



**Chabot-Las Positas Community College District  
Chancellor's Council**

Tuesday, February 9, 2021

3:00 – 4:30 p.m.

Dial 669 900 6833 / Mtg ID: 982 4271 2142# / Password: 123123

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- I. Review and Approval of Agenda
- II. Review and Approval of the December 8, 2020 Minutes
- III. State Chancellor's Office SCFF Dashboard
- IV. Auditing Task Force
- V. Decoupling Summer & Fall
- VI. IPBM Committees
- VII. Board Policies/Administrative Procedures (standing item)
  - a. First Reading
    1. BP 5010 Admission and Concurrent Enrollment
    2. AP 5010 Admissions
    3. AP 5011 Admission and Concurrent Enrollment of High School and Other Young Students
    4. BP 5015 Residence Determination
    5. AP 5015 Residence Determination
    6. BP 5020 Nonresident Tuition
    7. AP 5020 Nonresident Tuition
    8. BP 5070 Attendance
    9. AP 5070 Attendance
    10. AP 5075 Course Adds and Drops
    11. BP 5210 Communicable Disease
    12. AP 5210 Communicable Disease
  - b. Second Reading
    1. BP 3430 Prohibition of Harassment
    2. AP 3430 Prohibition of Harassment
    3. BP 3433 Prohibition of Sexual Harassment Under Title IX
    4. AP 3433 Prohibition of Sexual Harassment Under Title IX
    5. AP 3434 Responding to Harassment Based on Sex Under Title IX
    6. BP 3540 Sexual and Other Assaults on Campus
    7. AP 3540 Sexual and Other Assaults on Campus
    8. BP 4100 Graduation Requirements for Degrees and Certificates
    9. AP 4100 Graduation Requirements for Degrees and Certificates
    10. AP 4101 Independent Study
  - c. Pending
    1. *AP 3435 Discrimination and Harassment Complaint Procedures\**
- VIII. District-wide Strategic Plan (TFleischerRowland)
- IX. Future Agenda Items
- X. Next Meeting: March 9, 2021



**Chabot-Las Positas Community College District  
Chancellor's Council**

Tuesday, February 9, 2021

3:00 p.m. – 4:30 p.m.

ConferZoom

Meeting Minutes

Present: Ron Gerhard, Noell Adams, Miguel Colon, Dyrell Foster, Dave Fouquet, David Rodriguez, Sarah Thompson, Rachel Ugale, Chasity Whiteside, Yvonne Wu Craig

Guests: David Betts, Theresa Fleischer Rowland, Owen Letcher, Jonah Nicholas, Kirti Reddy, Susan Sperling

Chancellor Ron Gerhard called the meeting to order at 3:05 p.m.

**I. Review and Approval of the Agenda**

There was a motion to approve the agenda as posted. **(Colon/Thompson)**

**II. Review and Approval of the December 8, 2020 Meeting Minutes**

There was a motion to approve the December 8, 2020 meeting minutes.

**(Rodriguez/Foster)**

NAdams mentioned that there was a mix up in the minutes on what was approved to move forward to the board. KCostello explained the situation and the items that were approved to move forward went to the Board in January. BP 3433 and AP 3433 were in question as to whether they should have gone to the board. BP 3433 was pulled from a second reading of the Board on their February meeting. Both BP 3433 and AP 3433 are back on the Council agenda for a second reading.

**III. State Chancellor's Office SCFF Dashboard**

RGerhard stated that last week, the State Chancellor's Office put out a dashboard that highlights the benefits of the Student-Centered Funding Formula. The way the State Chancellor's Office, it completely misrepresents the SCFF on how it relates to our district and relates to the system as a whole. Essentially, the data within the dashboard is correct, but many times it is mischaracterized and goes against how we have been discussing viewing the dashboard. The link to the dashboard is: <https://www.cccco.edu/About->

Us/Chancellors-Office/Divisions/College-Finance-and-Facilities-Planning/scff-dashboard

The intent behind it this that the State Chancellor's Office is putting out a messaging piece that counters the many criticisms of the funding formula. It shows the funding difference between the SCFF and SB 361. It shows that SCFF brings in almost \$600 million in funding above what the SB 361 would have provided. This is somewhat of a misrepresentation because when Governor Brown enacted the SCFF going into fiscal year 2018-19, he included about \$125 million funding for the implementation of the SCFF. Arguably, we would have had that money allocated to us in the old funding model. It is not an apples-to-apples comparison.

If you were to look at the district with the largest number of dollars, LA would be at the top and they would be receiving \$52 million more than what they would have received in 2017-18. If you ask our colleagues at LACCD, they are looking at doing reductions because of the SCFF. If you look at our district, we are receiving about \$9.75 million in additional money from the SCFF. This is a misrepresentation, because we were getting additional money whether it was because of SCFF or not and it does not factor in the hold harmless money that goes away July 2024.

SThompson mentioned there is a graph shown without the X and Y access, it is meant to give the illusion of an increase, but because there is not an actual scale on shown. The numerical difference between point one and point two is about 10 or 15 thousand out of 1.5 million. It would look more like a flat line.

RGerhard wanted to show this as an information item so that everyone can look at it. DFouquet asked if the hold harmless is a part of the SCFF or is it on top of the SCFF? RGerhard stated that you are either on SCFF or hold harmless, so they are integrated with each other. JNicholas mentioned it is a component of the SCFF. The real issue is that there was not enough money to fund it. They basically just capped the amount of dollars that any district could go up. There has always been a funding issue with the SCFF. They are also assuming that behavior changes would not have occurred if we were operating under the SB 361 model. They are not accounting for stability funding that would have come into play if districts did not achieve their prior year FTES. When the SCFF was implemented, it largely gutted the provision for shifting FTES from one year to another, which a lot of district would have done.

DRodriguez mentioned the hold harmless is a band aid and the SCFF only works with the band aid, then why would hold harmless just be temporary. If you must put a band aid on it, it is not working, unless you fix the underlying concerns behind it. Also, it highlights that degrees and certificates increased, but a lot of that increase is due to the collection of data, not actual successes. If that jump of success was due to data clean up, that is something to explore.

#### IV. Auditing Task Force

At the last Council meeting, there was a request to put together an audit task force. We finally have all the membership of the task force. Hopefully, we will have a report back at the March meeting about their analysis and recommendations moving forward as it relates to providing the students the ability or inability to audit classes.

#### V. Decoupling Summer & Fall

DFoster gave an update. The task force met recently, and the conversation was identifying a registration date for fall. Folks from Chabot and LPC had conversations. LPC was suggesting a May 10<sup>th</sup> date and Chabot was suggesting May 24<sup>th</sup>. It was agreed informally that May 17<sup>th</sup> would be the date if IT could expedite the registration for the students within that registration window. IT is exploring the feasibility of being able to compress the registration windows.

#### VI. IPBM Committees

RGerhard discussed the need to create a process by which the IPBM structure would be evaluated. Not necessarily evaluating the committees but evaluating the structure from a perspective of what is working well and what is needing improvement. And perhaps a discussion on how those improvements could be made. A subgroup of volunteers was asked to engage and work together to construct the process by which we will evaluate the IPBM structure. The timeline would be that this work would occur over spring, so that the evaluation would be complete by the end of the spring term. When fall begins, we would have an IPBM retreat with all the committees and committee members.

Volunteers include: Noel Adams, Sarah Thompson, Chasity Whiteside, and Yvonne Wu Craig.

#### VII. Board Policies/Administrative Procedures (standing item)

##### a. First Reading

TFleischerRowland mentioned that all of chapter 5 will be gone through. Today, the first batch is being presented. CCLC has provided many updates. They are prioritized by VP Garcia and VP Kritscher in the order of highest priority. RGerhard stated that any changes are shown with track changes.

##### 1. BP 5010 Admission and Concurrent Enrollment

DRodriguez mentioned the language needs to be cleaned up a bit to state: “The District shall admit students who meet one of the following requirements ~~and who are capable of profiting from the instruction offered.~~”

Some items need to be categorized. The next paragraph seems to fall under “denial of requests for admission.”

No other college added adult education specifically in their BP 5010. Why is it called out specifically? There seems to be some repeated items as well. DRodriguez will forward the comments.

TFleischerRowland stated that in other policies, we do mention admissions for adult ed students. A note from CCLC states that the admission of high school and younger students as well as students in a school district adult ed program is not mandated by law, but if we wish to mention it here and there is agreement with the school district, than this BP should identify students who may be admitted generally by age or grade level and their status.

NAdams mentioned that what stood out was where it says, “any person over the age of 18 and possessing a high school diploma or its equivalent.” Does it require the 18 years of age? When you look at Education Code 76000, it does not say anything about age in the first line. TFleischerRowland state that AP 5011, the admission of concurrent enrollment of high school and other young students is references in this BP so I think it is meant to be complimentary, but perhaps we can insert clarified language. I have tried to honor not presenting a huge rewrite unless it was legally required. I look to Council for condensing or removing items for redundancy. I am receptive from improving our BPs and APs in all ways, although sometimes I stop myself short from doing radical movements. NAdams mentioned again that it really stood out to her that it states 18 years and older. SThompson agrees because there are people that graduate from high school younger. It was suggested that the first bullet point should be, “any person possessing a high school diploma or its equivalent.”

DFoster posted language from CCC Apply: *California community colleges are required to admit any California resident possessing a high school diploma or the equivalent. Additionally, California community colleges may admit any nonresident possessing a high school diploma or the equivalent, or anyone (resident or nonresident).*

2. **AP 5010 Admissions**
3. **AP 5011 Admission and Concurrent Enrollment of High School and Other Young Students**
4. **BP 5015 Residence Determination**
5. **AP 5015 Residence Determination**
6. **BP 5020 Nonresident Tuition**
7. **AP 5020 Nonresident Tuition**
8. **BP 5070 Attendance**
9. **AP 5070 Attendance**
10. **AP 5075 Course Adds and Drops**

**11. BP 5210 Communicable Disease****12. AP 5210 Communicable Disease****b. Second Reading****1. BP 3430 Prohibition of Harassment**

DBetts mentioned that there was a question regarding the use of the word minimize on the second page, “To this end the Chancellor shall ensure that the institution undertakes education and training activities to counter harassment and to prevent, minimize or eliminate any hostile environment...” The use of the word “minimize” was questioned if it could be deleted. Legal counsel did not embrace the suggestion to delete the word minimize. The word is there intentionally.

The next question was at the end of the board policy, in the last paragraph. Someone asked if we could add the word “related” to the sentence, “Students who violate this policy and related procedures may be subject to disciplinary measures...” This does not impact the policy in any adverse way, so we can add the word.

The next concern is unpaid interns, volunteers, and contractors. In AP 7500 Volunteers that addresses volunteers, and they are at will and their service to the district can be terminated for any reason or no reason. I do not think we want to add any language that would say they are disciplined. However, we can add some language to the effect of, “volunteers who violate this policy and related procedures may be terminated.” SThompson asked about volunteer protection. DBetts mentioned that if it is in the conducting of district business, it is believed that contractors and volunteers are free to make complaints against district employees. If there is a complaint against the contractor, in our contract, it would outline the procedure about how to go about that.

DFouquet asked about the issue of retaliation from a manager for having made a complaint about working conditions. Where does that fall in the scheme of things? What is the difference between retaliation and harassment? DBetts mentioned this policy and procedure addresses protected classification. If someone feels that has occurred, they should make a complaint and it will be addressed. If the person was engaged in a protected activity, it could fall under something that is addressed under one of our procedures, either AP 3434 or AP 3435.

NAdams stated that what she heard is for the prohibition of harassment, we would simply terminate the volunteer. 3433 addresses specifically sexual harassment, the

person can be subject to disciplinary measure up to and including termination, but not specifically terminated. In a case of just harassment that is non-sexual in nature, the volunteer would be terminated, but in the case of sexual harassment, the volunteer would not be automatically terminated. DBetts asked where this distinction is made. NAdams mentioned that in BP 3433, in the last paragraph, it says a volunteer may be terminated, but does not say they will be. In 3430, it says they would be terminated. DBetts mentioned that they could be. Someone is not just terminated because of an accusation. The recommendation on 3430, we would add language to make it simple and say, “unpaid interns and volunteers who violate this policy...”

**2. AP 3430 Prohibition of Harassment**

No additional discussion.

**3. BP 3433 Prohibition of Sexual Harassment Under Title IX**

**4. AP 3433 Prohibition of Sexual Harassment Under Title IX**

DBetts discussed that the definition of rape is different than the California Penal Code. BP and AP 3433 are talking about sexual assault under Title IX. Title IX is federal law. The state definition would not apply. The definitions that are there are right out of Title IX. NAdams asked if we can spend a little bit more time so that we can see the same resources that are being referred to and be sure that is the language that we want to move forward with. RGerhard understands and it would seem to rest upon legal counsel for our formal policies and administrative procedures to be in step with the Federal Title IX definitions. Those definitions are archaic, and we cannot control it. Where does this leave us? We must have policies and procedures that are in step with the federal definitions and guidelines. This is a policy is legally required. The options are to continue to table this or approve them based on CCLC's recommendation. We can always come back to it. DBetts mentioned that Title IX is administered through the Department of Education, the Office for Civil Rights, and the Federal Government. The National Incident Based Reporting System's definition of rape is as follows:

*Rape – (Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.*

SThompson mentioned that after going through some community colleges just to see what they have, it seems like they have kept the umbrella the same, but the actual glossary looks a little different.

**5. AP 3434 Responding to Harassment Based on Sex Under Title IX**

This AP had the same question from the last meeting regarding carnal knowledge.

**6. BP 3540 Sexual and Other Assaults on Campus**

**7. AP 3540 Sexual and Other Assaults on Campus**

There was nothing to respond to regarding 3540.

**8. BP 4100 Graduation Requirements for Degrees and Certificates**

**9. AP 4100 Graduation Requirements for Degrees and Certificates**

These have been tabled for a few months. There was a lot of great feedback from the senates. Looking at the track changes here, there was a lot. The biggest pieces are striking the second paragraph and replacing with the third paragraph. The language was changed to allow us to proactively award certificates to students as they earn them through their coursework.

**10. AP 4101 Independent Study**

There were no changes on this one, but tabled last fall.

There was a motion to approve all second reading BPs and APs, except BP 3433, AP 3433, and AP 3434. (NAdams/SThompson) **All in favor.**

NAdams stated that her concerns have been expressed and in terms of moving forward, it would be good to look at some other CCCs have used as their language. SThompson stated that there is some offensive language that should change to be in line with more up to date legal language. RGerhard stated that 3433 is a completely new policy.

**c. Pending**

**AP 3435 Discrimination and Harassment Complaint Procedures**

This is pending and just wanted to show Chancellor's Council that it will come back at the next meeting.

**VIII. Districtwide Strategic Plan (TFleischerRowland)**

TFleischerRowland gave an update on the Districtwide Strategic Plan. The updated document will be sent to the Chancellor on Friday, February 19. Requesting to receive feedback and comments sooner than February 18. SThompson asked about the process. The second reading for the LPC Academic Senate is scheduled for tomorrow, but if there is additional feedback being taken, how can the issue of changes be addressed?

TFleischerRowland stated that the Chancellor will review the document on the 19<sup>th</sup> and after that review, it would be considered final. Send TFleischerRowland the timeline of the dates of the next senate meetings and we will go look at the timelines again.

RGerhard stated that the comments that come in will be shared with the senates.



**IX. Future Agenda Items**

- Bring back BP 3433, AP 3433, BP 3434
- Budget Update

The meeting adjourned at 4:41 p.m.