



Chabot-Las Positas Community College District

Chancellor's Council

Tuesday, May 9, 2023

3:00 – 4:30 p.m.

ConferZoom

Meeting Minutes

Present: Ron Gerhard, Miguel Colon, Dave Fouquet, Dyrell Foster, Joel Gagnon, Heather Hernandez, Jean O'Neil-Opipari, Susan Sperling, Sarah Thompson, Rachel Ugale, Chasity Whiteside

Guests: Daniella Ballif, Virginia Criswell, Theresa Fleischer Rowland, Wyman Fong, Bruce Griffin, Owen Letcher, Caroline Morrison-Pegg, Jonah Nicholas, Dionicia Ramos, Kirti Reddy, Aubrie Ross, Sui Song, Melinda Trammell, Rachel Tupper-Eoff

Chancellor Ron Gerhard called the meeting to order at 3:02 p.m.

I. Review and Approval of Agenda

The agenda was approved as presented. **(Colon/Sperling) All in favor.**

II. Review and Approval of the April 11, 2023 Meeting Minutes

The minutes from the April 11, 2023 meeting were approved as presented.
(Hernandez/Sperling)

III. Chancellor's Council 2023-2024

- **Approval of 2023-2024 Council Meeting Dates**

The 2023-2024 Council Meeting calendar was approved as presented.
(Hernandez/O'Neil-Opipari)

- **Review/Update of 2023-2024 Council Members**

New members of Council will be as follows:

Virginia Criswell as the new Chabot College Senate President

Aubrie Ross as the new Las Positas College Senate President

Joanne Bishop will provide the name of the new representative for the District Senate.

IV. Enrollment Assessment Project Discussion (Gerhard)

This item will be discussed if there is available time.

V. Student Tutors (Gerhard)

In talking to the College Presidents, there is support and commitment to support student tutors. This will be discussed at the college level to figure out what that looks like and organizing within the tutoring centers. The College Presidents will work with the Deans and Directors in the tutoring centers to logistically ensure that it is done in a manner where it serves our students and also meets all Human Resources requirements.

VI. Board Policies/Administrative Procedures (standing item)**a. For Discussion****1. AP 3435 Discrimination and Harassment Complaint Procedures**

The administrative procedure was shown to Council for discussion. Melinda Trammel discussed that the complaint should be filed before a year. You can contact human resources and explain what happened and who it has occurred to, even if you are not the person it was directed to. The policy goes on to explain that you can do a verbal or written statement on the complaint form or call HR and we can send you that form if you want to do it in writing. What is considered to be a complaint? It has to have specificity. The district takes that and looks into it and advises all involved if there is going to be an investigation or not. The Vice Chancellor of Human Resources or designee has oversight of the process. Who can file a complaint? A student, employee, a parent of a minor, a staff person, or anyone who feels that they are being discriminated against.

RGerhard stated that there is confidentiality and protection of the complaint and the process. The section that speaks to the confidentiality of the process itself states that the district does not reveal any information about ongoing investigations, except for as necessary to fulfill its legal obligations. The information is kept confidential to the extent possible. MTrammell stated that all policies have been reviewed by legal.

CMorrison-Pegg mentioned that the responsibility of the person filing the complaint is the one discriminated against makes it difficult. It might be easier for the person filing the complaint to not be the person being discriminated against and this makes it difficult to file a complaint as a witness. MTrammell stated that HR takes down the information. If the person that it is affecting does not want to make a complaint, we cannot force them. We can help them through the process if they are willing to disclose what is happening. When we are doing that investigation, we are not coming back to the reporter because it is confidential. Even if there is no investigation that is occurring, the HR Department is still looking into what is occurring and having conversations with managers, with the alleged information, to make sure that we are covering our bases that no discriminatory, retaliatory, or misconduct is happening according to Title V, Ed Code, or contract. It may appear that nothing is happening, but there is a lot going on in the background that you are not aware of. Maybe the complaint does not reach the level of an investigation, but it could be borderline. There are

discussions that take place, coaching and training, if that needs to happen. There are different avenues that are taken if a performance improvement plan needs to occur. All of this is kept confidential between HR and the person that it is affecting.

MColon stated that it appeared that a complaint needed to go through a formal process and that it is unrealistic to assume that someone will say I was wrong. We hear that people do not want to cause any trouble by submitting a formal complaint. It is good to hear that even if a third party did the reporting, there is still a significant investigative process undertaken. There is a want for a person to be able to report an issue anonymously.

JNicholas mentioned that it is important to distinguish between a formal complaint versus reporting an issue as a third party and the procedure involved. In regards to the whistleblower policy and anonymity, there is nothing that precludes anyone from reporting an issue anonymously. All complaints are looked into by Human Resources.

2. **BP 7700 Whistleblower Protection**

BP and AP 7700 Whistleblower Protection were discussed. The policy states: "Any person may report allegations of suspected unlawful activities." RGerhard read through [AP 7700](#). All of this forms the basis of what MTrammell described in AP 3435 as triggering a due diligence and good faith review or investigation of the accusations. It is done with confidentiality in mind to protect the person bringing forward the complaint as well as the rights of the individual that is the purported offender.

HHernandez asked what the report back is to the person that originally reported the complaint. MTrammell mentioned that if the complaint is defective, the person is going to get a letter saying the complaint is defective. Before they receive the letter of defectiveness, they are given a call of explanation. If someone just called HR and stated they viewed harassment and an investigation is done informally, HR is limited in the information that can be given back to the complainant. They will be given a call to let them know that if they experience any retaliatory behavior, they can come back to HR. JNicholas stated that the administrative procedure states that if the district imposes discipline, the nature of the discipline will not be communicated to the complainant. We may disclose information about the sanction on the individual if it directly relates to the complainant. For example, the district may inform the complainant that the harasser must stay away from the complainant. MTrammell reiterated that is for the complainant. It may feel like something is not happening behind the scenes, but it cannot be disclosed.

CMorrison-Pegg asked what reassurance is there that HR is going to look into a complaint. JNicholas stated that this is a twelve-page procedure outlining step by step the process HR takes. It can be frustrating because of the confidentiality

component. CMorrison-Pegg mentioned that she understands that this is for a complaint that is being accepted for investigation, but if it cannot be accepted because you are not the person being discriminated against, HR will only look into it. JNicholas stated that the process was also discussed regarding a third party reporting an incident. As the third party, you have done what you can do at this point and you are not necessarily entitled to hear how the process plays out. MTrammell mentioned that if the incident is continuing to happen, it should be reported again. HR communicates as much as they can. There is confidentiality that HR cannot breach. WFong stated that there is a lot going on behind the scenes. He meets with MTrammell on a weekly basis on all of the pending cases, formal and informal, whether it goes through a complaint process.

MColon stated that we need to make these documents and processes humanized. A victim does not want to come forward and put the spotlight on them. People do not have confidence in the process. CMorrison-Pegg stated that if the problem keeps happening, people will leave instead of going through the process and waiting out the process.

JNicholas reminded everyone that the individuals that are being complained against also have rights. The process is set up to balance out the rights of the person that are making the complaints as well as the individuals that are being complained against. We have the whistleblower policy, and numerous other policies, which states the inability to retaliate against other individuals. That is really the cornerstone of the complaint process is the nonretaliation clause. It is something that organizations, and our property and liability carriers, take very seriously because it can be very costly. It may not seem very humanistic, but if it plays out the way it is designed, it is fair for both sides.

RGerhard stated that these policies are also very similar to that of other community college district. To have a productive conversation on this, we need to discuss what an improvement would look like and how does that move us forward. MColon asked for easier anonymous reporting. CMorrison-Pegg suggested having a specific person where to submit complaints. MTrammell stated that HR is the place and the Director of Employee and Labor Relations is the person you can file a complaint with. The complaint form is online, under Human Resources, and titled, "complaint form."

RGerhard stated that the whistleblower procedure falls under Business Services. There can be some future discussion in regarding to how to intake and process anonymous whistleblower complaints.

b. [First Reading](#)

1. AP 6625 Art, Exhibits and Displays in Public Places

OLetcher mentioned that the Academic Senate brought forth comments when AP 6625 was presented to Council for the first time. Since that point, there was

discussion with Dean Mattern to revise the language and then have it brought back to Academic Senate. It is now being brought forward to Chancellor's Council in a state where the revisions are vetted to be acceptable.

2. BP 7130 Compensation

This item is being brought forward due to some changes with the education code and requirements. The track changes are shown in red.

It is asked that these two items be brought back to your constituency groups for review and discussion. Any feedback is welcome.

c. Second Reading

RGerhard stated that many of these second readings are required updates due to changes in policies or laws with the biggest one of note being 7400.

- 1. BP 3430 Prohibition of Harassment**
- 2. AP 3430 Prohibition of Harassment**
- 3. BP 3433 Prohibition of Sexual Harassment**
- 4. BP 3520 Local Law Enforcement**
- 5. AP 3520 Local Law Enforcement**
- 6. BP 3530 Weapons on Campus**
- 7. AP 3530 Weapons on Campus**
- 8. BP 3560 Alcoholic Beverages**
- 9. BP 3570 Smoking on Campus**
- 10. AP 3570 Smoking on Campus**
- 11. BP 3600 Auxiliary Organizations**
- 12. BP 7340 Leaves**
- 13. AP 7400 Travel**

JNicholas spoke to this policy during the first reading in April, but this one probably has the most significant impact in terms of changes to our operations. If this can move through Council today, it can be implemented at the beginning of the fiscal year, starting July 1.

There was a motion to recommend moving all second readings to the Board of Trustees. **(Gagnon/Colon) All in favor.**

VII. College Resolutions/Report Outs

No reports given.

VIII. Future Agenda Items

RGerhard stated appreciation in working with everyone in these leadership roles over the last few years. SSperling was also recognized for her years of service to the college and district.

RGerhard stated that the assessment project is going to be discussed moving forward. There is a lot of work going on with adoption and implementation of Advise. Recruit is coming on board shortly. Kennedy & Co.'s work and recommendation are also manifesting itself in terms of a hiring of a Director of Public Relations and Marketing at Chabot on this coming board meeting.

IX. Next Meeting: September 12, 2023

The meeting adjourned at 4:21 p.m.