Board of Trustees Present: Leslie Beggs, Anne DeMartini, Lynn Martin (by phone)

Others Present: Coni Chavez (recorder), Sarah Curl, Teresa Scott, Sarah Schrader, Chancellor Henry Yong

1. OPEN SESSION AGENDA

1.1 Call to Order
Chair DeMartini called the meeting to order at 12:32 p.m.

1.2 Pledge of Allegiance to the Flag
The Pledge of Allegiance to the Flag was held.

1.3 Acceptance of the Minutes of the July 10, 2017, Board Policy Committee Standing Meeting
Motion to approve minutes as amended by Lynn Martin, second by Leslie Beggs
Final Resolution: Motion Carries
Yes: Leslie Beggs, Anne DeMartini, Lynn Martin

1.4 Public Comments
Comments regarding Board Policy 7700: Whistleblower Protection were offered by MJC faculty member, Sarah Curl, at the time that particular discussion occurred later in the agenda.

2. REPORTS AND INFORMATION ITEMS

2.1 Student Success
It was agreed this item would not be added as a standing item to future agendas.

3. DISCUSSION

3.1 Board Policy – 2nd Reading – Preview
The following YCCD Board Policies are provided to the Board Policy Committee as a 2nd reading preview for comment to be provided at a subsequent Board Regular Meeting. The policies have gone through the review process used by the Policy and Procedures Committee, which includes constituency group review and feedback, and have been presented to District Council. The Board Policy Committee makes recommendations for revisions that are provided to the full Board of Trustees at their next regular meeting to be held on Wednesday, August 9, 2017.

Proposed Policy Revisions
3-8027 – Use of district Keys:
No recommended revisions.

3-8072 - Unattended Minors:
No recommended revisions.

4-8074 - Human Subject Research Protection:
It was recommended that feedback be provided to add a revision date to the document referenced in the administrative procedure titled Modesto Junior College Institutional Review Board Investigator Guidelines for Research Using Human Subjects. It was also noted that additional recommendation(s) would be provided at the August Board meeting, as time did not permit during this meeting.

5220 - Showers Facilities for Homeless Students:
No recommended revisions.

6600 - Capital Construction:
No recommended revisions.

6740 - Citizens’ Oversight Committee:
No recommended revisions.

7400 - Staff Travel:
The Executive Vice Chancellor and District Controller presented information regarding the internal control processes in place for approval of staff travel, including that of out-of-state travel. A survey of other districts was requested to identify if Chancellor or Board approval is required for out-of-state staff travel—results were shared that of the 10 cohort districts (per the YFA contract) surveyed, 9 require Chancellor approval and 1 requires board approval.
Dialogue was held discussing how requiring board approval will serve to inform the board regarding the who, what, when, why, and where of out-of-state staff travel. It was noted that in absence of a policy change in this direction, staff can provide this information on a monthly report. Board Policy Committee members reaffirmed their recommendation to require board approval for staff travel out-of-state.

In a separate but related matter, a “report of staff travel expenses” is required to be given to the board on a monthly basis, per this board policy. It was agreed that an accounting expense report had recently been provided to members of the board, but it was found to be difficult to decipher. Thus, discussion was held to identify the most efficient way to provide a report of travel expenses as required, as well as to include the who, what, when, why, and where of the travel. The Executive Vice Chancellor and District Controller presented information regarding the internal control and tracking processes in place for staff travel requests. It was communicated that, at this time, a report with the added components could not be provided in a cost-effective way. However, as the District moves to online forms, with software implementation completion anticipated in 1-2 years, the report will be automated and will therefore be of little cost to produce. Until that time, Committee members were open to alternatives: View the full travel request packets, upon request, in the Chancellor’s Office; Continue to receive the accounting expense report with a key to accounting terms and numbers contained in said reports that could provide additional clarity; and, Explore the feasibility of requesting and compiling the requested information from District responsibility code managers.

In consideration of the two matters above, Board Policy Committee members recommended pulling the policy for additional consideration and bringing it back to the September meeting agendas for both the Committee and the Board.

7700 - Whistleblower Protection:
Public comment was offered by faculty member, Sarah Curl, who informed the group she was making said comments at the request of the Yosemite Faculty Association President, Jim Sahlman (who was not in attendance). Professor Curl shared her observations, as well as reported experiences and observations of others regarding investigations. She asked the policy be strengthened by providing: 1. Specific information regarding the accusation ahead of time; and, 2. Address the timeliness factor for moving through and completing an investigation.

A recap of efforts and discussions to date by Committee members and the Board was provided, noting that a second, objective legal opinion, as requested by the Board at their July 2017 meeting, had been obtained and forwarded to Board members. A lengthy discussion was held regarding the legal opinion, points raised therein, and premise on which the opinion was founded—specifically, were the right questions asked. In July 2017, Trustee DeMartini provided Committee members with recommended additional language below pertaining to due process. The language was provided to the full Board by Chancellor Yong, also in July, noting that with a commitment to fairness for all this language was proposed by a trustee.

**Proposed Additions to Whistleblower Protection**
After line 16 we need to add: The District will not tolerate accusations that are not made in good faith. Any person who files or who knowingly or negligently aids another in filing a formal complaint that is false, empty or specious, will be considered complicit in malicious prosecution and will be subject to discipline, up to and including termination.

In another section it needs to say: Due Process rights are universally believed by American citizens to be basic human rights. So while we need to protect the accuser, we must also be allowed to treat the accused with due process rights. The accused has the right to know as soon as formally accused: 1) what particular action he/she has been accused of doing, 2) exactly which part of which law or policy he/she is accused of violating by that action, 3) who is accusing him/her, 4) the right to know the evidence against him/her and to see the complaint and to confront his accuser at a formal hearing, 5) the right to counsel and the right to present his/her case at a formal hearing before an impartial, unbiased panel or judge, 7) the right to a speedy verdict, 45 days or less, and to receive a copy of the determination and the reasoning on which it was based.

Again, with a commitment to fairness for all, Trustee DeMartini asked that the questions forwarded to the second, objective legal counsel be clarified so as to confirm each item specified (1-7) above, but specifically to name the accuser and address the timeliness of the investigations process. It was agreed the attorney who provided the opinion, Meredith E. Brown, Senior Partner at Atkinson, Andelson, Loya, Ruud & Romo (AALRR), would be invited to the next Board Policy Committee and/or to a subsequent Board meeting, pending the full Board’s direction, to address members’ questions and concerns directly.

The meeting adjourned at 2:21 p.m.

*Minutes submitted by Coni Chavez*