

Mr. Owen Letcher
 Mr. Jonah Nicholas
 Ms. Julia Dozier

1.1 PLEDGE TO FLAG

Ms. Dozier led the pledge.

2.0 PUBLIC COMMENTS

No Public Comments were made.

3.0 COVID UPDATED (Facilitated by VC Letcher and Ms. Madeline Rebullida, Forensic Analytical Consulting Services)

SAFE WORK PRACTICES AT CLPCCD

- March 2020 thru December 2020
 - 28 COVID-19 cases managed within District
- January 2021 thru August 10, 2021
- 49 COVID-19 cases managed with District
 - Chabot College 30 cases
 - Las Positas College 14 cases
 - District/EDCE/M&O 5 cases
- January 2021 thru August 10, 2021
- 49 COVID-19 cases managed within District
 - Student Cases
 - 13 among Essential Workforce Classes
 - 18 among Student Athletes
 - Staff Cases
 - 5 among Instructional Staff
(Instructor/Counselor/Librarian)
 - 13 among Office/M&O/Bond Management
- January 2021 thru August 10, 2021
- 49 COVID-19 cases managed within District
 - Identified/assigned cause of infection
 - 2 known or suspected at CLPCCD
 - 38 from household contact
 - 9 other work site or outside exposure
 - Identified Close Contacts from on-campus activities
 - 145 total close contacts identified
 - Duplicated headcount
- Team approach to manage COVID-19
 - Reopening Task Force Members:

- Wyman Fong, Theresa Fleisher-Rowland, Bruce Griffin, Debbie Trigg, Paulette Lino, Jennifer Aries, Jamal Cooks, Stacy Thompson, Sara Woods, Amy Mattern, Jeanne Wilson, Nan Ho, Tamica Ward, Elizabeth David, Alex Clark, David Betts, Mujeeb Dadgar, Kristina Whalen, Matthew Kritscher and Owen Letcher
 - District M&O Staff
 - Senior Leadership Team
 - Forensic Analytical Consultants Inc (FACS)- Certified Industrial Hygiene consulting firm from Hayward, CA. Includes medical professional Dr. Jill Merek
 - Legal Counsel- Liebert Cassidy & Whitmore-Meredith Karasch
- Before the Blueprint for a Safer Economy (May 2020 to August 2020)
 - Four-Tiered system with defined recommendations for schools for when instruction could be provided in-person.
 - Purple- Essential Workforce employees & courses only
 - Red- Hard to convert courses added, approved employees
 - Orange- 25% room capacity with safety protocols
 - Yellow-50% room capacity, community use allowed
- Blueprint for a Safer Economy (Sept 2020- June 2021)
 - Statewide Four-Tiered system with defined recommendations for schools for when instruction could be provided in-person
 - Widespread-close to in-person with certain exceptions
 - Substantial- 25% capacity in classrooms
 - Moderate- 50% capacity not to exceed 100
 - Minimal- 50% capacity not to exceed 200
 - Vaccination status in state allowed additional opening and modified the tiers at 2 million doses and 4 million doses.
- June 4, 2021- CDC issues outdated guidance to Institutions of Higher Education
- June 15m 2021- Governore Newsom reopens California-Beyond the Blueprint
- June 17, 2021- Cal OSHA Safety Standards Board modifies the Emergency Temporary Standards
 - Includes vaccine verification by employees

SAFE WORK PRACTICES AT CLPCCD- CDC UPDATE

- Offer and promote COVID-19 Vaccination
 - Available at both campus health clinics
- Guidance to IHE where not everyone is fully vaccinated
 - Wear a mask- Indoors and in crowded outdoor settings
 - Physical Distancing- Limit capacity of indoor spaces
 - Hand hygiene and respiratory etiquette
 - Testing for individuals who are symptomatic
 - At home symptom screening

SAFE WORK PRACTICES AT CLPCCD- CAL OSHA

- Fully vaccinated and unvaccinated employees
- Physical Distancing is not required
- Employer provided N-95 respirator to unvaccinated upon request
- Training and instructional program
- Outbreak- 3 or more from one workgroup
- Major Outbreak- 20 or more from one workgroup
- Testing for not fully vaccinated

SAFE WORK PRACTICES FOR SUMMER AND FALL 2021

- Physical Distancing-reduced capacity of classrooms, conference rooms and congregate spaces
- Face coverings in indoor locations for students and the public
- Face coverings not required outdoors when 6 feet apart
- Personal Hygiene
- Medical screening at home

SAFE WORK PRACTICES AT CLPCCD

Face Covering and Personal Protective Equipment



SAFE WORK PRACTICES AT CLPCCD

Personal Hygiene



ENVIRONMENTAL CLEANING

- Daily cleaning of all facilities
- Response cleaning to known cases or outbreaks
- Custodial staff will perform duties as necessary
- Classroom and office self-cleaning supplies available

ENHANCED VENTILATION AND FILTRATION

- Filter verification at least MERV 8
- Optimized outside air
- Open doors and windows
 - Below 90 degrees
 - AWI below 100
- California Community College Facilities are designed with 6 to 8 air changes per hours (Cal OSHA recommendation is 3)
- Training Program, Injury and Illness Prevention Plan Documents and Frequently Asked Questions
- Training Offerings (In-Person/Zoom Conference/Webinar)
- March 1 thru August 18, 2021
 - Chancellor's Forum Held
 - Three different times
 - 532 participants
- Webinar/Zoom Conferences with FACS & Dr. Merek
 - 17 different times
 - 238+ participants
- In-Person workplace through (FACS/Dr. Merek/VC Letcher)
 - 36 different times

- 290+ participants
- On-line Video Training/Q&A Documents/Safety Plan/Information Links

SAFE WORK PRACTICES AT CLPCCD

- Your safety and the safety of our students is our number one concern
- Safe work practices are effective if followed
- Vaccines work, even against the latest variants
- What if we experience an outbreak
 - Universal face coverings
 - 6-foot social distancing
- Information from a reliable source
- Know you are in control and can ask or raise concerns
- For the fall term, vaccine mandate implemented for students enrolled and participating in programs and courses identified as being a higher risk for contraction and spread of COVID-19. Factors used to identify such programs and courses include:
 - Proximity of physical interaction between students, faculty, classified professionals, and administrators;
 - And based upon existing and known district case data
- Effective August 16, all employees are required to complete the CLPCCD Verification of Vaccination form.
- As of August 19, out of 644 employees who have submitted the form, 624 have certified that they are fully vaccinated, 11 unvaccinated, and 9 declined to state
- Legally required exemption requests are available to both students and employees based upon:
 - Medical conditions
 - Sincerely held religious belief
- Vaccine mandates:
 - UC system-mandate
 - CSU- mandate
 - K12- mandate or submit to weekly testing
 - Community college- as of 8/17, 26 districts with student/staff mandates, one district with student only mandate, and two districts with employee only mandate. Most are mandates with no option for weekly testing.
 - Recommended Board Policies Requiring Vaccination (with legally required exemption requests):
 - Revised Board Policy 5210
 - Revised Board Policy 7330

Questions:

Trustee Sbranti asked what is the oversight responsibility of the district as it relates to COVID safe work practices and the contractors that are working on our campuses. VC Letcher stated we require the vendors and contractors to submit their COVID-19 Injury Illness Prevention Plan.

Trustee Sbranti asked if a student lives in a household with someone that has tested positive do they have to self-quarantine. VC Letcher stated yes, the student is required to self-quarantine. Ms. Rebullida stated each case and situation is unique, the local public health officer is going to make the ultimate determination on who needs to quarantine and who needs to isolate.

President Randolph asked if a student tests positive who do they inform on campus. VC Letcher stated the student informs their instructors in turn they inform the Dean and the Dean notifies me. He stated the Dean and himself assist the instructor with the case response form and notifying the student on what their return date is.

VC Letcher provided the Board with an example of why they cancelled a class due to a student testing positive.

Chancellor Gerhard stated we are consistently trying to have primary plans that are based upon what are known facts and secondary and tertiary plans based upon what we believe the state, county or local cases within the classroom are going to do. He complimented VC Letcher and his team for doing a wonderful job. He stated it is also important to keep in context the oscillations in the state in terms of their positions on this; there was a point in time where after the taking away of the blueprint for a safer economy the state released all the restrictions and then the Delta Variant happened. Ms. Rebullida stated the CDC is making sweeping recommendations that are not necessarily reflective of where our individual community is at. Chancellor Gerhard stated based on CDC's recommendation, Alameda County Health, Public Health Departments and the State we pivoted our policy to require masking indoors regardless of vaccination status. He stated upon recommendations from our college presidents we have identified a number of programs that we have already implemented a mandate for those students. He stated they are using the markers of data elements to analyze and weigh the risks to make decisions in terms of protecting that our classrooms are safe and ensuring our employees are protected.

Trustee Maduli asked if there are any exemptions on the programs that require students to be vaccinated. Chancellor Gerhard stated yes, medical and religious exceptions. VC Letcher stated the CARES Act funding covers the vaccination and testing costs. Trustee Maduli asked if the student's insurance covers these costs. VC Letcher stated it depends. Ms. Rebullida stated per the Cal OSHA requirements employers are required to offer testing at no cost to employees during their paid time. Ms. Karasch stated under the law the employer would have to pay if the district requires unvaccinated employees to be tested, that would be considered a workplace expense.

Trustee Sbranti stated the biggest constraint is staff time and logistics in managing the testing. He also stated since athletes are constantly being tested, inherently we are going to have a higher number.

Trustee Granger asked how many of these targeted students have received the medical or religious accommodation. President Sperling stated they began their rollout of vaccines with the exemption that Chancellor Gerhard referenced. She stated they began with football as it was moving into their season of play and they wanted to support the health of the students. She stated the vast majority of students in the program have received the vaccination. Trustee Granger asked what is the deadline for students to provide proof of vaccination. Chancellor Gerhard stated 79% of students have received vaccinations, 6 are in the process and 1 declined. Chancellor Gerhard asked President Sperling if a timeline was given

to the Athletes. President Sperling stated a timeline and deadlines were given. She also stated the students are given the choice on what vaccine they wish to receive through the college health center.

Trustee Maduli asked what happens to the students that do not get vaccinated. President Sperling stated a communication has went out to all the athletes advising them they need to work by the stated deadlines with their coaches. She stated athletes do not qualify to do certain training and competition until their status is resolved.

President Foster thanked President Sperling for leading the way with these efforts. He stated next week he will be meeting with the Deans, Coaches and VC Letcher to discuss the process and timelines.

Trustee Heredia asked what other colleges in the region have implemented this same practice. VC Letcher stated the guidance from CCA was at 85% vaccination but they are leaning on mandating the vaccination.

President Randolph thanked Chancellor Gerhard, district staff and both colleges for the information shared today.

4.0 INFORMATION AND DISCUSSION ITEMS

4.1 First Reading of New, Reviewed, or Revised Board Policies

- BP 5210 Communicable Disease
- BP 7330 Communicable Disease

Trustee Reynoso asked what the motivation was to include COVID-19 language; the Ed Code does not address COVID-19, it addresses communicable diseases. Ms. Karasch stated the way she reads the language is it includes communicable diseases and then goes one step further and adds COVID-19. She added, the Ed Code is a permissive code in which you are allowed to do whatever is not illegal.

Trustee Reynoso stated he understands what the goal is but he does not feel like we should be writing state education policies. Ms. Karasch stated the governor has deemed it necessary to not wait for the legislature to enact new sections on communicable diseases and has taken the step to promulgate orders regarding K12. She stated the Ed Code does not prohibit having a BP like this. Trustee Reynoso stated the public has the right to voice their options regarding this item. Chancellor Gerhard stated the fact that this is a real present risk to students and employees and is the reason why the recommendation is being brought forward. He stated this meeting today is a Special meeting that provided opportunity under 2.0 for Public participation. Trustee Reynoso stated he did not feel like we gave the public enough time to let them know we were discussing this item today.

Trustee Heredia stated she felt like we are in-line with the Ed Code and are following the Brown Act requirements.

Trustee Maduli stated we are following all of the Brown Act protocols and the BPs we are revising are an extension of the Ed Code. He stated our district models the policy governance, therefore we

govern by policies. He stated to operationally move into mandating this policy it provides the Chancellor authority to develop administrative procedures.

Trustee Sbranti asked if the staff considered a stand-alone Board policy specifically for COVID-19. Ms. Karasch stated it makes sense to add this to a current Board policy. Chancellor Gerhard stated it could be a stand-alone policy however, we included it with the Tuberculosis Board policy as it was written too by the CCLC and the overarching subject is Communicable Diseases. He added, other Boards have adopted resolutions then had to develop policies, the approach we have taken is cleaner and more expeditious. Ms. Karasch stated the first step we need to take is to get the policy stated and put into effect protocols.

Trustee Granger stated the paragraph referencing protocols related to COVID-19 needs to be moved. Chancellor Gerhard stated the paragraph referenced is more applicable to COVID-19 section ahead of TB.

President Randolph asked if the language for COVID-19 BP 7330 can be an appendix. Ms. Karasch stated the language in BP 7330 is required, therefore that would have to stay the same. She stated if we wanted to move the COVID-19 language to be an appendix to its own separate policy we can do that. President Randolph thanked Ms. Karasch and stated that helps with the process and procedure.

Trustee Maduli asked are students allowed to register if they are not vaccinated or have an exemption. Ms. Karasch stated our AP will outline the process and the process if is not followed. She stated in general students are entitle to due process right that follows the district code of conduct. Trustee Maduli asked how safety measures are going to be spelled out in the AP. Ms. Karasch stated BPs are typically global statements and policies; the actual procedures that implement the policy are in a more detailed procedure. She added it is for your district to look at the different layers of mitigation that you could put together and decide what burden you are going to take on and how much funding something costs and what resources will be put in place. Trustee Maduli stated he sees no problem with the BP language and all the details are in the AP. He stated he is concerned about how we are going to implement this and giving the everyone the opportunity to weigh in on what the procedures are. He stated once the procedures are developed he would like to see them brought to the Board for review.

President Randolph stated her take away from the COVID-19 Safe Work Practices was there are procedures in place, especially for the employees. She stated she suggests making it clearer and more visible regarding what procedures we have in place for the students.

Trustee Gin stated he is in favor with the language of the BP. He thanked the timely implementation plan and does not see any conflict with the Ed Code.

Trustee Heredia asked for those students that have exemptions will we be offering online courses. Chancellor Gerhard stated we are developing administrative procedures in terms of process on how in terms of structure that would flow. He stated BP 5210 is specific to students that are coming on to campus, it is not speaking to or having the mandate for students who continue to pursue their education online or in some other modality.

Trustee Granger asked what the timeline is if the Board approves the policies. Chancellor Gerhard stated once the Board approves the policies, the administrative procedures will then be developed and shared at the Chancellor's council for feedback and vetted then brought back to the Board for approval. He stated if our mandate is effective Spring 2022 we need to have policies supported by the Board no later than September so the APs can be crafted and constructed in September so they can be in place prior to student enrollment in November.

Trustee Granger thanked the colleges, staff, and the leadership of our constituent groups in communicating their members' desires or interests related to the policies. She stated having the student survey data has been helpful in weighing her decision in supporting this policy. She stated this is one layered contingency method that we have to ensure the safety of our students and our staff.

Trustee Sbranti stated generally he struggles with mandates however; a lot has happened the past week and we have seen the data and COVID-19 risk is still there. He stated the sooner we can get back to "normal" is important, and from an equity standpoint our students need this. He stated he is in favor of moving forward with the BPs.

Trustee Reynoso stated the staff did a good job in researching and accommodating what needs to be done. He stated his concern is with transparency, discrimination and choice. He asked what is available to the students and employees that feel discriminated against once the Board passes this mandate. Chancellor Gerhard stated it our duties to advise and "wrap our arms around" those students that are reluctant to become vaccination. He stated we will provide these students with options to continue their education online or virtual format. He stated based on student feedback, we plan to provide online course offerings in spring 2022. He stated they plan to have two thirds of classes back face-to-face on campus and a third being virtual.

Trustee Reynoso stated he worries for the students that have chosen to not be vaccinated. He stated he thinks the Board is going on a path that does not allow for the individual to make a choice. He stated he would like the public the opportunity to speak at the next Board meeting.

Trustee Maduli stated with the minor revisions Trustee Granger suggested he approves moving forward with the BPs.

Trustee Gin stated we are not discriminating, look at the majority of the people supporting the policy. He stated if we go the other way we would be ignoring the majority of the people who think this policy is appropriate. Trustee Reynoso stated that is how discrimination works, majority over minority. Trustee Gin stated we need to take this to vote.

Trustee Reynoso stated the last sentence that references "boosters" is open ended. He asked that this sentence be removed. President Randolph stated she does not see this as a problem, the district will not be acting upon its own decision to require this, it would be through medical and county. Chancellor Gerhard stated Boosters would be required if authorized by the FDA and recommended by CDC and county of public health. Trustee Reynoso stated isn't that what fully vaccinated implies; the CDC promotes another booster to be fully vaccinated. He stated he does not see the need for this sentence to be included in the language.

Trustee Heredia stated she supports leaving the sentence as it reads.

Trustee Gin stated he supports leaving the language as it reads.

Trustee Maduli stated he does not see a problem with the language. He stated to be fully vaccinated you have to have both shots or the J&J.

Trustee Sbranti stated he sees a correlation, twelve years ago we had to get a Tdap vaccine with the measles outbreak, which is required for measles.

President Randolph stated the Board has provided the Chancellor with a revision to the last paragraph on BP 7330. Chancellor Gerhard stated the revision will be made for the second reading.

President Randolph thanked the colleges, district staff, Ms. Karasch, Director Dozier and CTO Griffin for their assistance in today's meeting.

5.0 ADJOURNMENT

Motion No.1

Trustee Gin made a motion, seconded by Trustee Heredia to adjourn the meeting at 3:26 p.m.

Motion carried unanimously, 7-0

Motion carried by the following roll call vote:

AYES: Gin, Granger, Heredia, Maduli, Randolph, Reynoso, Sbranti

NOES:

ABSENT:

ABSTENTIONS:

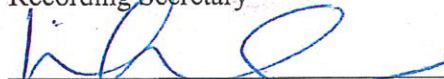
NEXT MEETING

The next Regular meeting is scheduled for September 14, 2021 at the District Office, Dublin.

Minutes prepared by:



Debra Nascimento
Recording Secretary



Secretary, Board of Trustees
Chabot-Las Positas Community College District