



REGULAR MEETING OF THE BOARD OF TRUSTEES

Wednesday, November 16, 2005

MINUTES

CALL TO ORDER

The regular meeting of the Board of Trustees of Mt. San Antonio College was called to order at 6:10 p.m. on Wednesday, November 16, 2005. Trustees Baca, Bader, Chen Haggerty, Chyr, and Hall were present.

STAFF PRESENT

Christopher C. O'Hearn, President; John S. Nixon, Vice President, Instruction; Michael D. Gregoryk, Vice President, Administrative Services; and Audrey Yamagata-Noji, Interim Vice President, Human Resources

1. PUBLIC COMMUNICATION

None.

2. CLOSED SESSION

The Board adjourned to Closed Session to discuss the following items:

- Conference with Labor Negotiator John S. Nixon, Vice President, Instruction, per California Government Code Section 54957.6
Faculty Association
- Public Employee Discipline/Dismissal/Release, per California Government Code Section 54957: Two positions

3. PUBLIC SESSION

The public meeting reconvened at 6:36 p.m.

4. INTRODUCTIONS/RECOGNITION

- The following new staff member was introduced to the Board:

Mary Ann Tolano-Leveque, Student Activities Coordinator, Student Life
- Recognition:

The Board recognized Interim Vice President of Student Services Raul Rodriguez and Professors Lane Braver, Clarence Edwards, and Julie Hughes-Lederer for their volunteer efforts in the Gulf States following Hurricanes Katrina, Rita, and Wilma. Although Professor Braver was unable to attend the meeting, the others talked about where they had traveled and how they had helped the Hurricanes' victims. Both President O'Hearn and Trustee Hall commended and thanked them for representing the College so well. Dr. O'Hearn also reported that the combined total of monetary donations made by the College staff and students was just about \$10,000.

5. APPROVAL OF MINUTES

It was moved by Trustee Chen Haggerty, seconded by Trustee Baca, to approve the minutes of the regular meeting of October 26, 2005. Motion unanimously carried. Student Trustee concurred.

6. ACTION TAKEN IN CLOSED SESSION

None.

7. PUBLIC COMMUNICATION

Irma Jenkins, Vice President of the National Council of Negro Women, San Gabriel Valley Section, presented a plaque to the College for its support of the Black College Fair held on October 29, 2005. Ms. Jenkins said she appreciates the College allowing them to bring awareness of Historically Black Colleges to Mt. San Antonio College. In accepting the plaque, Dr. O'Hearn commended the group on the success of the Fair and said he hopes this is the first of an annual event. Trustee Hall commended Academic Senate President Phillip Maynard for his leadership and involvement in this event.

8. REPORTS

A. Greg Justice, Associated Students President, reported the following:

- He commented on the recent election and the students' involvement in the election. He said the students will now focus on the Community College Initiative, which may go before the voters next November.
- The Senate is disseminating surveys to students regarding two issues: 1) the formation of a student body carpool program; and 2) smoking on campus. He said many districts are limiting the space for smoking on campus and some are completely banning the activity. They are interested in finding out how students feel.
- Last week, the mayor of Pasadena, William Bogaard, spoke to students about his city and the challenges it faces as well as its "rosy" future. On November 22, La Verne mayor Jon Blinkenstaff will be addressing the students.
- On Tuesday, Francis Bok was on campus to talk about being a captive slave in Sudan. He discussed his nation's deplorable social atmosphere and the government's attempts to smokescreen these actions. The students enjoyed hearing of Mr. Bok's inspirational escape and his efforts to eradicate this antiquated activity.

- Many students attended the Associated Students-sponsored symposium – Can Science and Religion Reconcile? Three well-known speakers with critical expertise provided a panel discussion for students.
- Board members were invited to attend the Annual Student Holiday Tea to be held on December 7, 12:00-2:00 p.m., in the Student Center.
- Mr. Justice informed the Board that he is stepping down as Associated Students President and will participate in College activities as a student-at-large. He said he is leaving the Association to students that are well-prepared to assume leadership responsibilities. He introduced Miguel Del Mundo, who will assume the Presidency.
- Mr. Del Mundo said that Mr. Justice's contributions, knowledge, and experience were invaluable over the last few months. Despite the change in leadership, Mr. Del Mundo said his administration will live up to the expectations placed upon them by the College students and administration, and will continue to pioneer a new era for the Mt. SAC student body.

B. Phillip Maynard, Academic Senate President, reported the following:

- Mr. Maynard offered congratulations to Trustees Chen Haggerty and Hall on their re-election to the Board of Trustees.
- The Black College Fair was a resounding success. The turnout was more than the planning committee had expected. Several members of the Mt. SAC faculty were in attendance. Professor Maynard thanked English Professor Debra Farve and Dr. Ernie Gregoire, a retired manager, for participating in a panel discussion. He also thanked Irma Jenkins and members of the National Council of Negro Women, San Gabriel Valley Section, for their participation.
- The Academic Senate recently passed Resolution 05-16, Equal Employment Opportunity (EEO) Training. The major function is to ensure that all individuals who serve on hiring committees must have at least one introductory EEO training session as part of the hiring committee orientation.
- Plans for the January 6, 2006, Flex Day have been finalized. The theme is "Celebrate Teaching and Learning." Professor Maynard thanked Professor Michelle Grimes-Hillman for assuming a leadership role in planning this event.
- Professor Maynard commended outgoing Associated Students President Gregory Justice for what he has accomplished in his tenure.

C. Sandra Bollier, Classified Senate President, reported the following:

- Ms. Bollier acknowledged the outstanding leadership provided by Greg Justice while serving as the Associated Students President. She wished him the best in future endeavors.
- Congratulations were offered to Trustees Chen Haggerty and Hall on their re-election to the Board.
- The Classified Senate and Professional & Organizational Development are completing the Classified Leadership Development Program. Training will begin in fall 2006.

- The Classified Senate was involved in selling tickets and working the ticket booth at the Halloween Fair last month. The Fair was a wonderful opportunity to raise much needed funds for our women's sports programs.
 - The United Way campaign is underway. Ms. Bollier thanked Frances Smothers for again chairing this annual fund-raising event.
- D. Representing the Faculty Association, President Terri Smith Long reported the following:
- Dr. Long offered congratulations to Trustees Hall and Chen Haggerty on their re-election to the Board.
 - Dr. Long referred Board members to Action item #1 on the agenda – ratification of the agreement between the College and the Faculty Association. According to Dr. Long, the faculty ratified the contract with a return of 46% of the ballots. Of those returned, 94% voted to ratify the agreement. Professor Long commended Vice President Nixon and the rest of the District's team, saying it was a pleasure to work with them. The Faculty Association is currently surveying members regarding reopeners, which will begin in the spring.
 - Dr. Long added her commendations to Greg Justice and his accomplishments while serving as Associated Students President.
 - In closing, Dr. Long said she had the opportunity to attend the lecture by Francis Bok and found it to be very enlightening. She thanked the Associated Students for bringing him to Mt. SAC so we could hear his story.
- E. Representing CSEA, Chapter 262, President Mark Fernandez reported the following:
- As others did before him, Mr. Fernandez congratulated Trustees Hall and Chen Haggerty on their re-election. He also commended Greg Justice for accomplishing so much in the short time he was in office.
 - Contract negotiations continue to progress. He explained that the interest-based process always takes longer but that there is lots of language in the contract that needs to be cleaned up.
 - Mr. Fernandez commented on Action item #5 – the refund to employees who contributed a percentage of their salaries for retiree medical benefits. He thanked President O'Hearn, Vice President Mike Gregoryk, and the Board for changing this practice.
 - As mentioned last month, Mr. Fernandez said that both CSEA chapters – 262 and 651 – will be holding nominations for their executive board in December.
 - At last month's Board meeting, Mr. Fernandez invited Board members to attend a CSEA Installation Dinner for Chapter officers on either January 21 or 28. That has now changed to an Installation Breakfast to be held on January 28, 8:30 a.m. – noon. The guest list is still being confirmed. He will provide more details at next month's meeting.
- F. President O'Hearn's report included the following:

- On November 5, Vice President Yamagata-Noji accepted the Western Fairs Association's Blue Ribbon Award on behalf of the College. This award recognizes outstanding commitment to the goals and values represented by North America's network of fairs. The 48th District Agricultural Association nominated the College for this award in recognition of our significant contributions to their success. Trustee Hall, a member of the 48th District Agricultural Association Board, said this is a very prestigious award. Given how much support Mt. SAC gives to the 48th District Agricultural Association, Dr. Hall said the award is well deserved by the College.
- Dr. O'Hearn introduced Vice President Nixon, who asked Professor Harry Smith and student Scott Moore to step forward. According to Dr. Nixon, Mr. Moore is in his second year at Mt. SAC. In June 2005, he competed in the SkillsUSA National Championships with 3,000 students from 30 different states. In the Electronics category, Mr. Moore was awarded the Bronze Medal (third place in the nation) from a field of 30 students. Professor Smith said the College has been sending students to this national competition for the 15 years he has been at the College and this is the third student to receive an award. Mr. Moore explained that he is a returning student, having been at the College in 1992-93. He said this is a great College and particularly commended the electronics program. Trustee Hall commended Mr. Moore on his personal success and for representing the College so well.

9. INFORMATIONAL REPORT

Board members were provided with a written briefing of the College's Disaster Preparedness Program prepared by Vice President Michael Gregoryk and Karen Saldana, Director of Safety & Risk Management.

Vice President Gregoryk provided an oral report explaining that the College's draft emergency operations plan defines the emergency management system that will be used for all emergencies. The plan is divided into three parts: Preparedness, Response, and Disaster Recovery Operations. Part 1 describes the Mt. SAC Emergency Management Organization concept of emergency operations, the phases of emergency management and administrative practices. Part 2 consists of an oversight of our emergency organization for both response and recovery operations, including outside public agencies and other organizations that may have support responsibilities. Part 3 identifies the disaster recovery phases and includes a listing of plans and documents that are identified as reference plans.

The next step is for the College to begin extensive training – collegewide, citywide, and regional – and then to begin drills and exercises.

10. CONSENT AGENDA

It was moved by Trustee Baca, seconded by Trustee Bader to approve or ratify the following items.

HUMAN RESOURCES

1. This item was pulled from the Consent Agenda and acted on separately by the Board. See paragraph 11.
2. Approval of a one-day Human Resources Professional Development and Planning Retreat, at a cost not to exceed \$600.

INSTRUCTION AND STUDENT SERVICES

3. Approval for selected faculty and the Mt. SAC Chamber Singers to participate in the 2006 Western Division American Choral Directors Association Convention and Tour to San Francisco, CA and Salt Lake City, UT February 25 through March 4, 2006.
4. Approval of a contract with Western University of Health Sciences for Histotechnology program.
5. Approval of an affiliation agreement with the City of Angels–Ingleside Campus for the Nursing Program.
6. Approval to renew the annual Production Music Agreement.
7. Approval of Community Education Programs/Courses for Spring 2006.
8. Approval of an addition to the Community Education Program.
9. Approval to accept additional funding for the TANF (Temporary Assistance for Needy Families) – CDC (Child Development Careers) grant.
10. Approval of additions and changes to the Regional Health Occupations Resource Center.
11. Approval of changes and additions to Contract Education Agreements through The Training Source.
12. Approval of contract modifications through the Small Business Development Center.
13. Approval of activities: Industry/Discipline Collaborative for Family and Consumer Sciences.
14. Approval of contract with Dowden Associates, Inc.
15. Approval to accept funds and approve the Child Development Training Consortium contract with the Yosemite Community College District.
16. Approval of an agreement with the San Francisco Community College District's California Early Childhood Mentor Program, which will provide Mt. SAC with implementation resources; training guides; technical assistance; travel expenses; and materials to assist the appointed coordinator with the Childhood Mentor Program.
17. Approval to accept funds and approval of activities for Upward Bound Program.

ADMINISTRATIVE SERVICES

18. Approval of Appropriation Transfers and Budget Revisions Summary.
19. Approval of the Quarterly Financial Status Report for the period ending September 30, 2005.
20. Approval of the Quarterly Investment Report for the period ending September 30, 2005.
21. Approval of agreements with various consultants to provide professional design and consulting services for two Bond-related construction projects.
22. This item was pulled from the Consent Agenda and acted on separately by the Board. See paragraph 12.
23. Approval of the following Contract Amendments:
 - Contract Professional Design and Consulting Services (Language Center/Health Careers Center) – HMC Architects, Amendment No. 2.
 - Contract Professional Design and Consulting Services (Oden House Improvements) – Steven Fader Architect, Amendment No. 1.
24. Approval of the following projects as complete and approval of the release of all retention for these projects:
 - Bid No. 2585 Construction of Air Conditioning/Refrigeration/Welding Building (Electrical), Shasta Electric LP, Contractor
 - Bid No. 2589 Construction of Athletic Fields (Landscaping), Mariposa Horticultural Enterprises, Contractor
 - Emergency Renovate Public Information Office, Nu/Age Development
Resolution Inc., Contractor
No. 05-05B
25. Approval and acceptance of the following donations/gifts to the College:
 - Jeffrey Ying – Hickey SE-5a Replica 1975 Aircraft, valued by donor at \$25,000, to be used by the Aeronautical Program of the Technology and Health Division.
 - Jeffrey Ying – PITTS S1C 1971 Aircraft, valued by donor at \$45,000, to be used by the Aeronautical Program of the Technology and Health Division.

Motion unanimously carried. Student Trustee concurred.

11. PERSONNEL TRANSACTIONS

Trustee Baca asked that the Personnel Transactions be amended to include the retirement of Gary D. Noland, Custodian, effective today.

It was moved by Trustee Baca, seconded by Trustee Chen Haggerty, to approve the Personnel Transactions, Reference No. 5, dated November 16, 2005, as amended. Motion unanimously carried. Student Trustee concurred.

12. CHANGE ORDERS

Trustee Baca asked that the last item on this agenda item, Bid No. 2648 – Technology Building Computer Lab, be pulled before taking action.

It was moved by Trustee Baca, seconded by Trustee Chyr, to approve the following Change Orders:

- Bid No. 2605 Art Center Renovation – Inland Empire Builders, Change Order No. 5.
- Bid No. 2562 Science Roadway Project – Excel Paving, Change Order No. 1.
- Bid No. 2596 Seismic Retrofit (Four Buildings) – Inland Empire Builders, Change Order No. 10.
- Bid No. 2634 Staff Center Renovation – Paul C. Miller Construction, Change Order No. 2.

Motion unanimously carried. Student Trustee concurred.

13. 2005-08 AGREEMENT BETWEEN THE COLLEGE AND THE FACULTY ASSOCIATION

It was moved by Student Trustee McKay, seconded by Trustee Chyr, to ratify the 2005-08 negotiated agreement between the Mt. San Antonio Community College District and the Faculty Association. Motion unanimously carried. Student Trustee concurred.

14. SALARY AND BENEFIT ADJUSTMENTS FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES

It was moved by Trustee Bader, seconded by Trustee Baca, to approve salary and benefit adjustments for Management and Confidential employees effective July 1, 2005. Motion unanimously carried. Student Trustee concurred.

15. REVISIONS TO BOARD POLICIES

It was moved by Trustee Baca, seconded by Trustee Chyr, to approve proposed revisions to Policy 2360 – Board Minutes, Policy 2715 – Board Code of Ethics, and Policy 4220 – Standards of Scholarship. Motion unanimously carried. Student Trustee concurred.

16. ESTABLISHMENT OF HEALTH BENEFIT VESTING REQUIREMENT

It was moved by Trustee Chyr, seconded by Trustee Chen Haggerty, to approve

Resolution Nos. 05-08, 05-09, and 05-10, electing to establish a Health Benefit Vesting Requirement for future retirees under the Public Employees' Medical and Hospital Care Act. Motion unanimously carried. Student Trustee concurred.

17. DISCONTINUANCE OF SALARY DEDUCTIONS FOR EMPLOYEES CONTRIBUTING TO RETIREE MEDICAL BENEFITS

It was moved by Trustee Bader, seconded by Trustee Chyr, to approve the discontinuance of salary deductions for all employees contributing a percentage of their salary for retiree medical benefits, and issue a refund to all employees who have contributed. Motion unanimously carried. Student Trustee concurred.

18. VICE PRESIDENTS SALARY SCHEDULE

This item was pulled from the agenda.

19. OPERATIONAL AND PREVENTIVE MAINTENANCE AGREEMENT WITH CHEVRON ENERGY SOLUTIONS

This item was pulled from the agenda.

20. FEDERAL SURPLUS PROPERTY PROGRAM

Dr. Baca asked that a revision be made to this Board agenda item. Board members were asked to remove the names listed under the Analysis and Fiscal Impact and replace them with the following two positions: Director, Purchasing and Dean, Technology & Health.

It was moved by Trustee Baca, seconded by Student Trustee McKay, to approve Resolution No. 05-07 for the Federal Surplus Property Program, as revised. Motion unanimously carried. Student Trustee concurred.

21. CHANGE ORDERS

It was moved by Trustee Chyr, seconded by Trustee Chen Haggerty, to approve the following Change Orders:

- Bid No. 2554 Science Building – Moore Flooring, Change Order Nos. 1 and 2.
- Bid No. 2558 Science Building – Daart Engineering, Change Order Nos. 1 and 2.
- Bid No. 2550 Science Building – KAR Construction, Inc., Change Order No. 5.
- Bid No. 2622 Science Building – Earl Corporation, Change Order No. 5.
- Bid No. 2555 Science Building – Bithell, Inc., Change Order No. 2.
- Bid No. 2560 Science Building – Westco Service Co., Change Order No. 4.
- Bid No. 2552 Science Building – Columbia Steel, Change Order No. 4.

Motion unanimously carried. Student Trustee concurred.

22. BOARD COMMUNICATION

- All Board members' communication included the following:
 - Congratulations to Trustees Hall and Chen Haggerty upon their re-election to the Board of Trustees;
 - Commendations to Greg Justice, outgoing President of Associated Students, on the excellent work he did in that leadership role.
 - Congratulations to student Scott Moore for his achievement at the SkillsUSA national competition.
- Trustee Bader thanked those who attended the YMCA luncheon last month. She reported that \$30,000 was raised. Trustee Bader said she will be attending the CCLC's annual convention in San Francisco beginning tomorrow, along with Trustee Baca and others from the College. Trustee Bader said she was very pleased to see a Mt. SAC ad in the fall issue of "The News" from the League.
- Trustee Chyr said that, while Mt. SAC may be known as a College of Champions, it is also a College with heart. He commended those who were involved in the relief efforts following the hurricanes in the Gulf States, saying it illustrates one more component of Mt. SAC. Other Board members echoed Trustee Chyr's comments.
- Trustee Baca said he was pleased that the faculty contract negotiations were completed in such a professional manner this year. Dr. Baca said he also attended the Halloween Fair last month and thought it had a lot of potential. He said he appreciated the amount of work that was required with such an undertaking. Trustee Baca mentioned the event held Monday night to honor the College's 60th Anniversary Honorary Steering Committee held in Los Angeles. It was an outstanding event, and he offered special thanks to Southern California Edison for sponsoring the event.
- Trustee Chen Haggerty said she felt privileged to have the opportunity to serve another four years as a member of the Mt. SAC Board of Trustees because this is a great institution. Trustee Chen Haggerty said she enjoyed attending the Principals' Breakfast last month. She also commented that she believes the Associated Students have reached a new level and will continue to do excellent work.
- Student Trustee McKay said that, of the six semesters he has been involved in student government, this has been his best semester, under Greg Justice's leadership. Student Trustee McKay mentioned the recent UCLA United Nations Global Symposium. Following the symposium, students began drafting a resolution supporting the UN's eight development goals, which will ultimately be sent to the United Nations Security Council. Mr. McKay said he was pleased to write the draft resolution.
- Trustee Hall thanked the voters for returning him to the Board of Trustees for four more years, saying it is a great honor to serve. Trustee Hall pointed out a news article indicating a fee increase at the University of California, which, he believes, will mean more students seeking an affordable education that they can find at Mt. SAC.

23. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Vice President Yamagata-Noji apologized to the Board regarding the timing of this action. The employee had mistakenly been invited to address the Board at both 6:00 and 6:30 p.m.

Vice President Yamagata-Noji explained to the Board that, according to California Government Code 54957, an employee shall be given written notice about their right to have complaints or charges heard against them in open session. We have provided that option to the employee and he has indicated his desire through writing to the President's Office to have the charges heard in open session, which we will proceed to do at this time.

Vice President Yamagata-Noji informed the Board of the charges:

The administration is making a recommendation to the Board of Trustees for an intent to dismiss classified employee Robert Larabee. The administration has taken into account the response to the Notice of Intent to Dismiss provided by Mr. Larabee, as well as oral responses made by Mr. Larabee and Mr. Saavedra, the CSEA labor representative, during an earlier meeting with the employee.

It is the district's decision to recommend that Mr. Larabee be terminated from his position as a Public Safety Officer at the college. The administration is recommending that the Board of Trustees take this action based on the employee's violations of Education Code Sections 88013 and 88016, and Board Policy 7365. The causes for this action include the following:

- Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time;
- Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of or insulting or demeaning the authority of the supervisor or manager;
- Dishonesty involving employment;
- Improper or unauthorized use of college property;
- Willful violation of policies, procedures, and other rules that may be prescribed by the college.

Specifically, in his employment as a Public Safety Officer, Mr. Larabee is charged with upholding confidentiality and the safety and security of all persons on campus, especially staff and students.

Mr. Larabee was warned by his supervisor not to get personally involved in a restraining order brought forward by an employee against an individual known to be a personal acquaintance of Mr. Larabee, and a former employee of Mt. San Antonio College. Subsequent to learning of this restraining order, and after being warned by his supervisor, Mr. Larabee, through his own admission, did the following:

- During work time, phoned his wife two times before 7:00 p.m.
- During work time, all on the same day, phoned the home of the former wife of the individual named in the restraining order. During this last phone call, Mr. Larabee

learned first hand of the physical location of the individual who had taken out the restraining order. On the same day, approximately one hour after learning of the location of this individual, Mr. Larabee phoned the subject of the restraining order, thereby jeopardizing the safety of the individual who took out the restraining order, our employee, and violating the directive issued to him by his supervisor and inappropriately using his knowledge and his authority as a Public Safety Officer.

Vice President Yamagata-Noji said these are the charges being brought against Mr. Robert Larabee and, at this point in time, the President may want to invite Mr. Larabee to address the Board. Mr. Phil Saavedra, the CSEA Labor Relations Representative, has also completed a card to speak to the Board.

Dr. Hall said Mr. Larabee has a right to discuss this with the Board in open session, but said those in the room who may not want to participate in this item are free to leave at this time.

Mr. Larabee provided Board members with a written statement, which he read. In his statement, Mr. Larabee asked Board members to delay action on his recommended termination because he has not had the opportunity to fully review all the documents related to this investigation in order to defend himself. He also said the College did not provide him with the list of witnesses and the summaries and transcripts of Investigator McErlain, even though his union representative, Phillip Saavedra, asked the College for this information.

Mr. Larabee commented on the Temporary Restraining Order that was brought by a College employee against her husband. According to Mr. Larabee, he knows these two individuals personally, but didn't realize they were having marital problems. Mr. Larabee assured Board members that he would never do anything to jeopardize his job or the College by assisting anyone, including a friend, to commit a crime. He said he doesn't believe that merely talking to people constitutes getting involved.

Mr. Phillip Saavedra, CSEA union labor relations representative, reiterated Mr. Larabee's request that the Board not make a decision at this time regarding his termination. According to Mr. Saavedra, while Mr. Larabee may have been in violation of his directive at the time it was given because of his relationship with the people involved, of more concern is the fact that CSEA is missing information and is in the process of getting that now. Mr. Saavedra pointed out that Mr. Larabee is a nine-year employee and he hopes the College will provide him with an opportunity to represent himself.

24. CLOSED SESSION

The meeting adjourned to Closed Session at 8:30 p.m. The meeting reconvened at 9:04 p.m.

25. ADJOURNMENT

The meeting adjourned at 9:05 p.m.

CCO:dc