



Chabot-Las Positas Community College District

Chancellor's Council

Tuesday, February 8, 2022

3:00 – 4:30 p.m.

ConferZoom

Meeting Minutes

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

Guests: Terri Anderson, Daniela Ballif, Tracy Coleman, Theresa Fleischer-Rowland, Owen Letcher, Paulette Lino, Jonah Nicholas, Kelsey Paiz, Dionicia Ramos, Kirti Reddy, Tamica Ward

Chancellor Ron Gerhard called the meeting to order at 3:03 p.m.

I. Review and Approval of Agenda

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

RGerhard introduced Dionicia Ramos, Director of Public Relations, Marketing and Government Relations, to Council.

II. Review and Approval of the December 7, 2022 Meeting Minutes

There was a motion to approve the December 7, 2022 meeting minutes.
(Pedrosa/Johnson) Hernandez, Thompson, and Whiteside abstained.

III. COVID Update

OLetcher gave an update. In January, we had aligned with the isolation and quarantine requirements. Many of you have been tuned into the news and as of February 15, the state of California will relax its mask mandate statewide, but what the news has not accurately said is that it does not necessarily apply to our county because our county make take a different stance. As of this morning, our county has not made a final determination on whether they would remove it. The district has not made a final determination whether we would remove the mask mandate for the spring semester. There are two more steps beyond what the State decides to do on February 15.

OLetcher showed the case rates dashboard. Countywide case rates drop week to week. The new terminology that we will need to learn is “endemic.”

SThompson asked about not requiring people to upload booster information. All the UCs and CSUs are using that as their operationalization of fully vaccinated. Should it be assumed that any decision that would be made regarding masking in our district would also take into consideration what it would mean to be fully vaccinated?

OLetcher stated that one of the concerns is that we need to have a consistent definition from registration through the end of the semester. If we change our definition, it will potentially change our students who were able to be in person in classes. Our definition of being fully vaccinated is consistent with the State of California and Alameda County, which is means having completed the primary dose regimen of the vaccine. RGerhard stated that in the not-too-distant future, the policy is that we have adopted the same definition as the county, recognizing that the UCs, CSUs, and other institutions of higher education have upped their definition to include boosted individuals. Right now, at a policy level, we are in line with the State and County. In the not-too-distant future, the board will start the conversation in terms of whether to require boosters as the district’s definition of fully vaccinated. I think for the foreseeable future, meaning through the end of the spring semester, there will still be a mask requirement for individuals that are indoors.

KJohnson thanked all that are involved in the COVID protocols. If the district proceeds with the booster recommendation, the conversation needs to happen quickly because students must be able to get the vaccine, especially those who are completely unvaccinated and not returning right away. We were short on time the first time we initiated the vaccine mandate, and we want to make sure we are ahead of the game this time. SThompson stated that the UCs and CSUs use their definition of fully vaccinated as the initial vaccinations, and if there has been enough time to receive the booster, then the booster is required, but only if they are eligible.

DFouquet asked if we could track when people are due for a booster. OLetcher said yes, we can track under the Cleared4 app.

IV. Governor’s Budget Update

JNicholas gave a budget update. January kicks off the start of the budget approval process. Revenues are strong within the State. There is a 9% increase projected year over year, close to \$300 billion in spending, with general fund spending being about \$213 billion overall. For K-14, Prop 98 funding, that’s eclipsing \$100 billion for the first time and is more than \$8 billion over the current years funding act. How that translates for the community college system is that’s about a 5.33% COLA being projected as of January. For us as a district, that would be greater than \$6 million in additional ongoing revenue. There are also significant one-time funds being proposed for deferred maintenance. To address the enrollment shortfalls that are plaguing the system, there are also some significant one-time funds for retention and enrollment strategies. So, between those two, should the governor’s budget be enacted, deferred maintenance and retention strategies, that can be more than \$5 million one-time for

the district. Other items, including augmenting a program for part time faculty health insurance, some increased support for Financial Aid administration, and modernize the systems technology to help protect sensitive data. One of the topics that has been discussed several times over the years, since the Student-Centered Funding Formula came into effect, is the hold harmless provision. Under the governor's proposal that would continue through 2024-25 and then in 2025-26 with that original fiscal cliff, that would be eliminated under this proposal. Districts would see that 2024-25 year become their base going forward. The only nuance to that, is whereas, now under the whole harmless provision, we receive cumulative COLAs each year, the cumulative COLAs beginning in 2025-26 would cease to exist and they would essentially become one-time in nature. So as an example, in fiscal year 2025-26, there was a 5% COLA. We would get that COLA, but the next year in 2026-27, there was a 2% COLA, that 5% COLA would drop off and be replaced by the 2% COLA, so the net effect would be a loss of COLA of 3%. It's a unique way of trying to get districts off the old SB361 formula and eventually migrate to the SCFF.

The LAO recently released its own projection that the COLA would be greater than 6%, based upon some of the inflationary pressures that are taking place nationwide.

V. Board Policies/Administrative Procedures (standing item)

a. Collegial Consultation Board Policy/Procedure Update

RGerhard mentioned that this was one of the Chancellor's Council priorities for this year. The existing BP 1300 was shown, and it is outdated. This policy has been talked about for 2.5 years. It was adopted in 1996 and does not reflect how we operate today. We initially talked about updating this policy in 2018 and recognized the work that Noell Adams and Melissa Korber did, with taking the initiative to revise this administrative procedure and board policy. With changes in the Chancellor's Office, we are getting back to it now. Considering a lot of the conversation that has ensued over the last three years regarding representation of classified professionals, students, and faculty in developing or revising this policy. Given that we have all the constituent leaders within Chancellor's Council, and the effort that has already been put together by NAdams and MKorber, we have a very strong starting point as a Chancellor's Council to really engage in this work together.

We have a process that is defined and guided by our board policy and administrative procedure on policy development, which essentially states that anyone can bring forward a recommendation to revise a board policy or administrative procedure by submitting it to the Chancellor's Office. It then goes through the process of going through the Senior Leadership Team, Chancellor's Council, all the constituent groups, then for a first reading and second reading. We will be collectively coming together to make revisions and recommendations to this, and the oddity is that the changes will be coming from Council.

RGerhard went through the references that really guide this document. Education Code 70902 largely is speaking to the role of the board of trustees of having ultimate purview and authority related to policies and procedures, but it also recognized AB1725 in the purview and the 10+1 matters under the purview of Academic Senate, whether it is relied primarily on or mutual agreement.

The other Code of Regulations 53200-53206 speaks directly to the law in Title V, the purview of classified professionals and the student leaders. The Title V regulations were shown related to express explicit responsibilities in obligations of classified professionals and districts, to create an atmosphere where classified professionals have an ability to engage in the discussion in the decision-making process. It also goes on to say, “policies and procedures of the Governing Board shall ensure that recommendations and opinions of classified professionals are given every reasonable consideration and engaging classified professionals within the consultation and decision-making process leading up to recommendations to the board. When there is a task force committee or governance groups that deal with issues outside of collective bargaining and other Council and committee staff groups, the governing board has an obligation and responsibility to include participation of classified professionals within the purview or within the scope and role of the task force.

Similarly, to classified professionals, 51203.7 speaks to students. The same standards apply for students within our collegial consultation process. But similar to faculty and academic senate, there are 10 items that are listed out that have a significant effect on students. They include grading policies, student codes of conduct, academic disciplinary process, curriculum development, courses or programs which should be initiated or discontinued, processes for institutional planning and budget development, standards and policies regarding student preparation and success, student services planning and development, student fees within the authority of the district to adopt, and any other district and college policy, procedure, or related matter that the district governing board determines will have a significant effect on students. It goes on further to emphasize the governing board shall give reasonable consideration to recommendations and position developed by students regarding district in college policies, policies and procedures pertaining to hire and evaluation of faculty, administration, and staff. Nothing in this section shall be construed to impinge upon due process rights of faculty, nor to detract from negotiations or negotiated agreements between collective bargaining, it is the intent of the governing board to respect agreements between academic senates and collective bargaining agents, as they will consult, collaborate, share, and delegate among themselves the responsibilities that are or may be delegated to Academic Senates pursuant to regulations.

There are two accreditation standards that will inform this board policy.

Standard IV: Leadership and Governance

A. Decision-Marking Roles and Processes

1. Institutional leaders create and encourage innovation leading to institutional excellence. They support administrators, faculty, staff, and students, no matter what their official titles, in taking initiative for improving the practices, programs, and services in which they are involved. When ideas for improvement have policy or significant institution-wide implications, systematic participative processes are used to assure effective planning and implementation.
2. The institution establishes and implements policy and procedures authorizing administrator, faculty, and staff participation in decision-making processes. The policy makes provisions for student participation and consideration of student views in those matters in which students have a direct and reasonable interest. Policy specifies the manner in which individuals bring forward ideas and work together on appropriate policy, planning, and special-purpose committees.
3. Administrators and faculty, through policy and procedures, have a substantive and clearly defined role in institutional governance and exercise a substantial voice in institutional policies, planning, and budget that relate to their areas of responsibility and expertise.
4. Faculty and academic administrators, through policy and procedures, and through well-defined structures, have responsibility for recommendations about curriculum and student learning programs and services.
5. Through its system of board and institutional governance, the institution ensures the appropriate consideration of relevant perspectives; decision-making aligned with expertise and responsibility; and timely action on institutional plans, policies, curricular change, and other key considerations.
6. The processes for decision-making and the resulting decisions are documented and widely communicated across the institution.
7. Leadership roles and the institution's governance and decision-making policies, procedures, and processes are regularly evaluated to assure their integrity and effectiveness. The institution widely communicates the results of these evaluations and uses them as the basis for improvement.

D. Multi-College Districts or Systems

7. The district/system CEO regularly evaluates district/system and college role delineations, governance, and decision-making processes to assure their integrity and effectiveness in assisting the colleges in meeting educational goals for student achievement and learning. The district/system widely communicates the results of these evaluations and uses them as the basis for improvement.

As Chancellor's Council, we will continue to facilitate and oversee the IPBM review process in terms of evaluation. Through our IPBM retreat, we will continue with the evaluation of our structure with the intent of not only being compliant with accreditation standards but fostering the premise of continuous quality improvement and making recommendations for changes based upon that.

KJohnson was thankful for the highlighting of the student code of regulations section. It gives more clarity on the student role within these board policies. Some of them that we review do not seem important to students, but now it is understood that there is a subsection that must be reviewed and approved before the board of trustees looks at them.

RGerhard asked Council to take the documents back to their constituents to continue this conversation so we can get this document in a final form where we can announce it districtwide and begin the process to take it to the board.

SThompson asked about the current board policy, the 10+1 is outlined, so will it be taken out of board policy? RGerhard stated that we will use that as an example. The draft has that portion moved to the administrative procedure. SThompson stated that one of the problems is this is something that academic senates share. They look for board policies to compare them to their own. RGerhard stated that there will be many changes, for example, this document speaks to appointments made by classified senate. Within the agreement with SEIU, SEIU is responsible for classified appointments to committees. This document is a working draft and there will be several revisions that will need to be made.

HHernandez asked RGerhard to speak more to the agreement with SEIU. RGerhard stated there is legislation that passed several years ago that recognized classified the exclusive representative bargaining group as the appointing authority to various participatory committees. There was also an MOU signed between SEIU and the district (Chancellor Kinnamon) that goes back 10+ years.

This working drafts for the board policy and administrative procedure have the same references. If there are changes, we are thinking about how we will track that to incorporate all the feedback that is submitted.

1:08

b. First Reading

RGerhard mentioned there are six board policies and administrative procedures are up for a first reading. These should be taken back to your constituent groups for review and vetting. Any feedback should be sent to the Chancellor's Office before a second reading.

1. BP 2310 Regular Meetings of the Board

2. **AP 5015 Residence Determination**
3. **AP 5020 Nonresident Tuition**
4. **BP 5040 Student Records, Directory Info, Privacy**
5. **AP 5040 Student Records, Directory Info, Privacy**
6. **AP 5041 Student Records – Preferred Name and Gender**

TFleischerRowland remarked on items 2 through 6 to recognize and thank admissions and records administrators who carved out time to be here for this portion of Chancellor's Council because these are highly technical areas. These items have been seen at Chancellor's Council before but clarifying language was needed as well as any updates from our league's subscription to be in alignment with recently passed legislation. Item 6, AP 5041, is a brand-new administrative procedure and we continue to hone that language. The incorporated version is being shown here today. It is customary to have a deeper dialogue at the second reading.

MColon asked a question. He has already started getting feedback on 5041. Should it be brought back to the next Chancellor's Council meeting? RGerhard stated that it should be send to the Chancellor's Office and VC Fleischer Rowland's office to be included in the second reading.

HHernandez asked if the feedback should go through email instead of discussing at the second reading? RGerhard said yes because it is easier to consolidate the feedback and the recommendations coming in.

c. Second Reading

1. **AP 5013 Students in the Military**
2. **BP 5035 Withholding of Student Records**
3. **AP 5035 Withholding of Student Records**
4. **BP 5700 Athletics**
5. **AP 5700 Athletics**

TFleischerRowland stated that these second readings are recirculating for a variety of reasons. There were ones that Council had asked for clarification and a more technical review. Some are very heavily regulated by admissions and records and the way we approach things, so I want to make sure our board policies and administrative procedures reflect the law. Our league updates often help us with those updates.

It is recommended to move forward the second reading board policies and administrative procedures for board review. **(Johnson/Colon) Thompson abstained.**

VI. College Resolutions

KJohnson just passed an internal resolution. It asks the students to maintain documents that are gender inclusive, including going through our constitution and

amending that. It was also asked to align with the existing LGBTQ+ resolution that the Academic Senate passed last year or earlier this year. Also, basically asking individuals and the college system to go through their existing documents and make sure that they are gender inclusive and making sure that all feel welcome.

KJohnson stated that the bylaws are also being amended and in process to get to the board of trustees.

SThompson stated that Academic Senate is trying to implement the recommendations from the LGBTQ+ resolutions in the spring. There will be some professional development for faculty and staff in terms of language pronouns at Las Positas's March Town Meeting.

There will be several resolutions coming for next Chancellor's Council from LPC Academic Senate. Both resolutions address the issue of access. One is a resolution in support of a translation policy so that more of our documents are available in sort of populous minority languages. Another resolution is for equity minded principles and practices which looks at our founding documents in terms of having students come through the financial aid process. Using student surveys that have identified the biggest barriers to access in terms of all our services.

KJohnson also stated that the LGBTQ+ advisory group is also looking to do a resolution on facilities. This is to ensure that as the colleges expand, making more spaces where students can engage with each other in student center areas, as well as making nonbinary restrooms more prominent.

VII. Future Agenda Items

- COVID-19 Update
- Board Policy and Administrative Procedure 1300
- Student Enrollments and Matriculation Process Review
- BP 5500, AP 5500, AP 3430, BP 3410

DFouquet asked if the classroom recordings administrative procedure was complete. An offline meeting is needed with FA to continue discussion.

MColon mentioned that when we say distance education, synchronous and asynchronous fall into the same bucket. One is face to face in the classroom and the other is either you have synchronous or asynchronous, but we should be differentiating the two. There was a great conversation in DEMC. We might be doing more synchronous instruction, if we start looking at other groups of potential students. Maybe we should be having synchronous classes at 9-10 p.m. for another subset of classes. RGerhard stated there are several groups to have conversations with, including the curriculum committee.

DFouquet stated that it is very important for the Senates to weigh in on this and it is an interesting point to consider that pre-covid, all our online education was

considered to be asynchronous. If you look at what the universities are doing when they pivot to online instruction, they are by and large adhering to synchronous instructions. They are not doing a lot of asynchronous instruction at the university level. It does make a big difference for the students. Synchronous keeps them going to class at a certain time. Asynchronous makes the students keep up so they need to be more self-motivated. Should we be deciding how many classes we are going to have that are synchronous vs. asynchronous, or do we leave it to the faculty to decide.

SThompson asked where this conversation begins. The conversation at DEMC was that this conversation would not be agendaized at this meeting because it had to go to senior leadership first for discussion. The Senates can certainly engage and discuss, but there needs to be a planning group operating at the district level, looking at these big strategic questions of direction.

RGerhard stated this is a districtwide conversation because of how it plays so much into the policy level. It's likely that we are going to continue to serve students different than we did before. What we have been doing for the spring is to track and monitor data that is really the first glimpse of what students will want in the future. This is going to play significantly into enrollment management and meet students where they are at and how to serve them. It will also play into conversations at DEMC. We will need to track and report to the state and collect FTES in a different way. There are many layers and complexities to this conversation. It can be done within Chancellor's Council.

TPedrosa mentioned that all classes should have some Zoom options. It puts some students behind who depend on those classes. Each one should have an option for students to pick if they want to be face-to-face or on Zoom.

MColon mentioned that the discussion started at DEMC to discuss three-year planning. No one really had a plan on how we would do that other than to say we are going to begin engaging students earlier in the cycle. But the conversation got broader, and I think we must think about our students and who our student can potentially be in a very different way. We need to look at other buckets of potential students. It is understood that the state is saying they don't want more than 50% online instruction, but this is not online instruction even though there is a computer involved.

NRice went beyond what was already discussed and mentioned the high flex options, which may become very popular but also may be forgotten. Then there are some instructors that are doing synchronous instruction, but then recording it, so students who cannot make it are picking it up later, so it is essentially hybrid synchronous asynchronous. One thing to remember as we are going through this is to clearly communicate to the student what is expected in the class. Just thinking from the mind of accommodations, trying to set up accommodations if those are going to be in person or online, those are very different. It is going to require rethinking how we label things in the catalogs.

VIII. The meeting adjourned at 4:37 p.m.

DRAFT