

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

August 10, 2021

The Board of Trustees of the North Orange County Community College District met for its Regular Meeting on Tuesday, August 10, 2021, at 5:30 p.m. via Zoom teleconference and YouTube livestream.

President Barbara Dunsheath called the meeting to order at 5:32 p.m. and led the Pledge of Allegiance to the Flag.

TRUSTEE ROLL CALL: Present: Stephen T. Blount, Jeffrey P. Brown, Barbara Dunsheath, Jacqueline Rodarte, Evangelina Rosales, and Student Trustees Erin Lacorte and Meena Pandian. Absent: Ryan Bent and Ed Lopez.

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; Gil Contreras, Interim President, Fullerton College; JoAnna Schilling, President, Cypress College; Valentina Purtell, President, North Orange Continuing Education; Kai Stearns, District Director, Public & Governmental Affairs; Ty Volcy, representing the District Management Association; Damon De La Cruz, representing the Cypress College Academic Senate; Kim Orlijan, representing the Fullerton College Faculty Senate; Christie Diep, representing United Faculty; 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; Rod Garcia and Jose Ramon Nuñez from Fullerton College; Karen Bautista and Terry Cox from North Orange Continuing Education; and Danielle Davy and Julie Kossick 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 read into the record by staff.

- A. **Danielle Fouquette**, Fullerton College Faculty, provided a statement to the Board encouraging the Board to approve a coronavirus vaccine requirement for all faculty, staff, and students before returning to campus in order to protect the colleges, local communities, and the family members of those on campus. She also encouraged the Board to limit exemptions to only those that are documented by a medical professional.
- B. **Bridget Kominek**, Fullerton College Faculty, provided a statement to the Board in support of a vaccination requirement for all who will be working or attending classes on campus, with an exception for medical reasons. She stated that a vaccine mandate for those who are physically on campus is a way to not only protect everyone on campus, but also those who are immunocompromised or high-risk for complications

and the vulnerable people everyone goes home to and interacts with in their communities.

- C. **Jodi Balma**, Fullerton College Faculty, provided a statement to the Board expressing concern that without a vaccine mandate Fall campus classes will be interrupted with positive COVID tests. She urged the Board to implement a vaccine mandate for those returning to campus much like the UC system, CSU systems, and some local community colleges who already have one in place.
- D. **Kim Orlijan**, Fullerton College Faculty, provided a statement to the Board strongly encouraging them to require that all faculty, staff, and students who return to campus be fully vaccinated against COVID-19 in order to protect the campus community. She urged that logistics be put in place now on how to implement a mandate before the August 24 Board meeting, that the target date for implementation be changed because the proposed date of October 15 is far too late, and that mask requirements for all be in place regardless of vaccine status.
- E. **Andre Jagodin** provided a statement to the Board requesting that information regarding the District's current stance on mandated COVID vaccinations for students and employees returning on campus be shared with the public via access to Board meeting discussions and recordings, and that future discussions be announced on the District website, social media, and e-mail distribution lists.
- F. **Dale Craig**, Fullerton College Faculty, provided a statement to the Board encouraging them to consider a vaccine requirement for all staff and students due to the recent occurrence of the Covid-19 Delta-variant and the higher chances of transmission to the vaccinated and unvaccinated people. A vaccine requirement would clearly indicate that the Board is committed to the health and safety of everyone at NOCCCD.
- G. **Nicole Swallows**, Parenting Instructor, provided a statement to the Board asking them not to force her colleagues to vaccinate in order to alleviate the fears of those who are already protected by the vaccine. She highlighted the fears and valid concerns that many have about the vaccine and urged freedom of choice.
- H. **Vicki Sodman** provided a statement to the Board to share her concerns regarding a vaccine mandate which included having the freedom of choice, use of the current experimental shot, and the resulting impact on student enrollment, loss of faculty and staff, and legal liabilities. She encouraged the Board to consider not mandating the vaccine and instead provide alternatives to those who are unable to, unsure of its overall safety and effectiveness, or have civil rights to refuse it.
- I. **Darlene Alquiza** provided a statement to the Board to clarify her previous remarks on behalf of NOCE Parenting faculty, noting that their opposition to a vaccine mandate included vaccinated faculty who feel it is unethical to mandate vaccinations. She highlighted the risks of vaccination and cited the COVID vaccine related deaths and hospitalizations in the United States per the VAERS database. She cautioned that people are not being fully informed and that the vaccine is safe for most, but it is not safe for everyone.
- J. **Jeffrey Barke**, Board Certified Primary Care Physician, provided a statement to the Board to share his opposition to any COVID-19 vaccine mandate which he stated does

not make sense from a health standpoint and is contrary to the personal freedoms of the United States. He noted that those that are vaccinated should not care about the personal choices of those who choose differently and that those that have recovered from COVID-19 have broad-based, long-lasting immunity and do not need to be vaccinated. He cited vaccine-related risks from the VAERS website, his own treatment of patients for COVID-19 vaccination injury, and the liability from employee injuries resulting from mandated vaccines since vaccine companies are immune from liability.

- K. **Roxanne Golkar** provided a statement to the Board to note her vaccine mandate concerns because every person should have the option to choose if the vaccine is right for them given their specific health conditions and circumstances.
- L. **Calen Petrie** provided a statement to the Board noting that any COVID-19 vaccination requirement should include other ways for students and employees who are not vaccinated to still be able to participate in on campus activities, such as undergoing regular COVID-19 testing. Employees and students who cannot receive the vaccine due to disabilities, medical conditions, or religious beliefs should be provided with accommodations, as well as those who choose to not get vaccinated in light of vaccines not being fully FDA approved yet.
- M. **Deborah Reitler** provided a statement to the Board to express her concerns and opposition to a vaccine mandate, noting that everyone should still have the right to choose what they put into their bodies.
- N. **Brigitte M.** provided a statement to the Board to voice her concern about a COVID-19 vaccination mandate and stated that no one should be forced to take an experimental vaccine with the government making the decision for people.
- O. The Board received an **Anonymous** statement noting that vaccine mandates hurt those who are not healthy enough to receive vaccines and that tax dollars should not pay for any institution who forces vaccines.
- P. **Scott Malloy**, Fullerton College Faculty, provided a statement urging the Board to abandon plans to mandate COVID vaccines for students and staff because they are not safe, effective, or necessary. He noted a previous vaccine program that resulted in death and injury and was later deemed rushed, cited VAERS statistics related to adverse events due to COVID vaccines, and deemed the vaccines “all-risk and no benefit.”
- Q. **Marieke Claassen** provided a statement to the Board strongly in favor of mandating Covid-19 vaccinations for all on campus because vaccines have proven to be effective protection against getting infected, reduce transmission to others, and are effective against getting severe illness. Those with valid medical or religious exemptions should be required to get tested regularly and wear a mask indoors when social distancing is not possible. A vaccine mandate should be announced as soon as possible for the Spring semester to provide ample opportunity for a full vaccination cycle.
- R. **Star Edwards** provided a statement to the Board noting her objection to a vaccine mandate and no one should be forced to receive an experimental drug. She implored trustees to visit the VAERS website and review the vaccine-related deaths which she stated have exceeded the number of COVID deaths during a one-week period.

- S. **Julianne Erickson** provided a statement to the Board to share her concerns about a COVID vaccine mandate and asked the Board to not violate “our rights to our own bodies” and instead offer alternatives for those with concerns about the vaccines.
- T. **Joe Ruiz** provided a statement to the Board regarding his concerns pertaining to COVID-19 mandatory testing, vaccines, and masks for students and employees. He stated that the vaccines have not been approved by the FDA for regular use and have only been given emergency use authorization. He urged the Board to not issue a mandate which he stated would go against the Constitution and Bill of Rights.
- U. **Jennie Brown** provided a statement to the Board to express concern with plans for a vaccination policy for staff and students and urged the Board to reconsider a vaccine mandate. She stated that with only emergency use authorization a mandate is not legal, but should not be mandated even after licensure and that staff and students should have the right to decide on vaccinations without needing a religious or medical exemption due to medical freedom.
- V. **Larry Wallace** provided a statement to the Board to express concern for requiring and showing proof of COVID vaccination status when vaccines are still under clinical trials and its data continues to be analyzed to determine the effectiveness and side effects. He highlighted concerns related to liability for vaccine-related injuries, expenses, and lost wages, and also noted concerns for violation of harassment policies against those who can't receive the vaccine due to medical or religious reasons as well as those who choose not to receive it. He stated that medical decisions should be retained between a medical professional and their patient, not educational institutions.
- W. **Kenna Brandt** provided a statement to the Board noting that the citizens of the United States and the State of California do not support a tyrannical vaccination mandate or vaccination passports and will fight for the freedom of choice.
- X. **Chip Stockwell**, District Employee, provided a statement to the Board in opposition to the District mandating vaccinations and urged trustees to keep open minds and listen to others opinions. He stated that vaccine data reflects that both vaccinated and unvaccinated are getting sick and cautioned about the District being able to handle the workload, fallout, and implications that will result from a vaccine requirement. He asked the Board to have careful consideration because the decision would affect the lives of not only District employees, but their families, and those of students and their families.
- Y. **Devyn Hartnett** provided a statement to the Board to express concern over mandated COVID vaccines for community colleges, the right of every individual person to choose what medical procedures they allow into their body, and that mandating any vaccine or medical procedure is not the right protocol for employment and education.

(See Supplemental Minutes #1281 for copies of all of the statements received.)

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

Finance & Facilities: 3.a, 3.b, 3.c, 3.d, 3.e

Motion carried with Trustees Blount, Brown, Dunsheath, Rodarte, and Rosales voting yes, including Student Trustees Lacorte and Pandian's advisory votes.

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

Human Resources: 4.a, 4.c, 4.d, 4.e, 4.f

Motion carried with Trustees Brown, Dunsheath, Rodarte, and Rosales voting yes, and Trustee Blount voting no.

COMMENTS

- A. **Irma Ramos** thanked **Tonya Cobb** and her team for working collaboratively to reach an Adjunct Faculty United successor agreement with the District.
- B. **Valentina Purtell** announced that NOCE has re-opened all three of its centers at limited capacity and expressed her excitement to welcome back faculty and staff. She reported on the use of *Cranium Café* to provide virtual appointments for students, the mailing of an extended schedule for the first time since the pandemic, and on the campaigns and strategies developed with Stamats Communications to boost enrollment. President Purtell invited all to attend the NOCE Opening Day virtual event on August 13.
- C. **JoAnna Schilling** reported that Cypress College welcomed employees back to campus last week and thanked those involved for their work to have a successful reopening. She invited everyone to attend the Cypress College Opening Day virtual event on August 20 that will feature a keynote address with **Anthony Ray Hinton**. Dr. Schilling also provided COVID-19 updates that included an on-campus vaccine clinic, campus efforts to provide signage and necessary supplies to meet demand, and a Flex Day breakout session for faculty on August 19 to address questions related to preparations for Fall semester.
- D. **Gil Contreras** extended an invitation to the Fullerton College Convocation event on August 20 in the Campus Theater, that will follow mask and social distancing protocols, and will also be livestreamed. He reported that a taskforce has been convened to explore details related to a vaccine mandate should the Board decide to implement one. Dr. Contreras acknowledged **Elsa Perez** and **Citlally Santana** for leading a comprehensive on-boarding training for part-time counseling faculty.
- E. **Kim Orlijan** thanked **Jeanette Rodriguez** for attending the previous Board meeting on her behalf, publically congratulated **Gil Contreras** on his appointment as Fullerton College Interim President, and recognized **Joe Ramirez** for his work in leading the Office of Institutional Research and wished him the best of luck in his new position.
- F. **Tonya Cobb** reported that Adjunct Faculty United reached agreement with the District and its membership voted to adopt the new agreement. She shared that AdFac: looks forward to building on the improvements, stands in solidarity with its sister unions as they fight for fair contracts, and supports mandatory masking. She noted that it would be her last Board meeting with **Dash Johnson** attending meetings moving forward.

- G. **Student Trustee Erin Lacorte** shared results from a Fullerton College student survey conducted August 1-9 by Associated Students regarding mandatory vaccinations. Over 90% of respondents indicated they would feel more comfortable returning to campus if proof of vaccination was required and also supported proof of vaccination with remote options available for the unvaccinated. Student Trustee Lacorte urged the prioritization of student voices when making a vaccine mandate determination.

MINUTES: It was moved by Trustee Jeffrey P. Brown and seconded by Trustee Jacqueline Rodarte to approve the Minutes of the Regular Meeting of July 27, 2021. **Motion carried with Trustees Blount, Brown, Dunsheath, Rodarte, and Rosales voting yes, including Student Trustees Lacorte and Pandian's advisory votes.**

FINANCE & FACILITIES

Item 3.a: By block vote, authorization was granted to ratify purchase order numbers P0145901 - P0146938 through July 26, 2021, totaling \$9,144,859.81, and check numbers C0052981 – C0053051, totaling \$47,242.49; check numbers F0275890 – F0276995, totaling \$276,732.66; check numbers Q0000000 – Q0000000, totaling \$0.00; check numbers 88514516 – 88515100, totaling \$10,313,607.82; check numbers V0031841 – V0031843, totaling \$35,825.00; check numbers 70116883 – 70117164, totaling \$34,611.05; and disbursements E8969868 – E8972443, totaling \$1,138,595.80, through July 31, 2021.

Item 3.b: By block vote, authorization was granted to adopt a resolution establishing separate bank, saving, clearing, and revolving accounts pursuant to the California Community College Budget and Accounting Manual as authorized by §84030 of the Education Code, and in accordance with Education Code §58311 of Title 5 of the California Code of Regulations.

Item 3.c: By the block vote, authorization was granted to approve the Facilities Consulting Services agreement from August 11, 2021 through October 31, 2022 with Cambridge West Partnerships, LLC, for total fees not to exceed \$226,000.

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

Item 3.d: By block vote, authorization was granted to file the Notice of Completion for the Energy Management System Upgrade for 7th and 10th Floor at Anaheim Campus with Trane and pay the final retention payment when due.

Item 3.e: By block vote, authorization was granted to award RFP #2021-16, Request for Proposal for the Management of the Fullerton College bookstore, to Follett Higher Education Group for a five-year period beginning on or around November 1, 2021, with an option for an additional five-year period upon board approval.

Authorization is further requested for the Vice Chancellor, Finance & Facilities, or District Director, Purchasing, to execute the contract on behalf of the District.

Item 3.f: It was moved by Trustee Jacqueline Rodarte and seconded by Trustee Evangelina Rosales to authorize District staff to provide a Notification of Intent to Hire New Full-time Faculty to the State Chancellor's Office by August 15, 2021, informing them that NOCCCD will participate in the 2021-22 Full-time Faculty Hiring Allocation.

During the discussion, trustees requested clarification on the need to hire additional new full-time faculty with a high District Faculty Obligation Number (FON) that impacts salary increases, funding for the new positions, the areas that would hire faculty, the District's artificial FON and FTES figures due to the reported pre-pandemic figures, and whether the option to participate is offered annually. Trustees also stated that while studies reflect that student success increases when there are larger numbers of full-time faculty, the downside for the District is that it is hard to compete with other districts due to the much higher FON. The District is forced to decide between hiring new faculty or working towards increasing salaries for existing employees.

Vice Chancellor Fred Williams stated that he was not as concerned with being over the FON because that number would self-correct over time with retirements and the use of one-time dollars. His concern was with the on-going costs for the District that include a \$29,000 per position loss for each of the 32 new positions that equals to almost \$1 million. With no COLA applied to the funding and with future STRS increases, the deficit will further increase in the future. He noted that it was a difficult decision to make with pros and cons, but that from a fiscal perspective, the District should probably not accept the funding allocation.

Board President Barbara Dunsheath pointed out that the District already does more to hire full-time faculty, highlighting that NOCE faculty do not count towards the FON, and urged trustees to write to the State Chancellor's Office requesting equitable distribution of the FON and to count non-credit faculty. She requested that the District's lobbyist work with the State Chancellor's Office to inform them of the constraints that the funding allocation would impose on the District and emphasize that it is already unequitable because the District already hires more faculty for a district of its size and also hires non-credit faculty.

Subsequent to the discussion, the **motion failed with Trustees Blount, Brown, Dunsheath, Rodarte, and Rosales voting no, including Student Trustees Lacorte and Pandian's advisory votes.**

HUMAN RESOURCES

Item 4.a: By block vote, authorization was granted for the following academic personnel

PROMOTION

Adakai, Ericka	FC	Executive Assistant II
	To:	FC Director, Educational Partnerships & Programs/ Dual Enrollment 12-month Position (100%) Range 20, Column B Management Salary Schedule Eff. 08/01/2021 PN FCM946

CHANGE IN SALARY CLASSIFICATION

Schwartz, Aaron	CC	Physics Instructor
	From:	Class B, Step 1
	To:	Class B, Step 2

Eff. 08/19/2021

POSTPONEMENT OF SABBATICAL LEAVE

Graves, Gary	FC	Business Management Instructor From: 2022 Spring Semester To: 2023 Spring Semester
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LEAVE OF ABSENCE

Zager, Gary	CC	Human Services Instructor Family Medical Leave (FMLA/CFRA) (100%) Paid Leave using Regular and Supplemental Sick Leave until Exhausted; Unpaid thereafter Eff. 08/19/2021-10/14/2021
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TEMPORARY ACADEMIC HOURLY-INSTRUCTIONAL-2021 FALL SEMESTER

Castillo, Rachel	CC	Column 1, Step 1
Clifton, Andrew	CC	Column 2, Step 1
Do, Michelle	FC	Column 3, Step 1
Magrann, Tracey	CC	Column 3, Step 1
Nerhus, Alisha	CC	Column 1, Step 1
Orr, Jane	FC	Column 1, Step 1
Preger, Elizabeth	CC	Column 1, Step 1
Replogle, Jill	FC	Column 2, Step 1

TEMPORARY ACADEMIC HOURLY-NONINSTRUCTIONAL

Bacon, Hilary	FC	Column 1, Step 1
Castillo, Kevin	FC	Column 1, Step 1
Fascella, Cynthia	FC	Column 1, Step 1

TEMPORARY ACADEMIC HOURLY-SPECIAL SERVICES

Baloy, Czarina	CC	Supervising Dentist (Dental Hygiene Program) Column 3, Step 1 Lecture Rate, Adjunct Faculty Salary Schedule Eff. 2021 Fall Semester
Ford, Julie	CC	Supervising Dentist (Dental Assisting Program) Column 3, Step 3 Lab Rate, Adjunct Faculty Salary Schedule Eff. 2021 Fall Semester
Galich, Jennifer	CC	Nursing Department Mandatory Orientation and Training at Clinical Sites Lecture Rate, Regular and Contract Faculty Overload Teaching Schedule Class F Not to exceed 16 hours Eff. 08/11/2021-08/17/2021

Im, Robin	CC	Supervising Dentist (Dental Hygiene Program) Column 3, Step 1 Lecture Rate, Adjunct Faculty Salary Schedule Eff. 2021 Fall Semester
Kazim, Amir	CC	Supervising Dentist (Dental Hygiene Program) Column 3, Step 1 Lecture Rate, Adjunct Faculty Salary Schedule Eff. 2021 Fall Semester
Pham, Thu	CC	Nursing Department Mandatory Orientation and Training at Clinical Sites Lecture Rate, Regular and Contract Faculty Overload Teaching Schedule Class F Not to exceed 16 hours Eff. 08/11/2021-08/17/2021
Walker, Jane	CC	Nursing Department Mandatory Orientation and Training at Clinical Sites Lecture Rate, Regular and Contract Faculty Overload Teaching Schedule Class D Not to exceed 16 hours Eff. 08/11/2021-08/17/2021
Welch Wheatley, Janine	CC	Supervising Dentist (Dental Hygiene Program) Column 3, Step 4 Lecture Rate, Adjunct Faculty Salary Schedule Eff. 2021 Fall Semester

Item 4.b: It was moved by Trustee Jacqueline Rodarte and seconded by Trustee Jeffrey P. Brown to approve the following classified personnel matters, which are within budget:

RETIREMENT

Aguirre, Gabriela	FC	Facilities Custodian I 12-month position (100%) Eff. 09/01/2021 PN FCC996
Barba, Yolanda	NOCE	Administrative Assistant II 12-month position (100%) Eff. 09/08/2021 PN SCC889
Sanchez, Mary	FC	Child Care Kitchen Attendant 12-month position (60%) Eff. 08/11/2021 PN FCC782

RESIGNATION

Leos, Nigel	NOCE	Testing and Assessment Specialist 12-month position (100%) Eff. 07/23/2021 PN SCC866
Ramirez, Joseph	FC	Senior Research and Planning Analyst 12-month position (100%) Eff. 08/13/2021 PN FCC626
Rivera, Hilda	NOCE	Special Projects Coordinator, CAEP/AEBG ESL Temporary Project Manager Position (100%) Eff. 08/17/2021 PN SCT968

NEW PERSONNEL

Lowe, Erica	NOCE	Instructional Assistant, High School Lab 11-month position (40%) Range 36, Step A + 5% Shift Differential Classified Salary Schedule Eff. 08/11/2021 PN SCC858
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VOLUNTARY CHANGES IN ASSIGNMENT

Nguyen, Hai	FC	IT Specialist Network (100%) Temporary Change in Assignment To: IT Services Coordinator II 12-month position (100%) Range 52, Step E + 25% Longevity Classified Salary Schedule Eff. 08/11/2021 – 06/30/2022
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PROFESSIONAL GROWTH & DEVELOPMENT

Shah, Gita	FC	Accounting Technician (100%) 1st Increment (\$400) Eff. 07/01/2022
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DOCTORAL STIPEND

Stanco, Gabrielle	AC	District Director, Research, Planning, and Data Management (100%) Doctoral Stipend (\$3,500) Eff. 08/28/2019
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STIPEND FOR ADDITIONAL ADMINSTRATIVE DUTIES

Barnett, Chynna	FC	Administrative Assistant II (100%) 6% Stipend Eff. 08/01/2021 – 10/31/2021
Jara, Jacqueline	FC	Admissions and Records Technician (100%) 6% Stipend Eff. 08/01/2021 – 12/31/2021

STIPEND FOR ADDITIONAL MANAGEMENT DUTIES

Hwee, Ivy	AC	District Manager, Fiscal Affairs 10% Stipend Eff. 09/01/2021 – 12/31/2021
Vyas, Kashmira	AC	District Director, Fiscal Affairs 10% Stipend Eff. 09/01/2021 – 12/31/2021

LEAVES OF ABSENCE

Bonilla, Irma	FC	Campus Safety Officer Coordinator (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Regular and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 06/11/2021 – 12/11/2021 (Intermittent Leave)
Cortez, Margaret	CC	Administrative Assistant I (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Regular and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 07/19/2021 – 09/18/2021 (Consecutive Leave)

ADMINISTRATIVE REORGANIZATION – ASSIGNMENT OF SALARY AND POSITION
WITHIN JOB DUTIES

Bush, Garrett	NOCE	Campus Safety Officer Coordinator 12-month position (100%) Range 34, Step E + 5% Shift Differential To: Range 40, Step C + 5% Shift Differential Classified Salary Schedule Eff. 06/23/2021 PN SCC833
Esquivel, Roland	NOCE	Campus Safety Officer Coordinator 12-month position (100%) Range 34, Step E + 5% Longevity To: Range 40, Step C + 5% Longevity Classified Salary Schedule Eff. 06/23/2021 PN SCC849

During the discussion, Trustee Evangelina Rosales inquired why Vice Chancellor Fred Williams would continue his involvement in certain finance matters during his tenure as Interim Chancellor, expressed concern with his continued involvement, and the need for an Interim Vice Chancellor.

Board President Barbara Dunsheath clarified that the motion did not include Vice Chancellor Williams' roles, but noted that the Chancellor must always oversee the financial integrity of the District. Chancellor Marshall reiterated her comments from the July 24 Board meeting and also noted that Ivy Hwee and Kashu Vyas will assume responsibility for the financial portions of the Vice Chancellor's role. Vice Chancellor Williams further clarified that an informal interview process was taking place to determine which two Accounting Specialists will pick up additional duties and also receive stipends and outlined the areas that naturally overlap between Chancellor and Vice Chancellor responsibility and authority.

Subsequent to the discussion, the **motion carried with Trustees Blount, Brown, Dunsheath, Rodarte, and Rosales voting yes.**

Item 4.c: By the block vote, authorization was granted for the assignment of professional expert personnel per the professional expert listing.

(See Supplemental Minutes #1281 for a copy of the professional expert personnel listing.)

Item 4.d: By the block vote, authorization was granted for the hourly listing.

(See Supplemental Minutes #1281 for a copy of the hourly personnel listing.)

Item 4.e: By the block vote, authorization was granted for the assignment of volunteers per the volunteer listing.

(See Supplemental Minutes #1281 for a copy of the volunteer listing.)

Item 4.f: By block vote, authorization was granted to approve the negotiated Successor Tentative Agreement between Adjunct Faculty United/AFT/AFL-CIO Local 6106 and the District dated July 28, 2021, for the 2021-22 and 2022-23 academic years, all of its provisions, and the Adjunct Faculty Salary Schedules (A, B and C).

(See Supplemental Minutes #1281 for a copy of the Agreement, Evaluation form and Salary Schedule.)

GENERAL

Item 5.a: The Board discussed the possibility and implications of a vaccine mandate for employees and students. Board President Barbara Dunsheath introduced the discussion by stating that there were two main points to discuss: masks and vaccines. She noted that since the printing of the Board meeting agenda, two additional college districts have approved a vaccine mandate. She highlighted the information letter by the Los Angeles Community College District which outlined several valid points in favor of a vaccine mandate including the safety of staff and students and the availability of online education opportunities. She expressed support for requiring vaccinations for those who opt to come to campus, with

allowable medical and religious exemptions, and to continue to allow a large number of people to participate remotely.

During the discussion, individual trustees made the following statements:

- False information was contained in the public comments. Individuals should visit the CDC website to learn that COVID vaccines are safe and effective; the VAERS database is not accurate and needs to be fact-checked.
- Students who opt to not vaccinate will have the option to participate remotely.
- The Board has to protect the faculty, staff, and students of the District and assumes a legal liability for not providing the safest environment.
- Appreciation for the public comments.
- Support for a vaccine mandate due to safety and to mitigate concerns of COVID outbreaks on the campuses.
- Concern with the constitutional rights of being forced vaccinated.
- The District requires a tuberculosis vaccine and this vaccine is not different. (It was later clarified that the District requires proof of being tuberculosis free.)
- The need to protect students, especially since the majority of students who are BIPOC are living in multi-generational households.
- While the District should mandate the vaccine, concerns about enrollment dropping.
- There should be online options for students.
- Questions about logistics were voiced with the understanding that process answers remain unknown.
- In light of the legal opinion and the Indiana University case, would the District be liable if someone who is vaccinated came to campus and contracted COVID on campus?
- Whether the implementation require an MOU.
- While the effects of a vaccine mandate are negotiable, those can be negotiated even if the mandate is in place.
- The District can be liable and sued for not providing the safest environment possible.
- If the District is seeking full protection by October 15, then vaccine administration would need to take place by September 1. Students need to be made aware that if they plan to take a Fall in-person class that they need to expect to be vaccinated.
- The CSU system has already begun asking students to start uploading their vaccine information.
- The District needs to figure out a process to start documenting.
- A reminder that trustees set policy and the rest is left to the administration.
- In California 53% of the population is fully vaccinated.
- Vaccines are the only way that we are going to get back to “normal.”

Julie Kossick, Associate Vice Chancellor of Human Resources, stated that a vaccine requirement could have a chilling effect on already declining enrollment, that a majority of students have not succeeded in a remote environment, a strong civil liability due to vaccine reactions for the self-insured District and individual trustees, and that District COVID questionnaire data reflects that over 95% of those who have gotten COVID have been fully vaccinated. In response, Interim President Gil Contreras noted that the student success assertion was incorrect and cited last year's Fullerton College graduating class which was the largest in the College's history. Vice Chancellor Fred Williams also clarified that the District is not self-insured, but part of a JPA which shares in any risk with those districts that are also

part of the pool. He also noted the big distinction between requiring vaccines and requiring vaccines when individuals come on campus.

Board President Barbara Dunsheath concluded the discussion by stating that there appeared to be a direction and an action item will return to the Board.

Item 5.b: The Board reviewed the Citizens' Bond Oversight Committee appointment process and the application for the independent Citizens' Bond Oversight Committee.

Trustees requested that the by-laws be revised so that any language referencing Measure X can be removed since those have all been spent, that staff consider advertising the vacancies in the Fullerton Observer and senior citizen newspapers, and that the application link be shared with them once it is posted on the District website.

Vice Chancellor Fred Williams asked trustees to consider soliciting any interested parties to serve, especially for the tax payer organization category.

Item 5.c: Board President Barbara Dunsheath asked if there were any requests for potential future Board agenda items and there were none.

CLOSED SESSION: At 7:42 p.m., Board President Barbara Dunsheath adjourned the meeting to closed session per the following sections of the Government Code and stated that there would be no read out:

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 APPOINTMENT: Chancellor and Fullerton College President.

Per Section 54956.9(a): CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION: One (1) Potential Case.

RECONVENE MEETING: At 8:45 p.m., Board President Barbara Dunsheath reconvened the meeting in open session.

ADJOURNMENT: At 8:45 p.m., it was moved by Trustee Stephen T. Blount and seconded by Trustee Evangelina Rosales to adjourn the meeting. **Motion carried with Trustees Blount, Brown, Dunsheath, Rodarte, and Rosales voting yes.**