

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

February 9, 2021

The Board of Trustees of the North Orange County Community College District met for its Only Regular Meeting on Tuesday, February 9, 2021, at 5:30 p.m. via Zoom teleconference and YouTube livestream.

President Barbara Dunsheath called the meeting to order at 5:31 p.m. Student Trustee Ester Plavdjian led the Pledge of Allegiance to the Flag and provided a statement on what democracy means to her.

**TRUSTEE ROLL CALL:** Present: Ryan Bent, Stephen T. Blount, Jeffrey P. Brown, Barbara Dunsheath, Ed Lopez, Jacqueline Rodarte, Evangelina Rosales, and Student Trustees Ester Plavdjian and Chloe Reyes. 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; JoAnna Schilling, President, Cypress College; Valentina Purtell, President, North Orange Continuing Education; Kai Stearns, District Director, Public & Governmental Affairs; Lisa McPherson, representing the District Management Association; Jennifer Oo, representing the North Orange Continuing Education Academic Senate; Craig Goralski, representing the Cypress College Academic Senate; Kim Orlijan, representing the Fullerton College Faculty Senate; Christie Diep, representing United Faculty; Joseph Vasquez representing CSEA; Tonya Cobb, representing Adjunct Faculty United; and Alba Recinos, Recording Secretary.

**OTHER ADMINISTRATORS AND EMPLOYEES PRESENT:** Paul de Dios and Alex Porter from Cypress College; Gil Contreras, Rod Garcia, Jose Ramon Nuñez, and Joe Ramirez from Fullerton College; Karen Bautista and Terry Cox from North Orange Continuing Education; and Morgan Beck, Jenney Ho, Chelsea Salisbury, and Rick Williams from the District Office.

**VISITORS:** Public participation was provided via YouTube livestream.

**COMMENTS: MEMBERS OF THE AUDIENCE:** The following public comments were received via email and were read into the record by the Recording Secretary:

- A. **Logan Ueno**, Fullerton College Student, provided a statement to the Board in support of the Black Faculty Collective and the work they are doing. He expressed his disappointment with the results of the Board Ad Hoc Committee investigating **Trustee Ryan Bent's** behavior at the Fullerton College Associated Students meeting. He outlined the events, the impact on students, and the Board's failure to hold one of their own accountable which has broken the trust with the students they serve.

(See Supplemental Minutes #1268 for a copy of the statement.)

- B. **WL Tina Cruz**, Fullerton College Student, provided a statement to the Board to urge them to accept the recommendations of the Black Faculty Collective. She expressed her disappointment in the Board Ad Hoc Committee's report investigating **Trustee Ryan Bent**. Trustee Bent attended the Fullerton College Associated Students meeting with the intent to disrupt it and has refused to apologize for his conduct. It appears that the Board is more concerned with optics than with the fact that students were hurt. She questioned what the Board was prepared to do to hold him accountable. She cautioned that unless the Board formally censured Trustee Bent, no change would occur.

(See Supplemental Minutes #1268 for a copy of the statement.)

- C. **Gareth Waughan**, Fullerton College Student, provided a statement to the Board regarding the Board Ad Hoc Committee investigating **Trustee Ryan Bent's** conduct. He commended the recommendation to implement training related to diversity, equity, inclusion, and anti-racism. However, he stated that a formal apology may not be enough to address trauma caused by Trustee Bent. He stated he was ashamed to be associated with a Board whose previous leadership attacked their own students.

(See Supplemental Minutes #1268 for a copy of the statement.)

**BLOCK VOTE APPROVAL OF NON-PERSONNEL ITEMS:** It was moved by Trustee Jeffrey P. Brown and seconded by Trustee Jacqueline Rodarte that the following non-personnel items be approved by block vote:

Finance & Facilities: 3.a, 3.d, 3.e, 3.g, 3.h  
Instructional Resources: 4.a

**Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, Rodarte, and Rosales voting yes, including Student Trustee Reyes and Plavdjian's advisory votes.**

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

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

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

## COMMENTS

- A. **Valentina Purtell** shared that NOCE has joined the Black History Month celebrations hosted by Cypress College and Fullerton College, and reported NOCE has begun a partnership with the San Jose-Evergreen Community College District as they work to establish their own non-credit program. With deepest sympathy, she also reported on the passing of **Pete Perez**, husband of NOCE Director of Campus Communications **Jennifer Perez**, due to COVID-19 complications. NOCE mourns with the Perez family and anyone interested in helping the family can contact **Julie Schoepf**.
- B. **JoAnna Schilling** acknowledged the terrible loss and grief related to COVID-19 that many are struggling with, particularly **Jennifer Perez** and her family.

As a supplement to her written report to the Board, President Schilling addressed comments made at the previous meeting about safety issues at Cypress College, specifically in the Technical Education III (TE3) Building. While she disagreed with the comments implying unsafe working conditions, she acknowledged communication lapses, and addressed the concerns voiced by faculty and trustees.

Dr. Schilling shared campus safety efforts related to the air filtration system in the TE3 Building which are in compliance with Cal OSHA and CDC recommendations, and work to maximum efficiency to recirculate fresh air. She noted that quality PPE has been available since the early days of the pandemic with the District purchasing equipment in bulk and providing it to the campuses. Requests for N95 masks came from nursing faculty for the first time on January 15, and the request to have all students receive N95 masks followed a few days later. Other health science programs had requested, and received, N95 masks earlier in the semester and nurses were apparently unaware of the option. The high-grade masks have been ordered and received on campus and faculty have been contacted for fitting appointments.

President Schilling and Vice Presidents Douglas and Porter met with the nurses on January 29 to listen and address concerns voiced at the previous Board meeting. At that time, an additional request was made for face shields and an initial shipment of face shields has been delivered to the department with more on order.

Dr. Schilling noted that there are other processes in place for all departments that include: 1) A COVID-related instructional needs list available for all deans to request equipment or supplies that is managed daily. At no time has the Executive team communicated that cost over safety has ever been the main consideration; if any item is needed, it is ordered; 2) A cleaning and disinfecting schedule is maintained daily and based on the Daily Visitors log and class schedule to ensure cleaning of all areas on campus is done regularly and immediately; and 3) All requests for equipment come through the immediate supervisor, and faculty have been informed regularly how to make requests to ensure their needs are met.

District and campus protocol manuals have been developed in collaboration with the Senates, managers, and the campus COVID-19 Task Force. The IT department created a wellness check form through the mobile app for students to use to assess readiness to be on campus each day. As of this semester, the College has installed thermometer kiosks in all areas where students attend classes daily, in order to keep staff and faculty from exposure.

Dr. Schilling encouraged colleagues to bring their requests forward regularly and openly so that the College can respond and support them. She emphasized that everyone is committed to ensuring all employees feel safe and supported.

(See Supplemental Minutes #1268 for a copy of the full statement.)

- C. **Greg Schulz** congratulated United States Marine Corps Veteran **Nick Arman** on being recognized as one of the five recipients of the 2019-20 Community College Counselor of the Year by the Orange County Department of Education. President Schulz also reflected on the passing of **Pete Perez**, who he had the privilege of working with on educational programs, and who impacted hundreds of Fullerton College students. He sent his thoughts, prayers, and deepest sympathy to the Perez family.

- D. **Lisa McPheron** reported that DMA will host a second coffee break on March 4 at 8:00 a.m. She echoed the comments regarding the passing of **Jennifer Perez's** husband, **Pete Perez**, a dear friend, colleague, and member of the DMA Board and that a GoFundMe page is available for anyone interested in helping the family.
- E. **Jennifer Oo** reported that NOCE faculty continue to collaborate with administration on planning for a safe return to campus while also continuing work on distance education and beginning their WASC accreditation self-study. She shared that recent NOCE Medical Assistant Program graduates have been hired to staff COVID-19 vaccine clinics. On behalf of NOCE faculty, she expressed her deepest condolences to **Jennifer Perez** and her family.
- F. **Craig Goralski** reported that the Cypress College Academic Senate met on January 28 and welcomed Trustee Evangelina Rosales who introduced herself. The Senate discussed committee bylaw revisions, distance education policy revisions, COVID-19 related policies and procedures, and results of the Fall 2020 student needs survey. He also expressed his condolences to the Perez family.
- G. **Kim Orlijan** expressed her sincere condolences to the Perez family. She reported that at its February 4 meeting the Fullerton College Faculty Senate took action to support Guided Pathways efforts and appointed **Leonor Cadena** to serve on the Chancellor's search committee. She congratulated **Nick Arman** on receiving a Community College Counselor of the Year Award and reported that the diversity, equity, inclusion, and anti-racism taskforces are continuing their work to bring recommendations to the Senate.
- H. **Christie Diep** reported that United Faculty looks forward to working on the two taskforces to address salary and lecture lab comparability, and they continue to stand in support of students and student leaders.
- I. **Student Trustee Chloe Reyes** extended her condolences to the Perez family.
- J. **Student Trustee Ester Plavdjian** also extended her condolences to the Perez family.
- K. **Trustee Jeffrey P. Brown** shared his condolences to the Perez family.
- L. **Trustee Jacqueline Rodarte** expressed her condolences to the Perez family and suggested that the Board adjourn their meeting in honor of **Pete Perez**. She congratulated **Catherine Cueva** from Cypress College on her appointment as a student representative on the #RealCollege Council.
- M. **Trustee Ed Lopez** also sent his condolences to the Perez family. He thanked **President JoAnna Schilling** for her report concerning the safety issues at Cypress College and **Chancellor Marshall** for the work to improve the UCI agreement.
- N. **Trustee Stephen T. Blount** reported that in last year's Board evaluation he was personally called out and took that information to heart in order to improve. He encouraged those involved in this year's Board evaluation to be bold and provide pointed comments regarding any issues that come to mind.

- O. **Trustee Evangelina Rosales** expressed her condolences to the Perez family and reported on her participation at the United Across Borders Foundation food distribution event with **Assemblywoman Sharon Quirk-Silva** that served over 400 families.
- P. **Trustee Barbara Dunsheath** invited everyone to participate in Americana on February 27 and stated that donations to the auction committee are welcome. She reported on the January CCCT meeting that included discussion of their 2021-22 policy agenda with topics of equity for educational quality, equity for students, and equity for academic opportunity. She stated she would share that information with members of the Orange County Legislative Task Force for them to share with other members of the county.

**MINUTES:** It was moved by Trustee Stephen T. Blount and seconded by Trustee Jacqueline Rodarte to approve the Minutes of the Only Regular Meeting of January 26, 2021. **Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, Rodarte, and Rosales voting yes, including Student Trustees Reyes and Plavdjian's advisory votes.**

## **FINANCE & FACILITIES**

**Item 3.a:** By the block vote, authorization was granted to ratify purchase order numbers P0143163 - P0143360 through January 27, 2021, totaling \$915,486.14, and check numbers C0052368 - C0052412, totaling \$648,603.01; check numbers F0269849 - F0270011, totaling \$80,731.14; check numbers Q0007328 - Q0007463, totaling \$53,865.81; check numbers 88509524 - 88510151, totaling \$7,020,268.14; check numbers V0000000 - V0000000, totaling \$0.00; check numbers 70113643 - 70113724, totaling \$10,839.54; and disbursements E8910988 - E8919383, totaling \$9,322,713.18, through January 31, 2021.

**Item 3.b:** The Board received and reviewed the District's Quarterly Financial Status Report for the quarter ended December 31, 2020, as required by §58310 of Title 5. Vice Chancellor Fred Williams noted that the negative figures reflect a spending down of high reserve levels and that the report does not include the recent settlement with United Faculty which will increase expenditures for the 20-21 year.

**Item 3.c:** The Board received and reviewed the Quarterly Investment Report and the Irrevocable Retiree Benefits Trust Report for the quarter ended December 31, 2020.

**Item 3.d:** By block vote, authorization was granted to approve the second addendum to the Health Science Program Agreement – COVID-19 acknowledgement for on-site students required by the Regents of the University of California and accept the revised addendum language.

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

**Item 3.e:** By block vote, authorization was granted for the utilization of NASPO ValuePoint Contract #MA16000234-2 with VWR International, LLC for the purchase of Laboratory Equipment and Supplies for the science labs in the new SEM building in the estimated amount of \$1.8 million and any future purchases on an as needed basis.

Further authorization was granted for the Vice Chancellor, Finance & Facilities, or District Director, Purchasing, to proceed with any future renewals, extensions and addendums of the contract approved for use in California by the Department of General Services.

**Item 3.f:** It was moved by Trustee Jeffrey P. Brown and seconded by Trustee Stephen T. Blount to grant authorization for the utilization of NASPO ValuePoint Contract #MA16000234-2 with VWR International, LLC for the purchase of Laboratory Equipment and Supplies for the science labs in the new SEM building in the estimated amount of \$1.8 million and any future purchases on an as needed basis.

Subsequent to concerns regarding the waiving of the legal bidding requirement, the faculty request for the specific spectrometer, the sole company able to provide it, and the difference and justification between the 60, 80, and 90 spectrometer models, the Board determined that more information was necessary. **The item was tabled and will return to the February 23, 2021 Board meeting.**

**Item 3.g:** By block vote, authorization was granted to approve a contract with Exceltox Laboratories, LLC to provide COVID-19 testing to Cypress College in the amount not to exceed \$297,500.

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

**Item 3.h:** By block vote, authorization was granted to approve the Districtwide Network Refresh Project Phase 2 for a not to exceed cost of \$5,104,000; the total project cost of not to exceed \$24,715,297 still stands.

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

**Item 3.i:** The Board received and reviewed the updated telecommunication standards.

**Item 3.j:** It was moved by Trustee Stephen T. Blount and seconded by Trustee Jacqueline Rodarte that the Board approve the allocation of \$400,000 to support Diversity, Equity, Inclusion and Anti-racism work across the District.

Chancellor Marshall initiated the discussion by thanking everyone for the work over the past 6-9 months and noted that the report was developed in order to provide context. Trustees deemed the report excellent, thorough, and a step in the direction that the District needs to head towards. They also voiced support for the allocation of funds, highlighting the need for mental health counseling and efforts to reach students, and the need to possibly allocate additional funds in the future. **Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, Rodarte, and Rosales voting yes, including Student Trustees Reyes and Plavdjian's advisory votes.**

## **INSTRUCTIONAL RESOURCES**

**Item 4.a:** By block vote, authorization was granted for Fullerton College and Cypress College to enter into agreements with the U.S. Department of Education to accept the total CRRSAA – HEERF II funds in the amount of \$35,820,321 to be used within one year of receipt of the funds to cover expenses related to the disruption of campus operations due to coronavirus, and to adopt a resolution to accept new revenue and authorize expenditures within the General Fund and the Financial Aid Fund, pursuant to the California Code of Regulations Title 5, § 58308.

Further authorization was granted for the Vice Chancellor, Finance and 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.

## **HUMAN RESOURCES**

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

### RETIREMENTS

Magee, Bruce	FC	English Instructor Eff. 01/15/2021 PN FCF824
Whalen, Kathleen	FC	Dance Instructor Eff. 06/22/2021 PN FCF702

### NEW PERSONNEL

Johnson, Jessica	FC	Manager, Tutoring Programs 12-month Position (100%) Range 18, Column C Management Salary Schedule Eff. 02/10/2021 PN FCM944
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### LEAVE OF ABSENCE

Anderson, Janna	FC	English Instructor Load Banking Leave With Pay (6.67%) Eff. 2021 Spring Semester
Barsamian, Aram	FC	Music Instructor Load Banking Leave With Pay (6.67%) Eff. 2021 Spring Semester
Berger, Margaret	FC	Radio/Audio Production Instructor Load Banking Leave With Pay (5.00%) Eff. 2021 Spring Semester
Eisner, Douglas	FC	English Instructor Load Banking Leave With Pay (20.00%) Eff. 2021 Spring Semester
Goldstein, Jay	FC	Communications Instructor Load Banking Leave With Pay (33.33%) Eff. 2021 Spring Semester

Lawrence, Roberta	CC	Dental Hygiene Instructor Family Medical Leave (FMLA/CFRA) (100%) Paid Leave using Regular and Supplemental Sick Leave until Exhausted; Unpaid thereafter Eff. 12/31/2020 – 03/08/2021
Mendoza, Armando	CC	Geography Instructor Load Banking Leave With Pay (20.00%) Eff. 2021 Spring Semester
Paek, Sylvia	CC	Mathematics Instructor Load Banking Leave With Pay (13.33%) Eff. 2021 Spring Semester
Perez, Roger	FC	English Instructor Load Banking Leave With Pay (26.67%) Eff. 2021 Spring Semester
Schulze, Michael	FC	English Instructor Load Banking Leave With Pay (6.67%) Eff. 2021 Spring Semester

#### TEMPORARY ACADEMIC HOURLY-INSTRUCTIONAL-2021 SPRING SEMESTER

Antemie, David	FC	Column 1, Step 1
Brunner, Jared	CC	Column 2, Step 1
Castro Kahn, Karlie	FC	Column 1, Step 1
Forbes, Veronica	FC	Column 2, Step 1
Do, Khuong	CC	Column 1, Step 2
Montes, Elizabeth	CC	Column 1, Step 1
Keissieh, Claude	CC	Column 1, Step 1
Kim, Hyo Jeong	FC	Column 1, Step 1
Punsalang, Arcel	FC	Column 1, Step 1
Tamariz, Santiago	CC	Column 1, Step 1
Tawfik, Marine	FC	Column 3, Step 1
Ward, Sheryl	CC	Column 2, Step 4

#### TEMPORARY ACADEMIC HOURLY-SPECIAL SERVICES

Lakeman, Christina	NOCE	Hiring Committee Service Adjunct Faculty Salary Schedule Column 2, Step 3 Not to exceed 30 hours Eff. 02/16/2021-05/28/2021
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**Item 5.b:** By the block vote, authorization was granted for the following classified personnel matters, which are within budget:

#### NEW PERSONNEL

Arellano, Alexis	CC	Dental Hygiene Clinical Technician 11-month position (100%) Classified Salary Schedule Range 36, Step E Eff. 02/17/2021 PN CCC680
Hamilton, Synclaire	CC	Special Project Coordinator, COVID Athletic Testing Temporary Management Position (100%) Range 1, Special Project Admin Daily Rate Schedule Eff. 02/01/2021 – 06/30/2021 PN CCT707

#### VOLUNTARY CHANGES IN ASSIGNMENT

Ellison, Angela	CC	Instructional Assistant (50%)  Temporary Increase in Percent Employed From: 50% To: 100% Eff. 02/10/2021 – 06/30/2021
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#### PROFESSIONAL GROWTH & DEVELOPMENT

Aponte, Lance	AC	IT Project Leader 4 <sup>th</sup> Increment (\$400) Eff. 07/01/2021
Phan, Michelle	FC	Evaluator 5 <sup>th</sup> Increment (\$400) Eff. 07/01/2021 6 <sup>th</sup> Increment (\$400) Eff. 07/01/2021

#### LEAVES OF ABSENCE

Anzures, Remedios	CC	Facilities Custodian I (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Regular and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 01/15/2021 – 01/24/2021 (Consecutive Leave)
Aranda, Maureen	AC	Facilities Custodian I (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Regular and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 01/15/2021 – 01/25/2021 (Consecutive Leave)
@01672766	CC	HVAC Mechanic I (100%) Family Medical Leave (FMLA/CFRA/FFCRA) Paid Leave Using FFCRA Until Exhausted;

		Unpaid Thereafter Eff. 11/24/2020 – 12/10/2020 (Consecutive Leave)
@01825656	CC	Campus Safety Officer (100%) Family Medical Leave (FMLA/CFRA/FFCRA) Paid Leave Using FFCRA Until Exhausted; Unpaid Thereafter Eff. 12/22/2020 – 12/31/2020 (Consecutive Leave)
@01081092	AC	Human Resources Technician (100%) Family Medical Leave (FMLA/CFRA/FFCRA) Paid Leave Using FFCRA Until Exhausted; Unpaid Thereafter Eff. 12/14/2020 – 12/17/2020 (Consecutive Leave)
Jimenez, Martin	FC	HVAC Mechanic I (100%) Family Medical Leave (FMLA/CFRA) and Parental Leave (AB 2393) Paid Leave Using Sick Leave and Bonding Leave Until Exhausted; Unpaid Thereafter Eff. 02/01/2021 – 02/21/2021 (Consecutive Leave)
@01403071	CC	Accounting Technician (100%) Family Medical Leave (FMLA/CFRA/FFCRA) Paid Leave Using FFCRA Until Exhausted; Unpaid Thereafter Eff. 12/12/2020 – 12/22/2020 (Consecutive Leave)
Llamas Zataray, Jaime	CC	Facilities Custodian I (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Regular and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 01/18/2021 – 01/25/2021 (Consecutive Leave)
Malacara, Karla	FC	Facilities Custodian I (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Regular and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 01/05/2021 – 01/19/2021 (Consecutive Leave)
Pilkey, Aaron	CC	HVAC Mechanic II (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Regular and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 12/08/2020; 12/14/2020 – 12/18/2020 (Consecutive Leave)
@01391076	NOCE	Accounting Technician (100%) Family Medical Leave (FMLA/CFRA/FFCRA) Paid Leave Using FFCRA Until Exhausted; Unpaid Thereafter

		Eff. 12/01/2020 – 12/11/2020 (Consecutive Leave)
Thompson, Jeanne	CC	Financial Aid Technician (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Regular and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 12/08/2020 – 12/15/2020 (Consecutive Leave)
Toral, Celena	CC	Facilities Custodian I (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Regular and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 01/13/2021 – 01/23/2021 (Consecutive Leave)
@01136947	CC	Evaluator Specialist (100%) Family Medical Leave (FMLA/CFRA/FFCRA) Paid Leave Using FFCRA Until Exhausted; Unpaid Thereafter Eff. 12/14/2020 – 12/23/2020 (Consecutive Leave)
@01223090	FC	Campus Safety Officer (100%) Family Medical Leave (FMLA/CFRA/FFCRA) Paid Leave Using FFCRA Until Exhausted; Unpaid Thereafter Eff. 12/02/2020 – 12/06/2020 (Consecutive Leave)
Villegas, Fatima	FC	Financial Aid Coordinator (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Regular and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 12/29/2020 – 01/08/2021 (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 #1268 for a copy of the professional expert personnel listing.)

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

(See Supplemental Minutes #1268 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 #1268 for a copy of the volunteer listing.)

## GENERAL

**Item 6.a:** It was moved by Trustee Jacqueline Rodarte and seconded by Trustee Evangelina Rosales that the Board take formal action on the report prepared by the Board ad hoc committee investigating allegations of trustee misconduct.

Board President Barbara Dunsheath opened the discussion by highlighting the three options available to the Board: 1) accept the report and recommendations, 2) not accept them, or 3) amend the report and recommendations. Dr. Dunsheath noted that the ad hoc committee (comprised of Trustee Stephen T. Blount, Trustee Jacqueline Rodarte, and herself) unanimously supported the report, wanted to ensure that it was thorough, included review materials for guidance, and focused only on the complaint received from David Robles regarding Trustee Ryan Bent and his participation at the Fullerton College Associated Students meeting. The ad hoc committee hoped to have Trustee Ryan Bent apologize, but he was unwilling to do so.

The ad hoc committee concluded that two sections of Board Policy were violated and recommended that Trustee Ryan Bent apologize to Student Trustee Chloe Reyes and the Fullerton College Associated Students, and that he not be allowed to hold a Board office until those apologies are made. The ad hoc committee further recommended professional development for the entire board, but specifically for Trustee Ryan Bent, and that the case be closed and no further complaints regarding the same matter be entertained.

Trustee Stephen T. Blount stated that the report is complete and captures the essence of what occurred with the appropriate remediation. He noted that the behavior of those in positions of authority can be deemed overbearing without having to raise their voice or yell.

Trustee Jacqueline Rodarte stated that she received a communication from David Robles before the report was finalized and that she did respond to him. She acknowledged that the ad hoc committee did not interview those on his list or Student Trustee Chloe Reyes. The subcommittee also did not address concerns related to violations of Brown Act because the issue before them was Trustee Ryan Bent's conduct and only that. She noted that being an elected official is difficult, and not everyone will agree with what you say, but those elected need to be held to a higher standard, and the recommendations are fair.

Student Trustee Chloe Reyes provided the following statement for the record: "The Executive Council of Associated Students strongly recommends formal censure. Accountability is at the core of leadership, without formal disciplinary action there can be no assurance that the behavior that occurred will not happen again. We recommend the Board vote to direct the ad hoc committee to further investigate the incident to ensure good faith and reassure the public that the Trustees believe in justice and not the rushed conclusion of this investigation." She also posed the following questions:

- Why were Chloe Reyes, Stephanie Rodriguez and more students not interviewed and due diligence not done? It was the intent of the ad hoc committee to conduct a sampling of interviews.
- Why weren't the description of events in the formal complaint not reflected in the report? The comments were part of the evidence that the ad hoc committee looked at.
- What about Trustee Ryan Bent's re-election that would lead the Board to believe that he will change instead of emboldening his behavior? The election was not the focus of the investigation.
- Joe Carrithers and David Robles agree on the number of times Trustee Ryan Bent was asked to stop interrupting and was muted; more interviews with students or follow-up interviews could have cleared this up. This is a fair criticism. After interviewing Dr. Joe Carrithers, the ad hoc committee realized that Trustee Ryan Bent's conduct was problematic, and they were not concerned with the number of interruptions.

- What measures will be taken to repair the relationship and lack of confidence in the Board to protect students? The report only speaks to the investigation and that is beyond its scope.

Student Trustee Ester Plavdjian thanked Student Trustee Chloe Reyes for her comments and echoed her concern for the lacking sample size of interviewees. She also expressed concern with the punishment and was alarmed by the lack of interest in apologizing.

Trustee Ryan Bent expressed disappointment with what happened because he knows that he was calm even as he was being disrespected. He stated that he should not have attended the meeting and was only told about it the day of. He said that after providing a public comment at the meeting he realized he was the only item on the agenda and it became an astonishing barrage on him. He claimed it was a personal attack on him that came at the recommendation of Student Trustee Chloe Reyes, and was a rushed emergency meeting in order to tarnish his reputation and impact the upcoming election with a misconduct investigation. He reiterated that he was calm throughout the meeting and knows exactly what he said and how he said it because he was only allowed a couple of minutes to speak. He alleged that Associated Students were drafting a complaint letter behind the scenes, via Canvas, and in violation of the Brown Act. He stated that the students were saying lies about him and he was only trying to correct them, but would then be muted. He maintained that he did not raise his voice initially, but did so when they turned his camera off. He said that there was no parliamentary procedure right to mute him, but instead the President was unilaterally muting him simply for not liking what he was saying. Trustee Bent acknowledged using the word “thuggish” but stated that was after the bigoted comments made about him. He asserted that he did not do anything that he was ashamed of by any stretch of the imagination. He claimed that Student Trustee Chloe Reyes attacked him at the Associated Students meeting and that he would not apologize to his attacker. He noted that he did not want to attack a student trustee and did not know why she has a personal vendetta against him.

Board President Barbara Dunsheath asked Trustee Bent to focus on the report and he stated that he has never told his side of story publically and that no one contacted him to ask. Dr. Dunsheath noted that not everyone who was there was being allowed to describe what occurred and that the ad hoc committee interviewed Trustee Bent for one hour.

Trustee Ed Lopez stated that it would be useful to hear Trustee Ryan Bent’s defense and that he should be entitled to provide additional comments. It was then moved by Trustee Ed Lopez and seconded by Trustee Stephen T. Blount to allow Trustee Ryan Bent an additional two minutes to speak. **Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, Rodarte, and Rosales voting yes, including Student Trustees Reyes and Plavdjian’s advisory votes.**

Trustee Ryan Bent described himself as a man of honor who will not be swayed by the lack of office on the Board. He stated that the lack of Board office has never been done and is part of the new Code of Ethics policy that is still being revised. He said that while people will instantly believe the other side, he knows what he said, and that everyone is under a lot of political pressure. His intention was never to harm any student leaders and wished that some would have given him the time of day. He also stated that the situation was nothing to him because that is the way he has been treated, and stated that if others are being bullied he hopes that they also stand up to their attackers and never apologize.

Trustee Jeffrey P. Brown thanked the ad hoc committee for their work, the comprehensive look into what happened, and the thorough report. He expressed his willingness to accept the report, but had a problem with the recommendations for a couple of reasons. First, the Board is currently in the process of revising their Code of Ethics specifically because it does not include a wide range of disciplinary options. Secondly, the recommendation to bar Trustee Ryan Bent from leadership positions is not an option available to the Board because they cannot tie the hands of a future Board. He personally would not have handled the situation in the same manner, and while he disagrees politically with Trustee Ryan Bent on many issues, he acknowledged his strong commitment to the District despite his problems with style.

Trustee Ed Lopez expressed his appreciation for the report, but noted it would have been better to have interviewed more individuals. He stated that the cited provisions of the Code of Ethics in the report have not really been violated, and instead fall under Section 1.10, and that Trustee Ryan Bent's behavior is inconsistent with the values stated in BP 1001, District Mission, Vision, and Values Statements. Trustee Ed Lopez shared Trustee Jeffrey P. Brown's concern regarding the recommendation to bar Trustee Ryan Bent from future Board positions. He noted that an alternative option for the Board would be to consider a formal resolution.

Trustee Evangelina Rosales expressed concern regarding the inappropriate name calling and with the fact that Trustee Ryan Bent doesn't agree with anything in the report. She noted that trustees are held to a higher standard and personally apologized to anyone hurt by Trustee Ryan Bent's actions. She was disappointed that provided with the opportunity to apologize, Trustee Ryan Bent instead continued to attack Student Trustee Chloe Reyes.

Board President Barbara Dunsheath addressed concern regarding current board policy not stating removal as an option by noting that it also does not preclude them from using it and can be left to interpretation. The ad hoc committee wanted to take action against Trustee Ryan Bent's behavior and felt the recommendation was allowable. With regard to hampering future Boards, she noted that is always true no matter the issue, and that is not something the Board should consider.

Dr. Dunsheath then entertained any amendments to the report regarding the appropriate citing of the Code of Ethics. Trustee Ed Lopez recommended that BP 2715, Sections 1.10 and 1.10.1 be cited with respect to Trustee Ryan Bent's comments concerning the performance of Student Trustee Chloe Reyes. Trustee Ed Lopez also recommended that BP 1001, Section 3.6 be included in the report as a reference. Both amendments were accepted.

Board President Barbara Dunsheath cited former President Barack Obama's book noting that with most decisions he knew that he wasn't going to get it 100% right all the time because there would always be an alternative opinion. She recognized that the report was not perfect, but noted that the ad hoc committee was focused on not allowing Trustee Ryan Bent's behavior to go unnoticed, and she cautioned trustees against getting caught in the minutia.

Kim Orlijan thanked the ad hoc committee for their work, but was upset that censure was not recommended and was astounded that Student Trustee Chloe Reyes was not interviewed. She noted that the recommendation to bar Trustee Ryan Bent from a leadership role is an empty gesture, stated that the language regarding future complaints is problematic and should be rejected, and clarified that students are not the bullies in this situation.

Christie Diep stated that the entire situation and discussion was sad with Student Trustee Chloe Reyes being disparaged by a trustee, and not a representation of who faculty are.

Student Trustee Chloe Reyes then issued a personal apology to Trustee Ryan Bent if he ever felt that she, or the students, attacked him and felt bullied by her because that was not her intention. She stated that she only relayed what happened in Board meetings to the students and they then made a collective decision.

Trustee Ryan Bent responded to Student Trustee Chloe Reyes by stating that he was sorry if she ever felt attacked by him as well. He said she attacked him and he just responded. He noted that it is never his goal to disparage students, but that everything that happened in the Associated Students meeting was because of her. He said he felt like it was a partisan and personal attack, and the students were getting advice from some of their mentors. He stated he had no hard feelings and wished her the best going forward.

In light of Trustee Ryan Bent stating he was sorry, it was moved by Trustee Ed Lopez and seconded by Trustee Jeffrey P. Brown to table the report to the next Board meeting to determine if future action was still necessary. **Motion failed with Trustees Bent, Brown, and Lopez, voting yes, and Trustees Blount, Dunsheath, Rodarte, and Rosales voting no, including Student Trustees Reyes and Plavdjian's advisory no votes.**

Student Trustee Chloe Reyes stated that while she acknowledged Trustee Ryan Bent's apology, it does not apply to the report, but instead to the way she perceived him, and therefore should not be acknowledged within the context of the report's recommendations.

Subsequently the Board voted on the original motion, which was repeated and clarified, to include taking formal action to accept the report, approve the recommendations, and discharge the ad hoc committee. **Motion carried with Trustees Blount, Dunsheath, Lopez, Rodarte, and Rosales voting yes, and Trustees Bent and Brown voting no, including Student Trustees Reyes and Plavdjian's advisory no votes.**

(See Supplemental Minutes #1268 for a copy of Student Trustee Chloe Reyes' full statement.)

**Item 6.b:** The Board received proposed, revised BP 2310, Regular Meetings of the Board and directed that it be placed on a future Board meeting agenda for action.

During the discussion, Trustee Jacqueline Rodarte recommended the addition of clarifying language noting that representatives on the dais must be the constituent group represented. As an example she provided a situation where a student sat in place of a constituent group.

**Item 6.c:** The Board received, as information, revised AP 3720, Computer and Electronic Communication Systems.

**Item 6.d:** Board President Barbara Dunsheath asked if there were any requests for potential future Board agenda items and there were none.

**CLOSED SESSION:** At 8:07 p.m., Board President Barbara Dunsheath adjourned the meeting to closed session in honor of Pete Perez with deepest sympathy and condolences to his family, and stated there would not be a readout. Closed session took place 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 54956.9(a): CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION: One (1) Potential Case.**

**Per Section 54957: PUBLIC EMPLOYEE APPOINTMENT: Chancellor**

**RECONVENE MEETING:** At 9:42 p.m., Board President Barbara Dunsheath reconvened the meeting in open session.

**ADJOURNMENT:** At 9:42 p.m., it was moved by Trustee Ryan Bent and seconded by Trustee Jacqueline Rodarte to adjourn the meeting. **Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, Rodarte, and Rosales voting yes.**

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Prepared By Recording Secretary for  
Ed Lopez, Secretary, Board of Trustees