



**Minutes of the Meeting of the District Participatory Governance Council (DPGC)
San Mateo County Community College District
February 7, 2022**

This meeting was conducted remotely via Zoom

<https://smccd.zoom.us/j/84641869126?pwd=WGJJoNm0zNUVYUU5xQWI4WHpGdGdHQT09>

Board Members

Present: Dr. Aaron McVean (Co-Chair), Kate Williams-Browne (Co-Chair), Juanita Celaya, Dr. David Eck, Dr. Karen Engel, Jacqueline Escobar, Dr. Lauren Ford, Ashley Garcia, Dr. Monica Malamud, Sha’Kuana Ona, Anthony Tran, Ron Andrade, Valerie Tyler and Andrea Vizenor

Members Absent: Yesenia Mercado, Joseph Puckett and Andrea Morales

Others Present: Roxanne Brewer (assistant/recorder), Mitch Bailey (Vice Chancellor/Chief of Staff), and Candice Bell

CALL TO ORDER/ESTABLISH QUORUM

Meeting called to order at 2:19 p.m. and a quorum was established.

Dr. McVean welcomed everyone to the meeting, as this is the first meeting of the Spring semester. He apologized for the document title typo that includes the word minutes and not agenda, but assured everyone that it is in fact the agenda for today’s meeting.

ACTION ITEM

A. Brown Act Resolution

Motion to Approve by: Dr. Monica Malamud

Second by: Co-Chair Kate Williams-Browne

Action: Approved unanimously.

Summary of Discussion: None

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

No statements.

ACTION ITEMS

A. Review and Approval of Minutes from December 6, 2021 Meeting

Motion to Approve by: Dr. Monica Malamud

Second by: Dr. Lauren Ford

Action: Approved as amended, by consensus.

Summary of Edits or Corrections: Dr. Ford suggested to adjust the sentence to read “any Council

members who have just earned their doctorate” rather than a specific degree. Dr. McVean advised to make no distinction between doctors.

B. Draft – Preamble, Vision, Mission, Values (BP 1.01 – District Mission)

Motion to Approve by: Dr. David Eck

Second by: Ron Andrade

Action: Approved unanimously

Summary of Discussion: Dr. Ford briefly summarized some of the feedback received from staff in the District Office. It is suggested to expand what the focus is within the Preamble, Mission, Vision and Values which is on Racial Equity and Justice, anti-Blackness, etc. The language around anti-racism is a bit isolating for people not familiar with this type of work or language, and it doesn’t allow for the opportunity to see what it is that the District is doing. How can we mend what the current documentation states and how it is more external facing as well as the internal work being done in terms of the focus on Social Justice, Equity, and anti-Blackness.

Dr. McVean provided clarification on the responsibility of the DPGC with this particular piece. It is not to propose any red lines to the draft, but to take the feedback received from Dr. Ford and provide a recommendation to the Chancellor who will recommend it to the Board for consideration.

Co-Chair Kathryn Williams-Browne commended Dr. Ford on providing the feedback and the work she’s done surrounding this document. She believes it to be a good idea for the Council to present the suggested points to be considered for editing, prior to complete approval. We want to keep what we have, while bringing another perspective broad enough to make the language understandable.

Dr. Monica Malamud spoke on behalf of the AFT, and they think the Mission is really good and is aspirational because of the wording “achieve Racial Equity and Economic Justice”, and it would be fantastic if it is really achieved.

Ms. Jacqueline Escobar asked the question of how the Preamble, Vision, Mission and Values guides the programs created on the campuses as it relates to funding. In response to that question, Dr. McVean stated it gives a guide and direction to the District on how we consider doing things such as enrollment and Student Housing. When we are implementing programs and services, we are doing it with an explicit focus on what we’re trying to achieve as a district which is outlined.

Council Members took a vote on whether or not the Council will move forward with sending this draft as a recommendation to the Chancellor. Moving forward by unanimous consensus.

POLICIES FOR REVIEW

Dr. McVean introduced Vice Chancellor/Chief of Staff Mitch Bailey to present the Board Policies for First Review.

Mr. Bailey started off by welcoming the Council back for the Spring Semester. He reminded everyone that the District has been working with Dr. Jane Wright of the California Community College League on a comprehensive review of all District policies, and that he would come back to the Council with the suggested revisions. The review is to make sure the policies meet all current legal requirements, help identify best practices, and new policies. He pointed out the numbering system with these policies, as it is the Common League Numbering System used by all Community Colleges. This system is easier to make changes that are in alignment with what comes down from the State. He explained that each current policy is provided, but with recommended changes in red.

A. Board Policies for First Review

a. BP 2.00 (3100) – Administrative Organization

Summary of Discussion: Dr. McVean inquired if AP 3100 is to be developed. Mr. Bailey stated that most of the APs are already attached to the BPs, and they may just need to be adjusted.

Some of the recommended changes include: District Chancellor be used instead of just Chancellor; using the word assign instead of fixed in the sentence regarding general duties; closing extra spaces between words, etc.

Dr. Malamud would like to know more about what is meant by the sentence about general duties, as there are precise duties determined and negotiated in contractual agreements.

Jaqueline Escobar inquired if the organizational charts could just be posted somewhere publicly, so individuals wouldn't have to request to see it.

b. BP 2.51 – Reporting of Crimes

i. *Summary of Edits and Discussion:* Mr. Bailey stated this was cleaned up to meet legal requirements.

Dr. Ford inquired if the Elder Abuse and Neglect should be included in this policy or be separate.

Dr. Eck mentioned the spacing between words, and Mr. Bailey stated that converting PDF files to Word files do not always hold true. So, there are minor formatting changes that will be cleaned up prior to the next meeting.

c. BP 6.32 (3715) - Intellectual Property

i. *Summary of Edits and Discussion:* Mr. Bailey advised not many changes to this policy, as it has been worked on prior.

Dr. Eck inquired about the Chief Vice Chancellor to Chief Human Resources Officer.

- d. BP 6.33 (3750) - Use of Copyrighted Material
 - i. **Summary of Edits and Discussion:** Mr. Bailey advised no subsequent changes. Dr. Eck mentioned how copyright laws hurt the students, but he does understand the legal liability issue. Dr. McVean stated the district does observe copyright laws and materials.

- e. BP 8.54 (3230) – District Organizational Memberships
 - i. **Summary of Edits and Discussion:** Mr. Bailey advised no subsequent changes.

Co-Chair Browne inquired if all of the memberships will be reviewed again after the Preamble, Mission, Vision and Values is approved.

- f. BP NEW – 3440 - Service Animals
 - i. **Summary of Edits and Discussion:** Mr. Bailey stated this needs to be it's own policy. The law calls out a miniature horse as a service animal separately.

- g. BP NEW – 3510 - Workplace Violence
 - i. **Summary of Edits and Discussion:** Mr. Bailey stated this policy needed to be a standalone policy, as it was recommended by our consultant pertaining to CalOsha.

A new AP will be created for this BP. We will try to work on APs connected to the new BPs before the next meeting.

- h. BP NEW – 3710 – Securing of Copyright
 - i. **Summary of Edits and Discussion:** Mr. Bailey advised it was recommended as a good practice to have a policy on this, and the presented language is recommended.

Dr. McVean advised the Council to take the First Review policies back to their constituents for feedback, so they can be brought back in March for Second Review.

Dr. McVean moved into the Board Policies presented for Second Review, of which will hopefully be moved to action for recommendation and consideration in March.

B. Board Policies for Second Review

- a. BP 2.16 – Public Notice of Negotiations
 - i. **Summary of Edits and Discussion:** Co-Chair Browne mentioned she's had questions from faculty regarding what can be discussed about collective bargaining with District Administration.

Dr. Malamud advised individuals cannot negotiate individually. The District Administration should not communicate directly with employees, as that is done by the representatives of the respective groups.

Vice Chancellor/Chief of Staff Bailey stated anything that is active on the table and being negotiated it is not appropriate for District employees to engage in conversation. If there are negotiated items where questions and/or concerns arise, it is best to discuss it with the exclusive representatives.

Co-Chair Browne stated faculty members should be informed when bargaining is happening, so they don't have individual discussions.

Mr. Bailey and Dr. Malamud discussed the process of sunshining at Board Meetings to inform faculty, staff, and the public-at-large what has been negotiated so it is not a secret.

- b. BP 2.70 – Accreditation
 - i. *Summary of Edits and Discussion:* No edits or discussion.
- c. BP 2.75 – Institutional Planning and Effectiveness
 - i. *Summary of Edits and Discussion:* Dr. McVean stated there are more plans that need to be included in this policy, and Dr. Engel will assist.
- d. BP 6.30 – Externally Funded Special Projects and Programs
 - i. *Summary of Discussion:* Dr. Ford stated there are a couple of questions about this policy, but for redlining purposes #11 – change wording from “faculty” to “any new employee” in regards to grant funded positions. She also inquired about #1 and #2 regarding grant reporting of approved and received funds.

Dr. McVean mentioned that the process usually stops at the College President, but it depends on the size of the grant. The Board approves the acceptance of the funds, but does not need to be informed as to whether a grant is being applied for or what it is for.

Juanita Celaya addressed the CSEA positions pertaining to #11, and the reason as to why it is not addressed in this particular item.

Dr. McVean asked should 11 read any new faculty, administrator, or other unrepresented groups, or should it just read beyond faculty. This isn't a new policy and proposed changes are in the redlines, so only the numbering is being changed.

Ms. Escobar asked if the word “new” should be in the policy, and Dr. Malamud provided an explanation as to why the word should remain in the policy.

Dr. McVean stated we will look to bring the Second Review policies back to action on the agenda for March. If there are any other redline suggestions to any of the policies, email them to Dr. McVean and Dr. Engel.

C. Board Policies for Third Review

- a. None

INFORMATIONAL ITEMS

A. Review of AP 2.90.1 Vaccinations

- a. *Summary of Discussion:* Dr. McVean stated that Ms. Escobar requested for the policy to be on the agenda for discussion. The focus is on the discrepancies specifically with #3 as it pertains to students.

Ms. Escobar stated it is surrounding students participating in activities, in particular to being fully vaccinated. However, further in the policy it mentions that “off campus” students and visitors who attend on campus activities should follow campus safety guidelines, which is only wearing masks at this time. It was asked how do departments move forward with planning for events when it is required for on campus students to be vaccinated, but not a requirement for “off campus” students.

Dr. McVean mentioned there should be clarification around if an event is open to the community, and community members and students regardless of vaccination status should be able to attend the event. Current students are a part of the community, so they should be able to participate.

Dr. Eck stated maybe there should be limits on “open to the public” events in terms of safety measures and if students can come on campus or not. He also mentioned Zoom can be an option so “off campus” students can participate.

Dr. Malamud mentioned we are preventing a portion of our students from accessing campus libraries, due to them not being vaccinated; however, the public (regardless of vaccination status) can freely access the libraries. It is harmful and unequitable in how our own students are being treated. The Librarians do have a concern as they are exposed more than anyone else.

Dr. McVean stated he would like to clarify if the event is open to the public, on campus, there should not be a limitation on current students to be able to participate or have access to. They should be able to access the event just as the public does. This will need to be taken care of sooner than later.

Dr. Malamud pointed out that maybe it can be recommended to update the policy to define what it means to be fully vaccinated. Does it include having the booster or not, and how do students handle exposures if they are fully vaccinated?

Mr. Bailey advised the topic of what it means to be fully vaccinated is included on the agenda for Chancellor’s Cabinet tomorrow. That discussion will include boosters and the part they will have. He also reminded Dr. McVean and Co-Chair Browne that DPGC is a Brown Act sanctioned group, so they have to be careful on how they transmit their recommendation especially on information items. If it is a recommendation to the Chancellor, that’s fine, but no action can be taken if not agendized.

Dr. Eck suggest it be best to make a recommendation for a future semester to update the policy, but not the current semester.

B. Review of Edits Presented to Board for BP 2.06 (2401) Regarding Board Policies and Administrative Procedures

- a. **Summary of Discussion:** Dr. McVean stated that DPGC doesn’t make recommendations to these areas of policies, but there are edits to which they can only provide feedback.

Mr. Bailey stated #3 was of particular interest to the Board and Chancellor in making sure there was appropriate opportunity to sunshine certain elements of Administrative

Procedures, and to further refine this item. The changes mentioned at the January Board Meeting were not made to this presented draft. #3 impacts the work of DPGC in regards to the schedule and timeline.

C. Review of Edits Presented to Board for BP (2.45) 2710 and APs 2.45.1 (2710) and 2.45.2 (2712) Regarding Conflict of Interest

- a. *Summary of Discussion:* Mr. Bailey provided a brief overview on what this recommended BP and AP is, and mentioned how significant it is to be very clear about being in compliance with and our duty to the knowledge of Conflict of Interest. Clarifying elements were added to the documents. There is also a piece in the policy about Form 700 filing.

D. BP 8.20 (3810) - Claims Against the District

- a. *Summary of Discussion:* Mr. Bailey stated this policy presents changes made based upon recommendations received from the consultants as well.

CLOSING REMARKS/

Dr. McVean stated the next DPGC Meeting is Monday, March 7, 2022.

Mr. Bailey thanked and commended Ms. Brewer on her work with DPGC, as today is her last meeting as the Council's assistant/recorder. Mr. Bailey introduced Candice Bell and stated she will be replacing Ms. Brewer.

ADJOURNMENT

Motion to Approve by: Monica Malamud

Second by: Lauren Ford

Action: Approved by consensus. Meeting is adjourned at 3:47 p.m.