



**District Participatory Governance Council Minutes  
Monday, December 6, 2021, via Zoom**

**Members Present:**

Dr. Aaron McVean (Co-Chair), Kate Browne (Co-Chair), Juanita Celaya, Jesenia Diaz, David Eck, Karen Engel, Jackie Escobar, Dr. Lauren Ford, Ashely Garcia, Dr. Monica Malamud, Andrea Morales, Anthony Tran, Val Tyler and Andrea Vizenor

**Members Absent:**

Ron Andrade and Joseph Puckett

**Others Present:** Roxanne Brewer (Recorder), Lindsey Ayotte, Dr. Cheryl Johnson, Shannon Hoang, Dr. Oyame KenZoe Brian Selassie-Okpe, Dr. Manuel Alejandro Pérez and Jackie Santizo

**1. Call to Order/Establish Quorum**

The meeting was called to order at 2:20 p.m. and quorum was met.

**2. Action Item**

**A. Brown Act Resolution**

Motion was made by Ms. Browne and seconded by Ms. Vizenor to approve the Brown Act Resolution. The Council unanimously approved the resolution.

**3. Statements from the Public on Non-Agenda Items**

None

**4. Action Items**

**A. Review and Approval of Minutes from November 1, 2021 Meeting**

A motion was made by Mr. Eck and seconded by Dr. Malamud to approve the November 1, 2021 meeting minutes.

Dr. McVean clarified that the Administrative Procedures (AP) are not established at DPGC although a workgroup on the new policy, BP 8.XX – Undocumented Student Waiver, can be put together to help write the procedures. Dr. McVean said that the AP for this policy will be brought back to the DPGC for review since this is a new policy. The Board of Trustees would also like the opportunity to comment on the APs when there are new policies or changes to a policy. Ms. Browne said that the APs are useful to review even though it is not the Council’s responsibility to create APs. For new policies, the Co-Chairs may ask for a small group to help create the APs. Generally, the administrative staff creates the APs. By practice, the Council reviews the APs because they pertain to the policy.

A correction to the minutes will be made in Item #11 Adjournment to read *Dr. Ford* removing *Ds. Ford*. Additionally, any other Council members who have earned their Ph.D. will also be changed to reflect Dr.

The minutes for November 1, 2021 were approved by consensus.

**B. BP 8.XX – Undocumented Student Fee Waiver**

*A motion was made by Ms. Vizenor and seconded by Mr. Eck to approve the policy BP 8.XX – Undocumented Student Fee Waiver.*

Dr. McVean reviewed the redlines on BP 8.Xx – Undocumented Student Fee Waiver. This policy has been discussed with the Board, they were happy to see the process and they are waiting for this policy to come forward for action. Currently this policy is slated for the December 15, 2021 Board agenda. This policy has been discussed at various constituent groups. Dr. McVean and Ms. Santizo presented this policy to the Associated Students at the CSM and they were in favor of the policy.

*BP 8.XX – Undocumented Student Fee Waiver was approved by consensus.*

**5. Policies for Review**

**A. Board Policies for First Review**

Dr. McVean reviewed and made clarifications regarding the redlines on the following policies. A representative from the Community College League of California has been reviewing our policies and made some suggested changes. (REF: DPGC Minutes from October 4, 2021, ‘*Dr. Jane Wright is the Policy Director for the League and she will review our policy language in terms of what is legally required, recommended, and best practices*’).

**BP 2.16 – Public Notice of Negotiations**

Ms. Browne wondered if in in Item 2a. if it is common practice to state, ‘After a reasonable time, but not less than five calendar days .....’ No answer was available.

Ms. Browne asked for clarification on Item 2b., ‘*Following the public hearing specified above, the Board shall, at a public meeting, adopt its initial proposal*’. Dr. McVean’s understanding was that we put them on the Board agenda although no action is taken and is available for public comment at that time.

**BP 2.70 – Accreditation**

**BP 2.75 – Institutional Planning and Effectiveness**

Dr. McVean will take a review Item 3 and add any plans that may be missing.

**BP 6.30 – Externally Funded Special Projects and Programs**

Mr. Eck asked for clarification if the Board could make recommendations for the District to apply for grants. Dr. McVean said there have been times when Board members forward opportunities for the colleges to apply for grants in an effort to share the information.

**B. Board Policies for Second Review**

None

**C. Board Policies for Third Review**

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

Dr. McVean welcomed Dr. Cheryl Johnson, Shannon Hoang, Dr. Oyame KenZoe Brian Selassie-Okpe, Dr. Manuel Alejandro Pérez and Jackie Santizo from the District Antiracism Council Policies and Procedures Workgroup.

Dr. McVean asked if any questions were brought forth during the various constituent meetings.

Overview from the District Antiracism Policies and Procedures Workgroup:

- The discussed information from DPGC was brought back to the Antiracism Council and the Workgroup for further discussion.
- The feedback regarding the *SMCCCD Anti-Racism Council Glossary* has been taken back to the Workgroup to find an interactive way of having a direct connection to the glossary to help make sense of the language within the document. The Workgroup is also exploring opportunities of anchoring various multi-media to the landing page.
- The Workgroup is using the above noted bullet points to dive deeper into why there is specific language to call in specific minoritized communities; and, why that is a strategic step to take on behalf of our Antiracism and equity efforts towards a more justice centered District.

Dr. McVean asked Council members to provide any feedback so it can be shared with the Council.

Dr. Malamud said that in the November 1, 2021 minutes it stated that the Council would receive a revision of the Draft - Preamble, Vision, Mission, Values (BP 1.01 – District Mission) to take back to the various constituency groups. Dr. McVean clarified that a second revision has not been sent out yet.

Dr. Pérez said that they are open to a revision; currently, they have not received any written feedback that would not be addressed with the resource they are proposing we would offer which is a multi-media type of resource. Most of the feedback they have received are questions such as: Is the language too broad? Is the language too general? Should it be more or less specific? That information has been taken back to the Antiracism Council, the Antiracism Council has empowered the Policies and Procedures Workgroup to act on their behalf as long as they liaise back to the Antiracism Council. Dr. Pérez said there has not been any actual changes made to the current draft policy other than addressing the interest of the constituencies via some kind of multi-media interactive piece or potentially a video that would speak to why the draft policy is written the way it has been written. Other than that, they have not received any substantive written feedback on how to shape the language and leave it only there; it has been fluid and they have addressed it that way.

Dr. McVean clarified that if there are actual edits or redlines to the policy, it would be appreciated by the Workgroup to have them in that form. Dr. McVean said we have an opportunity to bring that back as well.

Dr. Ford discussed the feedback she received. She said one area that may not have been alluded to in Dr. Pérez' overview, based on the feedback she has received, some staff mentioned that it is great to have a focus specifically on antiracism; although, the gap is in the other places and spaces in which the District might operate in comparison to the existing Preamble, Vision, Mission, Values. Dr. Ford said there is language in there [existing Preamble, Vision, Mission, Values] focusing on what we are offering the community which some staff feel is missing from the Draft - Preamble, Vision, Mission, Values policy. The language reflects who we are as people but does it truly reflect what we are offering in terms of our goals of service.

Attached to these minutes is the feedback that Dr. Ford received.

Dr. McVean said that in terms of those types of edits/additions, we need to look to see if they are something that should be incorporated into the draft policy. Dr. McVean said that at some point, it may come to where we have done as much work on this as we want to and then it will come to the Council and any final edits we will take action on before the Council makes any recommendations to the Chancellor. The Workgroup should not feel like they have to address all pieces if it is not specific to the focus of the Workgroup.

Ms. Browne said based on the fundamental shift that this draft policy does for us as a District, does the Workgroup want the Council to take the draft policy back to their respective constituency groups? How far out do you want to go to, Academic Senate, etc., what kind of input is the Workgroup looking for at this point? Dr. Johnson said that we probably won't adopt everything because we want to keep the fidelity of what was created, she felt that it should stop with the Council once the feedback is fine-tuned; otherwise, it will continue going on and on.

Dr. McVean said that if possible, it would be nice to have this draft policy in a form that we are prepared to take action on at our February 7, 2022 Council meeting, March at the latest. Ms. Browne clarified that the Council members need to review the draft and provide feedback by the end of January 2022.

Dr. Oyame KenZoe Brian Selassie-Okpe is grateful for the feedback that the Council has provided along with connecting with the constituency groups. He would like to make sure what they craft is something that expresses the evolutionary identity and necessity for enacted efforts that the District aims to make; making sure that its conversation is about equity and social justice align with its deeds about equity and social justice. Dr. Oyame KenZoe Brian Selassie-Okpe feels that they will honor the feedback that has been received from the Council because they value it, they will submit what they have and see what the Council decides.

Dr. Johnson said they were hoping the Chancellor's Council would review but that meeting was cancelled. On December 17, 2021 is the Manager's Forum.

## **6. Informational Items**

### **A. New – 3.95 – Faculty Pre-Retirement**

Dr. McVean said the New – 3.95 – Faculty Pre-Retirement is not a Council policy. Dr. McVean briefly explained that we offer a pre-retirement program in the District. The program is different based on the bargaining unit a staff member belongs to; there is a work load reduction involved over a series of years with benefits maintained leading up to retirement. It is very standard and most districts have a version of this policy in place. Currently the District does not have a specific Board policy on faculty pre-retirement and we just learned that in order to comply with policy, we need to adopt an official Board policy. District legal is currently working on the policy and it will go into the Board packet for the December 15, 2022 Board meeting.

Dr. McVean said he will be talking about this at the Negotiations Meeting that will be held tomorrow or he can talk off-line about it. Marie Billie and David Feune have a lot more information about this policy that they can share.

Dr. Malamud requested that this be recorded in the minutes. She said that we actually have a reduced workload program in the negotiated contract for faculty. Any changes different from that needs to be negotiated and what is in the contract will prevail over any Board policy that contradicts the contract. The Board policy being proposed can't be adopted by the Board because it is proposing

something different than what we already have negotiated and that would be a violation of union rights and would trigger an unfair labor practice.

Ms. Browne said that it is required that we have something in Board policy about faculty pre-retirement and there is a reference to the Ed Code. How does this match with what has already been negotiated or can it be more general so it does match?

Dr. Malamud said there is language in Ed Code 22713 and it goes by the name Willie Brown Act.

Dr. McVean said the intent is not to change anything in the contract, it is to authorize the District to be able to offer the faculty pre-retirement program. He said that if you feel there is something in this policy that changes what is negotiated, immediately let Mitch Bailey and Marie Billie know your concerns.

Dr. Malamud said it restricts what Ed Code has and the intent of changing of what is in the contract already. Ms. Browne stated that this policy needs to be rewritten. Dr. Malamud said the article in the contract is 10.2. Whoever is writing contract can compare Ed Code and the article in the contract.

#### **B. Update - BP 2.90 Vaccinations**

Dr. McVean reviewed a few changes to the BP 2.90 – Vaccination policy that were made at the November 10, 2021 Board meeting.

Dr. Malamud asked if there were any clarifications for students whom the vaccine requirement can't be effective because there is not a fully approved FDA vaccine for them due to their age. Dr. McVean said if the student is under the age 16, they are still under the protocol for those who receive the exemptions; which is, wearing a face mask and weekly testing if they are on campus. It is not in the policy, there is a draft administrative procedure that he received today regarding the specifics of the policy.

Ms. Escobar asked what guidance will be provided for January 3, 2022 when students may be returning to campus. Dr. McVean said he hopes the administrative procedure will be ready within the next couple of weeks as more clarifications come out with San Mateo County Health Orders.

Dr. McVean said that once MOU negotiations are put in place additional information about returning to campus in spring 2022 will be sent out.

#### **7. Closing Remarks/Agenda Building**

Our next Council meeting will be on February 7, 2022.

Dr. McVean thanked everyone for their work this year and sent his wishes for a nice holiday season.

Ms. Browne also wished the Council a nice holiday season to stay safe and healthy.

#### **8. Adjournment – 3:26 p.m.**