

DISTRICT CONSULTATION COUNCIL
November 22, 2021

SUMMARY

MEMBERS PRESENT: Tonya Cobb, Jennifer Combs, Gil Contreras, Damon De La Cruz, Jean Foster, Craig Goralski, Erin Lacorte, Cherry Li-Bugg, Melony Myers, Arturo Ocampo, Fola Odebunmi, Kim Orljan, Jeremy Peters, Valentina Purtell, Irma Ramos, JoAnna Schilling, Pamela Spence, Kai Stearns, Joseph Vasquez, Ty Volcy, Kashu Vyas, and Fred Williams.

VISITORS: Danielle Davy, Aline Gregorio, Megan Moscol, Gabrielle Stanco, and Amita Suhrid.

Interim Chancellor Fred Williams called the Zoom teleconference meeting to order at 2:01 p.m.

CONSENT CALENDAR & SUMMARY

Consent Items: The agenda contained no consent items.

Summary: The summary of the October 25, 2021, meeting was approved.

STRATEGIC GOALS & PLANNING

One-Time Funding Allocation: Kashu Vyas, District Director, Fiscal Affairs, presented a summary of One-Time Fund allocations that was presented to DCC at its October 25, 2021, meeting and referred to the Council on Budget and Facilities (CBF) who discussed the allocations at its November 8, 2021.

It was determined that Cypress College and Fullerton College may have a possible repayment obligation to the US Department of Education for financial aid distributed to fraudulent students. Many colleges and universities around the nation were victims of focused financial aid application fraud activity. Cypress College and Fullerton College were both impacted and have been working with the Department of Education to investigate the matter. An early analysis from the District's Internal Auditor, who has been assisting with this investigation process, identifies \$10.7 million in funds that were disbursed to potentially fraudulent students. Additional work is being done by the financial aid offices to clean up this initial list, determining whether there are any "false positives", or any additional amounts associated with this fraudulent activity.

CBF approved the use of one-time funds towards the repayment of financial aid payments to fraudulent students with the agreement that additional information would be brought forth when received. Ms. Vyas noted that discussion related to one-time funds is on-going and shared that CBF was uncomfortable identifying a specific dollar amount due to the uncertainty of the figure, but agreed to the concept of paying back financial aid funds, from one-time funds, when the bill is due. **There was consensus to use one-time funds towards the repayment of financial aid payments to fraudulent students.**

Districtwide Strategic Plan 2018-20 Progress Report: Cherry Li-Bugg, Vice Chancellor, Educational Services and Technology, introduced the Districtwide Strategic Plan 2018-2020 Progress Report discussion by noting that with delays partially caused by the pandemic, the District was not able to provide the progress report in 2020 to wrap up the last component of the previous 10-year master planning cycle.

Gabrielle Stanco, District Director of Research of Planning and Data, then led a review of the Progress Report which summarized progress made to achieve District Strategic Directions and objectives, and marked the end of the cycle of the strategic plans under the 2011 NOCCCD Comprehensive Master Plan. Dr. Stanco also fielded questions regarding the following:

- Whether the information could be broken down by campus.
- How the District compared statewide on the metrics.
- While it is nice to see the upward progression, there should be some caution when evaluating the numbers; as a large district the focus should be on the percentages too.
- Consider breaking down the certificate completion figures by new certificates vs existing certifications to balance any critique related to the increase in certificates.
- Ensure that the noted 73% increase in new hires is a measure of diversity and not any other categories.
- Provide a breakdown by employee classification to get a true measure of diversity increases.
- Whether the Math and English statistics were only based on Promise Program students and if the figures include students that may have dropped classes.
- The need to be more direct in the terms of diversity because the data doesn't make a distinction between anything beyond race and ethnicity.
- Whether it was possible to provide a comparison on the grants that were brought in prior to the hiring a District Director of Grants in order to see what the return on investment is.

The Progress Report on the District-wide Strategic Plan 2018-2020 will be presented at December Board meeting.

OPERATIONAL REVIEW

myGateway Calendar Migration to EdVantage Calendar: Amita Suhrid, District Director, Professional Development, provided an update on the professional development calendar with DCC. She noted that in June 2020, NOCCCD implemented EdVantage, a new Learning Management System (LMS) for its employees. The LMS is offered free of charge by the State Chancellor's Office Vision Resource Center and is powered by Cornerstone who offers a powerful calendar and is integrated with LMS features. In light of that, the District will retire the myGateway District Staff Development Calendar and migrate to the robust EdVantage calendar. The migration is planned to be completed in Spring 2022.

During the discussion faculty representatives inquired if the campus professional development committees or coordinators had been made aware of the planned migration (yes) and also inquired about the reasons for moving away from myGateway in general (because the Luminus portal is no longer being supported so the District must look at alternatives).

POLICY

Revised Board Policies and Administrative Procedures – Continuous Review Cycle: DCC reviewed the following policy items:

BP 4100, Graduation Requirements for Degrees and Certificates: Revised to update the "Reference" section, add legally required content, grammar corrections, and update the corresponding AP. DCC agreed to replace the first reference to "designed" in Section 2.0 with "representing."

AP 4100, Graduation Requirements for Degrees and Certificates: Revised to make grammar corrections and cite the corresponding BP.

AP 4101, Independent Study: No revisions were recommended.

AP 4102, Career and Technical Programs: Revised to update the “Reference” section and grammar corrections.

AP 4104, Contract Education: Revised to update language referencing the NOCE Provost.

BP 4106, Nursing Programs: Revised to delete legal citation that does not exist, make grammar corrections, and cite the corresponding AP.

AP 4106, Nursing Programs: Revised to update “Reference” section, update language referencing the NOCE Provost, and cite the corresponding BP.

BP 4110, Honorary Degrees: Revised to make grammar corrections and update the corresponding AP.

AP 4110, Honorary Degrees: Revised to make grammar corrections and update the corresponding BP.

AP 4222, Remedial Coursework: Revised to make grammar corrections and add legally recommended language.

BP 4225, Course Repetition: Revised to correct the “Reference” section and update the corresponding AP.

AP 4225, Course Repetition: Revised to make grammar corrections, update DSP&S and NOCE references in Section 6.0, and update the corresponding BP.

BP 4226, Multiple and Overlapping Enrollments: Revised to add legally required content, grammar corrections, and update the corresponding AP.

AP 4226, Multiple and Overlapping Enrollments: Revised to correct the “Reference” section and revise Sections 1.0 and 2.2. DCC agreed add the corresponding BP.

There was consensus to approve all of the administrative procedures and post them to the District website, and to approve all of the board policies and forward them to the Board of Trustees for their consideration.

New AP 3580, Environmental Sustainability: AP 3580, Environmental Sustainability was developed based on campus interest to accompany BP 3580, Sustainability Plan that was adopted by the Board on May 26, 2021. The proposed AP has been vetted and approved by the Fullerton College President’s Advisory Council, the Cypress College President’s Advisory Council, the Anaheim Campus Sustainability Committee, and the NOCE President’s Cabinet.

JoAnna Schilling, Cypress College President, thanked Aline Gregorio and Megan Moscol for spearheading the development of AP 3580 which originated with the campus sustainability committees. Aline Gregorio, Fullerton College Sustainability Co-Chair, noted that the proposed

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language was based on existing APs in the region and aligns with the contemporary ways that higher education is gauging sustainability, including use of the STARS framework for definitions of sustainability.

During the discussion, it was recommended that the work of Aline Gregorio and Megan Moscol be acknowledged and the involvement of the Fullerton College Faculty Senate be noted prior to sharing with the Board. Subsequently, **there was consensus to approve the new AP 3580 and forward it to the Board of Trustees for their consideration.**

Revised Discrimination Policies: BP 3410, Unlawful Discrimination; AP 3410, Unlawful Discrimination; and BP 3430, Prohibition of Harassment were revised to reflect changes to conform to Title 5 regulatory updates and were vetted by legal counsel. Arturo Ocampo, District Director, Diversity & Compliance highlighted the revisions that include:

- Complaints of unlawful discrimination may be verbal or written.
- Complaints may no longer be filed with the State Chancellor's Office and must be filed exclusively with districts directly.
- Complaints are no longer required to be filed on a form prescribed by the State Chancellor's Office.
- Districts are no longer required to forward copies of initial complaints or provide notice of the initiation of the investigation to the State Chancellor's Office.
- Districts must make specific findings as to whether each factual allegation in the complaint occurred based on the preponderance of the evidence standard.
- Respondents in complaints involving student sexual misconduct must be notified of their right to appeal any disciplinary sanction imposed on them to the Board.
- New procedures for the handling of complaints falling within the purview of Title IX, consistent with the new Federal regulations which became effective on August 14, 2020.
- The time for appealing the district's administrative determination to the Board is extended from 15 days to 30 days.
- Upon notification of the filing of an appeal with the State Chancellor's Office, districts must provide all relevant, non-privileged documents upon request of the State Chancellor's Office.
- Districts must provide to the State Chancellor an annual report providing information on complaints of unlawful discrimination filed with the district in the previous academic year.
- Districts must retain records of all discrimination complaints for a period of at least five years after the closing of the case.
- Districts may grant themselves one extension of up to 45 days of the 90-day deadline for completing an investigation without providing notice to the State Chancellor's Office.
- The Chancellor's review on appeal is limited to the specific issues listed and the Chancellor's determination on the appeal must be issued within 90 days of receiving the appellate file from the District.

The policies were provided as information only and will be posted on Teams for review in advance of the January 24, 2022 DCC meeting where they will be agendized for action.

OTHER

AB 361 and Shared Governance Meetings: Interim Chancellor Williams reported that the November 23 Board meeting agenda includes a resolution to extend teleconference meetings for another 30 days that applies to other district Brown Act compliant groups. Beginning in

January 2022, it is anticipated that all groups will need to adopt their own AB 361 resolution in order to continue with remote meetings.

Dr. Schilling requested clarification on which District governance committees are governed by the Brown Act, if there is a standard template that could be provided, and whether the Board's most recent resolution would apply through February. In response, it was noted that aside from the Board's subordinate committees (including shared governance committees like DCC and CBF), groups that generally must post their agendas like the academic senates and associated student groups are Brown Act committees. All of those groups must adopt their own AB 361 resolutions if the Board opts to not continue authorizing remote meetings beyond December 2021. A template with District applicable language will be provided to DCC members for use by other groups, but certain points of specific information will need to be included by those groups when using it. Lastly, it was also noted that the Board's November 23 AB 361 resolution is only valid for 30 days after its adoption and not valid in 2022.

ADJOURNMENT: Mr. Williams noted that this would be his last meeting as Interim Chancellor and thanked everyone for their cooperation during his tenure.

The meeting adjourned at 3:04 p.m.