

**Minutes of the Study Session of the Board of Trustees
San Mateo County Community College District
March 9, 2011, San Mateo, CA**

The meeting was called to order at 6:03 p.m.

Board Members Present: President Richard Holober, Vice President-Clerk Dave Mandelkern, Trustees Helen Hausman, Patricia Miljanich and Karen Schwarz

Others Present: Chancellor Ron Galatolo, Executive Vice Chancellor Jim Keller, Skyline College President Regina Stanback Stroud, College of San Mateo President Michael Claire, Cañada College Vice President, Student Services Robin Richards and District Academic Senate President Diana Bennett

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

None

MINUTES

It was moved by Trustee Schwarz and seconded by Trustee Hausman to approve the minutes of the February 23, 2011 meeting of the Board. The motion carried, all members voting "Aye."

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Tricia Gardner, a student at College of San Mateo, made the following statement:

"It has come to our attention that the garden, building 20, and the greenhouses at CSM are being considered for removal, replaced by a parking lot. This is concerning to many students, faculty, staff, and San Mateo County voters who voted on bond measures that are funding the construction projects. This decision does not only affect the Horticulture program. 43% of the science classes at the school use this as an educational resource. By converting educational facilities, like the gardens and buildings, to a parking lot on this area of the campus, the administration is choosing to take away an educational resource that is not only precious to students and faculty, but invaluable to the local biodiversity. One of the three Physics lab rooms will be replaced by a new, combined Botany and Horticulture lab to make up for the loss of building 20, decreasing the capacity of the Physics classes by a third. This parking lot will begin a domino effect impacting students in multiple departments, significantly stripping them of the tools and resources they need to learn. It looks like our curriculum is being directed by construction plans and we feel this isn't right. Shouldn't the construction be dictated by the curriculum to help improve our campus and our learning environment? We are urging the board to do whatever is in their power to go back to the original plan to renovate building 20 and improve the garden area, not destroy it. Thank you."

Estrella Benavides, also a student at CSM, said she is concerned that many students will not have the opportunities she has now if places that people need to improve their knowledge are cut down. She is also concerned about the effect on animal life. She said it is her understanding that the greenhouse and lab will be combined with the Physics Department and she believes this will create overcrowded conditions which are not healthy for students or teachers. She said she and other students do not believe there is a need for the number of parking spaces shown in the new plan. She said the proposal is totally different than the original plan and said students do not have access to the new proposal. She asked that students be fully informed and that the Board reconsider the revised plans.

President Holober explained that during "Statements from the Public on Non-Agenda Items," the Board listens to statements and comments but is not permitted to engage in discussion about issues that are not on the agenda. He said he believes the Board will soon receive the results of a Program Improvement and Viability study on the Horticulture program which will provide more information prior to the Board making a decision. Trustee Miljanich added that the District is experiencing very difficult budget times. Difficult decisions must be made and input from many people

will be involved in the decision making process. She said that, regardless of the outcome, the Board and administration always appreciate people coming forward and giving their viewpoints.

NEW BUSINESS

APPROVAL OF PERSONNEL ACTIONS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (11-3-1A)

It was moved by Trustee Hausman and seconded by Trustee Miljanich to approve the actions in Board Report No. 11-3-1A. The motion carried, all members voting "Aye."

RE-EMPLOYMENT OF CONTRACT AND REGULAR FACULTY FOR THE 2011-12 ACADEMIC YEAR (11-3-2A)

It was moved by Trustee Schwarz and seconded by Trustee Miljanich to approve the actions in Board Report No. 11-3-2A. Vice President Mandelkern, noting the March 15 deadline for teacher layoff notices, asked if there are plans for layoffs in the District and if the budget situation is stable enough to support the re-employment as detailed in the report. Chancellor Galatolo said there are no plans for layoffs at this time. He said there are many unknowns about the budget but he does not believe it is a mistake for the Board to approve the contracts. President Holober said that layoffs have always been a last resort and have been avoided. He said the Governor's budget proposal is based on the assumption that there will be a June ballot measure extending temporary tax increases. If this occurs, the District's deficit will be approximately \$5.8 million. If there is not a ballot measure or if it does not pass, the State budget will be balanced with cuts only and the District's deficit will be approximately \$17 million. President Holober said that if the Governor's proposal does not pass, the District might not be able to avoid layoffs. He said he does not like the repercussions of the Governor's proposal but sees no alternative and will support it. After this discussion, the motion carried, all members voting "Aye."

INFORMATION REPORT

SECURITY PROCEDURES AND THREAT ASSESSMENTS (11-3-1C)

President Holober recognized John Beiers who was recently appointed County Counsel. Mr. Beiers said he is honored that the San Mateo County Board of Supervisors appointed him to his new position. He joined the County Counsel's office in 1995 and was named a school attorney approximately six months later by then County Counsel Tom Casey. He has been representing school districts, and eventually SMCCCD specifically, for 16 years. One of his priorities is to make sure that the strong relationship between the County Counsel's Office and the District continues. Chancellor Galatolo congratulated Mr. Beiers and said he has been an outstanding attorney for the District on multiple occasions.

Chancellor Galatolo said the issue of security procedures and threat assessments was brought forward by the Board in response to events such as the shootings at Virginia Tech University, the firing of shots at a Florida school board meeting, and the shooting of Congresswoman Giffords in Arizona. Jared Laughner, the man charged in the Arizona shooting, was a former student at Pima Community College. The report will focus on what the District has done in creating standard operating procedures through the combined security forces; what staff do in regard to threat assessment and crisis action; the ongoing education of students with regard to safety; and what leverage and latitude the Board has, recognizing the need to maintain the privacy rights of students. Chancellor Galatolo distributed an article about the amendment of FERPA regulations in 2009 which makes it easier to share confidential information when it will help protect the community or an individual from danger.

Vice Chancellor José Nuñez said that in 2009, security was consolidated Districtwide with the creation of the Public Safety Department. A Director of Public Safety was appointed and all Public Safety Officers were provided training. Uniforms, vehicles and equipment were standardized. Mike Celeste, Director of Public Safety, said that duties of Public Safety Officers include: parking enforcement and citations, escort service, medical emergencies and first aid, handling of dangerous situations, earthquake/fire/evacuations, community policing, liaison with local law enforcement and fire departments, lost and found, and emergency preparedness. Officers deal with many issues day-to-day, including directing of traffic, helping students whose vehicles break down, and graffiti.

Mr. Celeste said a Department of Public Safety policy manual was developed with the help of a company named Lexipol. The manual was approved by CSEA and was put into effect in November 2010. All officers are trained on the policies contained in the manual. Policies include use of force, firearms, discipline, report preparation, patrol functions, racial profiling, and hazardous materials response.

Mr. Celeste discussed the Jeanne Clery Disclosure Act, which requires all colleges and universities to keep and disclose information about crime on and near their campuses. Schools are required to publish an annual report, provide timely warnings about crimes that pose an ongoing threat, and keep a public crime log. Crime statistics must be reported to the U.S. Department of Education which collects and disseminates the statistics. Failure to comply with the Clery Act may result in fines. The statistics over the past three years show that the three District campuses are quite safe. Trustee Miljanich asked which incidents are included in the crime statistics report. Mr. Celeste said there are a limited number of categories which require reporting and they do not include minor, day-to-day incidents.

Mr. Celeste said there are several means of providing public safety alerts in case of emergencies or crime alerts; these include emails, AlertU emergency text messaging, the Emergency Announcement System (EAS), Public Safety patrol and the Public Safety website homepage. San Mateo County also provides an alert system via email and text. The Public Safety Department maintains a close working relationship with the County Sheriff's Office, local police and fire departments, and the Office of Emergency Services.

Mr. Celeste said emergency procedures are posted on the campuses, including in all classrooms, and at the District Office. He described the procedures that are followed when a campus lock-down is necessary. The lock-down following the 2009 shooting at Skyline College took 20-25 minutes as the Public Safety Department waited for authorization from the College president. After debriefing, there was agreement that Public Safety Officers will be allowed to make the call to lock down buildings.

Mr. Celeste discussed Public Safety technology. There are 338 video cameras and 434 access control readers Districtwide. The UHF radio system has been upgraded and allows communication among Public Safety personnel, Facilities personnel and others at the campuses. President Claire said the radios were very helpful during the most recent blackout at College of San Mateo. Vice President Mandelkern asked if the UHF radios allow communication with local police and fire departments. Mr. Celeste said they do not at this time; however, the radio system can be put into local law enforcement personnel's car radios. Current technology would also allow local law enforcement agencies to access security cameras so they could view incidents on the campuses as they are occurring. Discussions are taking place with local agencies regarding these issues.

Mr. Celeste showed security camera videos which captured incidents of public safety vehicles being vandalized at Cañada College and theft at the San Mateo Athletic Club at College of San Mateo. He said the video cameras have been very helpful in other instances as well. Vice Chancellor Nuñez noted that footage from the video cameras is not continually watched but is viewed in response to reports of incidents.

Jennifer Hughes, Vice President of Student Services at College of San Mateo, said each campus has a Threat Assessment Team, comprised of the Chiefs of Public Safety, the Vice Presidents of Student Services and the Psychological Services counselors. Depending on the circumstances, others may be brought into the team, e.g. disabled students counselors, College nurses, veterans counselors, and faculty. Examples of threats that may be reported to the team include threats of violence to oneself or others, display of firearms (real or facsimile), stalking, harassment, and threatening correspondence (letters, email, social networking sites). The team also might hear about concerning or troubling behavior such as mood swings, incoherency, and significant change in weight or personal hygiene. If a reported threat is in violation of District policy or the Student Code of Conduct, disciplinary procedures are followed. If a student is suspended or expelled, appropriate faculty and staff at all of the Colleges are alerted, along with Public Safety personnel. Where there is concern about harm to anyone on campus or the protection of lives or property, the Education Code allows for interim suspensions of 10 days, pending a hearing. If the threat does not violate policy or the Student Code of Conduct, the Threat Assessment Team will monitor the situation and will meet periodically to provide status reports and perhaps implement intervention strategies such as referrals to support services within the College or to outside agencies. The Team will also have continuing discussions with Public Safety. President Claire added that there is no hesitation to call in local police when necessary. Trustee Miljanich asked if the Team also addresses threats or troubling behavior by faculty and staff. Vice President Hughes said that in

these instances, the Team seeks assistance from Harry Joel, Vice Chancellor of Human Resources and Employee Relations, and said he has been very helpful in determining how to address situations.

Robin Richards, Vice President of Student Services at Cañada College, said reports of threats are received from Public Safety and through emails and conversations with people who are concerned about a situation. The lack of a central mechanism for collecting and organizing information has been problem. In response, research was done on reporting software which would allow sharing of information among the campuses. Public Safety, the Vice Presidents and IT personnel previewed software packages and chose one to purchase, with the hope of implementing it this summer. It is integrated with Banner and will allow online incident reporting and customized incident routing.

Vice President Richards said training has been conducted on each of the campuses and includes identification of what behaviors should be reported, how to report, and when to call 911. Training on the new software package will also be provided to staff who will be involved in entering information into the new system. Trustee Schwarz said it would seem reasonable to train almost everyone because people need to know what to do immediately in threatening situations. Vice President Hughes said that existing training emphasizes the message that people should not delay reporting and gives them key departments to call. Vice President Richards said that, in addition to training that anyone can attend, training materials are sent out via all-campus mail. President Claire added that all-College trainings are provided at least once or twice per year and are open to all employees.

Joe Madrigal, Vice President of Student Services at Skyline College, said a key concern in reporting is the response time. He reviewed the incident report and debriefing of the 2009 shooting at Skyline and found that the response time from the San Bruno Police Department took only several minutes. He said it is critical to respond according to procedure. Since November, there have been 15 incidents of disruptive behavior at Skyline. Vice President Madrigal described three incidents, how they were reported and actions that were taken in response. He noted that the issues of threats and disturbing behaviors have become more complicated because of the use of technology. For example, an incident was reported in which two students were chatting via the Internet and threats were made relating to the students' presence at Skyline. Trustee Miljanich asked how authorities on campus became aware of this incident. Vice President Madrigal said that one of the students reported it. Vice President Mandelkern said a similar incident occurred at a local high school. He asked if the District is proactive in monitoring the mention of a College on social network postings. Mr. Celeste said searches of sites are complaint-driven rather than proactive. He said that whenever a call comes in regarding a disruptive student, he reads that student's posts on Facebook.

Vice President Mandelkern said he appreciates that the balance is tilted toward safety of students and of the campuses. He said the procedures are good in terms of removing immediate threats and for following disciplinary procedures. However, he questioned what is being done to make sure students get the help they need and asked if there is a process for notifying outside agencies, parents and/or families. Vice President Hughes said the District is limited in what it can do. Students are encouraged to seek psychological help but, unless a student has agreed to seek help as part of an expulsion agreement, the District cannot mandate that a student get help. Chancellor Galatolo said that in the Arizona shooting incident, Pima Community College did a good job internally but failed to take it beyond the boundaries of the district. He said SMCCCD has made a decision to go beyond the boundaries to the limits that state and federal laws permit.

John Nibbelin of the County Counsel's Office said the overarching legal template for dealing with disclosure of information is the Family Educational Rights and Privacy Act (FERPA), which states that students have a right to privacy of their educational records. Exceptions can occur which allow disclosure of information without student consent. Generally speaking, it is acceptable to call local law enforcement if there is a significant threat that a student will harm himself/herself or others. Cases become more difficult when there are pieces of information coming from different places, none of which constitutes an immediate threat but which, in totality, create a disturbing picture. Prior to 2009, exceptions to disclosure were narrowly construed, causing administrators to be nervous about disclosing information. The regulations as amended in 2009 clarify that if a case of threat can be reasonably articulated, information may be disclosed to appropriate parties such as law enforcement agencies, parents, and mental health professionals. The Supreme Court has ruled that a district cannot be sued by students who feel their rights have been violated; the risk under FERPA is the loss of funding if a district is found to be routinely violating students' rights.

Vice President Mandelkern asked what types of troubling behavior would rise to the level of being a threat and, therefore, allow disclosure. Mr. Nibbelin said the correct question to ask is whether the behavior constitutes an emergency. The totality of the situation should be examined to determine whether a student's behavior constitutes something that could be emergent, even if not immediate. Mr. Nibbelin said it is best to err on the side of safety. Vice President Mandelkern noted that an emergency situation does not necessarily include behavior that is "off" and he would prefer to see allowance for more expansive disclosure. However, he is pleased to learn that individual students cannot sue for FERPA violations if they believe their privacy rights have been violated.

Trustee Miljanich said there is a certain amount of subjectivity involved in determining whether a situation is an emergency. Mr. Nibbelin agreed and read from the amended FERPA regulations: "If, based on the information available at the time of the determination, there is a rational basis for the determination, the Department of Education will not substitute its judgment for that of the educational agency or institution in evaluating the circumstances and making its determination."

Trustee Hausman said the presentation was very good and illustrated the extent to which sensitivity and judgment are required. She said she is encouraged by all of the measures that have been put in place across the District. Mr. Nibbelin said he is impressed with the maturity and wisdom exhibited by District personnel. President Claire said the Threat Assessment Teams possess a collective wisdom that allows people to make judgment calls. President Stanback Stroud said she has found it helpful to ask staff to pretend to look into the future and ask what they would wish they had done if someone at the College was the next "cover story" on campus violence.

President Holoher asked to what extent students are oriented about what behaviors are appropriate and acceptable. Vice President Hughes said the Student Code of Conduct is shared during orientation and the Public Safety Department is invited to come to the orientations. She said it is incumbent upon the institutions to let students know what is acceptable and how to go about resolving conflicts in a positive way. President Holoher asked to what extent a lack of experience and maturity due to age is considered. Mr. Nibbelin said it is proper to consider this in situations that are not emergencies. Vice President Mandelkern said faculty and staff are also involved in safety issues and he hopes the institutions are reaching out and educating them on how the process works. President Stanback Stroud said she believes there is increasing awareness of the issue and that administrators are committed to making sure faculty and staff know the protocols. She noted that faculty tend to be youth friendly and sensitive to students but must be able to make a distinction when behavior is dangerous.

Vice President Mandelkern thanked all of the presenters. He urged everyone to continue to think holistically about the impact of these issues on the entire community and to be concerned about what a student might do not just within the campus walls, but in the larger community.

President Holoher announced that the meeting will be adjourned in memory of Gary Klippert, who worked as a media technician for the District from 1999 to 2003 and as a public safety officer from 2003 to 2010 when he retired.

RECESS TO CLOSED SESSION

President Holoher said that during Closed Session, the Board will consider the personnel items listed as 1A on the printed agenda. The Board will also hold a conference with agency labor negotiator Harry Joel; the employee organizations are AFT, AFSCME and CSEA.

The Board recessed to Closed Session at 8:15 p.m.
The Board reconvened to Open Session at 9:31 p.m.

CLOSED SESSION ACTIONS TAKEN

President Holoher reported that at the Closed Session just concluded, the Board voted 5-0 to approve the items listed as 1A on the printed agenda.

ADJOURNMENT

It was moved by Vice President Mandelkern and seconded by Trustee Schwarz to adjourn the meeting. The motion carried, all members voting "Aye." The meeting was adjourned at 9:34 p.m. in memory of Gary Klippert.

Submitted by



Ron Galatolo
Secretary

Approved and entered into the proceedings of the March 23, 2011 meeting.



Dave Mandelkern
Vice President-Clerk