

**Minutes of the Study Session of the Board of Trustees
San Mateo County Community College District
June 14, 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 Dave Mandelkern, Trustee Karen Schwarz

ANNOUNCEMENT OF CLOSED SESSION ITEMS FOR DISCUSSION

President Mohr said that during closed session, the Board will (1) hold a conference with legal counsel regarding two cases of existing litigation and one case of potential litigation as listed on the printed agenda, (2) hold a conference with agency labor negotiator Kathy Blackwood; the employee organization is AFT and (3) consider public employee discipline, dismissal, release.

STATEMENTS FROM THE PUBLIC ON CLOSED SESSION ITEMS ONLY

None

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 5:02 p.m.

RECONVENE TO OPEN SESSION

The Board reconvened to Open Session at 6:08 p.m.

Board Members Present: President Thomas Mohr, Vice President Richard Holober, Trustee Maurice Goodman, Trustee Dave Mandelkern, Trustee Karen Schwarz, Student Trustee Alfredo Olguin Jr.

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 Vice President Michelle Marquez

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

None

SWEARING IN OF STUDENT TRUSTEE

President Mohr administered the oath of office to Student Trustee Alfredo Olguin, Jr., who assumed office on June 1. President Mohr reviewed the election process for the student trustee. Each college brings forward one of its best student leaders to run for the office. A panel of seven student leaders interviews the three candidates and selects the student they believe best qualified to serve on the Board. Student Trustee Olguin expressed gratitude to his parents and sister who have shaped who he is today. He said his family represents a link to his ancestors and his grandfather, who passed away recently. Student Trustee Olguin said he will bring the love shown by his family to his new role.

MINUTES

It was moved by Trustee Mandelkern and seconded by Trustee Goodman to approve the minutes of the meeting of May 10, 2017. The motion carried, with Trustees Holober and Schwarz abstaining and all other members voting Aye.

PRESENTATION TO THE BOARD BY PERSONS OR DELEGATIONS: RECOGNITION OF EMPLOYEES WITH "ABOVE AND BEYOND" AWARDS (17-6-1C)

President Mohr said it is a great pleasure to present these awards to staff members at Cañada College who displayed immense courage and, through heroic efforts and selfless service, went above and beyond their normal course of work and duties to help save the life of a student. He presented awards to the following employees:

Ignacio Carlos, Juan Carlos Mendez, King Lau, Edgar Nelmidia, Jimmy Chow, Tuong Lu, Fermin Varela, Rosendo Zamora. Giao Van Bui was unable to attend the meeting and his award will be forwarded to him. José Nuñez, Vice Chancellor of Facilities Planning, Maintenance and Operations, said the actions of the Facilities and Public Safety staff are indicative of training, hard work and fellowship. Trustee Mandelkern said the Board is very proud of the team. He said their actions are not in anyone's job description but they stepped forward with extraordinary action. Trustee Schwarz thanked the recipients. She said they represent the best of what the District stands for. Trustee Goodman thanked the recipients on behalf of the District, the student and her family. Vice President Holober thanked the employees for the work they do every day. He said that in this instance, the award recipients literally gave a student a second chance at life. Student Trustee Olguin thanked the recipients and said students appreciate the work they do. Chancellor Galatolo said Cañada College President Moore went to the student's home and reported that she is doing well as a result of the quick thinking and action by the award recipients. Michael Floyd, representing AFSCME Council 57, presented a plaque which lists the recipients' names and thanks them for going above and beyond their normal course of duties to help save the life of a student.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

None

NEW BUSINESS

APPROVAL OF PERSONNEL ITEMS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (17-6-1A)

It was moved by Trustee Goodman and seconded by Trustee Schwarz to approve the actions in Board Report No. 17-6-1A. Trustee Mandelkern asked if the assignment of the District "Interim Vice President of Planning, Research and Institutional Effectiveness" is a replacement. Chancellor Galatolo said this is an interim assignment for a vacant position. After this discussion, the motion carried, all members voting Aye.

OTHER RECOMMENDATIONS

PUBLIC HEARING REGARDING BY-TRUSTEE AREA ELECTIONS/BOARD DISCUSSION AND CONSIDERATION OF MOVE TO BY-TRUSTEE AREA ELECTIONS AND SELECTION OF TRUSTEE AREAS (17-6-1B)

President Mohr declared the public hearing open at 6:29 p.m. He called for questions or comments from the public. Hearing none, he declared the public hearing closed at 6:30 p.m.

It was moved by Trustee Schwarz and seconded by Trustee Goodman to move to by-trustee area elections. Student Trustee Olguin said it is logistically difficult for the student trustee to represent such a large county. He said he believes it would be wise to have more than one student trustee for the District as it would allow different voices to be heard and provide an opportunity for more insight from the campuses.

Vice President Holober said the Board has discussed moving to by-trustee area elections for some time. He said the Board has agreed that it is the right thing to do and that it is good for democracy. He said the size of the county is an obstacle for potential candidates and moving to by-trustee area elections could make it more possible for people to run for office.

Trustee Mandelkern said he and Vice President Holober comprised a subcommittee of the Board to study the issue several years ago but the Board did not reach a conclusion. He said he supports the move to by-trustee area elections wholeheartedly because he believes it will increase representation for all members of the community. He said a member of the County Board of Supervisors noted in an editorial that by running at-large as the Board currently does, Board members represent an area and number of voters that is approximately equal to a Congressional district. Trustee Mandelkern said this is a difficult undertaking for a Board at this level and he believes that moving to by-trustee area elections would improve the situation.

Trustee Schwarz said she is supportive of the move to by-trustee area elections; however, she hopes that Board members will continue to represent the entire county and not just the trustee area from which they are elected. She

said that officials who serve on a countywide board have a responsibility to represent everyone in the county even if they are elected by one district.

President Mohr said he is confident that moving to by-trustee area elections is imperative. He noted that demographics differ from one part of the county to another and the Board must be sure to present a genuine opportunity for all opinions and insights to be heard. He said that people with different life experiences bring new levels of insight, experience and understanding on behalf of the students that the District serves.

After this discussion, the motion to move to by-trustee area elections carried, all members voting Aye. Student Trustee Olguin cast an advisory Aye vote.

William Tunick of Dannis Woliver Kelley discussed the timelines associated with the move to by-trustee area elections. He said that for the 2018 election:

- The Board of Governors (BOG) must approve the move to by-trustee area elections and the maps of trustee areas, assigning trustee areas to each individual seat on the Board and explicitly stating when the seats would be up for election moving forward.
- The BOG meets approximately every other month; this year they met in March and May. It would be wise to aim for a March 2018 BOG meeting for approval of the District's application.
- The application must be received by the BOG 30 days prior to the meeting.
- Therefore, Mr. Tunick recommends that the Board approve a map by **December 2017**.
- In June/July 2018 candidates can file to run for office.

Vice President Holober said many factors are involved when considering the establishment of trustee areas, including communities of interest, geography, attempts to create a majority/minority district, etc. He said incumbency is allowed to be a factor for consideration, but not an overriding factor. He said that since the Board has some time before having to make a final decision, it may be wise to allow incumbents additional time to consider their plans for the future. He said this could help inform a view of the maps and potentially allow for somewhat different lines to be drawn. Vice President Holober suggested that the Board table a decision on the three scenarios presented to allow Board members time to possibly reach a decision about whether to run again.

Trustee Schwarz said the Board has discussed this item over a long period of time and she would prefer to move forward. She said it sounds likely that the maps would not change significantly if incumbents decided not to run for reelection. She noted that Supervisor Pine pointed out that the Sequoia Union High School District chose not to take incumbency into consideration and, as a result, two incumbents will be competing for a seat on the board.

Trustee Mandelkern said he agrees with the suggestion to allow time for Board members, particularly those whose terms will expire in 2018, to contemplate their plans and intentions. He asked Mr. Tunick if more public hearings would be required due to a delay in making a decision about trustee areas. Mr. Tunick said the Board has met the legal requirements in terms of public hearings. However, he said he would recommend holding one additional public hearing if the maps are changed as well as posting the revised maps on the District website seven days prior to the public hearing.

It was moved by Trustee Goodman and seconded by Trustee Mandelkern to table a decision on selecting specific trustee areas. The motion carried, all members voting Aye.

Noting that the vote to table a decision on the selection of trustee areas did not preclude discussing and possibly acting on the number of trustee areas to be included in the new election method, the Board discussed the three scenarios that were presented, two showing five trustee areas and one showing seven areas. There was general agreement that the Board was in favor of a five-area scenario. President Mohr suggested that in addition to the two scenarios showing five areas, a new map be drawn that contains five areas and does not consider incumbency. It was moved by Trustee Goodman and seconded by Trustee Mandelkern to reject Scenario 3 (with seven trustee areas) and replace it with a newly drawn five-area map that does not consider incumbency, to be brought to the Board at a future time. The motion carried, all members voting Aye. Larry Ferchaw of Cooperative Strategies

recommended that this should be brought to the Board in September or October 2017. At that time, the Board will consider the two existing five-area scenarios (Scenarios 1 and 2) along with the newly drawn map.

STUDY SESSION

DISCUSSION OF POLICIES AND PROCEDURES (17-6-2C)

President Mohr said that at the Board meeting of May 10, the Board heard from students, faculty, staff and community members about a recent event at Cañada College in particular and the Board's policy on Speech: Time, Place and Manner in general. He said the Board took comments for nearly an hour and a half. As a result, the Board did not have sufficient time to discuss the policy and how they can better understand it. He said it would be helpful for staff to hear feedback from the Board regarding procedures to implement the policy. President Mohr said colleges and universities around the country are also dealing with their policies regarding these issues.

Trustee Mandelkern said it was good to hear from the public and the students involved in the incident at Cañada College. He said the comments were thought provoking and the speakers were generally respectful. He said there is a fine line between respecting the right of students, faculty and staff to feel safe in their environment and the right of the community to express ideas, including unpopular ideas. Trustee Mandelkern said he has taken the time to review the policy on Time, Place and Manner along with other relevant policies and believes they are correct. He said he believes that if they are followed and enforced as written, they strike a proper balance. He said he respects and appreciates the Public Safety staff and officers from the Sheriff's Department. He said he was not present at the event; however, according to accounts of the situation, he believes they handled themselves appropriately and admirably.

Student Trustee Olguin said that every conversation he has had with students since being elected has been about social justice. He said that, speaking personally and not as the student trustee, he believes the way the situation at Cañada College was handled does not represent the values that have been expressed by the Board. He said progressive values include political action. He said the action at the event pales in comparison to the harm done to people throughout history based on the color of their skin, gender, sexual orientation and economic status. He said that as long as institutions continue to run as they do currently, actions like this will happen. Student Trustee Olguin said he believes the expulsion of two of the students involved is preposterous and represents the targeting of activists. Trustee Mandelkern said he believes Student Trustee Olguin's statement that students were expelled is incorrect. Skyline College President Stanback Stroud and Chancellor Galatolo confirmed that no expulsions resulted from the event at Cañada College.

Trustee Goodman said the conversation about the policy could also include discussion about the application of the policy, the "Monday morning quarterbacking" regarding what happened to the students involved, and the adults involved who he believes let the students down. He said students should have opportunities to learn and understand that freedom of speech is an important right to exercise but should also learn about consequences. He said they should learn about measuring consequences versus what they are standing up for, as did Dr. King and many others of whom we are proud. Trustee Goodman said that without this understanding, the message from both sides is to "go at it." He said that as a father and educator, this is not his expectation of faculty and staff. He said club advisors should make sure that the club bylaws include the responsibility to follow the District policy. He said the advisors should also educate students in the students' best interest rather than using them as pawns to further their own beliefs. Trustee Goodman said he believes that in this case, support for the values affirmed by the Board was lacking on the part of the advisors. Trustee Mandelkern said he agrees that the actions of faculty advisors let students down and did not further the students' best educational interests.

Vice President Holober said the Board discussed the policy on Time, Place and Manner a few years ago and he believes the policy sets the right standards and is appropriate. He said that as an activist, he made decisions on actions with the knowledge of the consequences for those actions. He said that for generations, activists knew about the consequences that would apply when they did what they believed to be the right thing, including action that was unlawful. Vice President Holober said he was unable to attend the May 10th meeting, but in the synopsis of the discussion he did not see that awareness of consequences was addressed.

Vice President Holober said community organizer Saul Alinsky wrote that “the real action is the enemy’s reaction.” The motive is to provoke the opponent and get a reaction, turning the issue into one of being repressed rather than the genesis of the protest. He said there are subtleties involved in applying the District’s policy and it is important to not “take the bait” and become the repressive enemy.

Trustee Schwarz said she was not present at the event at Cañada College or at the May 10th Board meeting. She said that in reading the minutes of the meeting, she concluded that the Board’s policies and procedures are correct and the consequences for not following them are valid. She said there might be a future discussion among others about disrespect and lessons learned. Trustee Schwarz cited former Trustee Patricia Miljanich as stating that if you lose respect for the person or persons you are talking with, you will lose the meaning of the discussion and will not accomplish anything.

President Mohr said a discussion of the District’s policy should include questioning if it fits who we are and who we want to be and whether it allows for open and honest inquiry. President Mohr said he believes that every club advisor should know what the First Amendment means and that students should be educated about the First Amendment, its history and the sacrifices people have made on its behalf. He said that at the same time, the District must be sensitive that many young people are fearful. He said one way to deal with this fear is to be clear about the District’s and Board’s commitments, values and policies. He said continual communication across the campuses is critical. President Mohr said he would also recommend training for faculty and staff on how to de-escalate a crisis situation while respecting the rights of everyone to express opinions.

Vice President Holober said some colleges have student judicial councils which address certain types of offenses and said this might be of interest to explore. Chancellor Galatolo said there is student representation on the council that adjudicates at hearings and then makes recommendations to the Vice Presidents. Trustee Mandelkern said colleges often have student codes of conduct as well. Chancellor Galatolo said the District has a student code of conduct and staff will send the document to the Board.

Chancellor Galatolo said the Board reviewed the policy on Time, Place and Manner in June of 2013 and he believes it is an outstanding and sound policy. He said the discussion at this meeting helps staff better understand how to operationalize procedures around the policy. He said staff is working on procedures that will include effective communication with faculty and staff, training on de-escalation and using force as a last resort, and educating students, faculty and staff on the First Amendment and the right to free speech.

Trustee Goodman said it is important to understand that the students are very young adults and some are still in high school. He said it is important to ensure that the students involved in the protest were provided the disciplinary process outlined in the Board’s policies and procedures. He said he has higher expectations of adults to protect and educate students about ways to protest and about consequences. He said that given the tremendous failure of the adults involved, he would consider the consequences imposed on the students as his own personal protest.

Student Trustee Olguin said he believes the Board is pushing aside the situation because of a sense of guilt and concern for image. He said it worries him that members of the public got physical with students and a professor threatened a student. He said it concerns him that students are being held accountable for their actions while adults are not. Trustee Mandelkern said he understands that the disciplinary process is being conducted for faculty as well. Chancellor Galatolo urged Student Trustee Olguin to ask staff or Board members questions to verify information so that he does not perpetuate false statements to the student community.

Trustee Mandelkern said there are legitimate cases for protest and civil disobedience, such as that exercised by Mahatma Gandhi and Dr. Martin Luther King. He said he agrees with Trustee Goodman that protesters must understand the consequences when they decide to take action. He said it was appropriate and in conformance with the Board policy for students to protest outside the room at the Cañada College event. However, it was clearly in violation of the policy when they were encouraged by a faculty advisor to enter the room and disrupt the speaker. He said this demonstrates a failure to educate students about the policy and the consequences of violating the policy. President Mohr said there must be communication across the District about what the policy means and how it is implemented, as well a clear understanding of the ramifications for violating the policy.

Trustee Mandelkern said he believes that operationalizing procedures that call for de-escalation and not using force or violence is a correct interpretation of the Board's intentions.

Vice President Holober said he hopes the procedure for a disruption that is not an imminent threat to life or property would include an attempt to communicate with the leaders/organizers of a protest to explain what will happen, e.g. after five minutes of protest a specific consequence will be applied. Bill Woods, Director of Public Safety, said he and his staff heard that some sort of protest would occur at the Cañada College event and met with two students in advance of the event to discuss their intentions. He said that during the protest, he went up to each protester, identified himself, and warned that consequences would be forthcoming if they did not stop the disruption.

John Ellis, a resident of Sky Londa, said that at the last board meeting, it was clear to him that many student leaders, faculty, and staff don't accept the core principles of free speech or understand the protections of the First Amendment. He said they believe that speech they think is "hate speech" doesn't qualify for protection and can be legitimately censored. He said he believes the actions of the Board have encouraged these beliefs by creating a false dichotomy between free speech and social justice. He said the Board's "Affirmation of Commitment to Social Justice" includes an endorsement of free speech but also demands that students and employees must feel free from fear, harassment, discrimination, and intolerance. He said that since the student leadership and faculty believe that some speakers' presence on campus creates these feelings, they concluded the Affirmation justifies shutting down such speakers. Mr. Ellis said that by punishing the protesters, students and faculty believe the Board is being hypocritical by not properly balancing free speech with social justice. He said he believes the District has failed these students, leaving them totally unprepared to engage with those who don't share their beliefs. He said that while he believes punishment is appropriate, it is most important that the District take positive steps to educate students and faculty about the value of free speech and the First Amendment.

Daniel Casillas, a student at College of San Mateo, said it became clear to him at the event at Cañada College that the issue was not one of free speech on the part of Young America's Foundation, as evidenced by their chanting "Nobody cares what you have to say." He said that, likewise, Donald Trump is not the issue in America because the issues have much deeper roots.

President Mohr said this is not a simple matter and he does not believe anyone has the perfect answer. He said we must make sure everyone understands the issues and that we interpret what we are going to do according to our basic beliefs and values. He said the Board is in support of the policy on Time, Place and Manner while recognizing the issues that emanate from it. He thanked the Board for their thoughtful consideration and comments.

Trustee Goodman said he unapologetically supports every word of the Affirmation of Commitment to Social Justice that the Board voted unanimously to approve.

Student Trustee Olguin said it is important to understand what it takes for people to stand up and act when they believe things are not right. He said he appreciates the conversation and believes it should continue.

STATEMENTS FROM BOARD MEMBERS

Trustee Schwarz said she attended the San Mateo County Office of Education's conference on "Attracting, Supporting and Retaining Great Teachers." She said the books *Capturing the Spark: Inspired Teaching, Thriving Schools* by David B. Cohen and *Drive* by Daniel Pink were purchased for each School Board member and are available for anyone who is interested. Trustee Schwarz said she attended many end-of-year events at the three colleges. She said the end of the year is always an exciting time, full of hope and promise. She said one exciting event that she attended, along with Trustee Goodman and Chancellor Galatolo, was the Skyline College Middle College graduation ceremony. She said she is happy that all three colleges now have Middle College programs.

Trustee Goodman welcomed Student Trustee Olguin. He offered condolences to the victims of the shooting at a UPS facility in San Francisco that occurred earlier in the day.

Trustee Mandelkern said there was also a shooting earlier in the day in Washington, D.C. He said that regardless of political views, everyone can agree that gunfire against elected representatives is not the appropriate solution. Trustee Mandelkern welcomed Student Trustee Olguin and said he looks forward to working with him. He said he enjoyed meeting with Student Trustee Olguin and believes he has a bright future. Trustee Mandelkern thanked his colleagues for allowing him to attend conferences and said he has earned a certificate for completing the Excellence in Trusteeship Program. Trustee Mandelkern said he attended end-of-year events including commencement ceremonies at Skyline College and Cañada College. He said it is meaningful to see students achieve their goals. Trustee Mandelkern said he received a letter from a member of the community expressing appreciation for his very positive experience as a student at Skyline College.

Student Trustee Olguin thanked the Board for welcoming him. He said he is excited for the opportunity and will use every moment effectively in the interest of the community.

President Mohr welcomed Student Trustee Olguin. He asked the Board to consider presenting resolutions of honor to two retiring educators. Larry Teshara was a long-time principal of Burlingame High School and then transferred to the San Mateo Adult School and helped transform that school into a powerful force. Jim Lianides has been the Superintendent of the Sequoia Union High School District since 2010. President Mohr said the District's relationship with these leaders is very important. The Board agreed to honor Mr. Teshara and Dr. Lianides and staff will prepare the resolutions. President Mohr said he is pleased to be a member of a Board that is willing to deal with the most uncomfortable topics and to tackle issue head-on as they develop.

ADJOURNMENT

The meeting was adjourned by consensus at 8:25 p.m.

Submitted by

Ron Galatolo, Secretary

Approved and entered into the proceedings of the June 28, 2017 meeting.

Richard Holober
Vice President-Clerk