

RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT (RSCCD)
Board of Trustees (Regular meeting)
via Zoom
2323 North Broadway,
Santa Ana, CA 92706

Monday, July 12, 2021

MINUTES

1.0 PROCEDURAL MATTERS

1.1 Call to Order

The Zoom meeting was called to order at 4:36 p.m. by Mr. Phil Yarbrough via video/teleconference. Other members present were Dr. Tina Arias Miller, Mr. David Crockett, Mr. John Hanna, Mr. Zeke Hernandez, Mr. Larry Labrado, and Ms. Elisabeth Neely participated via video/teleconference (Zoom) pursuant to Governor Newsom's Executive Order N-29-20. Mr. Sal Tinajero arrived at the time noted.

Administrators present during the regular meeting via video/teleconference (Zoom) were Mr. Cheng Yu Hou, Ms. Iris Ingram, Dr. Marilyn Flores, Mr. Marvin Martinez, Mr. Enrique Perez, and Mr. Jose Vargas. Ms. Anita Lucarelli was present via video/teleconference (Zoom) as record keeper.

1.2 Pledge of Allegiance to the United States Flag

The Pledge of Allegiance was led by Mr. Yarbrough, President, RSCCD Board of Trustees.

1.3 Approval of Additions or Corrections to Agenda

It was moved by Mr. Hernandez and seconded by Dr. Arias Miller to approve an addendum to Item 6.3 (Classified Personnel). The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, and Mr. Yarbrough. Student Trustee Neely's advisory vote was aye.

1.4 Public Comment

Mr. Yarbrough asked that the eleven public comments received via email be attached to the minutes.

Dr. Becky Ettinger, Ms. Katherine Lemen, and Ms. Karen Martin spoke regarding Item 5.7 (First Reading of Board Policy) in opposition of BP 7325 SARS-CoV-2 (Severe Acute Respiratory Syndrome Coronavirus 2) Vaccination Program (NEW) – Employees.

Mr. Tinajero arrived during Ms. Lemen's public comments (approximately 4:45 p.m.).

1.4 Public Comment (cont.)

Ms. Kelly Nguyen spoke regarding Item 5.7 (First Reading of Board Policy) in support of BP 7325 SARS-CoV-2 (Severe Acute Respiratory Syndrome Coronavirus 2) Vaccination Program (NEW) – Employees.

Mr. Morrie Barembaum welcomed Ms. Ingram, Vice Chancellor, Business Services; and Mr. Hou, Vice Chancellor, Human Resources, to the district.

1.5 Approval of Minutes

It was moved by Mr. Labrado and seconded by Mr. Hernandez to approve the minutes of the regular meeting held June 21, 2021. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, Mr. Tinajero, and Mr. Yarbrough. Student Trustee Neely’s advisory vote was aye.

1.6 Approval of Consent Calendar

It was moved by Mr. Tinajero and seconded by Mr. Hernandez to approve the recommended action on the following items (as indicated by an asterisk on the agenda) on the Consent Calendar, with the exception of Item 3.17 (Memorandum of Agreement between Los Angeles/Orange Counties Building & Construction Trades Council Apprenticeship Readiness Fund and RSCCD) removed from the Consent Calendar by Mr. Hernandez as a possible conflict of interest for Mr. Hanna. Mr. Hanna indicated Item 3.17 would not be a conflict of interest for him but agreed to remove the item from the Consent Calendar. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, Mr. Tinajero, and Mr. Yarbrough. Student Trustee Neely’s advisory vote was aye.

3.1 Approval of Dual Enrollment Agreement between Western Education Corporation and Rancho Santiago Community College District

The board approved the dual enrollment agreement between Western Education Corporation and RSCCD, as presented.

3.2 Approval of Standard Clinical Affiliation Agreement with Covenant Care California, LLC dba St. Edna Sub-Acute and Rehabilitation Center

The board approved the standard clinical affiliation agreement with Covenant Care California, LLC dba St. Edna Sub-Acute and Rehabilitation Center located in Santa Ana, as presented.

3.3 Approval of Educational Affiliation Agreement with Nurture Collective (Speech-Language Pathology Assistant Program [SLPA])

The board approved the educational affiliation agreement for the SLPA program with Nurture Collective located in Whittier, California, as presented.

1.6 Approval of Consent Calendar (cont.)

- 3.4 Approval of Educational Affiliation Agreement with Nurture Collective (Occupational Therapy Assistant Program [OTA])
The board approved the educational affiliation agreement for the OTA program with Nurture Collective located in Whittier, California, as presented.
- 3.5 Approval of Educational Affiliation Agreement with Maya Borna Inc
The board approved the educational affiliation agreement with Maya Borna Inc located in Los Angeles, California, as presented.
- 3.6 Approval of Standard Clinical Affiliation Agreement with Bartlett Center, LLC dba French Park Care Center
The board approved the standard clinical affiliation agreement with Bartlett Care Center, LLC dba French Park Care Center located in Santa Ana, California, as presented.
- 3.7 Approval of Site-Based Learning Affiliation Agreement with Capella University
The board approved the site-based learning affiliation agreement with Capella University located in Minneapolis, Minnesota, as presented.
- 3.8 Approval of Clinical Training Affiliation Agreement (Without School Instructor on Entity Premises) with Irvine Adult Day Health Services
The board approved the clinical training affiliation agreement (without school instructor on entity premises) with Irvine Adult Day Health Services located in Irvine, California, as presented.
- 3.9 Approval of Educational Affiliation Agreement with Speech and Language Development Center
The board approved the educational affiliation agreement with the Speech and Language Development Center located in Buena Park, California, as presented.
- 3.10 Approval of Educational Affiliation Agreement with OC Autism Foundation
The board approved the educational affiliation agreement with OC Autism Foundation located in Garden Grove, California, as presented.
- 3.11 Approval of Educational Affiliation Agreement with Irvine Unified School District
The board approved the educational affiliation agreement with Irvine Unified School District located in Irvine, California, as presented.
- 3.12 Approval of Educational Affiliation Agreement with All Star Physical Therapy
The board approved the educational affiliation agreement with All Star Physical Therapy located in Murrieta, California, as presented.

1.6 Approval of Consent Calendar (cont.)

- 3.13 Approval of Educational Affiliation Agreement with Etiwanda School District
The board approved the educational affiliation agreement with Etiwanda School District located in Etiwanda, California, as presented
- 3.14 Approval of Standard Clinical Affiliation Agreement with AmbuServe Ambulance
The board approved the standard clinical affiliation agreement with AmbuServe Ambulance located in Gardena, California, as presented.
- 3.15 Approval of Rancho Santiago Community College District Professional Services Agreement with West Coast Customs
The board approved the RSCCD professional services agreement with West Coast Customs located in Burbank, California, as presented.
- 3.16 Approval of Memorandum of Understanding with Guest House, LP
The board approved the MOU with Guest House LP located in Newport Beach, California, as presented.
- 3.18 Approval of Rancho Santiago Community College District Professional Services Agreement with Katrina Williams (K.W.) Media
The board approved the RSCCD professional services agreement with Katrina Williams (K.W.) Media located in Seattle, Washington, as presented.
- 3.19 Approval of Rancho Santiago Community College District Professional Services Agreement with Univision Communications, Inc.
The board approved the RSCCD professional services agreement with Univision Communications, Inc. located in Los Angeles, California, as presented.
- 3.20 Approval of Rancho Santiago Community College District Professional Services Agreement with Estrella Media
The board approved the RSCCD professional services agreement with Estrella Media located in Burbank, California, as presented.
- 3.21 Approval of Revised Standard Clinical Affiliation Agreement with City of Newport Beach on behalf of Oasis Senior Center for Health Sciences/Nursing Program
The board approved the revised standard clinical affiliation agreement with the City of Newport Beach on behalf of the Oasis Senior Center located in Corona Del Mar, California, as presented.
- 3.22 Approval of Proposed Revisions for 2020–2021 Santa Ana College (SAC) Catalog Addendum
The board approved the proposed revisions for the 2020–2021 SAC catalog addendum, as presented.

1.6 Approval of Consent Calendar (cont.)

3.23 Approval of Proposed Revisions for 2022–2023 Santa Ana College Catalog

The board approved the proposed revisions for the 2022–2023 SAC catalog, as presented.

3.24 Approval of Santa Ana College & Santiago Canyon College (SCC) Community Services Program for Fall 2021

The board approved the SAC & SCC Community Services program for Fall 2021, as presented.

3.25 Approval of Santa Ana College Institutional Self-Evaluation Report

The board approved the SAC institutional self-evaluation report, as presented.

3.26 Approval of Santiago Canyon College Institutional Self-Evaluation Report

The board approved the SCC institutional self-evaluation report, as presented.

3.27 Approval of Professional Services Agreement with Entravision

The board approved the professional services agreement with Entravision located in Los Angeles, California, as presented.

3.28 Approval of Professional Services Agreement with ReachLocal, Inc.

The board approved the professional services agreement with ReachLocal, Inc. located in Woodland Hills, California, as presented.

3.29 Approval of Agreement with Pacific Clinics' Recovery Education Institute (REI)

The board approved the agreement with Pacific Clinics' REI located in Orange, California.

3.30 Approval of Consulting Agreement Renewal with Orange Unified School District (OUSD)

The board approved the renewal of the consulting agreement with OUSD as presented.

3.31 Approval of Memorandum of Understanding for Five-Year Renewal of Bridge Program with Orange Unified School District

The board approved the MOU renewal for the Bridge program with OUSD as presented.

4.1 Approval of Payment of Bills

The board approved payment of bills as submitted.

1.6 Approval of Consent Calendar (cont.)

4.2 Approval of Budget Increases/Decreases and Budget Transfers, and Intrafund and Interfund Transfers

The board approved budget increases, decreases and transfers, and intrafund and interfund transfers from June 8, 2021, to June 27, 2021.

4.3 Adoption of Resolution No. 21-13 for Separate Bank and Investment Accounts

The board adopted Resolution No. 21-13 for separate bank and investment accounts as presented.

4.4 Approval of Change Order #1 for Southern Counties Quality Masonry, Inc. for Bid #1394 Welding Concrete Masonry Unit Wall Extension at Santa Ana College

The board approved change order #1 for Southern Counties Quality Masonry, Inc. for Bid #1394 for the welding concrete masonry unit wall extension at SAC as presented.

4.5 Acceptance of Completion of Bid #1394 Welding Concrete Masonry Unit Wall Extension at Santa Ana College and Approval of Recording a Notice of Completion

The board accepted Bid #1394 for the welding concrete masonry unit wall extension at SAC as complete and approved filing a Notice of Completion with the County as presented.

4.6 Approval of Change Order #1 for Golden Gate Steel, Inc. dba Golden Gate Construction for Bid #1389 Barrier Removal East Broadmoor Trail Project at Santiago Canyon College (SCC)

The board approved change order #1 for Golden Gate Steel, Inc. dba Golden Gate Construction for Bid #1389 for the barrier removal East Broadmoor Trail project at SCC as presented.

4.7 Acceptance of Completion of Bid #1389 Barrier Removal East Broadmoor Trail Project at Santiago Canyon College and Approve Recording a Notice of Completion

The board accepted the project as complete and approved filing a Notice of Completion with the County as presented.

4.8 Ratification of Award of Bid #1406 Safety and Security Building Access Control Upgrades at Santiago Canyon College

The board ratified the award of Bid #1406 for the Safety and Security Building access control upgrades at SCC as presented.

1.6 Approval of Consent Calendar (cont.)

4.9 Approval of Agreement with Cumming Management Group, Inc. for Cost Estimating Consulting Services for Access Control Pilot Projects at Santa Ana College, Santiago Canyon College, and Digital Media Center (DMC)

The board approved the agreement with Cumming Management Group, Inc. for cost estimating consulting services for the access control pilot projects at SAC, SCC, and DMC as presented.

4.10 Approval of Five-Year Construction Plan (2023-2027) and Initial Project Proposals (IPPs) for Santa Ana College

The board approved the Five-Year Construction Plan (2023-2027) and IPPs for SAC as presented.

4.11 Approval of Foundation for California Community Colleges (FCCC) Master Services Agreement #00004526 Awarded to Office Depot, LLC

The board approved the District's use of the FCCC Master Services Agreement #00004526 awarded to Office Depot, LLC, including any future renewals, addendums, supplements, modifications and extensions as presented.

4.12 Approval of Purchase Orders

The board approved the purchase order listing for the period May 23, 2021, through June 19, 2021.

5.1 Approval of Resource Development Items

The board approved budgets, accepted grants, and authorized the Vice Chancellor of Business Services or her designee to enter into related contractual agreements on behalf of the district for the following:

- Early Head Start 2021 – Emergency American Rescue Plan (ARP) COVID (District) \$167,510

5.2 Approval of Sub-Agreements between RSCCD and Local Educational Agencies in Los Angeles County and Orange County Selected to Host Strong Workforce Program K12 Pathway Coordinators (Year 3)

The board approved the sub-agreements and authorized the Vice Chancellor, Business Services or her designee to sign and enter into a related contractual agreement on behalf of the district.

5.3 Approval of Memorandum of Understanding (MOU) between RSCCD and Santa Ana Unified School District (SAUSD)

The board approved the MOU between RSCCD and SAUSD for the provision of early care and education services and authorized the Vice Chancellor, Business Services or her designee to sign and enter into related agreement on behalf of the district.

1.6 Approval of Consent Calendar (cont.)

5.4 Approval of Professional Services Agreement with C Augenstein Corporation

The board approved the professional services agreement and authorized the Vice Chancellor, Business Services or her designee to sign and enter into a related agreement on behalf of the district.

5.5 Approval of Auxiliary Organizations in Good Standing Per Administrative Regulation/Board Policy 3600

The board approved the list of auxiliary organizations in good standing as presented.

1.7 Recognition of Rancho Santiago Community College District Diversity Award Recipient

The board recognized Ms. Junko Ishikawa, International Student Program Specialist, Santa Ana College, for being named as RSCCD's first Diversity Award Recipient and acknowledged Ms. Ishikawa for her significant contributions which promote awareness of and build upon RSCCD's core values of diversity, equity, and inclusion.

1.8 Presentation on Enrollment Strategy and Marketing

Ms. Dalilah Davaloz Interim Public Information Officer, SAC; Ms. Ruth Cossio-Muniz, Interim Chief Communications Officer, RSCCD; Ms. Jennifer Hoeger, Interim Director, Special Projects, Centennial Education Center; and Mr. Enrique Perez, Vice Chancellor, Educational Services, RSCCD; provided a presentation on the District's enrollment strategy and marketing. Board members received clarification on data related to the presentation from Ms. Davaloz, Ms. Cossio-Muniz, Ms. Hoeger, and Mr. Perez.

2.0 INFORMATIONAL ITEMS AND ORAL REPORTS

2.1 Report from the Chancellor

Mr. Marvin Martinez, Chancellor, provided a report to the board.

2.2 Reports from College Presidents

The following college representatives provided reports to the board:

Dr. Marilyn Flores, Interim President, Santa Ana College
Mr. Jose Vargas, Interim President, Santiago Canyon College

2.3 Report from Student Trustee

Ms. Neely provided a report to the board.

2.4 Reports from Student Presidents

Ms. Elisabeth Neely, Student President, Santiago Canyon College, provided a report to the board on behalf of the Associated Student Government (ASG) organization:

There was no representation from Santa Ana College.

2.5 Reports from Academic Senate Presidents

The following academic senate representatives provided reports to the board:

Mr. Craig Rutan, Academic Senate President, Santiago Canyon College
Mr. Roy Shahbazian, Academic Senate President, Santa Ana College

2.6 Reports from Board Committee Chairpersons and Representatives of the Board

Mr. Hanna provided a report on the July 6, 2021, Board Facilities Committee meeting.

3.0 INSTRUCTION

Items 3.1 through 3.16 and Items 3.18 through 3.31 were approved as part of Item 1.6 (Consent Calendar).

Due to technical issues, Mr. Tinajero left the meeting at this time.

3.17 Approval of Memorandum of Agreement between Los Angeles/Orange Counties Building & Construction Trades Council Apprenticeship Readiness Fund and Rancho Santiago Community College District

It was moved by Dr. Arias Miller and seconded by Mr. Hanna to approve the MOU between Los Angeles/Orange Counties Building & Construction Trades Council Apprenticeship Readiness Fund and RSCCD, as presented. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, and Mr. Yarbrough. Student Trustee Neely's advisory vote was aye.

4.0 BUSINESS OPERATIONS/FISCAL SERVICES

All items were approved as part of Item 1.6 (Consent Calendar).

5.0 GENERAL

Items 5.1 through 5.5 were approved as part of Item 1.6 (Consent Calendar).

5.6 Adoption of Board Policies

Mr. Hanna asked that the policies be voted on separately and that in the future, policies for adoption be listed as separate items on the agenda so each one is voted on individually.

It was moved by Mr. Hanna and seconded by Dr. Arias Miller to adopt Board Policy 2431 Chancellor Selection. Discussion ensued. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, and Mr. Yarbrough. Student Trustee Neely's advisory vote was aye.

It was moved by Dr. Arias Miller and seconded by Mr. Crockett to adopt Board Policy 2760 Campaign Limitations.

Mr. Hanna asked that the following edits (in bold and underlined) be made to the policy: (NOTE: There's more text to the policy; listed below are the only the paragraphs that have changes requested.)

*To better promote the objective of fair elections, broader participation, and avoidance of corruption **or the appearance of corruption**, the Board of Trustees also recognizes and makes reference to election procedures as codified in California Assembly Bill (AB 571) and California Education Code 72029 (Ed. Code 72029) to institute a District policy that imposes limitations on contributions to campaigns for elected district office.*

*This policy requires that any campaign finances disclosures that are required to be filed with the California Secretary of State, the Orange County Registrar or anyone else shall also be required to be filed with the District and shall be due on the same dates as they are due to be filed with any other agency. **Electronic delivery to the district is acceptable.***

*Any improper solicitation, receipt, holding, or failure to return excess funds shall be considered a violation of this policy and shall subject the candidate or elected Trustee **to the board's imposition of an** administrative penalty upon election, including being banned from serving as an officer of the District, censure, **reprimand**, or serving on any District committee.*

***Findings by the board of** violations of this policy, including without limitation, the failure to file any campaign finance reports shall be an ethics violation and also subject the violator to relevant penalties or **other** Board action consistent with the Board's code of ethics and Board Policy 2715.*

Discussion ensued.

Mr. Tinajero rejoined the meeting during the discussion of Board Policy 2760.

5.6 Adoption of Board Policies (cont.)

It was moved by Mr. Hanna and seconded by Mr. Hernandez to amend Board Policy 2760 with the abovementioned edits by Mr. Hanna. The motion to amend the policy carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, Mr. Tinajero, and Mr. Yarbrough. Student Trustee Neely’s advisory vote was aye.

The motion to adopt Board Policy 2760 Campaign Limitations with amendments carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, Mr. Tinajero, and Mr. Yarbrough. Student Trustee Neely’s advisory vote was aye.

It was moved by Mr. Hernandez and seconded by Dr. Arias Miller to adopt Board Policy 7100 Commitment to Diversity as amended. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, and Mr. Yarbrough. Student Trustee Neely’s advisory vote was aye.

5.7 First Reading of Board Policy

The following policy was presented for a first reading as an information item:

- Board Policy 7325 SARS-CoV-2 (Severe Acute Respiratory Syndrome Coronavirus 2) Vaccination Program (NEW)

5.8 Approval of Letter to SchoolsFirst Federal Credit Union

The board discussed the proposed letter to SchoolsFirst Federal Credit Union as presented. Discussion ensued. Ms. Neely asked that her name be added to the letter to SchoolsFirst Federal Credit Union. Mr. Yarbrough asked that a copy of the letter not be send to the news agencies listed at the end of the letter.

It was moved by Mr. Hernandez and seconded by Mr. Crockett to approve sending the letter signed by all board members, including Ms. Neely, to the SchoolsFirst Federal Credit Union and without copies being sent to news agencies. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, and Mr. Yarbrough. Student Trustee Neely’s advisory vote was aye.

5.9 Board Member Comments

Board members welcomed Ms. Ingram and Mr. Hou to the district.

Dr. Arias Miller indicated she planning to attend the Orange County Sheriff’s Regional Training Academy graduation ceremony on July 22, 2021, and is representing the board at the Johnson Center Grand Opening at Santa Ana College on July 27, 2021.

5.9 Board Member Comments (cont.)

Mr. Crockett expressed appreciation for the district's position on vendors and partners of RSCCD having governing boards or leadership that represent the communities it serves.

Mr. Hanna explained to those in attendance that Item 5.7 (First Reading of Board Policy) was not overlooked during the meeting since it was presented to the board as information at this meeting and there had been discussion in past board meetings on Board Policy 7325 SARS-CoV-2 (Severe Acute Respiratory Syndrome Coronavirus 2) Vaccination Program (NEW); therefore, there was no need for board members to comment. He stated that the first reading is for information purposes and the policy will be on the August 9, 2021, agenda as an action item.

Mr. Hanna thanked Mr. Shahbazian for his service as SAC Academic Senate President.

Mr. Hanna indicated he plans to forward an email to the chancellor that he received from a business representative involved in the workforce program that states SAC students were not able to have access to a faculty member they needed to work with.

Mr. Hernandez indicated he recently attended a retirement party for Ms. Amy Styffe, Administrative Secretary, SCC.

As Vice Chair of the Veterans Memorial Park Foundation, he reported that he participated in a press conference to obtain land to develop a veterans' cemetery.

Mr. Hernandez asked that the board include a DEI (Diversity, Equity & Inclusion) item on the study session agenda and have a DEI action item on the next regular board meeting following the study session.

Mr. Tinajero apologized for his technical difficulties which caused him to be late to the meeting.

Mr. Tinajero provided source citations for his position on vaccines and encouraged those that made public comments not to attack him personally.

Mr. Yarbrough thanked Congressman Lou Correa for his assistance in obtaining approval for a federal earmark for RSCCD. (Earlier the chancellor indicated the bill is now in the appropriations process.)

Mr. Yarbrough indicated he plans to work with the chancellor on scheduling a study session with the board in order to have more time to work on RSCCD marketing.

RECESS TO CLOSED SESSION

The board convened into closed session at 8:15 p.m. to consider the following items:

1. Public Employment (pursuant to Government Code Section 54957[b][1])
 - a. Full-time Faculty
 - b. Part-time Faculty
 - c. Management Staff
 - d. Classified Staff
 - e. Student Workers
 - f. Professional Experts
 - g. Educational Administrator Appointments
 - (1) Associate Dean, Health Science & Nursing
2. Conference with Legal Counsel: Existing Litigation (pursuant to Government Code Section 54956. 54956.9[d][1])

Rebecca Gonzalez v. Rancho Santiago Community College District, Alliance of Schools for Cooperative Insurance Program (ASCIP) Case #1906548

Loretta Jordan v. Rancho Santiago Community College District, Orange County Superior Court Case No. 30-2019-01072357-CU-WT-CJG

Anthony Rabiola v. Rancho Santiago Community College District, Alliance of Schools for Cooperative Insurance Program Claim Number # 1805506

Alfonso Roman v. Rancho Santiago Community College District, Orange County Superior Court Case No. 30-2021-01196907-CU-OE-CJC

Francois Tabi v. The Regents and Trustees of Santa Ana College, United States District Court Central District of California Case No. CV20-00323

3. Conference with Legal Counsel: Litigation (pursuant to Government Code Section 54956.9(d)(4) (1 case)
4. Conference with Labor Negotiator (pursuant to Government Code Section 54957.6)
Agency Negotiator: Cheng Yu Hou, Vice Chancellor, Human Resources
Employee Organizations: Faculty Association of Rancho Santiago Community College District (FARSCCD)
California School Employees Association (CSEA), Chapter 579
California School Employees Association, Chapter 888
Continuing Education Faculty Association (CEFA)
Unrepresented Management Employees
5. Conference with Labor Negotiator (pursuant to Government Code Section 54957.6):
Agency Negotiator: Board President
Unrepresented Employee: Chancellor

Ms. Neely left the meeting at this time.

RECONVENE

The board reconvened at 10:28 p.m.

Public Comment

There were no public comments.

Closed Session Report

Mr. Crockett reported the board discussed public employment, existing litigation, litigation, labor negotiations with staff, and labor negotiations with the chancellor; and the board took no action during closed session.

6.0 HUMAN RESOURCES

6.1 Approval of Revised Job Description – Vice Chancellor of Educational Services

It was moved by Mr. Hernandez and seconded by Mr. Tinajero to approve the revised job description for the Vice Chancellor of Educational Services. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, Mr. Tinajero, and Mr. Yarbrough.

6.2 Management/Academic Personnel

It was moved by Mr. Hernandez and seconded by Mr. Tinajero to approve the following action on the management/academic personnel docket. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, and Mr. Yarbrough.

- Approve Revised Job Descriptions
- Approve Appointments
- Approve Extensions of Interim Assignment
- Ratify Resignations/Retirements
- Approve Voluntary Transfers
- Approve Hiring of Temporary 1-Year Full-time Faculty Members
- Approve Hiring of Temporary Long-Term Substitutes (LTS)
- Approve 2021-2022 Banking Leaves
- Approve 2021-2022 Contract Step Increases
- Approve 2021-2022 Contract Column Changes
- Approve Adjusted Contract Salaries for 2021-2022
- Approve Additional 2020-2021 Contract Extension Days
- Approve 2021-2022 Contract Extension Days
- Approve Part-time Hourly New Hires/Rehires
- Approve Non-paid Intern Services

6.3 Classified Personnel

It was moved by Mr. Hernandez and seconded by Mr. Tinajero to approve the following action on the classified personnel docket. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, Mr. Tinajero, and Mr. Yarbrough.

- Approve Temporary to Contract Assignments
- Approve Professional Growth Increments
- Approve Out of Class Assignments
- Approve Changes in Salary Placement
- Approve Leaves of Absence
- Ratify Resignations/Retirements
- Approve New Appointments
- Approve Short Term Assignments
- Approve Changes in Temporary Assignments
- Approve Additional Hours for Ongoing Assignment
- Approve Substitute Assignments
- Approve Miscellaneous Positions
- Approve Instructional Associates/Associate Assistants
- Approve Community Service Presenters and Stipends
- Approve Volunteers
- Approve Student Assistant Hire Lists

6.4 Presentation of Child Development Centers – California School Employees Association (CSEA) Chapter 888 Initial Bargaining Proposal to Rancho Santiago Community College District

It was moved by Mr. Hernandez and seconded by Mr. Tinajero to receive and file the Child Development Centers – CSEA Chapter 888 initial bargaining proposal to RSCCD and schedule a public hearing for its August 9, 2021, meeting. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, Mr. Tinajero, and Mr. Yarbrough.

6.5 Presentation of Rancho Santiago Community College District Initial Bargaining Proposal to Child Development Centers - California School Employees Association (CSEA) Chapter 888

It was moved by Mr. Hernandez and seconded by Mr. Tinajero to receive and file the RSCCD initial bargaining proposal to the Child Development Centers - CSEA Chapter 888 and schedule a public hearing for its August 9, 2021, meeting. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, Mr. Tinajero, and Mr. Yarbrough.

6.6 Approval of 3% Increase to Chancellor’s Salary, Fringe Benefits, and Allowance Pursuant to Chancellor Employment Agreement

Mr. Yarbrough indicated this item proposes a 3% increase to the salary, fringe benefit, and allowance for Marvin Martinez, Chancellor. The chancellor's current salary is \$317,460.00; with a 3% increase it is proposed to be \$326,983.80. The chancellor's current fringe benefit is \$610.50; with a 3% increase it is proposed to be \$628.82. The chancellor's current allowance is \$508.75; with a 3% increase it is proposed to be \$524.01.

It was moved by Mr. Hernandez and seconded by Mr. Tinajero to approve the 3% increase to the salary, fringe benefit, and allowance for Marvin Martinez, Chancellor, as presented. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, Mr. Tinajero, and Mr. Yarbrough.

6.7 Authorization for Board Travel/Conferences

It was moved by Mr. Hernandez and seconded by Mr. Tinajero to authorize the submitted conference and travel by board members. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, Mr. Tinajero, and Mr. Yarbrough.

7.0 ADJOURNMENT

The next regular meeting of the Board of Trustees will be held on August 9, 2021.

There being no further business, Mr. Yarbrough declared the meeting adjourned at 10:32 p.m.

Respectfully submitted,

Marvin Martinez, Chancellor

Approved: _____
Clerk of the Board

Minutes approved: August 9, 2021

From: Martin, Karen
Sent: Monday, July 12, 2021 2:38 PM
To: Gerard, Debra
Subject: Public Comments for 7.12.21 Board Meeting today

Although the purpose of BP Policy 7325 is to "protect the health and safety of the RSCCD community," the Covid vaccines, especially more recently, have been shown to be ineffective and even dangerous. Second, vaccine mandates are illegal until FDA approval. Finally, teacher approval is crucial.

Vaccines are dangerous and ineffective: A medical group has posted 10 vaccine facts, outlining mRNA vaccines' mode of operation, dangerous side effects, and alternative therapies: <https://www.americasfrontlinedoctors.com/wp-content/uploads/AFLDS-10-Facts-Experimental-Vaccine-Cole-4-12-21.pdf>

The CDC VAERS (Vaccine Adverse Effect Reporting System) as of June 21 reported 5,479 deaths and side effects (due to 3 Covid vaccines) of anaphylaxis thrombosis, myocarditis, and others. This is just a fraction of the actual reports; I counted over 323,436 in their excel data sheet. The CDC further reported on June 30, 2021 10,626 breakthrough Covid cases of fully vaccinated individuals in 46 states. Even last month [Almost 4,000 fully vaccinated people in Massachusetts have tested positive for COVID-19](#)

Vaccines cannot be legally mandated before FDA Approval: with the mounting deaths and adverse affects, vaccine approval seems unlikely, especially as clinical trials will end on 10/27/22 (Moderna) and 1/21/23 (Pfizer). Furthermore, schools and businesses face legal action toward mandates. Louisiana State University was forced to stop a vaccine mandate this month: <https://onenewsnow.com/medical-health/2021/06/02/lisu-pumps-brakes-on-mandatory-vaccine-after-legal-warning> Is RSCCD willing to face legal challenges?

In addition, George Greshem, the president of United Health Care, the largest healthcare union in the United States has, announced that the organization will fight against companies requiring mandatory [COVID-19](#) vaccines for employees. [Frontline News, Edition 24](#)

Teacher approval is crucial

As of the June 21 Board meeting, FARSCCD, the teacher union, and part time employees had not been notified of this policy despite numerous spoken and 25 emailed public comments: 1 for/24 against mandated vaccine (5/24/21 Board Meeting). Even more comments may have been emailed to the 6/15 Committee and 6/21 Board meetings where 4 and 9 people, respectively, including health care providers, disability administrators, and concerned/vaccinated teachers and staff spoke out against a vaccine mandate.

Will the (over?) 1,679 credit and non credit SAC/OEC part time teachers be surveyed as to whether they'd be willing to get vaccinated? If teachers reflect the general public, (40-50% unvaccinated) that would mean that the District could stand to lose 579 teachers.

Should this mandate pass, the District must also legally also re-insert that "participation in the program is subject to limited exceptions,... which include approved medical exemptions, disabilities, and/or religious or personal accommodations."

The Moderna fact sheet states: "WHAT SHOULD YOU MENTION TO YOUR VACCINATION PROVIDER BEFORE YOU GET THE MODERNA COVID-19 VACCINE? Tell your vaccination provider about all of your medical conditions, including if you: are immunocompromised or are on a medicine that affects your immune system", among other conditions. This is my situation for which I have a medical exemption letter from my doctor. He also states that my therapy (mentioned in the first website) both prevents and cures Covid.

So, it seems that there are many ethical and legal issues the District must consider. Since the clinical trials will not end until the next two years, RSCCD must now consider alternative safety measures, such as continuing online classes, especially as even vaccinated individuals can contract and transmit Covid. And, if mandated, is the District willing to assume liability for adverse reactions and even death among teachers? The drug companies are immune to this. What about discrimination suits, or those claiming religious or medical exemptions?

I urge you to reconsider passing Policy BP 7325 for all the above reasons and for the good of the District and the teachers. Thank you for your consideration.

Respectfully,

Karen Martin
MS TESOL
ESL/OAP SAC instructor since 2005

From: Shields, Jolene
Sent: Monday, July 12, 2021 2:01 PM
To: Gerard, Debra
Subject: COMMENTS FOR THE MEETING OF JULY 12, 2021

Regarding BP 7325 SARS-CoV-2 (Severe Acute Respiratory Syndrome Coronavirus 2) Vaccination Program (NEW)

I disagree with the above suggested board policy. I think it is a better course of action for the chancellor to recommend the vaccine and make it available to the workforce. A mandatory vaccine will continue to keep some faculty and staff from going on campuses. A recommended, highly encouraged, policy will get everyone back to campus faster.

Hi Debra, I will not be able to attend the meeting, but I wanted to give my input.

Thank you,

Jolene Shields

Professor/Department Chair
High School Diploma/Adult Basic Education
Santiago Canyon College

From: Stevens, Hayley
Sent: Monday, July 12, 2021 1:51 PM
To: Gerard, Debra
Subject: COMMENTS FOR THE MEETING OF JULY 12, 2021

Hello Debra,

Below are my comments for the Board Meeting on July 12, 2021.

“5.7 First Reading of Board Policy Information The following policy is presented for a first reading as an information item: • Board Policy 7325 SARS-CoV-2 (Severe Acute Respiratory Syndrome Coronavirus 2) Vaccination Program (NEW)”

To the Board and all District Colleagues,

In regard to agenda item 5.7 First Reading of Board Policy 7325 SARS-CoV-2 (Severe Acute Respiratory Syndrome Coronavirus 2) Vaccination Program (NEW); it is important to ensure full equitable access for students, faculty and staff to pharmaceutical prophylactic options, such as vaccines, as well other non-pharmaceutical options. It is equally as important to respect personal medical autonomy, freedom, privacy, and different cultural, religious, and intellectual perspectives. The purpose of informed consent is to acknowledge benefits and risks to empower individuals to make the best decision for themselves and their families. Anytime there is risk it is essential that individuals have the freedom to choose which risks are most acceptable to them personally without infringing upon our inalienable rights to live, work, learn, travel, and engage in the pursuit of happiness. Our role as educators is to provide high quality, unbiased, well-rounded education to encourage individuals to think critically and to make their own choices. We must keep all priorities in view including education, access, privacy, freedom, and medical autonomy. Thank you for your sincere consideration on this matter.

Hayley

Hayley Stevens, M.S., C.S.C.S.

Assistant Professor of Physical Fitness and Wellness
Santa Ana College/Orange County Sheriff's Academy

From: Sosta, Rachel
Sent: Monday, July 12, 2021 1:44 PM
To: Gerard, Debra
Subject: COMMENTS FOR THE MEETING OF JULY 12, 2021

Members of the RSCCD Board of Trustees,

My name is Rachel Sosta, and I am a member of the English Department at SAC. I am writing in favor of the proposed vaccine mandate.

On a practical level, making sure all faculty are vaccinated will cut down on class cancellations and disruptions to student learning. If there is a breakout at one of our campuses, how will we handle it? Can we cancel classes for two weeks each time there is a widespread exposure? Can a faculty member miss class for two weeks to quarantine after each exposure? Do we have enough substitute faculty to take over for classes whose instructors have fallen ill? Making sure all faculty are vaccinated helps keep those faculty members safely in the classrooms. If the goal is to return to campus life fully, then mandatory vaccines are the only way to do so safely.

Moreover, as an institution, it is our responsibility to keep our students safe. The best way to do that when we return to campus is to make sure as many people as possible have been fully vaccinated against COVID-19. This virus and its variants can be deadly, and even those who recover often have lasting effects. Likewise, although we have many healthy students on our campuses, we also have students who are immunocompromised and cannot get the vaccine. Having unvaccinated, possibly contagious faculty in front of a room full of students and sharing air with a building full of people absolutely puts all of our students at risk.

Finally, putting faculty and staff at risk also puts their families at risk. I am a mother to two young children (a 10-year-old and a 7-month-old), neither of whom are able to be vaccinated yet. If I bring COVID home from campus, my children could be in serious danger. And I know I am not the only parent/guardian who lives with people who cannot be vaccinated. Help us keep our families safe.

My otherwise healthy father, Joe Anguiano, passed away in January from COVID-19. He was a full-time professor at RCC, and he was also one of our colleagues at SAC for many years. The vaccine likely would have saved his life. I don't want any of our RSCCD community to have to mourn any more family, friends, or colleagues than we already have. Please do everything you can to keep all of us safe.

Thank you for your time.

Rachel A. Sosta
Associate Professor of English
Santa Ana College

From: Nguyen, Kelly K.
Sent: Monday, July 12, 2021 12:31 PM
To: Gerard, Debra
Subject: Public comments request

Hi Debra,

My name is Kelly Nguyen. I teach mathematics at Santa Ana college. I would like to request a public comment at the board meeting today.

I am very concerned about faculties not fully vaccinated, especially our college have mandatory meetings in person. In Fall 21, all my classes will be either online or remote live.

Everyone in my family were full vaccinated. My husband is a kidney transplant patient. My husband was on dialysis for 7 years before he could get kidney transplant in San Diego. I gave up my career to take care my husband during those 7 years of dialysis. Ever since my kidney transplant 6 years ago, I was able to devote to my teaching career full time at Santa Ana College.

He was fully vaccinated but he doesn't have any anti-bodies to protect him from getting COVID due to his antisuppression medications. He has to take these medications daily otherwise his body will reject the kidney. My husband's company still allows him to work from home until at least next year due to his special case. Hopefully more people will be vaccinated by the end of the year.

As of the moment, not everyone is vaccinated.

I am very nervous to be in the same room for the meeting without any distancing. Also, some of us will teach f2f classes and the students aren't required to wear mask. If I get sick of COVID, I might recover. However, I might pass it on to my husband and he might not make it.

Is it possible for us to continue to have meetings and convocation via zoom in Fall 21, especially some faculties might avoid getting vaccinated.

If you have any questions, please feel free to call my cell phone at 714-260-5428.

Sincerely,

Kelly Nguyen

From: Hampton, Jubal
Sent: Monday, July 12, 2021 9:28 AM
To: Gerard, Debra
Subject: Mandatory Covid legislation

Greetings to the Board,

I feel compelled to add my perspective to the discussion on requiring the Covid vaccine based on legislation. It should NOT be required.

There are many in California currently – 40 % and perhaps even more that feel that they should not be required, but allowed their own choice. I agree with this percentage of the populace of California.

To enforce the potential legislation that would require the action of vaccination would be to take away the right of choice of the individual.

Such an action is recognized as infringing upon the citizen. It is not done with the homeless in legislating that they improve their lot, even by assistance.

It is not done to the substance addicted in correcting their self-destructive behavior by remanding them to rehab facilities.

There has been history of the U.S. in passing legislation in eugenics, an action that is now widely recognized as criminal.

There is no current full approval of ANY of the covid vaccines by the FDA.
Only emergency approval for use of the vaccines currently being administered.

Even with full approval, it should still be left to the individual to decide for themselves. In the view of best practice in a law abiding society which recognizes and esteems, for better or worse, the individual right of choice this an important consideration.

In the practice of flu vaccinations in the US, all with FDA approval, there has not been such legislative action to ENFORCE its administration, but rather left up to the individual choice of the citizen.

Vaccinations are a good and prudent tool in a society. The research and vetting of them is careful and in most all cases of their administration efficacious and accomplishing their goal of strengthening the recipient's immune system.

How an individual lives their life has always, is currently, and should continue to be the right within a society that considers itself free and democratic; to do otherwise places this right in the purview of the government. No one believes nor should accept that this is an acceptable practice.

Thank you for your consideration of this sincere perspective,

Jubal Hampton

From: Natale, Alexander
Sent: Monday, July 12, 2021 11:18 AM
To: Gerard, Debra
Subject: COMMENTS FOR THE MEETING OF JULY 12, 2021

Dear Board of Trustees,

I am making a public comment.

Staff should not have to decide between vaccination and employment — there should not be mandatory vaccines. However, since so many staff and faculty are choosing not to be vaccinated, no one in the district should be forced to work in person. The choice (not being vaccinated) carries with it a consequence (no in-person campuses). I will expand on this argument, but the reality is that if large numbers choose not to vaccinate, then the choice to be in person is forcing many to engage in a situation they do not want to with lethal consequences to the community.

Was the argument against mandatory vaccinations deontological or utilitarian? If it is always wrong to force people in this way, then it is wrong to force people to take a much larger lethal risk with covid variants on the rise (some of which are starting to seem very effective at vaccine breakthrough). If it is utilitarian then the pandemic crisis requires rational responses to the reality that so many Americans refuse vaccines broadly, and that fact actually justifies the closing of the public square. It is the height of irrationalism to make a choice to not mandate vaccination, and yet enact a public policy that is only rational in the face of high vaccination rates; you can't gaslight nature in this way, and there will be severe consequences if you believe you can enact a policy who's critical assumptions are not met in actual fact (only in the fantasy land were more Americans are vaccinated than ever will be). Again, let me reiterate, that I am against mandating vaccinations, but the Board should be made aware that their choice carries with it a secondary decision that is dependent upon their choice, not actually independent.

The district, and others, will pretend this choice is a false dichotomy I, and others, may put before them. That they can avoid forcing staff to be vaccinated or that going in person is inevitable, so why not do this before the variants force closure again in 2022? This is denial. Many think that online education is "academically illegitimate" but it doesn't matter what you think on some level, because if you also continue to create the conditions in which variants and vaccine breakthrough occur (and force staff and students in person without any choice besides to quit or not seek education), then the years of covid-19 we have ahead of us (along with looming global crises on the horizon) will make this choice for you. Online education will, at some level of compounded

crises, become more and more normal just as cellphone usage has; how many students of ours use Tik Tok, and yet that did not even have its stable release before 2020. Online environments are faster at observation, orientation, decision, and action and they will outlast other structures during these crises. Online has already rapidly become the space where quality education is delivered (not at all levels of education, but we are specifically discussing a community college district), and this will improve with time, in part because it has to improve, but it will also be robust in the face of these public crises (which will not abate).

We need to make online education effective now, when we have a little experience and what feels like breathing room between the peaks of crisis, because as long as only 50% of people are getting vaccinated, and there is even worse global access to vaccinations in parts of this world, the variants will continue to arise. Some of these variants will be worse for different demographics and co-morbidities, and vaccines will no longer be effective faster than many expect (or rather blindly hope). The crisis of specificity is upon us, and the board needs to realize there are specific trade-offs for these choices, and that if you engage in rationalism certain choices are dependent upon others. The only wrong choice would be to do what the board is likely to do: no mandatory vaccines because of pushback, and in person courses because of monied incentives from the state, prejudices about online education, and pushback. The later choice seems independent of the former, if only because the Board is likely to push for it regardless of the material realities, but that's (again) irrationalism speaking; the decision tree is clear, I think.

As an aside, I want to make a point I have not seen regarding vaccines. Those on the opposing side will likely argue something like "what about long-term effects of vaccines" and yet they will never acknowledge that long-term effects of chicken pox turn out to be quite bad, and even deadly in older age. Shingles is very serious, which is why kids these days are vaccinated against chicken pox entirely. Chicken pox itself is not much of a problem, though it can be, but those decades long impacts... those impacts we have no clue of with covid but have every reason to believe will exist.

Covid is not chicken pox. It is much worse. It can cause changes to the brain (the only other virus known to do this in this way is rabies). We know about long covid and there is evidence of other long-term effects already. People would trade entirely hypothetical risks about mRNA vaccines (of which there is not even a theoretical mechanism for long-term impacts outside of non-mRNA components) for the completely unknown unknown risks of what covid will have done to your body in 30+ years. I believe the Board should do its best to avoid a similar mistake: believing that the pandemic is over and online education is an aberration born of crisis, not the future.

Sincerely,
Alex

From: Buechler, Michael
Sent: Monday, July 12, 2021 11:05 AM
To: Gerard, Debra
Subject: Public comment regarding July 12 mandatory vaccines

Debra,

as public comment for July 12th RSCCD board meeting:

I am strongly **opposed** to any mandatory vaccination policy imposed by ANY public agency.

Regards,

Michael Buechler

Professor - Manufacturing Technology

Santa Ana College

From: Skinner, Michael
Sent: Monday, July 12, 2021 10:44 AM
To: Gerard, Debra
Subject: Mandatory vaccinations. Board of Trustees (Regular meeting) Monday, July 12, 2021

Dear Debra Gerard,

I want to add the following statement to today meeting:

I am an adjunct faculty member. I believe it is our moral responsibility to do whatever we can to support our students and their families. Since the communities of color have been the most significantly impacted by the coronavirus, we must do whatever we can to help protect them. Being vaccinated is a commitment we can make to the health and safety of the community that we serve. Our commitment to the community we serve should not be optional!

Higher education should be a force for good and stand up and say that the deniers and conspiracy proponents are wrong. We must not allow the health of our students, their families, and fellow faculty members to be dependent on ignorance.

Thank you
Michael Skinner, Ph. D.

From: Carrillo, Marco
Sent: Monday, July 12, 2021 10:21 AM
To: Gerard, Debra
Subject: COMMENTS FOR THE MEETING OF JULY 12, 2021
Importance: High

Good Day Debra,

COMMENTS for the Meeting July 12, 2021

RE: BP 7325 SARS-CoV-2 (Severe Acute Respiratory Syndrome Coronavirus 2)
Vaccination Program (NEW)

The Board's decision to authorize the Chancellor towards the implementation of a mandatory SARS-CoV-2 vaccination program is legally unethical. No elected authority or officer has jurisdiction over the body of another human being without explicit, informed voluntary consent. Even a patient under a Doctor's care can refuse medical advice. The potential dangers of mandating health requirements from non-medical authorities to maintain employment is paramount.

The EUA SARS Covid19 'vaccinations' currently available are NOT preventive measures in viral vector contagion. These current medical measures are solely potential reductions in the **symptoms** of the corona virus (SARS COVID 19). The argument that these measures are 'to protect the health and safety of the RSCCD community' cannot justify the injection of an EUA or a FDA approved injection that solely provides potential symptom reduction. Other factors such as antibodies from previous exposure and community herd immunity must also be considered before a mandatory medical injection is decided. As well, the [Vaccine Adverse Event Reporting System \(VAERS\)](#) is a national early warning system to detect possible safety problems in U.S.-licensed vaccines. VAERS is co-managed by the Centers for Disease Control and Prevention (CDC) and the U.S. Food and Drug Administration (FDA). The RSCCD Board and Chancellor should wait til more data is compiled and reviewed concerning the averse reactions of this EUA medical injection of the mRNA spiked protein BEFORE mandating a vaccine program.

I vehemently urge the RSCCD Board and Chancellor to re-examine the legality, public health, and current medical treatments available before voting to implement a mandatory SARS-CoV-2 vaccination program for all faculty, academic appointees, staff and other employees of RSCCD.

Thank you for your time & attention.

Marco Carrillo
Adjunct Faculty

From: McCallick, Mark
Sent: Monday, July 12, 2021 2:25 PM
To: Gerard, Debra
Subject: COMMENTS FOR THE MEETING OF JULY 12, 2021
Importance: High

Please NOTE – 2 attachments follow his email.

COMMENTS FOR THE MEETING OF JULY 12, 2021. RE: BOT Draft vaccination Policy

July 12, 2021

Members of the Board of Trustees,

My name is Mark McCallick. I am a Professor of Accounting at Santa Ana College. I am making this public comment to you all today – on the record - as CTA / Farsccd Representative for the Business Division at Santa Ana College and because I need your assistance, guidance, and action. It appears that the Board of Trustees is considering a proposed policy to require Faculty to wear masks *but not* require students to wear masks in on-campus Fall 2021 courses. I have spoken to several of my Business Division colleagues and received information from management at SAC about this issue. It appears that many of my fellow Faculty are concerned about this proposed policy as well.

The BOT Draft vaccination Policy and a short OSHA PowerPoint are attached for your review. The interpretation of the policy, as explained to me, is as follows:

1. **Masks –**
 - a. At this time, Faculty & staff are Required to wear masks.
 - b. At this time, Students are NOT required to wear masks

2. **COVID Classroom Protocols –** all protocols have been eliminated
 - a. Student COVID Acknowledgement
 - b. Temperature taking
 - c. Distancing (Class caps have been increased to full capacity for the Fall semester)
 - d. Plexiglass Barriers – we are evaluating this and will update you accordingly
 - e. Cleaning/disinfecting – classrooms will be cleaned daily; your offices are your responsibility. Supplies will be provided.

In my opinion, it is ridiculous and dangerous not to require students to wear masks upon returning to face-to-face courses in the Fall 2021 and Spring 2022 – especially while the policy says Faculty must wear masks.

I realize students are not employees but, in my opinion requiring one set of a group to wear masks while the other set of the group does not would decrease the protections that faculty masks would provide. **And many Faculty, even though they are fully vaccinated, have health issues that compromise their immune systems.**

This proposed policy puts all of us as Faculty and Staff in danger – in my opinion. This issue is exacerbated by the fact that the Delta variant is on the rise and set to peak in Fall 2021. In addition, booster vaccines are advised for those who have received the Moderna vaccine, and these may not be ready by Fall 2021. Further, we have no idea how many of our students are vaccinated (and no way to determine that fact). According to the LA and Orange County Boards of Health, the Latino community in those counties is the lowest vaccinated group. We are privileged and proud to serve this community of our county. However, this population makes up a large number of our students at Santa Ana College (Approx 60% per SAC stats) and, as such, increases our exposure to the Covid virus due to the vaccination rate of the community.

This proposed policy is clearly a danger to Faculty and Staff and creates a dangerous and unsafe work environment.

I want to propose that SAC:

- require all people coming on campus to wear masks throughout the Fall 2021 and Spring 2022

- Require masks for all students in face-to-face courses or that the Faculty at least be given the option to require their students to wear masks in their presence during the class. SAC now falls under OSHA guidelines (no more higher ed guidelines). I understand that OSHA will allow "businesses" (SAC is considered a business in this instance) to decide if patrons are required to wear masks in their establishments. Currently, some grocery chains and dept stores are still requiring masks for patrons. I believe SAC should opt to do the same.
- I ask that Santa Ana College leave the plexiglass partitions up in ALL Santa Ana College classrooms through Spring 2022.
- I ask that Santa Ana College provide all necessary PPE and disinfectants to all Faculty teaching face-to-face courses on campus at Santa Ana College through Spring 2022.
- I ask that all social distancing protocols remain in force through Spring 2022.

The BOT or a committee of the BOT will discuss this issue this evening, so time is of the essence on this. I ask that the committee please read my public comments and consider them when creating the final policy.

Respectfully Submitted,

Mark McCallick, CPA.CGMA, MEd-eLearning
Assoc Professor of Accounting
Faculty Advisor – Project Rise
Farsccd/CTA Business Division Rep
Santa Ana College

Thank you,

Professor McCallick, CPA.CGMA, MEd-eLearning
Asso Professor of Accounting
Faculty Advisor – Project Rise
Santa Ana College

[0506.0408.2021 Proposed Draft - Revised]

**Rancho Santiago Community College District
BOARD POLICY
Chapter 7
Human Resources**

BP 7325 SARS-CoV-2 (Severe Acute Respiratory Syndrome Coronavirus 2) Vaccination Program (NEW)

Reference(s): BP 7330

The Board authorizes the Chancellor to develop a plan to provide for the safe reopening of the Rancho Santiago Community College District (RSCCD) campuses, including, without limitation, the implementation of a mandatory SARS-CoV-2 vaccination program for all faculty, academic appointees, staff and other employees of RSCCD requiring access to RSCCD's facilities and programs in person. This mandatory program shall be contingent and effective upon the Food and Drug Administration's (FDA) full approval of at least one of the SARS-CoV-2 vaccines, however, in the interim, until such approval by the FDA, the Board supports RSCCD's strong encouragement and recommendation that all faculty, academic appointees, staff and other employees requiring access to RSCCD's facilities and programs in person receive a SARS-CoV-2 vaccine as soon as possible. The purpose of the program is to protect the health and safety of the RSCCD community who work, study or train in any of the RSCCD's locations as well as reduce the incidence of SARS-CoV-2 infection and resultant Coronavirus Disease (COVID-19) within the community.

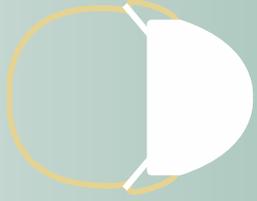
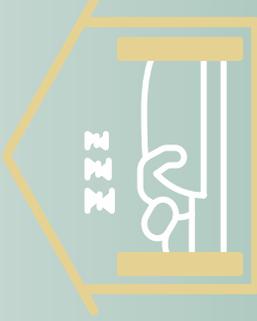
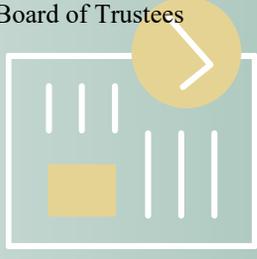
~~Program participation should be mandatory, however, participation in the program is subject to limited exceptions, exemptions, and accommodations, which include approved medical exemptions, disabilities, and/or religious or personal accommodations at the sole discretion of the RSCCD. Any faculty, academic appointees, staff and other employees of RSCCD who are currently not vaccinated and require in-person access to RSCCD's facilities and programs shall continue to may be required to participate in additional non-pharmaceutical safety and intervention practices as directed by the Chancellor to mitigate risk to COVID-19 within the RSCCD community. All employees shall be asked to return to work once the Governor and the Center for Disease Control and Prevention lifts the restrictions on returning to work and as directed by the Chancellor.~~

~~Optional Language:~~

~~Employees will be allowed to work from home only if: (1) they have a valid exception approved by RSCCD for not being vaccinated, (2) they can efficiently accomplish their job responsibilities from home without burdening those that work with them, and (3) their working from home does not negatively impact student success.~~

The Chancellor shall establish administrative procedures to administer the mandatory program that comply with requirements established by the Education Code, the Health and Safety Code, the Occupational Safety and Health Administration, and the Center for Disease Control and Prevention. The administrative procedures shall further assure that the program,

including any applicable ~~and any~~ exceptions, exemptions and accommodations requested and/or provided pursuant to the program conform to all requirements established by ~~the~~ relevant law and as deemed appropriate by the Chancellor ~~and regulations~~.



Cal-OSHA Emergency Temporary Standards UPDATES

June 16, 2021



What is Changing?

- No face covering requirements outdoors regardless of vaccination status
- Employers may allow fully vaccinated employees not to wear face coverings indoors, but must document their vaccination status.
- Employers must provide unvaccinated employees with respirators for voluntary use upon request.
- No physical distancing or barrier requirements regardless of employee vaccination status
- Fully vaccinated employees without symptoms do not need to be tested or quarantined after close contacts with COVID-19 cases unless they have symptoms.



What is NOT Changing?

We must still:

- Have an effective COVID-19 Prevention Program.
- Provide training on the Prevention Plan
- Have employees screen for symptoms prior to reporting to work
- Provide notification to Health Care Agency of outbreaks.
- Provide notification to employees of exposure and close contacts.
- Offer employees free testing after potential exposures.

Physical Distancing

Distancing and barrier requirements are **eliminated** regardless of vaccination status. There are exceptions that may apply:

- Employers must still assess workplace hazards and implement controls to prevent transmission of disease.
- Physical distancing and barriers **must** be used in a major outbreak (20 or more employees in an exposed group) for all employees, regardless of vaccination status.



**MAINTAIN A
PHYSICAL DISTANCE**

Face Coverings

- Face coverings are required indoors and in vehicles for unvaccinated employees
- Exceptions:
 - When alone in a room or vehicle
 - When eating and drinking
 - When an accommodation is required
- Face coverings still required for public transit, K-12 educational facilities, health care and long-term care settings, correctional and detention facilities, and shelters



Vaccinations

Vaccination status must be documented.

- Employers can require proof of vaccination

OR

- Employers can allow documented self-attestation to vaccination status

