



Chabot-Las Positas Community College District

Chancellor’s Council

Tuesday, November 7, 2023

3:00 p.m. to 4:30 p.m.

District Office, Conference Room 1

Attendees:

<input checked="" type="checkbox"/> Ron Gerhard	<input checked="" type="checkbox"/> Nan Ho for Dyrell Foster	<input type="checkbox"/> Aubrie Ross
<input type="checkbox"/> Mona Abdoun	<input checked="" type="checkbox"/> Dave Fouquet	<input checked="" type="checkbox"/> Rachel Ugale
<input type="checkbox"/> Joanne Bishop-Wilbur	<input checked="" type="checkbox"/> Carmen Ortiz for Joel Gagnon	<input checked="" type="checkbox"/> Ashley Young
<input checked="" type="checkbox"/> Jamal Cooks	<input checked="" type="checkbox"/> Theresa Pedrosa	
<input checked="" type="checkbox"/> Virginia Criswell	<input checked="" type="checkbox"/> Nada Ibrahim for Brody Price	

Guests: Bruce Griffin, Dionicia Ramos

MINUTES

Chancellor Gerhard called the meeting to order at 3:14 p.m.

1. Review and Approval of the November 7, 2023 Agenda

The agenda was approved as presented. **(Cooks/Pedrosa). Ortiz Abstained.**

2. Review and Approval of the Minutes from the October 10, 2023 Meeting

The minutes from the October 10, 2023 meeting were approved as presented. **(Pedrosa/Cooks) Ho, Ortiz Abstained.**

3. Board Policies and Administrative Procedures

3.1. First Reading of Board Policies

3.1.1. BP 3900 Speech: Time, Place, and Manner

3.1.2. BP 3950 Flag Raising

3.2. First Reading of Administrative Procedures

3.2.1. AP 3905 Speech: Time, Place, and Manner

The hours of access for Friday was questioned. It was stated that Chabot has classes later in the evening on Fridays.

3.3. Second Reading of Board Policies

3.3.1. BP 3550 Drug Free Environment and Drug Prevention Program

The sentence mentioning AP 3550 should be struck from the board policy because our district does not have an administrative procedure or plan to create one.

3.3.2. BP 3820 Gifts

3.3.3. BP 6910 Housing

There was a motion to approve moving the second reading policies to the board with the strike in BP 3550. **(Young/Pedrosa). All in favor.**

3.4. Second Reading of Administrative Procedures

3.4.1. AP 3725 Information and Communications Technology Accessibility and Acceptable Use

Nan Ho asked what the word "it" is referring to in the last sentence in the first paragraph. The sentence was changed to say, "Although there might not be an identical ease of use compared to that of persons without disabilities, there must still be equal opportunity to educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology."

3.4.2. AP 4010 Academic Calendar

Dave Fouquet asked about the State Chancellor's Office including the Lunar New Year as a holiday. Rachel Ugale stated that it is an option and not an addition. NHo asked to add ordinals after June 19 to be consistent with the rest of the document.

There was a motion to recommend moving these procedures forward to the board with the modifications mentioned. **(Pedrosa/Cooks). All in favor.**

4. College Resolutions/Report Outs

RGerhard reminded Council that an hour was spent at our first meeting on roles and responsibilities. BP 2510 was read, *"It is the belief of the Chabot-Las Positas Community College District Board of Trustees that participatory governance is both a philosophy and a process, which assures the mutual respect of all district and college constituencies by providing them the right to participate effectively in district and college governance. Although the Board of Trustees has the ultimate responsibility in decision making in those areas assigned to it by state and federal laws, the Board recognizes that the best decisions for the district can be made by relying upon the collective knowledge and expertise of the district and college communities and by ensuring that each constituency has the opportunity to express its opinions and provide advice and counsel."*

"The Board is committed to participatory governance and shall ensure faculty, classified professionals, and students participate as required by law in the decision-making processes of the district..." RGerhard stated that the district will not act on the subject areas where the Board relies primarily upon Academic Senate. The board recognizes that the collective wisdom of faculty, classified, and students prevails and does not want to decide in isolation. The Chancellor would not recommend that the board adopt a resolution on an Assembly Bill that affects our district without consultation of the three Senates because the board may not be in alignment with the constituencies. Our policy and procedure are to take it through a consultation type process so that we make sure our colleges and board are in tune with one another.

The following two resolutions are from trustees for the board to consider. These are being brought to the Council today for review and feedback. It was asked to send feedback and any proposed changes to the Chancellor's Office.

4.1. CLPCCD Resolution Denouncing Antidiscrimination

Trustee Mojadedi has requested to put forward this resolution that states we denounce discrimination in any form. The intent behind this resolution is to cast the net as far and wide as possible and state that as a board, we do not tolerate discrimination against anybody.

“Denouncing Caste Discrimination, LGBTQ+ Discrimination, Tribal Discrimination, Discrimination Against Indigenous Peoples, and All Forms of Discrimination

WHEREAS, the Chabot-Las Positas Community College District Board of Trustees recognizes the inherent dignity and equal rights of every individual as the foundation of freedom, justice, and peace in the world;

WHEREAS, our institution is committed to upholding the principles of diversity, equity, inclusivity, belonging, and justice, recognizing the diverse backgrounds and experiences of our students, faculty, staff, and community;

WHEREAS, we are aware of the historical and ongoing caste-based discrimination that affects many individuals, including members of our own community, perpetuating socioeconomic disparities, educational inequities, and perpetration of harm;

WHEREAS, we acknowledge the systemic nature of environmental discrimination, where marginalized communities are disproportionately affected by environmental hazards, impacting their health, wellbeing, and quality of life;

WHEREAS, the indigenous peoples around the world have faced, and continue to face, dispossession, discrimination, denial of their rights, and other forms of systemic injustices;

NOW, THEREFORE, BE IT RESOLVED:

- 1. That the Chabot-Las Positas Community College District Board of Trustees categorically denounces caste discrimination in all its forms, recognizing its deep historical roots and its ongoing impact on individuals and communities.*
- 2. That the Chabot-Las Positas Community College District Board of Trustees vehemently opposes environmental discrimination and commits to promoting practices that are environmentally just, ensuring that all members of our community have equitable access to clean, safe, and healthy environments.*
- 3. That the Chabot-Las Positas Community College District Board of Trustees acknowledges the rights, traditions, and cultures of indigenous peoples and*

denounces all forms of discrimination against them. We commit to working collaboratively with indigenous communities to recognize and rectify past and ongoing injustices.

- 4. That the Chabot-Las Positas Community College District Board of Trustees stands firmly against all forms of discrimination, be it based on race, religion, gender, sexual orientation, ability, nationality, or any other distinguishing characteristic. We are dedicated to creating a learning environment where every individual feels safe, respected, and valued.*
- 5. That the Chabot-Las Positas Community College District students, faculty, classified professionals, and administration are encouraged to continuously educate themselves and actively engage in initiatives aimed at addressing and countering these forms of discrimination, and to seek collaborations that will further these objectives.*
- 6. That the Chabot-Las Positas Community College District commits to regularly reviewing and updating Board Policies: 3410: Nondiscrimination and 3430: Prohibition of Harassment to ensure they are free from biases and discriminatory practices and to fostering a culture of inclusivity, respect, belonging, and justice.”*

When a board adopts a resolution like this, it impacts the board policies already in place. This is why it is being discussed at today's Chancellor's Council. If the board were to approve this resolution, BP 3430, AP 3430, and BP 3435 would have to be modified. Within the state, there are about a dozen protected classes and, by law, caste is not currently protected.

What is Caste? The caste system is seen in South Asian countries and religions. The caste system, or hierarchy based upon socio-economic status or religious setting, determines your place in society, based upon birth right. Caste came across the Chancellor's radar from Trustee Reynoso, based upon a bill from Senator Wahab's office, which Governor Newsom has since vetoed. It was an extremely controversial bill because it offends cultures and communities of South Asian descent. If California were to adopt such a bill, it would be seen as offending community members that practice the Hindu faith and religion.

Dionicia Ramos read a statement from Governor Newsom:

“To the Members of the California State Senate:

I am returning Senate Bill 403 without my signature.

This bill would define “ancestry” for purposes of the Fair Employment and Housing Act, the Unruh Act, and the Education Code to include “caste” and other dimensions of ancestry.

In California, we believe everyone deserves to be treated with dignity and respect, no matter who they are, where they come from, who they love or where they live. That is why California already prohibits discrimination based on sex, race, color, religion, ancestry, national origin, disability, gender identity, sexual orientation, and other characteristics, and state law specifies that these civil rights protections shall be liberally construed. Because discrimination based on caste is already prohibited under these existing categories, this bill is unnecessary.

For this reason, I cannot sign this bill.”

4.2. CLPCCD Resolution Caste

Trustee Reynoso is proposing the following resolution:

“WHEREAS, caste systems are defined by social stratification on the basis of inherited status and may be characterized by factors that may include, but are not limited to, inability or restricted ability to alter inherited status; socially enforced restrictions on marriage, private and public segregation, and discrimination; and social exclusion on the basis of perceived status.

WHEREAS, caste discrimination is based on birth and descent, and occurs in the form of social segregation, physical and psychological abuse, and violence; and

WHEREAS, caste discrimination manifests in employment, education, and housing; and

WHEREAS caste-based discrimination exists in numerous countries across the globe, and caste discrimination continues to be widespread and persistent, affecting an estimated 260 million people worldwide;

WHEREAS in 2016 to the United Nations Human Rights Council, the Special Rapporteur described caste-based discrimination as “a global problem,” and that “caste-based discrimination and violence goes against the basic principles of universal human dignity and equality, as it differentiates between ‘inferior ’and ‘superior ’categories of individuals, which is unacceptable;” and

WHEREAS in 2021 Lakireddy Bali Reddy was convicted for sex trafficking nearly 25 Dalit women—women of a caste formerly known as “untouchables”—in Berkeley, highlighting the existence of caste-based crimes in the California; and

WHEREAS in 2022 the California State University system—prompted by incidences at California State University, East Bay—updated its anti-discrimination policy to include protections from caste-based discrimination; and

WHEREAS, prejudice based on caste identification is found in many industries and is a contributor to workplace discrimination and bias; individuals in industries like agriculture technology, construction, restaurant, domestic work and other employment sectors have faced caste discrimination, harassment, bias, wage theft, and even trafficking; and having regard to international human rights conventions, including the

International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and General Recommendation XXIX of the Committee on the Elimination of Racial Discrimination;

Therefore, [ORGANIZATION] denounces caste-based discrimination and affirms its commitment to eliminating this harmful and dangerous practice.”

RGerhard stated that the resolutions are similar in tone, and both denounce discrimination. DFouquet asked that if these were adopted would we have to go back and change the policy and procedure. RGerhard stated that with this one, we would have to identify caste. With the previous resolution, we would be adding caste and indigenous people. What are the legal implications? If the board approves one or both, we must add to the current policies and procedures. A district's policy cannot have less than the Government Code, but we can have more. There will be discussion at the board level at their December meeting.

Ashley Young asked to add caste to #4, within the first resolution presented. The second resolution talks about worldly affairs and is not specific to CLPCCD.

NHo stated that our local community has a lot of South Asian descent, and they may be interested in the conversation.

Virginia Criswell already received feedback on the first resolution presented: *While the title includes mention of LGBTQ+ discrimination, there is no other specific mention of the LGBTQ+ community or any description of the unique forms of discrimination faced by LGBTQ+ identified individuals. This resolution could be strengthened by including both a whereas and a resolve that specifically address the experiences of LGBTQ+ identified individuals.*

RGerhard asked that these resolutions be brought back to your constituencies and send any feedback to the Chancellor's Office. Feedback will be given to the board to hear the Senates your voices before they engage in the conversation. The proposed resolutions will be added to the December 12th board meeting.

5. Report out from the College Senates

RGerhard stated that this is a placeholder for report outs or resolutions from the College Senates. Last year, we had resolutions that the Academic Senate from one college was discussing, and the other college was not aware. This is a place where we can share information across the district.

AYoung asked if any other Senates are having issues with the Brown Act rules. The new rules state that if someone cannot attend in person, they cannot be a committee member. There was an issue with someone not being able to participate in the meeting due to a disability. RGerhard stated that there are criteria for when someone can attend through Zoom and that flexibility sunsets in about a year. Dave Fouquet said someone can attend while away, but the location must be posted. RGerhard reminded the Council that there cannot be a

two-way conversation if you have all of your Senators in one meeting space but allow non-senators to listen in. This would be considered giving public comments virtually.

6. Future Agenda Items

RGerhard asked if Council would like to meet in person or through Zoom. It was decided to alternate meeting locations with the December, March, and May meetings taking place through Zoom and the February and April meetings taking place in person.

7. Adjourn

The meeting was adjourned at 4:28 p.m.

The next meeting is December 5, 2023.