

APPROVED
MINUTES OF THE REGULAR MEETING
OF THE BOARD OF TRUSTEES OF THE
NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT

March 14, 2017

The Board of Trustees of the North Orange County Community College District met for its Regular Meeting on Tuesday, March 14, 2017, at 5:30 p.m. in the Anaheim Campus Board Room.

Board President Molly McClanahan called the meeting to order at 5:30 p.m. and asked Stephanie Paramore to lead the Pledge of Allegiance to the Flag.

TRUSTEE ROLL CALL: Present: Ryan Bent, Stephen T. Blount, Jeffrey P. Brown, Barbara Dunsheath, Ed Lopez, Molly McClanahan, Jacqueline Rodarte, and Student Trustees Scott Begneski and Tanya Washington. Absent: None.

RESOURCE PERSONNEL PRESENT: Cheryl Marshall, Chancellor; Fred Williams, Vice Chancellor, Finance & Facilities; Irma Ramos, Vice Chancellor, Human Resources; Cherry Li-Bugg, Vice Chancellor, Educational Services & Technology; Greg Schulz, President, Fullerton College; Bob Simpson, President, Cypress College; Valentina Purtell, Provost, School of Continuing Education; Deborah Ludford, District Director, Information Services; Stephanie Paramore, representing the District Management Association; Adam Gottdank, representing the School of Continuing Education Academic Senate; Bryan Seiling representing Cypress College Academic Senate; Pete Snyder, representing Fullerton College Faculty Senate; Rod Lusch, representing CSEA; Kent Stevenson, representing ADFAC; and Alba Recinos, Recording Secretary.

OTHER ADMINISTRATORS AND EMPLOYEES PRESENT: Josh Ashenmiller, Carlos Ayon, Joe Carrithers, Gilbert Contreras, Danielle Fouquette, Rod Garcia, Cyndi Grein, Mike Managan, Lisa McPheron, Jose Ramon Nuñez, Lizbeth Trujillo, and Dan Willoughby from Fullerton College; Karen Cant and Therese Mosqueda Ponce from Cypress College; Margie Abab, Joanne Armstrong, Mary Ann Babbo, Darrylette Bass-Johnson, Terry Cox, Dennis Davino, Carlos Diaz, Emma Diaz, Natalya Dollar, Martha Gutierrez, Jorge Gamboa, Edna Heredia, Shelia Moore-Farmer, Denise Mora, Alice Niyondagara, Jennifer Perez, Chelsea Salisbury, Julie Shields, Julie Schoepf, Ivan Stanojkovic, and Michelle Tee from the School of Continuing Education; and Ivy Hwee, Julie Kossick, Arturo Ocampo, Tami Oh, Kai Stearns Moore, Kashu Vyas, and Rick Williams from the District Office.

VISITORS: Chuck Allen, Amanda Aros, Francisco Aviles Pino, Guadalupe Cisneros, Brittany Cortez, Faby Jacome, Martin Lopez, Jazmin Martinez, Angiel Mendieta, Kathryn Olimberic, and Alexander Rosado.

COMMENTS: MEMBERS OF THE AUDEIENCE:

- A. **Sylvia Pimentel**, Fullerton College Counselor, addressed the Board in support of undocumented students and urged them to continue to promote an environment conducive to learning for all students.

- B. **Faby Jacome**, Fullerton College Student, noted that as an activist with Orange County Immigrant Youth United who lobbies for the rights of undocumented immigrants, the proposed resolution brings peace of mind to her and others.
- C. **Jazmin Martinez**, Fullerton College Student and Fullerton College Dream Team President, expressed her gratitude to the Board for considering the proposed resolution as it provides hope for undocumented students.
- D. **Guadalupe Cisneros**, Fullerton College Student and Fullerton College Dream Past President, reported on the decline in attendance at Dream Team meetings after the November election, and thanked the Board for considering the resolution.
- E. **Francisco Aviles Pino**, Fullerton College Alumnus, relayed his personal experiences after the presidential election and stated that he was able to continue his studies at UCLA due to the support he received at the university. He emphasized that by passing the proposed resolution, the Board would send a message to every undocumented student that they matter.
- F. **Alice Niyondagara**, SCE Faculty, addressed the Board on behalf of her ESL students, and conveyed the undercurrent of fear affecting students. She stated that by passing the proposed resolution, the Board would send a clear message to students and provide hope for them.
- G. **Alexander Rosado**, with Orange County Communities Organized for Responsible Development (OCCORD), read a letter of support for Resolution No. 16/17-18 that was emailed to the Board by Shakeel Syed, OCCORD Executive Director.
- H. **Carlos Diaz**, SCE Faculty, shared with the Board that his students appreciated the Board's support of their educational goals via the proposed resolution, and noted that since January many students have not returned to class due to fear.
- I. **Therese Mosqueda Ponce**, Cypress College Puente Program Counselor, shared that undocumented students are part of the Puente Program, and thanked the Fullerton College Faculty Senate for passing their resolution in support of DACA, and the Cypress College Academic Senate for their upcoming consideration of it.
- J. **Adam Gottdank**, SCE Faculty, voiced his support for the proposed resolution, and noted that he stood with his students and colleagues who all want to provide a safe place for people to go to school.
- K. **Julie Schoepf**, SCE Staff, shared with the Board that an SCE name change has been a topic of discussion for her 13 years in the Provost's Office, and relayed the support of former Provosts Gary McGuire and Christine Terry for a name change.
- L. **Kai Stearns Moore**, District Director of Public & Governmental Affairs, addressed the Board in support of the SCE institutional name change which she stated would solve SCE's branding issues.
- M. **Gerald Volomino Jr.**, Fullerton College Alumnus, addressed the Board to emphatically oppose the proposed resolution which he deemed a sanctuary policy that would prevent law enforcement agencies from doing their job.

BLOCK VOTE APPROVAL OF NON-PERSONNEL ITEMS: It was moved by Trustee Stephen T. Blount and seconded by Trustee Barbara Dunsheath that the following non-personnel items be approved by block vote:

Finance & Facilities: 3.a, 3.b

Instructional Resources: 4.a, 4.b

Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, McClanahan, and Rodarte voting yes, including Student Trustees Begneski and Washington's advisory votes.

BLOCK VOTE APPROVAL OF PERSONNEL ITEMS: It was moved by Trustee Jacqueline Rodarte and seconded by Trustee Ed Lopez that the following personnel items be approved by block vote:

Human Resources: 5.a, 5.c, 5.d, 5.e

Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, McClanahan, and Rodarte voting yes.

CONSIDERATION OF ITEM 6.B: It was moved by Trustee Ryan Bent and seconded by Trustee Barbara Dunsheath that the Board move Item 6.b, School of Continuing Education Institution Name Change, on the agenda for discussion and vote. **Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, McClanahan, and Rodarte voting yes, including Student Trustees Begneski and Washington's advisory votes.**

Item 6.b: It was moved by Trustee Stephen T. Blount and seconded by Trustee Jacqueline Rodarte to approve the School of Continuing Education institutional name change to North Orange Continuing Education, and authorize a name/brand launch campaign.

Subsequent to answering a question related to future merchandise, the **motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, McClanahan, and Rodarte voting yes, including Student Trustees Begneski and Washington's advisory votes.**

REPORTS

- A. **Chancellor Cheryl Marshall** reported on the Districtwide Managers meeting on March 3, where presentations addressed enrollment management, student success practices, diversity leadership, and other additional topics. She shared that members of the Districtwide Enrollment Management Advisory Committee (DEMAC) participated in enrollment management training at their March 6 meeting. Dr. Marshall also reported on her attendance at several events, including the Baccalaureate Degree Pilot Program Summit in San Francisco, the Cypress College Americana Awards, and her visit to the Fullerton College Child Development Center to read *Green Eggs and Ham* in honor of Dr. Seuss' birthday.

(See Supplemental Minutes #1188 for a copy of the Chancellor's full report.)

- B. **Valentina Purtell**, School of Continuing Education Provost; **Bob Simpson**, Cypress College President; and **Greg Schulz**, Fullerton College President, reported on their respective campus activities.

(See Supplemental Minutes #1188 for copies of their full reports.)

COMMENTS

- A. **Stephanie Paramore** thanked Chancellor Marshall for planning the March 3 districtwide managers meeting, and for attending the Women's Forum hosted by the Fullerton College Cadena Center.
- B. **Adam Gottdank** reported on final preparations for the SCE accreditation visit, and invited everyone to attend the Disability Support Services Transition Night on March 22 at Cypress College. Dr. Gottdank also read a resolution in support of the Deferred Action for Childhood Arrivals (DACA) program which was unanimously passed by the SCE Academic Senate.

(See Supplemental Minutes #1188 for the full resolution language.)

- C. **Bryan Seiling** stated that the enrollment management training at the March 6 DEMAC meeting was a helpful way to begin the conversation. He added that the Cypress College Academic Senate will discuss a student support resolution, and expressed his hope that the Board would approve their proposed resolution.
- D. **Pete Snyder** shared that the Fullerton College Faculty Senate is discussing plans for flex days, and that Mareike Claassen was selected as the 2017 Fullerton College Teacher of the Year.
- E. **Rod Lusch** noted that his recent absences from Board meetings have been due to CCA commitments, and stated that CSEA supports the proposed resolution.
- F. **Kent Stevenson** reported that Adjunct Faculty United hosted Trustees Ryan Bent, Stephen Blount, and Ed Lopez for lunch to discuss district issues, and that negotiations with the District will resume the following week.
- G. **Student Trustee Tanya Washington** reported on her attendance at several campus and district activities, her participation in the forensics tournament state championship, and also thanked Amanda Aros and Brittany Cortez for attending the Board meeting in support of students.
- H. **Student Trustee Scott Begneski** thanked the students in attendance for supporting their fellow students, congratulated Dr. Claassen on her selection as Teacher of the Year, and noted that tickets were still available for Fullerton College Night at Angel Stadium.
- I. **Trustee Ryan Bent** introduced three transparency proposals that he would like to see implemented which included: 1) free parking on Board meeting nights, along with appropriate signage; 2) the filming of Board meetings to be archived and/or streamed online; and 3) audio recordings of Board meetings to be archived on the District website.

- J. **Trustee Ed Lopez** expressed his gratitude to the faculty, staff, and students who shared their heartfelt stories and provided valuable input regarding the proposed resolution. He also commended the SCE Academic Senate for their passing of a resolution in support of DACA.
- K. **Trustee Barbara Dunsheath** announced that Strategic Conversation #18 will take place on April 25, beginning at 3:30 p.m. She invited everyone to attend for great food and conversation centered on the topic of pathways.
- L. **Trustee Molly McClanahan** shared that retired trustee Leonard Lahtinen will be honored by the Anaheim City Council on April 25 for his service to the District. She also reported on the work of Abel Alejandre, a 2017 Fullerton College Artist in Residence, and the retirement celebration for Cypress College faculty member Rob Johnson.

MIINUTES: It was moved by Trustee Jeffrey P. Brown and seconded by Trustee Barbara Dunsheath to approve the Minutes of the Special Meeting of February 24, 2017. **Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, McClanahan, and Rodarte voting yes, including Student Trustees Begneski and Washington's advisory votes.**

It was moved by Trustee Barbara Dunsheath and seconded by Trustee Jacqueline Rodarte to approve the Minutes of the Regular Meeting of February 28, 2017 with the following amendments: 1) The addition of "Subsequent to the discussion, the Board affirmed their desire that Cypress College follow-up on the next steps and provide a timeline." was added to the discussion related to Item 4.a, Cypress College Self-Evaluation First Draft for Reaffirmation of Accreditation on page 220; 2) it was noted that page 227 was missing from the printed agenda; and 3) the addition of Trustee Bent's request that staff review the impact of the proposed resolution on local law enforcement agencies, and also inquire whether or not those agencies would be in favor of the Board adopting such a resolution to page 229. **Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, McClanahan, and Rodarte voting yes, including Student Trustees Begneski and Washington's advisory votes.**

FINANCE & FACILITIES

Item 3.a: By block vote, authorization was granted to ratify purchase order numbers P0114711 - P0115309 through March 1, 2017, totaling \$1,456,289.02, and check numbers C0044855 - C0045051, totaling \$3,422,190.91; check numbers F0209768 - F0210351, totaling \$327,537.44; check numbers Q0005317 - Q0005336, totaling \$1,287.00; check numbers 88460951 - 88461829, totaling \$5,007,721.49; check numbers V0031414 - V0031414, totaling \$658.00; check numbers 70079258 - 70081278, totaling \$413,737.70; and disbursements E8670672 - E8680876, totaling \$11,677,164.08, through February 28, 2017.

Item 3.b: By block vote, the Board granted authorization to enter into a DSA Inspector of Record service agreement with Day Construction to provide DSA inspection services for the Cypress College Central Plant & Thermal Energy Storage Tank Project in an amount of \$118,870 for the three phases. The term of the agreement commenced on June 13, 2106, through September 30, 2017.

Further authorization was granted for the Vice Chancellor, Finance & Facilities, or District Director, Purchasing, to execute the agreement on behalf of the District.

INSTRUCTIONAL RESOURCES

Item 4.a: By block vote, the Board approved the rescinding of the summary of curriculum changes for Cypress College, to be effective retroactive Fall 2014. A newer revision of this associate degree was approved by the Board on November 8, 2016 and was state approved effective Fall 2017. The curricula have been signed by the Campus Curriculum Chairperson and the College President, and have been approved by the District Curriculum Coordinating Committee.

(See Supplemental Minutes #1188 for a copy of the curriculum summary.)

Item 4.b: By block vote, authorization was granted to accept new funding from the sub-agreement under the Industry Driven Regional Collaborative (IDRC) Prime Award #15-198-001 in the amount of \$13,250, and adopt a resolution to accept new revenue and authorize expenditures within the General Fund, pursuant to the California Code of Regulations Title 5, Section 58308.

Further authorization was granted for the Vice Chancellor, Finance & Facilities, or the District Director, Fiscal Affairs, to execute any agreements and related documents and any amendments to modify the agreements on behalf of the District.

Item 4.c: The Board received and reviewed the first draft of the Fullerton College 2017 Accreditation Self-Evaluation Report. Jose Ramon Nuñez, Fullerton College Vice President of Instruction and Accreditation Liaison Officer, and Danielle Fouquette, Steering Committee Faculty Co-Chair, were on hand to respond to questions and receive comments from the Board.

Trustees commended Fullerton College for presenting a cohesive, well-written draft of their accreditation report, and noted their appreciation for the use of an outside editor, the number of evidence pieces cited, and the inclusion of action plans and a functional map. Recommendations related to the quality focus essays (QFEs) and student learning outcomes (SLOs), along with minor editorial comments were also noted. The Board also cautioned that there is a discrepancy related to certain standards between Cypress College and Fullerton College, with one college reporting that they meet a standard, while the other college has reported that they do not meet the same standard.

HUMAN RESOURCES

Item 5.a: By the block vote, authorization was granted for the following academic personnel matters, which are within budget:

RETIREMENT

Meyer, Barbara

CC Dramatic Arts Instructor
Eff. 06/01/2017
PN CCF824

PHASE-IN RETIREMENT

McCament, David	CC	Mortuary Science Instructor Reduction of phase-in retirement workload From: Fall Sem. 80.00%/Spring Sem. 80.00% To: Fall Sem. 50.00%/Spring Sem. 50.00% Eff. 08/28/2017 PN CCF752
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LEAVES OF ABSENCE

Cho, Leonard	FC	Mathematics Instructor Load Banking Leave With Pay (13.33%) Eff. 2017 Spring Semester
Okonyan, Stefani	FC	English Instructor Family Medical Leave (FMLA/CA PDL) (100%) Regular and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 03/06/2017-03/31/2017
Smith, Susan	CC	Nursing Instructor Family Medical Leave (FMLA/CFRA) (100%) Regular and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 09/20/2016-12/05/2016 Eff. 01/26/2017-03/09/2017

FACULTY SABBATICAL LEAVE

Diaz, Roberto	FC	Mathematics Instructor Eff. 2017 Fall Semester
Lester, Clifford	CC	Photography Instructor Eff. 2017 Fall Semester
Reiland, Kathleen	CC	Flight Attendant Instructor Eff. 2017 Fall Semester

TEMPORARY ACADEMIC HOURLY-INSTRUCTIONAL-2017 SPRING SEMESTER, WINTER/SPRING TRIMESTER

Augusto Sardao Costa, Aline	SCE	Column 2, Step 1
Cortes, Justyn	FC	Column 1, Step 1
Cuevas, Brian	FC	Column 1, Step 1
Duncan, Amy	CC	Column 2, Step 1
Gable, Mark	SCE	Column 2, Step 1
Gonzalez, Raylene	FC	Column 1, Step 1
Kraft, Laura	SCE	Column 1, Step 1
Mueller, Kathryn	FC	Column 1, Step 1
Rodriguez, Ralph	SCE	Column 2, Step 1

Tran, Steve	CC	Column 1, Step 1
Winiemko, Gordon	CC	Column 2, Step 1

TEMPORARY ACADEMIC HOURLY-NONINSTRUCTIONAL

Cuevas, Brian	FC	Column 1, Step 1
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TEMPORARY ACADEMIC HOURLY-SPECIAL SERVICES

Smith-Norman, Ravipan	CC	Supervising Dentist (DH Program) Column 3, Step 1 Lab Rate, Adjunct Faculty Salary Schedule Eff. 2017 Summer Intersession
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Stearns, Heidi	SCE	Hiring Committee Service Adjunct Faculty Salary Schedule C Column 3, Step 1 Not to exceed 50 hours Eff. 03/22/2017-06/30/2017
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Item 5.b: It was moved by Trustee Barbara Dunsheath and seconded by Trustee Jacqueline Rodarte to authorize the classified personnel matters, which are within budget, noted below. After Trustee Dunsheath formally recognized Rodrigo Garcia on his appointment as Fullerton College Vice President of Administrative Services, the **motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, McClanahan, and Rodarte voting yes.**

RESIGNATION

Cheng-Chen, Judy	FC	Special Project Director/Health Services Temporary Management Position (33.83%) Eff. 03/21/2017 PN FCT983
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Utsuki, Melissa	AC	Public Affairs Assistant 12-month position (100%) Eff. 03/04/2017 PN DEC936
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NEW PERSONNEL

Grosvenor, Marianne	SCE	Senior Research and Planning Analyst 12-month position (100%) Range 57, Step A Classified Salary Schedule Eff. 03/15/2017 PN SCC856
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Murillo, Raquel	SCE	Special Project Manager, Student Success & Support Temporary Management Position (100%) Range 2, Special Project Admin Daily Rate Schedule
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Eff. 03/15/2017 - 6/30/2017
PN SCT963

PROMOTION

Garcia, Rodrigo	AC	District Director, Fiscal Affairs 12-month position (100%) PN DEM987 To: FC Vice President, Administrative Services 12-month position (100%) Range 37, Column D + PG&D Management Salary Schedule Eff. 03/15/2017 PN FCM958
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RECLASSIFICATIONS

Buechner, Angela	FC	Administrative Assistant I 12-month position (100%) Range 33, Step B To: FC Administrative Assistant II 12-month position (100%) Range 36, Step B Classified Salary Schedule Eff. 10/01/2016 PN FCC859
Cirrito, Janine	FC	Career Center Coordinator 12-month position (100%) Range 40, Step E + 10% Longevity To: FC Career Center Coordinator II 12-month position (100%) Range 45, Step E + 10% Longevity Classified Salary Schedule Eff. 10/01/2016 PN FCC927
Triefenbach, Antoinette	FC	Administrative Assistant I 12-month position (100%) Range 33, Step B To: FC Administrative Assistant II 12-month position (100%) Range 36, Step B Classified Salary Schedule Eff. 10/01/2016 PN FCC887

VOLUNTARY CHANGES IN ASSIGNMENT

Felipe, Victoria	CC	Administrative Assistant II (50%) Temporary Change in Assignment To: CC Administrative Assistant III (30%) Range 41, Step A CC Administrative Assistant II (20%) Range 36, Step B Classified Salary Schedule Eff. 02/01/2017 – 06/30/2017
O'Daniel, Christi	FC	Administrative Assistant I (100%) Temporary Change in Assignment To: FC Administrative Assistant II 12-month position (100%) Range 36, Step E + 5% Longevity + PG&D Classified Salary Schedule Eff. 02/24/2017 – 06/30/2017
Zerue, Adam	FC	Facilities Custodian I (100%) Temporary Change in Assignment To: FC Facilities Custodian Coordinator II 12-month position (100%) Range 34, Step C + 10% Shift + 15% Longevity Classified Salary Schedule Eff. 02/15/2017 – 06/30/2017

LEAVES OF ABSENCE

Madrid Avila, Luis	SCE	Admissions & Records Technician (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Sick Leave and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 12/05/2016 – 12/19/2016 (Consecutive Leave)
Ruelas, Ann Marie	CC	EOPS Program Coordinator (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Personal Necessity Leave Until Exhausted; Unpaid Thereafter Eff. 02/27/2017 – 04/19/2017 (Consecutive Leave)
Taylor, Christopher	AC	IT Specialist (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Sick Leave and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 02/21/2017 – 03/19/2017 (Consecutive Leave)

Truong, Chelsea CC Financial Aid Technician (100%)
Family Medical Leave (FMLA/CFRA)
Paid Leave Using Personal Necessity Leave Until
Exhausted; Unpaid Thereafter
Eff. 03/10/2017 – 06/01/2017 (Consecutive Leave)

Item 5.c: By the block vote, authorization was granted for the assignment of professional expert personnel per the professional expert listing.

(See Supplemental Minutes #1188 for a copy of the professional expert personnel listing.)

Item 5.d: By the block vote, authorization was granted for the hourly personnel per the hourly personnel listing.

(See Supplemental Minutes #1188 for a copy of the hourly personnel listing.)

Item 5.e: By the block vote, authorization was granted for the assignment of volunteers per the volunteer listing.

(See Supplemental Minutes #1188 for a copy of the volunteer listing.)

GENERAL

Item 6.a: It was moved by Trustee Stephen T. Blount and seconded by Trustee Ed Lopez to adopt Resolution No. 16/17-18, Support for Students and Privacy of Student Records, reaffirming the North Orange County Community College District's full support for all students as submitted.

Board President Molly McClanahan began the discussion by summarizing the background materials that the Board has reviewed related to the resolution which included: 1) a legal opinion from District legal counsel with recommendations; 2) existing MOUs with the city of Cypress and the Fullerton Police Department; 3) an Orange County Register article written by Orange County Sheriff Sandra Hutchens; 4) statements by CCLC CEO Larry Galizio and California State University Chancellor Tim White; and 5) campus memos distributed by Chancellor Marshall, Presidents Schulz and Simpson, and Provost Purtell.

Trustee Stephen T. Blount commented on his relationship with OCCORD and UNITE HERE Local #11, who have both expressed support for the resolution, and shared that the resolution is necessary to preserve the dignity of people.

Trustee Jeffrey P. Brown noted he originally did not feel a resolution of this nature was necessary, but after hearing the speakers who addressed the Board it is clear that fear exists among students and those fears affect their education and the institutions that serve them. For those reasons, he stated that the resolution is necessary, not only to support students, but the privacy of their student records as well. He also refuted the notion that the resolution is a sanctuary policy in any form.

Student Trustee Scott Begneski said the resolution is needed to support students at Fullerton College. He also stated that as a member of the armed forces, he has no issues fighting for undocumented students who are in the United States trying to succeed.

Trustee Ryan Bent read the following statement regarding the resolution:

"I want to thank the undocumented students here who have shared their stories, I welcome you and encourage you to keep working hard in school. I want you to know that this resolution doesn't make you any more or less valuable, you are already valued. I know the last time I shared information about this topic, I was told about a great 4.2 GPA student who is undocumented and I'm sure we have many success stories at our schools so I want you to know that although you may have emotions about what I'm about to talk about, this is not a criticism on any of our students or undocumented people but rather an attack on this policy itself which is deeply flawed.

At the last Board of Trustee's meeting on February 28th, I highlighted several concerns I had over this proposed resolution. Many of those concerns have not been adequately addressed and unfortunately, my request for the district to contact relevant law enforcement agencies for comment on this has not been followed-up on. That said, I want to start by reading a couple of the letters the Board has received this week regarding this agenda item, one for it and one against it so you can get an idea of the thoughts of each side as we determine a path forward. The first letter is from Martin Lopez who is the Recording Secretary of UNITE HERE Local 11 representing 5,000 workers. The second letter is from Fred Whitaker who is the Chairman of the Republican Party of Orange County representing 500,000 voters.

Dear Board of Trustees:

UNITE HERE Local 11 represents more than 5,000 hard working men and women employed in hotels, restaurants, airports, and convention centers throughout Orange County.

On behalf of these workers and their families, I write to express our strong support for Resolution No. 16117-18, Support for Students and Privacy of Students Records.

All students deserve our collective support in protecting any and all information especially about their immigration status, which we are required to protect anyways under the federal Family Educational Rights & Privacy Act (FERPA).

While we continue to praise the hard work and commitment of the NOCCCD to all students from our diverse communities, we also trust that the board will unanimously support and vote tonight to pass Resolution No. 16/17-18, Support for Students and Privacy of Student Records.

Sincerely,
Martin G. Lopez

Dear North Orange County Community College District Trustees,

The Republican Party of Orange County is publicly opposed to any and all attempts by local government entities to adopt sanctuary policies that interfere with the enforcement of federal immigration law. Sanctuary policy is flawed - both in principle and practice - and is also contrary to the California Republican Party Platform: "Further, we believe that federal funding should be denied to sanctuary cities that refuse to cooperate with

immigration officials. These cities are undermining Federal law, and putting our citizens at risk."

It is not only patently unacceptable for an elected body like the North Orange County Community College District to willingly defy federal law - but it is also completely unnecessary. The District Board Policies and Administrative Procedures codify the conditions under which students' private records are released in AP5040, Section 2.2.2: "Student records shall be furnished in compliance with a judicial order or a lawfully issued subpoena." This leads me to believe that the proposed resolution is nothing other than an instance of using taxpayer resources to play politics.

Furthermore, trustees should be concerned about taking any action that might negatively impact district funding. The North Orange County Community College District exists to promote the best interests of its students - not the left-wing views of some of its trustees. Establishing sanctuary policy poses great risk to students' opportunity to learn and gain the skills necessary to be successful in life by potentially eliminating critical federal funding.

Above all else – this resolution is in direct violation of federal law. Sanctuary policy also needlessly puts lives in danger - barring law enforcement from removing bad actors who have criminal records or are suspected of committing crimes. This attempt to put politics above federal law and students' safety is troubling at best. I respectfully ask the district to do the right thing and vote unanimously against this unlawful attempt to establish a sanctuary policy.

Sincerely,
Hon. Fred M. Whitaker
Chairman, Republican Party of Orange County

I thank both of these gentleman and organizations for writing in and I was thinking about how we can possibly bring such seemingly opposing views together. Fortunately, there is a very easy way to do that by subtracting out the contested language to form a resolution that is much more inclusive and representative of all our students. Please sit back and listen as I read my revised version of this resolution where I added nothing and only removed a few lines. I am passing around copies for everyone so you can see the specific line-out edits I'm proposing:

RESOLUTION OF THE BOARD OF TRUSTEES OF THE NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT

Resolution No. 16/17-18, Support for Students and Privacy of Student Records

WHEREAS, California community colleges were founded with the goal of fostering excellence and guaranteeing educational access for all; and

WHEREAS, the North Orange County Community College District (the District) is committed to serving all students who can benefit from a post-secondary education, without regard to race, ethnicity, religion, national origin, immigration status, age, gender, language, socioeconomic status, gender identity or expression, medical condition or disability; and

WHEREAS, California's diversity is a great source of innovation and industry, making California one of the largest economies in the world and an economic engine for the United States; and

~~WHEREAS, approximately one tenth of California's workforce is undocumented and contributes \$130 billion annually to our state's gross domestic product, according to the California Assembly; and~~

WHEREAS, the District seeks to reassure students and our community that our campuses will remain welcoming places for students of all backgrounds to learn; ~~that no changes have been made with regard to admissions or financial aid; and that financial aid for certain undocumented students is protected by state law;~~ now

THEREFORE, BE IT RESOLVED, that the District declares that its campuses shall remain open and welcoming to all students who meet the minimum requirements for admission, ~~regardless of immigration status, and that financial aid remains available to certain undocumented students;~~ and be it further

~~RESOLVED, that the District will not enter into any agreements with law enforcement agencies to assist in the enforcement of federal immigration law; and be it further~~

RESOLVED, that in accordance with Board Policy, the District will not release any personally identifiable student information ~~related to immigration status~~ without a judicial warrant, subpoena or court order, unless authorized by the student or required by law; and be it further

~~RESOLVED, that the District urges the new United States presidential administration to continue the Deferred Action for Childhood Arrivals program, which grants "Dreamers"—people brought to this country as children by their parents—reprieve from deportation because California and the United States are both stronger due to their contributions to our economy and to our communities; and be it further~~

RESOLVED, that the District will join the California Community Colleges Board of Governors and Chancellor's Office to vigorously advocate to protect our students and our values.

This revised version after the strike-outs offers language that is, as it should be, much more inclusive and applicable to the privacy rights of all students. It just sounds right when read and would apply nicely for all students in a way that would hopefully make them comfortable. You will notice that the advocacy for DACA line was struck-out because it doesn't apply to all students but if that is an action the board wants to approve, a separate resolution can be drafted which puts that specific line to a vote. With that, I would like to discuss the flaws of the resolution as proposed or without my proposed strike-outs.

Contains Misleading Language: This proposed resolution's title attempts to hide the actual purpose. There are very few issues as political charged and divisive as undocumented immigration. This is clearly an attempt at a Sanctuary policy that quickly shows itself as a resolution specifically for undocumented immigrant students. NOCCCD already has privacy protections in place for all students inclusive of this group under previously approved Board Policies & Administrative Procedures, AP5040 section 2.2 which states, "Access to student records to any person without written consent of the

student shall not be authorized except under the following circumstances.” Applicable circumstances can be found in AP5040 section 2.2.2, “Student records shall be furnished in compliance with a judicial order or a lawfully issued subpoena. The District shall make a reasonable effort to notify the student in advance of compliance with a lawfully issued subpoena and, in the case of compliance with a court order, if lawfully possible within the requirements of the order.” Section 2.2.4 details authorized governmental agencies who may access student records “pursuant to federal or state law.” Section 2.2.6 indicates that students applying for or receiving federal financial aid may also permit relevant agencies and organizations to access their records. These policies were implemented to comply with Education Code sections 71091, 76200, and Title 5, 54600 as well as 20 U.S. Code Section 1232g(i), Civil Code Section 1798.85, and in compliance of the accreditation standards of ACCJC and WASC. There is no need to mention immigration status in these policies. All privacy policies should be created to apply to all students and in compliance of all applicable laws similar to the way the above policies were written which have been in place since 2005 and have most recently been revised in September of 2016. There is simply no need to provide a single update to these sufficient policies and certainly an election two months later would not warrant such a change.

Contains False Information Based on an Outdated Non-Peer Reviewed Study: Line 4 of NOCCCD’s proposed resolution, “*WHEREAS, approximately one tenth of California’s workforce is undocumented and contributes \$130 billion annually to our state’s gross domestic product, according to the California Assembly.*” Echoing the false narrative of the California State Legislature by precisely copying a line from CA State Assembly Resolution - AR-4, CA State Senate Resolution - SR-7, which was then copied into the California Community Colleges Board of Governors’ Resolution number 2017-01 and then copied into the NOCCCD’s proposed resolution is unacceptable and embarrassing. There is no logical justification for this value. The \$130 Billion figure originated from a 2014 “study” conducted by a hyper-partisan organization called the California Immigrant Policy Center. The study has a 2017 update where it claims that “Undocumented immigrants in California alone contribute about \$181 billion of California’s GDP.” The problem is that none of these studies are peer reviewed or remotely accurate and they would never pass academic scrutiny yet they are accepted as fact because they supply information to support the narrative of politicians who I assume help keep this organization funded and the cycle perpetuates. I met with the Associate Director who was very nice and told me about their organization which is very small and although she said they were “completely independent” of the Asian Americans Advancing Justice, Los Angeles, they are financially sponsored and administered by them in a fairly non-transparent way. I asked if they were aware that their 2014 \$130 Billion estimated figure was published in the LA Times in 2014 and more recently used by the California Legislature and they were unaware. I let her know that I saw that they are listed as a “non-partisan” organization and I asked if she knows the ratio of Democrat to Republican employees. She said, “They are a very Progressive organization so she can’t guarantee that they all vote blue but it would be likely to be the case.” I told her that I saw that in the recent 2017 report, the estimated undocumented immigrant GDP contribution climbed from \$130 Billion in 2014 to \$181 Billion in 2017 and I asked who does the research for them, to which she replied that they usually partner with local professors. I will note that California’s GDP was \$2.118 Trillion in 2014 and climbed to \$2.46 Trillion in 2016 which would be an increase of \$342 Billion based on the contributions of all working Californians. This study attributes a \$51 Billion increase or credits Undocumented Immigrants with 14.9% of the GDP increase while simultaneously claiming that Undocumented Immigrants account for only 1 in 10 or 10% of California’s labor force. This is the definition

of non-peer reviewed fuzzy math. This so-called study credits Undocumented with contributing to 15% of California's GDP when they make up less than 10% of California's workforce. This is impossible and such bad data has no business being in our resolution or any resolution in the state. Further, it is disingenuous to pretend that a larger economy is the same thing as a stronger economy. If you want to get much more accurate data, you would look at the work of Dr. George J. Borjas who's been described by both Business Week and the Wall Street Journal as "America's leading immigration economist". He is the Robert W. Scrivner Professor of Economics and Social Policy at the Harvard Kennedy School. He was the recipient of the 2011 IZA Prize in Labor Economics. Professor Borjas is also a Research Associate at the National Bureau of Economic Research and a Research Fellow at the I.Z.A. Institute of Labor Economics. Professor Borjas is the author of several books including the widely used textbook Labor Economics (McGraw-Hill, 2012), which is now in its sixth edition and he has published over 125 articles in books and scholarly journals. This expert says that "The presence of all immigrant workers (legal and illegal) in the labor market makes the U.S. economy (GDP) an estimated 11 percent larger (\$1.6 trillion) each year. This "contribution" to the aggregate economy, however, does not measure the net benefit to the native-born population. Of the \$1.6 trillion increase in GDP, 97.8 percent goes to the immigrants themselves in the form of wages and benefits; the remainder constitutes the "immigration surplus" - the benefit accruing to the native-born population, including both workers, owners of firms, and other users of the services provided by immigrants. The standard textbook model of a competitive labor market yields an estimate of the immigration surplus equal to \$35 billion a year - or about 0.2 percent of the total GDP in the United States — from both legal and illegal immigration. The immigration surplus is calculated by the taking the profits that come from the work of all immigrants which was \$437 Billion nationwide at the time of this 2013 study but then you need to subtract \$402 Billion for reducing the wages of natives in competition with these workers and that leaves an immigration surplus in the amount of \$35 Billion for both immigrants and undocumented immigrants. We all know many very successful immigrants in this country who help to bring these averages up. To include such a glowing review of the benefits of Undocumented Immigrants in our resolution, talking about all the revenue without also talking about any of the expenses or detriments, is simply sending the wrong message to all legal workers in this country.

Duplicates Higher Levels of Government: Both the state of California and the California Community Colleges Board of Governors & Chancellor's Office issued similar statements and in this case, it is not necessary or appropriate to restate what's been said at the higher levels of government. Our district also has taken several steps already to make all students, including undocumented students, feel as comfortable as possible including our college Presidents and Provost issuing inclusion themed statements in support of all students to their respective student bodies and the district dispatching counselors after the election to assist students coping with the upcoming change in America's presidency.

Supporting This Violates a Constitutional Oath of Office: Article 1 Section 8 Clause 4 of the United States Constitution states that the Federal Legislature has the responsibility "to establish an uniform Rule of Naturalization." The Federal Government has always been responsible for immigration issues, not community college districts, and I believe it would be a violation of my Oath of Office to support any policy that attempts to get between the Federal Government and its Enumerated Powers.

Against Federal Law: Section 274 [8 USC 1324] states that you can be fined under Title 18 and imprisoned for up to 10 years for knowing or being in reckless disregard of the fact that an undocumented immigrant has come to, or remains in the United States in violation of law OR for harboring or shielding them from detection. (That's another reason, I think it would be a violation of Oath to support such a policy).

Anti-Law Enforcement in Tone & Spirit: As a community college board, we don't make laws. Therefore we should also not make anti-law enforcement statements. We do not have our own police department and will not be expected to enforce immigration law but certainly before ever issuing a statement like this, it would be appropriate to consult all local law enforcement partners who may be impacted by this resolution. Based on my request, the district agreed to do that prior to the March 14th meeting (results should be presented). Even self-declared sanctuary cities like Santa Ana and Los Angeles still partner with I.C.E. without a need for warrants, subpoenas, or court orders. NOCCCD's Resolution is also even more defiant to law enforcement than the CA Community Colleges Board of Governor's Resolution, which says, "*RESOLVED, that the Board of Governors and the Chancellor's Office encourage our local community college districts to consider our system's values when responding to any request to participate in joint efforts with other government agencies to enforce federal immigration law and when responding to requests for personally identifiable student information.*" NOCCCD'S states, "*RESOLVED, that the District will not enter into any agreements with law enforcement agencies to assist in the enforcement of federal immigration law.*" On this point, our state-level district is giving our district the flexibility to consider future any relationships with federal law enforcement and we are using that discretion right now, today, to say we will never work with federal law enforcement. This is clearly an unnecessarily callous statement that is not only anti-law enforcement but it's also Un-American in tone and spirit.

Over-Promises Financial Aid Program Influence: It is improper to make any statement regarding the permanence of any financial aid program when we have no ability to make that determination.

Provides a False Sense of Security to Students: I still believe this resolution as written could provide a false sense of security to undocumented students since we have no control over how laws are enforced.

Unsupported by the Majority of the Community Served: If put to a vote as is, the NOCCCD community would not pass this resolution. The majority of the residents living in the NOCCCD encompassed cities would certainly not support such a statement and are not in favor of "sanctuary" cities or districts."

It was moved by Trustee Stephen T. Blount, and seconded by Trustee Barbara Dunsheath to call the question. **Motion carried with Trustees Blount, Brown, Dunsheath, Lopez, McClanahan, and Rodarte voting yes, including Student Trustees Begneski and Washington's advisory votes, and Trustee Bent voting no.**

Trustee Barbara Dunsheath cited multiple research sources in support of the resolution which she felt was moderate in both tone and message. She stated that undocumented students are entitled to an education and that it is important to support DACA students regardless of what they contribute to the economy. She concluded her comments by thanking Trustee Lopez for bringing the resolution forward.

Trustee Jacqueline Rodarte stated that she based her decision to support the resolution on the basis of the students that are served in the District, and because those students have expressed concern, she deemed the resolution necessary.

Trustee Ed Lopez echoed the sentiments expressed by Trustee Jeffrey P. Brown and Trustee Barbara Dunsheath.

It was moved by Trustee Ryan Bent to amend the original motion to include consideration of the revised resolution language provided. **There was no second, and the motion was lost.**

Subsequently the vote on the original motion to adopt Resolution No. 16/17-18, Support for Students and Privacy of Student Records, reaffirming the North Orange County Community College District's full support for all students, as submitted, took place by roll call vote. **Motion carried with Trustees Blount, Brown, Dunsheath, Lopez, McClanahan, and Rodarte voting yes, including Student Trustees Begneski and Washington's advisory votes, and Trustee Bent voting no.**

Board President Molly McClanahan concluded the discussion by stating the Board's obligation to affirm support for all students. She reiterated that the approved resolution contains no purposeful reference to the term sanctuary, and that it is neither implied or explicit, and to suggest otherwise is misleading. She ended her remarks by noting the importance of being able to debate matters, and thanked Trustee Bent for providing the opportunity to do so.

(See Supplemental Minutes #1188 for a copy of the approved resolution.)

Prior to adjournment, Trustee Ryan Bent shared a picture of Sandra Duran who was killed on February 19, 2017 after being struck by a drunk driver with a lengthy criminal record who is undocumented and a resident of a sanctuary city. Trustee Bent requested that the Board meeting be adjourned in memory of Ms. Duran.

CLOSED SESSION: At 7:50 p.m., Board President Molly McClanahan adjourned the open session meeting in memory of Sandra Duran. Closed session was held per the following sections of the Government Code:

Per Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR IRMA RAMOS, VICE CHANCELLOR, HUMAN RESOURCES; - Employee Organizations: United Faculty/CCA/CTA/NEA, Adjunct Faculty United Local 6106, CSEA Chapter #167, and Unrepresented Employees.

Per Section 54957: PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Per Section 54957: PUBLIC EMPLOYEE APPOINTMENTS: Cypress College President

RECONVENE MEETING: At 9:03 p.m., Board President Molly McClanahan reconvened the meeting in open session.

ADJOURNMENT: At 9:04 p.m., it was moved by Trustee Stephen T. Blount and seconded by Trustee Jacqueline Rodarte to adjourn the meeting. **Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, McClanahan, and Rodarte voting yes.**

Prepared By Recording Secretary for
Jeffrey P. Brown, Secretary, Board of Trustees