challenges to meet students' needs.

RGerhard stated that the November 2<sup>nd</sup> an email went out to students reminding them of the Cleared4 processes. On October 29<sup>th</sup>, students received an initial text message. There were 27,000 students that received a unique email and the reason for that was really for identity security. Once the vaccination card is uploaded, the student receives a confirmation of the upload. The date of that last shot plus 14 days, you receive proof of acceptance of the vaccination status and receives a blue pass, which allows the student to register for face-to-face classes. Text messages also went out through our Everbridge alert system. There have also been conversations about putting those communications in Canvas, on social media platforms, and on the colleges' and district's web pages. When there are instances where we are not reaching targeted audiences or student groups, we want to hear the feedback. Students do not necessarily check their Zonemail, but sending to the college email, the intentionality is for the privacy and security of the students.

DFouquet asked about whether those students that have received both vaccinations have to wait 14 days to register, since those 14 days will have transpired before January 18<sup>th</sup>. BGriffin mentioned that every card is looked at. Once the second vaccination has been input, there could be a forced blue pass, which has already taken place. It is believed that these can be manually overridden through January 4<sup>th</sup>. RGerhard mentioned that there will also be video tutorials on walking students through the process that we outlined. They will be posted on all our websites, and social media platforms and Canvas, to demonstrate to students the process. BGriffin also mentioned that the students' confirmations are being sent out 5 days ahead of their registration dates, to not jam the system.

RGerhard stated that this will continue to be a standing item on our agenda.

**VI. Board Policies/Administrative Procedures (standing item)**

a. Collegial Consultation Board Policy/Procedure Update

RGerhard stated that this one is staying on the agenda to make sure it stays a priority.

b. **First Reading**

RGerhard stated these board policies and administrative procedures are up for a first review to take back to your constituencies for review at the next meeting's second reading. TFleischerRowland stated that BP and AP 5030 are coming back to the council. These items close out Chapter 5. Everything else moving forward will be a second reading, or a review, or updating based on currently passed legislation.

1. BP 5030 Student Fees
2. AP 5030 Student Fees
3. BP 5031 Instructional Materials Fees
4. AP 5031 Instructional Materials Fees
5. AP 5041 Student Records – Preferred Name and Gender

KJohnson asked a question regarding the use of the word sex versus gender. Sex is the one that is usually used on official records. TFleischerRowland mentioned this is a brand-new draft and it is being brought forward based on the joint resolution from the senates around inclusive language, preferred names, and gender. This is for consideration as a first reading and it will be looked into before the second reading.

KJohnson stated that under section D, where it mentions “every effort should be made to use the preferred names and pronouns consistent with a student’s preference,” it does not mention any punitive measure taken against people who are actively discriminating against students of the non-binary and LGBTQ+ community. It was asked that something be added.

TFleischerRowland stated that it is typical to refer to one of our AP protocols. IT is the power of the Council to add recommendations such as this. JNicholas stated that there is a concern in adding a disciplinary component in this procedure. That is largely governed by federal law, particularly when it comes to discrimination. It is strongly advised to not incorporate that into these types of procedures.

MColon stated that some of this is addressed in collective bargaining, but we have talked about this whole idea of bullying in the past. We have looked at it in a past meeting and we do not have an anti-bullying policy. It states that if there is a complaint of some sort, we will mediate, but there is no resolution. If there is no resolution, then the offender becomes weaponized. The offender is now emboldened because there are no consequences. This was an issue before COVID-19, and we were having discussions about it. We have great policies on bullying with students, but we do not have much with bullying between faculty and employees.

JNicholas stated that there are no federal laws on bullying. The definition is ambiguous. The federal laws talk about unlawful discrimination, harassment,

the protected classes, and all of those things can potentially be a civil rights violation, but bullying has not made it there yet. Procedures that we see come out the California Community College League, those are under the eye of an attorney.

SSperling stated that as a Dean and College President, I expect that managers will strive under all of the policies and practices that we do have in place, to maintain workplaces that are free of unprofessional behaviors and harassment. Administrators are encouraged to successfully mediate these issues or move on to progressive discipline of individuals who are habitually or continuing to be unprofessional in their conduct. I support, as ethical, logical, and upheld by our processes, the ability of supervisors to do that and do it ethically, legally, and progressively where behaviors are not. I think it would be surprising to know the hours of work personnel and managerial work that goes into these issues, mostly successfully.

MColon asked to set aside AP 3435 and not be voted on today so some work can be done. The FA cannot mediate because they cannot represent one over the other, so we need to spell out that process. KJohnson agrees and wants to go back and review. RGerhard stated that defining the harassment or the behavior is in AP 3430. I think it would go a long way in terms of seeing how really an intentional misuse of pronouns would fit under the definition of harassment and discrimination. Once AP 3430 has defined, the due process piece in terms of an informal or formal inquiry and investigation, would be found in AP 3435, which is what MColon was referring to. Perhaps, looking at those three APs in concert with each other and really kind of fleshing out in that hypothetical if someone is engaging in that intolerable behavior or misusing pronouns intentionally based on them being demeaning, discriminatory, and harassing, AP 3430 went through Council last spring. Today, there is a second reading of 3435.

6. BP 5110 Counseling
7. AP 5110 Counseling
8. BP 5120 Transfer Center
9. AP 5120 Transfer Center
10. BP 5150 Extended Opportunity Programs and Services
11. AP 5150 Extended Opportunity Programs and Services
12. BP 5205 Student Accident Insurance
13. AP 5211 Student COVID-19 Vaccination Requirement
14. BP 5500 Standards of Student Conduct
15. AP 5500 Standards of Student Conduct
16. AP 5520 Student Discipline Procedures
17. BP 5570 Student CC Solicitation
18. AP 5570 Student CC Solicitation
19. BP 5800 Prevention of Identity Theft in Student Financial Transactions
20. AP 5800 Prevention of Identity Theft in Student Financial Transactions

**c. Second Reading**

1. AP 3435 Discrimination and Harassment Complaint Procedures
2. BP 5050 Student Success & Support Program
3. AP 5050 Student Success & Support Program
4. BP 5052 Open Enrollment
5. AP 5052 Open Enrollment
6. BP 5220 Shower Facilities for Homeless Students
7. AP 5220 Shower Facilities for Homeless Students
8. BP 5510 Off Campus Student Organizations
9. AP 5510 Off Campus Student Organizations
10. AP 5610 Voter Registrations
11. BP 5700 Athletics
12. AP 5700 Athletics

There was a motion to accept 11 of the 12 second readings of the board policies and administrative procedures to move forward to the board and hold back AP 3435. **(Colon/Johnson)**

TFleischerRowland stated that the BP and AP 5700 need to be pulled to update language on name, image, and likeness for athletes. The new versions will be brought back for a first reading in December. BP 5220 and AP 5220 will need to be reviewed regarding the possible changes that were discussed at the last meeting. HHernandez stated that it sounds like more discussion needs to be had to make sure those edits are made. MColon and KJohnson accept the changes in the motion. BP and AP 5050, BP and AP 5052, BP and AP 5510, and AP 5610 will be carried forward to the board.

**VII.** Future Agenda Items

**VIII.** The meeting adjourned at 4:41 p.m. **(Johnson/Pedrosa)**