

# LOS ANGELES COMMUNITY COLLEGE DISTRICT

## BOARD OF TRUSTEES

### MINUTES – REGULAR MEETING

Wednesday, March 12, 2014

Public Session 3:30 p.m.

Closed Session

(Immediately Following Public Session)

Los Angeles Harbor College

Music Recital Hall

1111 Figueroa Place • Wilmington, California 90744

The regular meeting of the Board of Trustees of the Los Angeles Community College District (LACCD) was called to order at 3:35 p.m. with President Miguel Santiago presiding.

The following members were present: Mike Eng, Mona Field, Ernest H. Moreno, Nancy Pearlman, Miguel Santiago, and Scott J. Svonkin. Absent: Steve Veres (arrived at 4:01 p.m.). Student Trustee Michael J. Griggs was present.

Trustee Eng led the Pledge of Allegiance to the Flag.

#### **WELCOMING REMARKS BY FARLEY HERZEK, PRESIDENT, LOS ANGELES HARBOR COLLEGE**

Deferred to later in the meeting.

#### **APPROVAL OF MINUTES**

Motion by Trustee Svonkin, seconded by Student Trustee Griggs, to approve the following minutes:

Regular Meeting and Closed Session – February 12, 2014

Regular Meeting and Closed Session – February 26, 2014

*Student Trustee Advisory Vote: Aye (Griggs)*

*APPROVED: 6 Ayes Absent: Trustee Veres*

#### **REPORTS FROM REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS AT THE RESOURCE TABLE**

Mr. Donald Gauthier, President, District Academic Senate, reported that on Friday, February 28, 2014, more than 255 faculty members, administrators, and others joined together to discuss their respective disciplines and some of the changes taking place as part of the Student Information System (SIS) implementation.

#### **ANNOUNCEMENTS FROM THE COLLEGE PRESIDENTS**

Ms. Renee D. Martinez, President, Los Angeles City College (LACC), announced that LACC has received the Excellence Award in Journalism.

Ms. Alma Johnson-Hawkins, Interim President, Los Angeles Valley College (LAVC), announced that on Thursday, March 13, 2014, LAVC will host the opening reception for "Passing Time: 50 Years of Exhibitions" sponsored by the LAVC Art Gallery. She announced that on Friday, March 7, 2014, LAVC received the 2013 Red Cross Platinum Award in recognition of having a 43 percent increase in blood donations. She also announced that on Thursday, March 6, 2014, the LAVC Library and Academic Resource Center won the Best Public Project Award at the San Fernando Valley Business Journal 2014 Commercial Real Estate Awards.

Mr. Marvin Martinez, President, East Los Angeles College (ELAC), announced that on April 17, 2014, the ELAC Foundation will be holding its 11<sup>th</sup> Annual President's Gala at the Langham Huntington Hotel in Pasadena.

Mr. Farley Herzek, Interim President, Los Angeles Harbor College (LAHC), reported that the student leaders from LAHC are currently in Washington, DC to attend the National Grassroots Legislative Conference and National Student Lobby Day (LegCon) 2014 from March 14-17, 2014. He reported that he would be accompanying the students in a march across the mall to the Capitol building.

## **PUBLIC AGENDA REQUESTS**

### **Oral Presentations**

President Santiago read the cautionary language for speakers and their personal responsibility and, potentially, personal liability for defamatory remarks.

Ms. Maria Baltazar addressed the Board on behalf of AC Custom Catering regarding a proposal for placing mobile catering trucks on the campuses. She indicated that revenue from the catering services would be used for student scholarships.

Interim Chancellor Barrera indicated that a study regarding food services is currently in progress, which would determine the District's future direction.

Scheduled speaker Mr. Armando Chavez was not present.

Ms. Esther Glaze addressed the Board regarding the need to conduct training for administrators at Los Angeles Southwest College (LASC).

Ms. Wanda Solomon addressed the Board regarding her progress as a student at LASC.

With respect to Com. No. BT2. Amend Board Rule 2419 – Smoking/Nonsmoking Policy, Ms. Leila Menzies discussed the positive aspects of smoking e-cigarettes as opposed to real cigarettes. She requested that if Com. No. BT2. is adopted, an effort be made to keep the cigarette smokers at a distance from the e-cigarette smokers within the designated smoking areas.

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President Santiago indicated that Ms. Elizabeth Oved and Mr. David Oved have signed up to address the Board regarding Com. No. ISD4. Student Discipline – Expulsion.

Ms. Camille Goulet, General Counsel, indicated that the student has requested to address the Board regarding this agenda item and recommended that the Board first confirm that the student would like the deliberation to occur in public. She indicated that if the student does want the deliberation to occur in public, the entire item should be taken up at this time.

Ms. Oved requested that the Board discuss and deliberate her case in public.

Ms. Goulet recommended that President Santiago entertain a motion and a second to take Com. No. ISD4. out of order before calling upon the speakers.

There being no objection, Com. No. ISD4. was taken out of order.

Ms. Goulet indicated that in light of the fact that there is no objection to taking this matter out of order from the Board and the Chair entertained that as a matter of courtesy, she recommended that President Santiago entertain a motion and a second to adopt the item at this time.

### **Com. No. ISD4. Student Discipline – Expulsion**

President Santiago entertained a motion and a second to adopt Com. No. ISD4.

Motion by Trustee Svonkin, seconded by Trustee Moreno, to adopt Com. No. ISD4.

Ms. Goulet recommended that, since the materials in support of this agenda item are already in front of the Board and the student already has them, the Board give the student and the other speaker the opportunity to address the Board.

President Santiago requested that Ms. Goulet advise the Board as to which speaker should go first.

Ms. Goulet indicated that the student could make this determination.

Ms. Oved indicated that she has requested this hearing because she feels she has been suspended unfairly. She addressed the Board regarding the charges against her that resulted in the recommended expulsion. She indicated that she takes full responsibility for her actions and that the incident with respect to the removal of the patient chart was accidental and unintentional. She indicated that she is aware of two other students in her class who lost a patient chart and there was no disciplinary action taken against them. She stated that no measure was taken to discuss the incident with her.

Mr. Oved addressed the Board on behalf of Ms. Oved, his sister.

(Trustee Veres arrived at 4:01 p.m.)

President Santiago proposed that the Board allow Interim Chancellor Barrera to review this item and come back with a recommendation for the Board to take action. He inquired if this would be an appropriate step provided the Board supports that position.

Ms. Goulet responded that the Board can do this if they would like Interim Chancellor Barrera to conduct further review regarding this case. She recommended that the Board give the opportunity to the College President to respond to the comments by the two speakers. She indicated that the Board members would then ask any questions they might have and the Board members would then determine how they want to move forward.

Mr. Nabil Abu-Ghazaleh, President, West Los Angeles College (WLAC), indicated that this case was deliberated carefully through the proper process for reviewing a disciplinary action. He indicated that there were multiple steps and that the student was allowed to represent herself at each step. He indicated that all evidence was considered and the violations in this case were extremely serious. He indicated that not only did the violations endanger a particular patient because the chart was missing, but endangered the entire college's relationship with the site. He stated that the way the chart was returned was a matter that was documented through the investigation and was determined to not be straightforward. He stated that the way in which the chart was returned showed a very specific disregard to the student handbook agreement that the student signed on August 20, 2012. He further stated that he has reviewed documents from the division that showed some critical feedback of the student's performance that preceded the current complaint and this feedback came from multiple faculty members. He indicated that in his findings, there was direct dishonesty in how the chart was returned and a lack of responsibility taken by the student. He stated that the documents he has do not show that the chart was returned explicitly nor that the student apologized. Instead, they show that the file was dropped off secretly and the student left the clinic and admitted to having had it only after she was confronted with the issue and after an investigation.

Trustee Field inquired as to whether the student is not attending class at all based on being suspended until the Board takes further action or if she is in class. She indicated that there were allegations made that other students have lost materials or patient files and have not been given this type of discipline and requested that more information be provided regarding these allegations. She stated that there is nothing in the material the Board members received indicating evidence about any prior circumstances or history regarding similar incidents and requested that the Board members be provided with background information regarding this.

Trustee Pearlman indicated that she is always concerned when there is discussion regarding student expulsions. She requested clarification that the student has not yet been expelled and that the Board is the group that would deliberate and vote on this.

Ms. Goulet responded that this is correct.

Trustee Pearlman indicated that the committee had proposed a two-year suspension. She indicated that she generally likes to support the Presidents who reviewed it and recommended the full expulsion. She inquired as to why expulsion with reconsideration was not proposed.

Ms. Goulet responded that the recommendation from the College President was expulsion from the Health Career programs, not full expulsion from the college. She indicated that although the proposed discipline that went to hearing was a full expulsion, upon considering the committee's recommendation, she believes the College President was recommending expulsion from Health programs, so it is not expulsion from the whole college.

Trustee Pearlman indicated that it seems that the chart was returned and she does not know why the student was afraid to admit that it had been in her possession. She indicated that this is a dishonesty factor that was pointed out by the President. She indicated that this is a privacy issue because something was out of a controlled environment and the public domain. She requested an explanation as to whether or not these are weighed in the same way.

Ms. Goulet responded that she believes the health issue can be best addressed by the College President.

Mr. Abu-Ghazaleh stated that he would refer to the danger posed to the patient who was treated when the chart was missing and the professional clinic's staff's concerns that they were compelled to do that with no understanding where the chart was and no hope and expectation that they could refer to it.

Trustee Pearlman inquired if these were the only records and they were not on the computer.

Mr. Abu-Ghazaleh responded that this is correct and indicated that there was not an electronic record.

Trustee Pearlman inquired as to whether or not there was an attempt to contact the students when it was discovered that the patient's chart was missing.

Ms. Goulet responded that she believes the support materials show an email sent out by the staff at the time regarding missing charts.

Trustee Svonkin indicated that a remark was made about what year of school the student involved was in. He requested that documentation be provided stating at what point during the training the students get trained on proper maintenance of patient information. He expressed his concern that someone would accuse the college and the District of retaliating because the individual was pregnant. He inquired as to whether that was related to this case or how the District looks at issues around this program. He requested that a report be provided at some point in response to his questions. With respect to the issue of others having violated a similar issue and not being held responsible, he requested a response to this as well. He requested clarification as to whether there is any need or whether it is acceptable within the Board Rules to postpone the disciplinary action for two weeks or longer.

Ms. Goulet indicated that the Board has inherent discretion to continue a matter for two weeks in this circumstance and she believes that this is available. She recommended that the student be given an opportunity to respond to this discussion now even if the Board wants to take this matter up again in two weeks.

Interim Chancellor Barrera inquired if it would be possible for her to call and speak to the student herself.

Ms. Goulet responded in the affirmative.

President Santiago inquired if it would be appropriate for the Board members to ask questions of the student.

Ms. Goulet responded that this would be appropriate.

Trustee Moreno inquired if the student is currently enrolled or suspended.

The response was that the student is suspended.

Trustee Moreno inquired if there is a time required by the Board Rules that this matter has to be heard based on the fact that she is no longer attending the program and if there is some protocol required that the Board has to have an early judgment within a certain number of days.

Ms. Goulet responded that the time limits for matters being conducted are primarily campus-based timelines as opposed to before the Board of Trustees because the college has the ability to control its schedule but not the Board of Trustees. She indicated that the Board of Trustees could defer the action if this is their choice.

Trustee Pearlman indicated that the student is maintaining that this was an accidental removal. She inquired of Ms. Oved as to why she did not confess to having the file when she was questioned the first time.

Ms. Oved responded that what bothers her most is the dishonesty. She indicated that she arrived to the clinic that morning and placed the file in the patient return chart area. She indicated that she was asked about it while she was working on a patient and that she said she put it in the chart return area. She indicated that she also wrote them an email saying this. She indicated that she left the clinic that day because she was being harassed, but that she did tell them she returned the chart. She indicated that she has no reason to lie about this. She indicated that she also requested video footage from the clinic to show that she did return it for the first hearing and during that hearing, they said the dishonesty is not an issue here. She indicated that she wishes the President had been there and that if he was not there, how did he know that happened at the hearing. She indicated that the dishonesty was disqualified at the first hearing. She indicated that when she received the second letter, she was surprised to see dishonesty was still included in this letter and that she wished the video surveillance was also available to her as she requested. She indicated that after the first hearing at WLAC, from what she understands under the LACCD, the President is supposed to make a decision within ten days, but it took one month. With respect to the other students, she indicated that the whole class was aware during the clinic that a chart was lost and if those records are taken from UCLA from that date, it would be seen that WLAC students lost a patient chart, yet they were not even spoken to about it. She indicated that this is unfair.

Trustee Eng inquired of the student as to what she thinks is the appropriate discipline.

Ms. Oved responded that if someone did something, whether accidental or intentional, and that her incident was accidental, she thinks she would have been told to write a paper about the program. She feels that being expelled for her first accidental offense is beyond drastic.

Ms. Goulet indicated that the Board could proceed with taking an action on this item or make a motion to refer it to the Chancellor to be returned back to the Board with further information.

Motion by Trustee Field, seconded by Trustee Pearlman, to ask the Interim Chancellor to return at the next Board meeting with further information and a recommendation.

*APPROVED: 7 Ayes*

Trustee Veres requested that information be provided regarding the levels of discipline and an explanation regarding the ultimate trigger for expulsion.

Interim Chancellor Barrera indicated that she would research this and provide a response.

**TABLED UNTIL THE REGULAR BOARD MEETING OF MARCH 26, 2014.**

\* \* \*

Proposed Actions

None.

**REQUESTS TO ADDRESS THE BOARD – MULTIPLE AGENDA MATTERS**

None.

## REPORTS AND RECOMMENDATIONS FROM THE BOARD

### Reports of Standing and Special Committees

Trustee Field reported on the Advocacy & Policy Conference--Changing the Narrative on California Community Colleges of the Faculty Association of California Community Colleges (FACCC) that was held on March 3, 2014.

Trustee Veres reported on the Los Angeles Area Chamber of Commerce ACCESS Washington, D.C. Conference that he attended on March 10-11, 2014.

Trustee Svonkin reported on the Budget & Finance Committee meeting.

Trustee Eng reported on the Legislative & Public Affairs Committee meeting.

### Proposed Actions

The following action items, considered as a part as if fully set forth hereto and certified copies of which will be on file in the Office of the Board of Trustees, were presented by the Board of Trustees and action taken as indicated.

President Santiago entertained a motion to adopt Com. Nos. BT1., BT2., BT4., and BT5. He indicated that Trustee Eng would report the position of the Legislative & Public Affairs Committee on each of the bills listed in Com. No. BT4. before the Board votes on these items.

Ms. Goulet recommended that President Santiago invite Trustee Eng to report on the recommendations of the Legislative & Public Affairs Committee before he takes the motion on all of the Board actions together.

Trustee Eng reported that the Committee voted to oppose AB 1754 and AB 2440 and to support the remaining bills.

President Santiago entertained a motion to adopt Com. Nos. BT1., BT2., BT4., and BT5.

Motion by Trustee Svonkin, seconded by Trustee Eng, to adopt Com. Nos. BT1., BT2., BT4., and BT5.

Trustee Moreno indicated that he has some concerns regarding Com. No. BT4. and requested that it be separated for the vote.

President Santiago indicated that Com. No. BT4. would be separated for the vote.

### Com. No. BT1. District Classified Employees Retirement

WHEREAS, The classified employees identified below have been employed with the Los Angeles Community College District for many years; and

WHEREAS, The classified employees have contributed significantly toward providing the highest quality of services to our students and the public on behalf of the Los Angeles Community College District; now, therefore, be it

RESOLVED, That the Personnel Commission and the Board of Trustees of the Los Angeles Community College District do hereby commend the employees for their contributions and extend best wishes in their retirement.

#### SUMMARY OF RETIRED CLASSIFIED EMPLOYEES

<u>Last Name</u>	<u>First Name</u>	<u>Job Classification</u>	<u>Years of Service</u>	<u>Location</u>	<u>Retirement Date</u>
Reinhard	Gregory	Maintenance Assistant	27	Trade-Tech	2/19/14
Minutes – Regular Meeting		- 6 -	3/12/14		3:30 p.m.

Edirisinghe	Vijaai	Programmer Analyst	25	District	2/4/14
Rodriguez	Richard	Library Technician	9	East	2/8/14

Com. No. BT2. Amend Board Rule 2419 – Smoking/Nonsmoking Policy

Trustee Svonkin requested that staff review the District's health plans to determine whether or not they state that smoking cessation is a requirement under state law.

Com. No. BT5. Appoint Community Members to Presidential Search Committee

*Student Trustee Advisory Vote: Aye (Griggs)*  
*Com. Nos. BT1., BT2., and BT5. ADOPTED: 7 Ayes*

Com. No. BT4. Adopt the Legislative & Public Affairs Committee's Recommendations (March 12, 2014)

Trustee Veres expressed his concern that AB 1969 is just a "spot bill." He requested that it be tabled until more information is provided.

Trustee Eng concurred with Trustee Veres' request to table AB 1969.

Trustee Moreno indicated that he supports AB 1754 and AB 2440, which are the two bills that Trustee Eng stated are opposed by the members of the Legislative & Public Affairs Committee.

Trustee Svonkin spoke in support of AB 1906 and AB 2235.

President Santiago requested a vote on Com. No. BT4. as amended as follows:

The following motion is presented by Legislative & Public Affairs Committee members Eng, Pearlman, and Santiago:

  X **AB 548 (Salas)** – This bill would eliminate the sunset date on provisions of law that authorize a  
**Support Oppose** community college to use a multi-criteria screening process for nursing program admissions when applicants are greater than the number of slots that are available.

Analysis: LACCD supported the original legislation from 2007 that authorized the screening process. The original bill was enacted in response to low attrition rates in nursing programs where a lottery system was used. The policy provisions strike a balance between ensuring diversity and increasing program completion and have proven, where they have been used to improve retention while maintaining or increasing diversity. This bill would simply remove the sunset date on the current policy.

  X **AB 1754 (Hagman)** – This bill would prohibit proceeds from the sale of locally authorized bonds to  
**Support Oppose** the exception described above to be used to purchase instructional materials.

Analysis: This bill is the result of the LAUSD decision to use some bond funding to purchase ipads for students. Under current law bond proceeds can be used for the purchase for furnishing and equipping school facilities. This bill would place overly restrictive burdens on the use of local bonds.

  X **AB 1906 (Wilk)** – This bill would expand the definition of direct costs for use or rental of community  
**Support Oppose** college facilities to include, among other things, the share of costs for maintenance, repair, restoration, and refurbishment proportional to the entity's use of the college facilities or grounds.

Analysis: Under current law, a community college district shall rent facilities for civic center use (to nonprofit organizations, clubs, associations, etc.), but may not charge an amount that exceeds "direct costs" for use of the facilities. This measure would expand the definition of "direct costs" to cover real costs that must be incurred by the district for things like maintenance and upkeep. The measure would not apply to classroom space.

X  
Support Oppose **AB 1976 (Quirk-Silva)** – This bill would increase the number of Competitive Cal Grant A and B awards that may be granted in an academic year and would increase the Student Aid Commission's flexibility to provide the awards in a way that maximizes their use.

Analysis: Currently, there are significantly more applicants for Cal Grant A and B Competitive awards than there are awards available – in 2013-14 there were 16 eligible applicants for every award that was issued. Many community college students use the access grants that are available through the Cal Grant B to pay for living expenses and for educational costs. This measure would help to increase access for community college students.

~~Support Oppose **AB 1969 (Levine)** – This bill would express the intent of the Legislature that, with input from the California State University, the University of California, and the Office of the Chancellor of the California Community Colleges, legislation be enacted to establish and provide funding for a Career Pathways Internship Program, to be funded by a tax credit proposal, if one is developed.~~

~~Analysis: While this is just in "spot bill" form right now, this is a concept that LACCD supported last year and pursued legislatively. The idea eventually morphed into the pathways partnership funding that was included in the budget act at the request of Senator Steinberg. The two major questions are how are the tax credits funded and is this just a "giveaway" for hiring that would have occurred anyway. However, evidence indicates that if a student has an internship s/he is more likely to be successful in college and move into the workforce more quickly.~~

AB 1969 (Levine) tabled.

X  
Support Oppose **AB 2000 (Gomez)** – This bill would allow a student who graduated from California high school early, but has three years of California high school credit to be exempt from nonresident tuition.

Analysis: Under current law AB 540 students are eligible for an exemption from nonresident tuition so long as they meet certain criteria, including that the student has attended high school in California for 3 or more years is exempt from nonresident tuition. Under this law, students that graduate early, but may have earned 3 years of credit must pay nonresident tuition when they enroll in a college or university. This measure would increase student access by also exempting these students from nonresident tuition.

X  
Support Oppose **AB 2235 (Buchanan)** – This bill is the vehicle for a 2014 Kindergarten through higher education facilities bond.

Analysis: There has not been a statewide education bond since 2006 and state funding for community college facilities is no longer available. This measure would ensure that there are adequate facilities for community college students.

X  
Support Oppose **AB 2352 (Chesbro)** – This bill would extend the exemption of low priority enrollment requirements to early college high schools. The bill would also exempt middle and early college courses from the open course requirements.



Analysis: Current law requires that concurrently enrolled students have lowest priority in enrolling in classes. Current law also exempts from this provision middle college students seeking to enroll in a course required by their middle college program. This bill would add early colleges to that exemption. Additionally, under current law courses must be open to the public in order to receive apportionment. However, authorizing colleges to offer courses that are closed to public at the high school campus ensure the safety of the students while addressing transportation issues that some students may experience.

X  
Support Oppose **AB 2377 (Pérez)** – This bill would establish the California Student Loan Refinancing Program, and provide for its administration by the Treasurer's office, with the goals of helping eligible students and graduates to refinance loan debt at favorable rates and creating a revolving fund so that additional refinancing may occur to help more students and graduates.

Analysis: Many studies have found students graduating with an increasing amount of debt. While community college fees are relatively low, community college students face access barriers of cost around living expenses and academic costs. This measure would allow for a refinance program that would allow students to lower interest rates realizing real savings over the payoff period for the loan.

X  
Support Oppose **AB 2440 (Hagman)** – This bill would require bonds to have a maturity that does not exceed 10 years if proceeds of the bond would be used to purchase equipment with a useful life of less than 5 years.

Analysis: This measure is similar to that of AB 1754 (Hagman). Both bills are the result of LAUSD's decision to purchase ipads with some of their bond funding. The measure would place restrictive requirements on bond proceeds.

X  
Support Oppose **AB 2445 (Chau)** – This bill would clarify that a district could hold an election on a campus-by-campus basis for students to authorize a fee on themselves in order to provide for discounted public transit passes.

Analysis: Under current law students may vote to establish a transportation fee that provides them with a discounted public transit pass. Current language is unclear as to whether or not these elections can be done on a campus-by-campus basis or if it must be held district wide. For LACCD, this bill could provide an opportunity for campuses to provide discounted passes to students upon the favorable vote of a majority of the students voting. With nine campuses, some colleges may have better access to public transportation than others, making a transit fee more favorable to that student population.

X  
Support Oppose **AB 2558 (Williams)** – This bill would establish the Community College Professional Development Program and would require any available funding for professional development to be allocated, in accordance with rules and regulations adopted by the board of governors, to community college districts that provide professional development opportunities for both faculty and staff.

Analysis: This is one of the recommendations of the Student Success Task Force and is anticipated to be accompanied by a budget allocation proposal. The measure would update the professional development codes and make a reemphasis and investment into professional development for faculty and staff.

X  
Support Oppose **SB 1391 (Hancock)** – This bill would waive open course requirements for educational programs offered in a state correctional facility setting and would authorize the funding of credit courses at the credit rate. Additionally, it would allow for apportionments generated from inmate education to be included in a district's base funding.

Analysis: Under current law, community college districts are precluded from offering courses at state correctional facilities. Further when courses are offered at any correctional setting, funding for those courses, regardless of whether they are credit or noncredit courses, is at the noncredit rate. This measure is the same as AB 1271 (Bonta & Jones-Sawyer) which the district is supporting.

X  
**Support Oppose** **SB 1400 (Hancock)** – This bill would authorize a community college district to expel a student against whom it was successful in obtaining a restraining order without further action.

Analysis: Under current law, if a community college district is successful in obtaining a restraining order against a student in order to protect a campus, another student or an employee who is regularly on campus and they wish to expel that student, they must bring them back on the campus pursuant to required procedures. The process for obtaining a restraining order provides due process and the threshold is much higher than that required for expulsion. This would give the district an option of streamlining the process for students that pose an eminent threat to the campus or campus community.

*Student Trustee Advisory Vote: Aye (Griggs)*

*ADOPTED AS AMENDED: 6 Ayes (Eng, Field, Pearlman, Santiago, Svonkin, Veres)  
1 No (Moreno)*

Com. No. BT3. Resolution – In the Matter of Support of Senate Bill 850 – Community College Baccalaureate Program

Motion by Trustee Svonkin, seconded by Trustee Eng, to adopt Com. No. BT3. as follows:

The following resolution is presented by Legislative & Public Affairs Committee members Eng, Pearlman, and Santiago:

- WHEREAS, Many industries and professional agencies have increased their requirements for job qualifications to the bachelor's degree level; and
- WHEREAS, Workforce demands in many fields are accompanied by extensive shortages of individuals who are educationally qualified for the available jobs; and
- WHEREAS, California has identified the need for awarding over one million bachelor's degrees, especially in workforce fields, in order to strengthen the economy; and
- WHEREAS, California's public universities lack the capacity for providing baccalaureate instruction in high-demand workforce fields; and
- WHEREAS, Students who are unable to be accommodated in California's public universities are compelled to enroll in high-cost, for-profit institutions that have questionable success rates; and
- WHEREAS, California's community colleges are able to provide high-quality, affordable, and accessible programs at the baccalaureate level; and
- WHEREAS, A Study Group appointed by the Chancellor of the California Community Colleges was asked to review the various aspects of offering bachelor's degrees at community colleges; and
- WHEREAS, The Study Group included members from various constituencies from across the community college system as well as members from the California State University and the University of California systems; and
- WHEREAS, The Study Group concluded that the concept of community colleges offering bachelor's degrees merits serious consideration; and

- WHEREAS, Twenty-one states in the nation have already authorized community colleges to offer bachelor's degrees in selected workforce fields; and
- WHEREAS, The College President and faculty will offer the Baccalaureate Degree Pilot Program only if they have determined it best serves their students; and
- WHEREAS, The District shall seek authorization to offer baccalaureate degree programs through the appropriate accreditation body; now, therefore be it
- RESOLVED, That the Board of Trustees of the Los Angeles Community College District hereby supports Senate Bill 850 (Marty Block), which would institute a pilot program allowing community colleges to offer bachelor's degrees in selected workforce fields; and be it further
- RESOLVED, That the Board of Trustees of the Los Angeles College District hereby authorizes the Chancellor to provide the Board's resolution to the California Community Colleges Board of Governors, State Chancellor, members of the legislature, community and business organizations and leaders, and others who can assist in implementing this important new direction in California higher education.

Trustee Pearlman indicated that she is opposed to using District resources to determine whether the District would be qualified to offer baccalaureate degree programs to its students. She recommended a "no" vote on this item.

Trustee Field indicated that she is opposed to SB 850 because it would require the District to charge a differential for the upper division courses.

Trustee Moreno indicated that he is opposed to the District offering baccalaureate degree programs.

President Santiago requested that Mr. Gauthier present the perspective of the DAS regarding this item.

Mr. Gauthier indicated that the DAS believes that nursing is one of the programs for which it would be necessary to offer baccalaureate degrees because of the changes in which nurses are certified. He indicated that nursing is the only exemption the DAS would be in favor of.

Trustee Svonkin indicated that SB 850 would provide the District with an additional option to help the students. He indicated that he would support SB 850 because it would allow another opportunity for the District to serve the students.

Trustee Veres spoke in support of the resolution.

Trustee Eng indicated that nursing is rapidly moving to a bachelor's degree throughout the United States and the LACCD would not be the first institution to require a minimum of a two-year degree. He indicated that this is a pilot program that would have a short-term trial. He indicated that the program must be completely consistent with the District's accreditation and it must have approval from the University of California and California State University Systems. He urged a "yes" vote on this item.

*Student Trustee Advisory Vote: No (Griggs)*  
*ADOPTED: 4 Ayes (Eng, Santiago, Svonkin, Veres)*  
*3 Noes (Field, Moreno, Pearlman)*

**REPORTS FROM THE CHANCELLOR AND COLLEGE PRESIDENTS**

Reports from the Chancellor Regarding District Activities or Pending Issues

Interim Chancellor Barrera reported that on Friday, March 14, 2014, an ACCJC workshop was held at LATTC, which was attended by approximately 100 faculty members, administrators, and College Presidents as well as Trustees Field, Eng, and Svonkin. She indicated that the workshop was a kickoff to Accreditation 2016.

Interim Chancellor Barrera introduced Mr. Farley Herzek.

## WELCOMING REMARKS BY FARLEY HERZEK, PRESIDENT, LOS ANGELES HARBOR COLLEGE

Mr. Herzek welcomed everyone to the Board meeting. He introduced the following individuals from LAHC:

Ms. Patsy Morales, ASO President; Mr. Jesus Hoil, ASO Vice President; Chef Giovanni Delrosario, Culinary Arts Department; Ms. Susan McMurray, Academic Senate President; Mr. William Hernandez, Academic Senate Vice President; Mr. Brad Young, AFT Chapter President; Ms. Wheanokquea Gilliam, AFT Staff Chapter Chair; Ms. Claudette McClenny, Representative, SEIU Local 721; Mr. Carlos Diaz, Representative, SEIU Local 99; Mr. Art Ruiz, Representative, Building and Construction Trades Council; Dr. Bobbi Villalobos, Dean, Academic Affairs; Ms. Sandra Sanchez, Dean, Economic and Workforce Development; Ms. Susan Rhi-Kleinert, Associate Dean, Grant Management and Resource Development; Ms. Danielle Jack, Executive Assistant to the President; and Ms. Brianna Alvarez, Student Assistant, President's Office.

### Presentation on "The Harbor Advantage"

Mr. Herzek distributed a document entitled "Student Success 'The Harbor Advantage.'" He gave a PowerPoint presentation and discussed the document with respect to Our Challenges, Banning High School 2013-2014 Bell Schedules, the percentage of new students completing English Assessment and Math Assessment, successful completion rates, the Student Success Taskforce Umbrella Committee, and various methods for improving student success.

A question and answer session was conducted regarding the presentation.

## CONSENT CALENDAR

### Matters Requiring a Majority Vote

Motion by Trustee Svonkin, seconded by Trustee Field, to adopt the Consent Calendar as amended on Matters Requiring a Majority Vote.

President Santiago requested that Board members identify agenda items about which they had questions.

With respect to Com. No. PC1. Personnel Commission Actions Roman Numeral II. Claim for Temporary Work out of Classification, Trustee Moreno noted that the dollar amount of \$313.1484 in the background must be an error.

President Santiago indicated that he would separate Com. No. PC1. for the vote so that the correct dollar amount can be provided.

(Trustee Field left at 5:47 p.m.)

Com. No. BF1. Budget Revisions and Appropriation Transfers

Com. No. BF2. 2013-2014 Categorical Program Flexibility

Com. No. BF3. Accept Additional State General Revenue from 2012-2013 Recalculation

Com. No. BF4. Inter-Fund Bond Expenditures and Transfers

Com. No. BSD1 Ratifications for Business Services

The following item was withdrawn:

...

~~O. SETTLEMENT OF CLAIM~~

~~GC050263 East. Settlement of a personal injury lawsuit in the amount of \$50,000.~~

~~Total Cost of Section O: \$50,000~~

Withdrawn.

Com. No. BSD2. Business Services Routine Report

The following revisions were noted:

I. AUTHORIZE SERVICE AGREEMENTS

...

- B. Authorize agreement with Phoenix Business Consulting to provide ongoing project and application support for the Office of Information Technology from March 13, 2014 to June 30, 2014, inclusive, at a total cost not to exceed \$180,000.

Background: This agreement will allow time for the LACCD to complete its efforts to recruit and establish a list of qualified personnel from which to hire full-time regular employees. **The organization has successfully made five hires in SAP positions and we are anticipating additional hires of 2 of the 3 noted in this report. These consultants will then be rolled off within two weeks of a new employee reporting for work.**

...

III. AUTHORIZE SUBLEASE AGREEMENT

Authorize a sublease agreement between the Los Angeles City College Foundation and Global Baristas US LLC dba Tully's Coffee for the lease of six hundred (600) square feet located in EWD building at Los Angeles City College. The sublease agreement shall be during the term of March 17, 2014 through December 31, 2014, for operation of a coffee and tea house with a monthly rental amount of \$1,500 and a revenue share percentage between 7% and ~~9.5%~~ 10% based on monthly gross revenues from the coffee and tea house.

Background: This sublease agreement is based upon a lease agreement entered into between the Los Angeles Community College District and Los Angeles City College Foundation for operation and use of a coffee and tea house. The sublease agreement shall be subject and subordinate to the lease agreement. Global Baristas US LLC dba Tully's Coffee will provide personnel, equipment, and supplies to the Foundation necessary to operate the coffee and tea house located on the subleased premises.

Com. No. FPD1. Facilities Planning and Development Routine Report

Com. No. FPD2. Authorize Master Procurement Agreements

Com. No. HRD1. Personnel Services Routine Actions

Com. No. HRD2. Classifications in the Unclassified Service

Com. No. ISD1. Approval of Educational Programs and Courses

Com. No. ISD2. Approve Community Services Offerings

Com. No. ISD3. Authorization of Student Travel

Correspondence

The Student Trustee's vote did not apply to HRD1., HRD2., ISD3., ISD4., and the Correspondence.

*Student Trustee Advisory Vote: Aye (Griggs)*  
*ADOPTED AS AMENDED: 6 Ayes Absent: Trustee Field*

Com. No. PC1. Personnel Commission Actions

President Santiago noted that this item is corrected with respect to the dollar amount provided by Ms. Karen Martin, Director, Personnel Commission, as follows:

I. Claim for Temporary Work Out of Classification

Concur with the action of the Personnel Commission to approve payment for temporary work out of classification for EN 1007512 for the period of October 21, 2013 to January 31, 2014.

**BACKGROUND:** EN 1007512, an Office Assistant, from Los Angeles Pierce College, was performing duties outside of her current classification during the time periods specified in the report. Staff found that the higher level duties assigned to the employee were consistent with the duties of Community Services Aide. The estimated cost of this action is ~~\$313,4484~~ **\$313.15**.

*ADOPTED AS AMENDED: 6 Ayes Absent: Trustee Field*

**Matters Requiring a Super Majority Vote**

None.

**RECOMMENDATIONS FROM THE CHANCELLOR**

Com. No. CH1. Approve Accreditation Follow-up Reports for Los Angeles Mission College, Los Angeles Pierce College, Los Angeles Southwest College, and Los Angeles Valley College

Motion by Trustee Svonkin, seconded by Student Trustee Griggs, to adopt Com. No. CH1.

*Student Trustee Advisory Vote: Aye (Griggs)*  
*ADOPTED: 6 Ayes Absent: Trustee Field*

(Trustee Field returned at 5:49 p.m.)

Com. No. FPD3. Adopt a Resolution Authorizing Energy Service Contract

Motion by Trustee Svonkin, seconded by Trustee Veres, to adopt Com. No. FPD3.

Public Hearing on Resolution Authorizing Energy Service Contract

President Santiago declared the public hearing open.

Public Comment

None.

Mr. James D. O'Reilly, Chief Facilities Executive, Facilities Planning and Development, explained the Request for Proposals (RFP) process for the Energy Service Contract.

A question and answer session was conducted.

President Santiago declared the public hearing closed.

Com. No. FPD3.

*Student Trustee Advisory Vote: Aye (Griggs)*

*ADOPTED: 7 Ayes*

Com. No. FPD4. Adopt Resolution: (1) Approving (A) A Lease of District Real Property for the Development of Permanent Facilities for the Harbor Teacher Preparation Academy at Harbor College, (B) a Development Agreement for the Development of Permanent Facilities for the Harbor Teacher Preparation Academy at Harbor College, and (C) a Second Amendment to the 2010 Los Angeles Harbor College Facilities Master Plan Update Authorizing the Development of Permanent Facilities for the Harbor College Teacher Preparation Academy at Harbor College; and (2) Determining that All of the Foregoing Actions are Exempt from Further Analysis under the California Environmental Quality Act

Motion by Student Trustee Griggs, seconded by Trustee Field, to adopt Com. No. FPD4.

Public Hearing on Resolution to (1) Approve (A) A Lease of District Real Property for the Development of Permanent Facilities for the Harbor Teacher Preparation Academy at Harbor College, (B) a Development Agreement for the Development of Permanent Facilities for the Harbor Teacher Preparation Academy at Harbor College, and (C) a Second Amendment to the 2010 Los Angeles Harbor College Facilities Master Plan Update Authorizing the Development of Permanent Facilities for the Harbor College Teacher Preparation Academy at Harbor College; and (2) Determining that All of the Foregoing Actions are Exempt from Further Analysis under the California Environmental Quality Act

President Santiago declared the public hearing open.

Public Comment

None.

Mr. O'Reilly indicated that the proposal would be to build a school for the Harbor Teacher Preparation Academy (HTPA) using only Los Angeles Unified School District (LAUSD) funds.

Mr. Herzek indicated that 97 percent of the HTPA students successfully complete their college course work. He reported that the HTPA was the top performing high school in the LAUSD with an Academic Performance Index (API) score of 933.

Trustees Field and Svonkin spoke in support of the HTPA and urged a unanimous vote by the Board.

Trustee Moreno requested that there be written assurance from the LAUSD that the LACCD will have the authority to say "no" to the proposal.

Mr. O'Reilly introduced Mr. Edwin Van Ginkle, Director of Special Projects, Grand View Advisors LLC.

Mr. Van Ginkle explained the terms of the contract. He indicated that there is no financial obligation by the LACCD if the building ends up costing more than what was anticipated.

A question and answer session was conducted.

President Santiago declared the public hearing closed.

Com. No. FPD4.

*Student Trustee Advisory Vote: Aye (Griggs)*

*ADOPTED: 7 Ayes*

## **NOTICE REPORTS AND INFORMATIVES**

None.

## **ANNOUNCEMENTS AND INDICATIONS OF FUTURE PROPOSED ACTIONS BY MEMBERS OF THE BOARD OF TRUSTEES**

None.

## **REQUESTS TO ADDRESS THE BOARD OF TRUSTEES – CLOSED SESSION AGENDA MATTERS**

None.

## **RECESS TO CLOSED SESSION**

Trustee Svonkin requested that the Board meeting be adjourned in the memory of Officer Nicholas Lee of the Los Angeles Police Department (LAPD), who was killed in the line of duty on March 7, 2014. He announced that the funeral for Officer would be held on Thursday, March 13, 2014 at the Cathedral of Our Lady of the Angels. He requested that condolences be sent to all the members of the LAPD and Officer Lee's family.

There being no objection, the Board recessed to Closed Session in accordance with The Ralph M. Brown Act, Government Code sections 54950 et seq., and the Education Code to discuss the matters on the posted Closed Session agenda pursuant to Government Code section 54954.5 (see Attachment A).

The regular meeting recessed to Closed Session at 6:48 p.m.

## **RECONVENE REGULAR MEETING**

The regular meeting of the Board of Trustees of the LACCD reconvened at 8:07 p.m. with President Miguel Santiago presiding.

The Board members were present with the exception of Trustee Veres and Student Trustee Griggs.

Interim Chancellor Adriana D. Barrera was present.

## **REPORT OF ACTIONS TAKEN IN CLOSED SESSION – MARCH 12, 2014**

President Santiago indicated that the Ralph M. Brown Act requires that certain matters decided in Closed Session be reported during the public session that follows.

With regard to LACCD v. Premier Commercial Bankcorp, the Board accepted a settlement for \$186,881.79, with a \$10,000 payment from Hartford Fire Insurance Company to the District. The vote was six yes with Trustee Pearlman absent.

With regard to a claim at Los Angeles Valley College, the Board accepted a tolling agreement with Cannon Constructors South. The vote was six yes with Trustee Pearlman abstaining.

With regard to the Chancellor search, the Board determined to employ Dr. Francisco Rodriguez. Dr. Rodriguez is currently the Chancellor and President at MiraCosta College. In accordance with The Ralph M. Brown Act, the contract is contingent upon a public session vote regarding compensation, which will be scheduled for the next Board meeting. The vote was unanimous.

Copies of the settlement and tolling agreements are available from the General Counsel.

There were no further actions taken that are required to be reported.



**CONSENT CALENDAR**

**Matters Requiring a Majority Vote**

Com. No. HRD3. Dismissal of Classified Permanent Employee

**Withdrawn.**

**ADJOURNMENT**

There being no objection, the Board meeting was adjourned in the memory of LAPD Officer Nicholas Lee at 8:09 p.m.

ADRIANA D. BARRERA  
Interim Chancellor and Secretary of the Board of Trustees

By: Laurie Green  
Laurie Green  
Assistant Secretary to the Board

APPROVED BY THE BOARD OF TRUSTEES:

Miguel Santiago  
Miguel Santiago  
President of the Board

Date April 23, 2014



# Board of Trustees

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
770 Wilshire Boulevard, Los Angeles, CA 90017 213/891-2000

## AGENDA

### ATTACHMENT A

#### **CLOSED SESSION**

Wednesday, March 12, 2014

**Los Angeles Harbor College**  
**Student Services Administration Building (SSA)**  
2<sup>nd</sup> Floor, Room 219  
1111 Figueroa Place  
Wilmington, CA 90744

- I. **Public Employee Employment**  
(pursuant to Government Code section 54957)
  - A. Position: President, Los Angeles Valley College
  - B. Position: President, Los Angeles Harbor College
  - C. Position: President, Los Angeles Southwest College
  - D. Position: Chief Business Officer
  - E. Position: Chancellor
  
- II. **Conference with Labor Negotiator**  
(pursuant to Government Code section 54957.6)
  - A. District Negotiators: Adriana D. Barrera  
Albert Román  
  
Employee Units: All Units  
  
All Unrepresented Employees

**Closed Session**  
**March 12, 2014**  
**Page 2**

- B. District Negotiators: Adriana D. Barrera  
Kathleen F. Burke  
Marvin Martinez  
Albert Román

Employee Unit: Faculty

**III. Public Employee Discipline/Dismissal/Release/Charges/Complaints**  
(pursuant to Government Code section 54957)

**IV. Conference with Legal Counsel - Existing Litigation**  
(pursuant to Government Code section 54956.9(a))

A. *Carlos Perez v. LACCD*

B. *Kari Thumlert v. LACCD*

C. *Linda Okamura v. LACCD*

D. *Scott Lowery v. LACCD*

E. *LACCD v. Premier Commercial Bankcorp Corp, et al.*

F. *Valerie Armstrong v. LACCD*

G. *Harris/Arizona Rebar, Inc. v. Woodcliff Corporation, LACCD, et al.*

**V. Conference with Legal Counsel - Anticipated Litigation**  
(pursuant to Government Code section 54956.9)

A. Claim regarding project at Los Angeles Valley College

B. Potential litigation pursuant to Government Code section 54956.9(d)(2)