

**Minutes of the Study Session of the Board of Trustees
San Mateo County Community College District
January 11, 2017, San Mateo, CA**

The meeting was called to order at 5:00 p.m.

Board Members Present: President Thomas Mohr, Vice President Richard Holober, Trustee Maurice Goodman, Trustee Karen Schwarz

ANNOUNCEMENT OF CLOSED SESSION ITEMS FOR DISCUSSION

President Mohr said that during Closed Session, the Board will hold a conference with agency labor negotiator Eugene Whitlock; the employee organizations are AFT and CSEA. The Board will also hold a conference with legal counsel regarding two cases of potential litigation as listed on the printed agenda.

STATEMENTS FROM THE PUBLIC ON CLOSED SESSION ITEMS ONLY

None

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 5:01 p.m.

RECONVENE TO OPEN SESSION

The Board reconvened to Open Session at 6:04 p.m.

Board Members Present: President Thomas Mohr, Vice President Richard Holober, Trustee Maurice Goodman, Trustee Karen Schwarz, Student Trustee Dennis Zheng

Others Present: Chancellor Ron Galatolo, Executive Vice Chancellor Kathy Blackwood, Skyline College President Regina Stanback Stroud, College of San Mateo President Michael Claire, Cañada College President Jamillah Moore, District Academic Senate President Leigh Anne Shaw

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

President Mohr said there is a request that the study session topic, Continued Discussion of the District's Commitment to Educational Social Justice, will be considered immediately after Statements from the Public on Non-Agenda Items. The Board agreed to do so.

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

President Mohr said the Board took no reportable action during closed session.

MINUTES

It was moved by Trustee Goodman and seconded by Vice President Holober to approve the minutes of the meeting of December 14, 2016. The motion carried, all members present voting Aye.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

None

CONTINUED DISCUSSION OF THE DISTRICT'S COMMITMENT TO EDUCATIONAL SOCIAL JUSTICE (17-1-1C)

President Mohr said this study session is being held so that the Board can continue to discuss and ponder the position it wishes to declare to respond to concerns about the educational opportunities and lives of students which were evoked by some statements made during the presidential campaign and primaries. The Board previously has examined and aligned its values with all of the elements of social justice and listened thoughtfully to the feelings and concerns of a number of students and employees. The purpose of this study session is to refine the Board's position that provides as much support and protection as possible, hopefully placing those directions to the District in the form of a resolution that would be formally approved at the next regular Board meeting.

To open the discussion, students in the audience offered the following comments:

- Students want everyone to feel safe, including marginalized students. They would like to ensure that every student, regardless of identity, has the right to an education without fear of being targeted in any way.
- Students would like the Colleges to reach out to the community and make the campuses safe zones not just for students, but for their families as well. President Mohr acknowledged the Board's concern for students' families and friends. He said the Board is committed to ensuring that students feel comfortable and safe in the college environment in order to learn to their maximum ability.
- Students are worried about generations to come and they realize that the Board has the ability to make long-term decisions that will affect future students. President Mohr said this is why the Board took time to review the District's values and principles and adopt the "Affirmation of Commitment to Social Justice."
- Students would like to see Board members come onto the campuses to get a sense of the culture of the Colleges. President Mohr said the Board wants to know students and be present for them. He said he believes Board members will visit the campuses as much as their schedules allow.

President Mohr said the Board has a draft resolution for consideration at this meeting. The resolution is based on the Board's values statement and on concerns expressed by students and others. The Board will consider whether the draft resolution contains the points they wish to put forward as their position.

Vice President Holober said the draft resolution deals with the immediate threat of deportation of students who are not documented and touches on other issues raised by students. He said the consensus position of the Board, as expressed at previous meetings, is that the District and Colleges will not, unless required by law, cooperate with U.S. Immigration and Customs Enforcement (ICE) or other immigration officials in terms of identifying students' status and facilitating efforts to apprehend students and deport them. Vice President Holober said information that the District does not have about students, such as place of birth and immigration status, cannot be turned over, stolen or hacked. Therefore, he recommended collecting only information that is required for enrollment and access to financial aid and other services. Angélica Garcia, Vice President of Student Services at Skyline College, said proof of physical residency is required but this does not include information about immigration status. She said that other required information will depend on other activities in which a student participates. Kim Lopez, Vice President of Student Services at Cañada College, suggested that the Colleges ask their Admissions and Records Departments and their programs to determine what they are required to collect. President Mohr supported the plan to review what is required and what is currently collected. Executive Vice Chancellor Blackwood noted that the District is legally required to ask students to provide their social security numbers; however, students are not required to provide them.

Vice President Holober said privacy of student information is an important aspect to consider. Noting that another community college paid \$28,000 in Bitcoin ransom to hackers who took over their system, he said physical safety of student records and good encryption of electronic records should be standard. Chancellor Galatolo said staff is currently looking into Firewall protection; however, this is very costly at \$700,000 to \$1 million. In response to a student's question about who has access to student records, Vice President Garcia said access to information is provided as necessary. For example, Admissions and Records and Financial Aid staff will need access to information in certain areas. She said sharing of information is determined at the highest level of leadership. Faculty has access to their students' addresses and telephone numbers but cannot access other information without seeking permission. President Claire said information contained in students' records is difficult to access and he must go to the Vice President of Student Services if he needs to access information.

Vice President Holober asked what the procedure would be if immigration officials came onto campus with a legal warrant or subpoena, e.g. would they go to the President's office or another office to ask for information on a student or students. He also asked if there would be a way to notify a student if immigration officials announced the intent to apprehend the student. Kristen Parks, Assistant Professor of Political Science at Cañada College, said a directive of the Department of Homeland Security identifies schools as sensitive locations and immigration officials would not normally come onto a campus. However, this is a policy rather than a law and could be easily changed by a new Secretary of Homeland Security. In terms of notifying a student, Eugene Whitlock, Vice Chancellor of Human Resources and General Counsel, said the District cannot legally do anything that is perceived as sheltering or harboring a student and cannot do anything that would interfere with ICE's ability to do its job. Lorena Gonzalez, Counselor at College of San Mateo, said safe spaces on the campuses may be identified as places for students to go if needed. Vice Chancellor Whitlock said that notifying students to go to such places in order to hide would be considered sheltering and would be illegal. He said it is important to be careful in the use of language; the term "safe" spaces might lead people to believe that such places offer

physical protection while in fact they do not. He added that AB540 and DACA provide some rights to students but they do not offer protection.

In response to a student question, Vice Chancellor Whitlock said that if a subpoena for student records is issued, it would likely be issued to Admissions and Records, the College President or the Chancellor. He said Admissions and Records staff have been instructed to not release information. He said he would be advised and would in turn notify the student and ask if he/she wanted to contest the subpoena within the prescribed period of time. In contrast, a warrant does not include a period of time in which to respond but requires immediate release of the requested information. Vice Chancellor Whitlock said there are some mechanisms to contest a warrant but there must be a reasonable basis to do so and would involve going to court.

Trustee Schwarz asked if there is anything that can be done to help students in cases in which legal warrants or subpoenas are issued. Vice Chancellor Whitlock said the best approach would be to help students before legal action is taken by bringing experts onto the campuses to provide information and advice. Ms. Gonzalez said faculty, staff and administrators are doing the best they can to make sure they are informed and to offer resources and referrals to students, their families and the community through forums and workshops, counseling, and targeted services. Professor Parks said that with the launch of the Dream Center at Cañada College, a free weekly legal clinic was also launched. She said the clinic serves families as well as students and all of the appointments have been booked. President Mohr said he believes this service should be offered at all of the Colleges. Trustee Goodman suggested providing space for legal aid services, rotating providers and hours. President Claire said he believes this would be easy to do as it is not uncommon to offer space for providers of County services. Trustee Goodman asked if the District would be responsible for what legal aid representatives say or do if given space on campus. Vice Chancellor Whitlock said the District would enter into a contract that would indemnify itself for anything said or done.

A student in the audience asked if the District or College would be able to notify a student's family if the student was apprehended by immigration authorities. President Moore said the event would most likely occur off campus. She said if the College heard about it, she would feel compelled to notify the family. President Claire agreed, saying it is not uncommon to reach out to a family if a student has a crisis. President Stanback Stroud said she also would reach out to the family and she is not aware of anything that would legally preclude doing so.

Student Trustee Zheng asked what help could be provided to a student who goes home and finds his/her family members are gone because they have been apprehended. Trustee Mohr said the District will do the best it can to support its students and would be able to reach out to the community to seek help for a student in this situation.

A student asked if a student who knows that immigration officials are on campus and escorts another student off campus would be subject to disciplinary action by the District. Vice Chancellor Whitlock said the situation would have to be reviewed, e.g. determining whether there was a physical confrontation with the officer, etc., before making a determination based on the Student Code of Conduct.

Vice President Holober said the District does not have its own police force and calls local authorities when needed. He asked if these jurisdictions have policies on how they respond if called upon to do things that the District has said it will not do unless legally required. He also asked if the District, through its contractual relationships, can ask these agencies not to carry out enforcement that is not legally required. President Mohr said it is the responsibility of District leadership to have continual communication with law enforcement. He said District leaders should take time to make sure other agencies are informed of the District's position and to strive for agreement as much as possible. Trustee Schwarz said she believes the District should also work with the cities to research existing programs and services that can help students. For instance, the Redwood City Library hosted legal representatives last year and the Redwood City Council has announced it will issue a statement on this issue.

Trustee Mohr said there is uncertainty about how various aspects of this issue will evolve. He said the purpose of the draft resolution is to declare the position of the Board and give direction to the District. He said it is designed to encompass many avenues of approach, recognizing the individuality of the campuses to address their students. He read the "Resolution Affirming the San Mateo County Community College District's Commitment to Protecting Undocumented Students and Student Privacy":

WHEREAS, the San Mateo County Community College District (SMCCCD) is an open access institution and supports, promotes, values, respects and protects all students and employees of the District, irrespective of their immigration status, or that of their families; and

WHEREAS, the Board adopted a strategic plan in 2015 that emphasizes the District’s priority of “Students First” and the District takes very seriously its solemn responsibility of caring for students; and

WHEREAS, on December 14, 2016, the Board’s statement of “Affirmation of the San Mateo County Community College District’s Commitment to Educational Social Justice through Access, Affordability, Individuality, Diversity and Inclusion,” was adopted which is core to the manner in which all students and employees of the District are to be treated, protected, respected and valued; and

WHEREAS, the SMCCCD has supported and implemented the federal government’s Deferred Action on Childhood Arrivals (DACA) policy and California Assembly Bill (AB) 540, which provide protection and financial assistance for undocumented students attending the SMCCCD; and

WHEREAS, the SMCCCD continues to support the internal policy memoranda issued by the U.S. Department of Homeland Security to its staff relating to restrictions upon entering college campuses and in the prosecution of high school and college students, and which was reinforced to that agency by a letter to that effect from our Chancellor on December 9, 2016; and

WHEREAS, the SMCCCD values the privacy of students and continues to uphold federal privacy requirements as outlined in the Family Educational Rights and Privacy Act (FERPA); and

WHEREAS, in recent months, federal immigration policy changes have been contemplated and discussed that could lead to emotional and physical insecurity of some undocumented students and their families; and

WHEREAS, the Board continues to promote social justice and is dedicated to finding ways in which the District might further refine and implement policies and strategies to ensure that the District’s colleges remain safe and welcoming environments so that students can learn and thrive;

NOW, THEREFORE, BE IT RESOLVED, that the San Mateo County Community College District Board of Trustees:

- (1) Fully endorses the urgent appeal of the chief executive officers of the California Community Colleges, the University of California and the California State University systems in their joint letter to President-elect Trump encouraging his continuation of the Deferred Action for Childhood Arrivals (DACA) policy on November 29, 2016; and
- (2) Believes adherence to the guidance issued by the California Community College Chancellor’s office on December 5, 2016, relating to the collection and protection of personally identifiable student information – including immigration status – is prudent and appropriate; and

BE IT FURTHER RESOLVED, that the Board of Trustees is committed to ensuring every student within the District views its three colleges as “safe havens” so that they may learn, live and thrive without fear of discrimination, profiling, targeting or unlawful prosecution; and

BE IT FURTHER RESOLVED, that the Board of Trustees directs the Chancellor of the District to:

- (1) Develop directives and procedures to protect the safety and security of all students and employees of the District, and to facilitate a greater sense of community and enhance the relationship with and between District public safety staff; and
- (2) Protect student privacy and ensure confidentiality by prohibiting the release of information about a students’ immigration status to law enforcement and federal agencies without a proper legal warrant; and
- (3) Deny access to SMCCCD campuses and property to federal officials for the purposes of immigration enforcement, unless compelled to do so by a proper legal warrant; and
- (4) Provide opportunities for students and employees to know about and understand their legal rights and, when appropriate, offer legal services that provide such assistance; and

- (5) Ensure that students and employees are aware of counseling and support services and ensure that those services are available and provided as needed; and
- (6) Develop a process for evaluating student and employee feedback relating to this and other similar matters that aids the District in better promoting cultural sensitivity, understanding and promoting diversity, serving and protecting vulnerable, at-risk and marginalized populations, and providing spaces and opportunities for understanding, communication and collaboration; and
- (7) Take all necessary steps to engage the college and broader communities, media, elected officials, policy makers and other supporters to bring to light any injustices surrounding or relating to this matter, should any occur; and
- (8) Comply – at all times – with federal, state and local laws as it relates to this matter.

Vice President Holober said he believes the resolution is well written and encompasses many specifics that are addressed correctly. He said the phrase “Deny access to SMCCCD campuses and property to federal officials. . .” raises questions about the established policy of being an open campus and not denying access to anyone. A student said the presence of immigration authorities on campus would make students feel very uncomfortable and would interfere with their education. President Mohr said that if the Presidents of the Colleges believed that the educational mission and sense of security would be compromised, they would be justified in interfering immediately. Chancellor Galatolo said that if immigration authorities came onto campus without a warrant or subpoena, he would consider them a hostile entity and would feel comfortable asking them to leave. Vice Chancellor Whitlock said the District has the legal authority to remove anyone for being disruptive and it is up to the District to determine what is disruptive. After this discussion, it was agreed that the word “Deny access” will be replaced with “Limit access.”

Mr. Gonzalez suggested that “Provide opportunities for students and employees to know about and understand their legal rights. . .” be amended to read “Provide opportunities for students and their families, employees and their families, and members of the community to know about and understand their legal rights. . .” It was agreed that this change will be made. Ms. Gonzalez also suggested adding the words in italics to the following:

- (6) Develop a process for evaluating student and employee feedback relating to this and other similar matters that aids the District in better promoting cultural sensitivity, understanding and promoting diversity, serving and protecting vulnerable, at-risk and marginalized populations, and providing *trainings, forums*, spaces and opportunities for understanding, communication and collaboration.

It was agreed that this change will be made.

President Mohr said Chancellor Galatolo will send a message to all District employees and students to inform them of the Board’s position. Chancellor Galatolo said it is not unusual for him to send a letter to faculty and staff to talk about the new semester and he will include students as well. He said he will include as attachments the Board’s Affirmation on Educational Social Justice and the draft resolution. He said he believes faculty and staff will support the Board’s position. A student asked if the position taken by the Board will be implemented by all faculty and staff or only by those who agree with it. President Mohr said this is the direction given by the Governing Board and the Board expects all faculty and staff to participate in and be loyal to the practices and culture laid out in that position. Vice President Holober said there are specific directives that apply to a limited number of employees, specifically around sharing of information and records. He said those employees need to be informed and trained on the policy and know that if they violate the policy, they will be subject to disciplinary action as employees of the District.

Professor Parks asked how one should respond if asked if the Board’s direction is in support of sanctuary campuses. Chancellor Galatolo said the definition of a sanctuary campus is not clear and could potentially be an issue at the federal level. He said the use of “safe haven” does not put the District at risk. President Moore said she agrees that not using “sanctuary campus” allows more flexibility to help students. Vice Chancellor Whitlock said legislation was introduced in December to offer no funding to sanctuary campuses. He said the term does not actually offer protection and often causes confusion.

President Mohr said many students feel the need to draw Public Safety officers into the college community. He said students want to have the same kind of relationship with the officers that they have with faculty and staff. President Mohr

also addressed the issue of critical pedagogy; he said students should feel that faculty are striving to recognize students for who they are and to connect them with the culture of the college in a significant way.

President Mohr said the draft resolution, with the suggested amendments, will be brought to the Board for approval at the meeting of January 25. He thanked everyone who participated in the discussion at this meeting, particularly Lorena Gonzalez who has been and continues to be an important advocate for students' concerns and challenges.

NEW BUSINESS

APPROVAL OF PERSONNEL ITEMS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (17-1-1A)

It was moved by Trustee Schwarz and seconded by Trustee Goodman to approve the actions in the report. The motion carried, all members present voting Aye.

APPROVAL OF INCREASE IN STUDENT ASSISTANT SALARY (17-1-2A)

It was moved by Student Trustee Zheng and seconded by Vice President Holober to approve the increase. The motion carried, all members present voting Aye.

Other Recommendations

APPROVAL OF CONTRACT AWARD FOR CAÑADA COLLEGE BUILDING 23N, NEW MATH/SCIENCE/TECHNOLOGY BUILDING, DESIGN-BUILD PROJECT (17-1-100B)

It was moved by Vice President Holober and seconded by Trustee Schwarz to approve the contract award as detailed in the report. The motion carried, all members present voting Aye.

REJECTION OF BIDS FOR COLLEGE OF SAN MATEO BUILDING 6 AQUATICS CENTER POOL SYSTEM UPGRADE PROJECT (17-1-101B)

It was moved by Vice President Holober and seconded by Trustee Goodman to reject the bids as detailed in the report. The motion carried, all members present voting Aye.

STATEMENTS FROM BOARD MEMBERS

Trustee Goodman requested that anyone who has information about plans on the campuses for Black History Month forward the information to him as he is being asked by organizations and entities within the County to help coordinate the activities being offered. Trustee Goodman said he was informed by someone from the County that a District employee will be honored during Black History Month and they asked that the District prepare a resolution. Trustee Goodman will work with President Mohr to accommodate this request.

Trustee Schwarz said she attended a December event of the San Mateo Chapter of CYC (California Youth Connection) titled "Join Us for a Holiday Event to Kick Off the Campaign for Student Housing in the San Mateo County Community College District." She said this organization is interested in developing housing for emancipated foster youth. She said she believes this would be an interesting conversation to continue. Trustee Schwarz thanked Cañada College for the 2017 calendar that was sent to the Board.

ADJOURNMENT

The meeting was adjourned by consensus at 7:59 p.m.

Submitted by

Ron Galatolo, Secretary

Approved and entered into the proceedings of the January 25, 2017 meeting.

Richard Holober
Vice President-Clerk