



Clark College

Board of Trustees Regular Meeting

Wednesday, November 18, 2020 at 5:00pm

Via Zoom

Zoom Link: [Here](#)

Meeting ID: 916 2984 9243

Password: 760567

Call In: (253) 215-8782

Board of Trustees Regular Meeting Packet

Wednesday, November 18 at 5:00pm via Zoom

- I. Call to Order/Agenda Review - Chair Strong**
- II. Action Items/Consent Agenda – Chair Strong**
 - A. #1 – October 28, 2020 Board Meeting Minutes
 - B. #2 – November 3, 2020 Board Special Meeting Minutes
 - C. #3 – Adopting the Emergency Rule Changes to the Student Conduct Code by Adopting the Supplemental Title IX Student Conduct Procedures at WAC 132N-125-300 through 340
- III. Constituent Reports**
 - A. ASCC – Josiah Joner
 - B. AHE – Suzanne Southerland
 - C. WPEA – Chris Layfield
 - D. Foundation – Lisa Gibert
- IV. Reports from Board Members – Chair Strong**
- V. President’s Report – President Edwards**
 - A. Student Presentation – Rashida Willard, Vice President of Diversity, Equity and Inclusion and Tim Tipton, Peer Mentor, Office of Diversity, Equity and Inclusion.
 - B. Budget Report
 - C. President’s Updates
- VI. Public Comment – Chair Strong**

Public comment will be limited to two minutes each.
- VII. Next Meeting**

The next regular meeting of the Board of Trustees is currently scheduled for Wednesday, December 9, 2020 at 5pm via Zoom.
- VIII. Executive Session – Chair Strong**

An Executive Session may be held for any allowable topic under the Open Public Meetings Act.
- IX. Adjournment – Chair Strong**

Clark College
Minutes of the Regular Meeting of the Board of Trustees
Wednesday, October 28, 2020
Via Zoom

In Attendance

Rekah Strong, Chair
Jeanne Bennett, Vice Chair
Jane Jacobsen, Trustee
Jada Rupley, Trustee
Paul Speer, Trustee

Administrators

Dr. Karin Edwards, President
Bill Belden, Vice President of Student Services
Dr. Sachi Horback, Vice President of Instruction
Kelly Love, Chief Communications Officer
Christina Longo, Interim Vice President of Human Resources
Sabra Sand, Interim Vice President of Administrative Services
Valerie Moreno, Chief Information Officer
Rashida Willard, Vice President of Diversity, Equity and Inclusion

Others

Kimberly Witherspoon, Assistant Attorney General
Suzanne Southerland, AHE President
Chris Layfield, WPEA Co-Chief Steward
Lisa Gibert, CEO, Clark College Foundation
Dwight Hughes, Network Technology Professor
Michael Tucker, Cybersecurity Professor
Stephanie Weldy, Recorder

I. Call to Order/Agenda Review

Chair Strong called the meeting to order at 5:00pm.

II. Introductions

Chair Strong introduced Cristhian Canseco Juarez, a newly appointed Trustee who will begin his tenure in January 2021.

III. Action Items

A. #1 – September 23, 2020 Board Meeting Minutes

MOTION: Trustee Speer made a motion to approve Agenda Items III A. Trustee Bennett seconded the motion and Agenda Items III A. unanimously passed.

IV. Constituent Reports

A. ASCC

President Joner gave an update on ASCC and that the students held a student forum with President Edwards and that there will be an upcoming financial aid forum. President Joner shared that three priorities from the previous ASCC Leadership team have been passed onto the current team, with a focus on increasing access to resources, helping address systemic issues and building legislative partnerships. President Joner shared that there was a student involvement fair that pertained to student engagement with voting and committees. President Joner shared that there he had an opportunity to connect with legislatures and emphasized a focus on racial equity and increased funding for the college. President Joner shared that ASCC is finding ways to connect with students online. Trustee Bennett shared that she is interested in hearing more about how students are doing and what barriers they may be encountering that would prevent program completion as well as ideas for solutions to these barriers. President Joner shared that he would compile a list of specific barriers and ideas for solution and address those in future reports.

B. AHE

Suzanne Southerland shared the AHE stands in solidarity with the WPEA in supporting instructional regarding the Moss Adams Report. Ms. Southerland shared that cutting staff would cause more damage to the college. Ms. Southerland shared that instructional staff are fundamental.

C. WPEA

Chris Layfield expressed appreciation that outsourcing discussions are off the table for now. Mr. Layfield share that he and Co-Chief Steward, Sarah Thorsen, met with Dr. Edwards on October 14 and discussed the Moss Adams report and proposed structural reorganization. Mr. Layfield shared that classified staff were stressed with remote operations, ongoing issues with ctLink with greater work-loads, creating an overall impact on staff morale. Mr. Layfield read a statement from the WPEA pertaining to the Moss Adams Report. Mr. Layfield shared that WPEA has been hosting weekly Classified Staff Zoom meetings and looks forward to working with administration and Dr. Edwards.

D. Foundation

CEO Gibert shared that donations that are specifically related to emergency support for students, college support and student scholarship support, remain strong. CEO Gibert shared that a video of appreciation is being put together. CEO Gibert thanked President Edwards for her involvement with the virtual Savoring Excellence event and reported that it was a successful evening. The Trustees expressed their gratitude to the Foundation for the event.

V. Reports from Board Members

Trustee Speer shared that he has met with President Edwards and participated in the following: Facilities Master Plan Committee, the College Social Equity Council, Board Budget Subcommittee attended Savoring Excellence and had a meeting with community funders pertaining to opportunities for investment in the College. Trustee Speer shared about an article that the Washington Post published regarding a lack of student enrollment across the nation. Trustee Speer shared that important work is to be done regarding engagement and development of a funding model, rather than depending on money from the State.

Trustee Rupley shared that she has with a representative from the Governor's Office and will continue her role as a Trustee until the end of December. Trustee Rupley shared that she attended an equity event hosted by the Oregon Historical Society in Henry Louis Gates Jr. was the special speaker.

Trustee Bennett shared that she has been participating on the Board Budget Subcommittee and she looks forward to continuing her work and support. Trustee Bennett shared that she will begin reviewing Board policies from an equity lens and thanked President Edwards for providing the tool used by the college.

Trustee Jacobsen shared that she has met with President Edwards and encouraged participation in giving towards the Thanksgiving Basket campaign.

Chair Strong shared that she meets with President Edwards on a weekly basis. Chair Strong shared that during the work session there were three students who are candidates for the Transforming Lives award. Chair Strong shared that they had compelling stories of resilience and tenacity and that it makes her proud to be a part of this institution.

VI. President's Report

A. Faculty Presentation

Mr. Hughes and Mr. Tucker gave a presentation on Non-Credit to Credit Pathways. The presentation highlighted goals, non-credit and credit pathways, comparison between non-credit and for-credit, framework, non-credit blueprints and non-credit current status. The Trustees thanked them both for their presentation.

B. Budget Report

Ms. Sand shared the differences between ctLink and Legacy and how funding currently looks. Ms. Sand shared consolidated financial statements and how the state auditor evaluates capitol assets and federal grant revenue and reported that there were no issues; the report is issued as a statewide entity. Ms. Sand reported that there was a second audit from the state in regard to a grant review in order to ensure compliance of other agencies that provide dollars. Ms. Sand shared that the state is working on identifying which reports they want provided due to ctLink being new. Ms. Sand shared the development of a Fiscal Health Risk analysis and reported that the state board template poses challenges due to a lack of metrics. Trustee Speer asked if the college reserves policy and benchmarks are evaluated. Ms. Sand shared that the question on the audit pertained to if there was a policy rather than a metrics. Ms. Sand shared that federal, state and local grants are currently being pursued with 14 competitive applications. The Trustees shared their appreciation for the entrepreneurial spirit and providing the budget information to the Board.

C. President's Updates

President Edwards highlighted a grant application for a pilot summer running start program. President Edwards shared that during the upcoming legislative session, it will be important to be vocal, present and a request for there not to be cuts in the community colleges' base budget. President Edwards shared that there will be opportunities for engagement moving forward. President Edwards reported that the Executive Cabinet requested budget feedback from the college. President Edwards highlighted that the outsourcing recommendations from Moss Adams have been put on hold and reassured the Board and meeting attendees that the direction,

decisions and recommendations will be communicated. President Edwards shared that there has been some changes in the college leadership team. President Edwards thanked Bob Williamson for his service at Clark and highlighted some of his accomplishments during his tenure. President Edwards shared that Sabra Sand will serve as Interim Vice President of Administrative Services and Christina Longo will serve as Interim Vice President of Human Resources. President Edwards shared that Bill Belden will be leaving the college at the end of the year and will be working on projects directly with her. She shared that Dr. Michele Cruse will serve as Interim Vice President of Student Affairs and will begin her position in a few weeks.

VII. Public Comment

The following individuals shared a public comment regarding the Moss Adams report: Bryton Williams (seeded time), Melissa William (seeded time), Roberto Anitori, Debra Montez, Sarah Thorsen, Ramona Sott, Angela Dawson, Seamus Petrie, Courtney Braddock and Stacey Mitcham.

VIII. Next Meeting

The next regular meeting of the Board of Trustees is currently scheduled for Wednesday, November 18, 2020 at 5:00pm via Zoom.

IX. Executive Session

The Board did not go into executive session .

X. Adjournment

There being no further business, the meeting adjourned at 6:57pm.

Rekah Strong, Chair

Stephanie Weldy
Recorder
Date: October 28, 2020

Clark College
Board of Trustees Special Meeting
Tuesday, November 3, 2020
Via Zoom

In Attendance

Rekah Strong, Chair
Jeanne Bennett, Vice Chair
Jane Jacobsen, Trustee
Jada Rupley, Trustee
Paul Speer, Trustee

Absent

None

Administrators

Dr. Karin Edwards, President
Rashida Willard, Vice President of Diversity, Equity and Inclusion

Others

Kim Witherspoon, Assistant Attorney General
Alyssa Voyles, Associate Director of Employee Equity, Outreach and Engagement
Stephanie Weldy, Recorder

I. Call to Order/Agenda Review

Chair Strong called the meeting to order at 1:31pm.

II. Introductions

Chair Strong introduced the Board of Trustees and provided an opportunity for additional attendees to introduce themselves.

III. Audience Statements

No audience statements at this time.

IV. Equity Training

Ms. Willard and Ms. Voyles presented a PowerPoint on Equitable Decision Making. The presentation highlighted Clark equity areas with a focus on community perceptions, Executive Cabinet turnover, social equity plan, budget decisions, rebuilding, healing and trauma. The presentation emphasized what equitable decision making looks like to the Board as well as to the College. The presentation showcased a metrics system that encompassed representation, equity gaps and strategic decision making through the lens of equity versus equality. The presentation highlighted the definition and disaggregating data of systemically non-dominant population groups (People of Color, People with Disabilities and People from the LGBTQ+ Community). The presentation highlighted what leading with racial equity entails, including data, disparities when race is disaggregated and outcomes. The presentation emphasized framing, narratives, white supremacy culture, power and privilege,

consulted and informed (key stakeholders, who should be consulted, who is left out of the decision-making process and who is engaged and represented, has adequate time been given to meaningfully incorporate all voices in this decision, how is the message being filtered), impact of these decisions (what is the desired impact, who will benefit, who will be burdened, have all impacts been considered), considering alternatives (is there a better way or time for this decision), long-term effects of impact from the 7th generation mindset (immediate effects, short term effects and long term effects), continuous improvement (strategies that will be used to ensure the decisions have the intended impacts, how will effectiveness be measured), supporting college efforts, anti-racism lens and board strategies (acknowledgement of race and racism and implications, personal growth of equity competencies and anti-racist action), recommendations (board equity statement, board equity work plan, accessing and holding college leadership accountable, financially supporting equity initiatives and doing the personal work to ensure each board member is equipped to lean into equity work, intentionality, developing board partnerships to reflect equity, understanding historical contexts of oppression). The Board of Trustees shared their commitment to equity work from an institutional level as well as personal learning opportunities and a desire to continue engaging in this work. The Board shared that they would appreciate an opportunity to utilize the Equitable Decision Making Tool. Ms. Willard will share the tool at a future meeting.

V. **Next Meeting**

The next regular meeting of the Board of Trustees is scheduled for Wednesday, November 18, 2020 at 5pm via Zoom.

VI. **Adjournment**

There being no further business, the meeting adjourned 3:41pm.

Rekah Strong, Chair

Stephanie Weldy
Recorder
Date: November 3, 2020



RULE-MAKING ORDER

EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

Agency: Clark College

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: On May 19, 2020, the Federal Register printed amendments to Title IX regulations [85 FR 30575]. The new regulations address the grievance process for formal complaints of sexual harassment and are scheduled to take effect on August 14, 2020. This requires emergency updates to the College's Code of Student Conduct to be compliant with federal regulations.

Citation of rules affected by this order:

New: Discipline Procedures for Cases Involving Allegations of Violation of Title IX, WAC 132N-125-300, WAC 132N-125-305, WAC 132N-125-310, WAC 132N-125-315, WAC 132N-125-320, WAC 132N-125-325, WAC 132N-125-330, WAC 132N-125-335, WAC 132N-125-340

Repealed:

Amended:

Suspended:

Statutory authority for adoption: Chapter 34.05 RCW and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Clark College is required by the United States Department of Education to comply with the recently adopted Title IX regulations, which take effect on August 14, 2020.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	<u>9</u>	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New ____ Amended ____ Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New 9 Amended ____ Repealed ____

The number of sections adopted using:

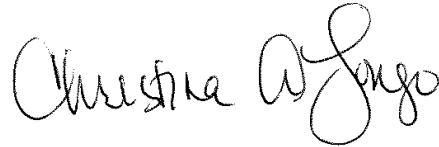
Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

Date Adopted: 11/18/2020

Name: Christina A. Longo

Title: Interim Vice President of Human Resources, Clark College

Signature:



**DISCIPLINE PROCEDURES FOR CASES INVOLVING ALLEGATIONS OF VIOLATION OF
TITLE IX**

NEW SECTION

WAC 132N-125-300 Order of precedence. This supplemental procedure applies to allegations of sexual harassment subject to Title IX jurisdiction pursuant to regulations promulgated by the United States Department of Education. See 34 C.F.R. Part 106. To the extent these supplemental hearing procedures conflict with Clark College's standard disciplinary procedures, WAC 132N-125-005 through 132N-125-225, these supplemental procedures shall take precedence.

NEW SECTION

WAC 132N-125-305 Prohibited conduct under Title IX. Pursuant to RCW 28B.50.140(13) and Title IX of the Education Amendments Act of 1972, 20 U.S.C. Sec. 1681, Clark College may impose disciplinary sanctions against a student who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of "sexual harassment."

For purposes of this supplemental procedure, "sexual harassment" encompasses the following conduct:

(1) Quid pro quo harassment. A Clark College employee conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct.

(2) Hostile environment. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's educational programs or activities, or employment.

(3) Sexual assault. Sexual assault includes the following conduct:

(a) Nonconsensual sexual intercourse. Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(b) Nonconsensual sexual contact. Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(c) Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half

related. Descendant includes stepchildren and adopted children under the age of eighteen.

(d) Statutory rape. Consensual sexual intercourse between someone who is eighteen years of age or older and someone who is under the age of sixteen.

(4) Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(5) Dating violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:

(a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(b) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship;

(ii) The type of relationship; and

(iii) The frequency of interaction between the persons involved in the relationship.

(6) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

NEW SECTION

WAC 132N-125-310 Title IX jurisdiction. (1) This supplemental procedure applies only if the alleged misconduct:

(a) Occurred in the United States;

(b) Occurred during a Clark College educational program or activity; and

(c) Meets the definition of sexual harassment as that term is defined in this supplemental procedure.

(2) For purposes of this supplemental procedure, an "educational program or activity" is defined as locations, events, or circumstances over which the college exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by the Clark College.

(3) Proceedings under this supplemental procedure must be dismissed if the decision maker determines that one or all of the requirements of subsection (1)(a) through (c) of this section have not been met. Dismissal under this supplemental procedure does not prohibit Clark College from pursuing other disciplinary action based on allegations that the respondent violated other provisions of the college's student conduct code, WAC 132N-125-200.

(4) If the student conduct officer determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the student conduct officer will issue a notice of dismissal in whole or part to both parties explaining why some or all of the Title IX claims have been dismissed.

NEW SECTION

WAC 132N-125-315 Initiation of discipline. (1) Upon receiving the Title IX investigation report from the Title IX coordinator, the student conduct officer will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action against the respondent for engaging in prohibited conduct under Title IX.

(2) If the student conduct officer determines that there are sufficient grounds to proceed under these supplemental procedures, the student conduct officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the chair of the student conduct committee and serving the notice on the respondent and the complainant, and their respective advisors. The notice must:

- (a) Set forth the basis for Title IX jurisdiction;
- (b) Identify the alleged Title IX violation(s);
- (c) Set forth the facts underlying the allegation(s);

(d) Identify the range of possible sanctions that may be imposed if the respondent is found responsible for the alleged violation(s); and

(e) Explain that the parties are entitled to be accompanied by their chosen advisors during the hearing and that:

(i) The advisors will be responsible for questioning all witnesses on the party's behalf;

(ii) An advisor may be an attorney; and

(iii) The college will appoint the party an advisor of the college's choosing at no cost to the party, if the party fails to do so.

(3) Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

NEW SECTION

WAC 132N-125-320 Prehearing procedure. (1) Upon receiving the disciplinary notice, the chair of the student conduct committee will send a hearing notice to all parties, in compliance with WAC 132N-125-125. In no event will the hearing date be set less than ten days after the Title IX coordinator provided the final investigation report to the parties.

(2) A party may choose to have an attorney serve as their advisor at the party's own expense. This right will be waived unless, at least five days before the hearing, the attorney files a notice of appearance with the committee chair with copies to all parties and the student conduct officer.

(3) In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the inves-

tigation, regardless of whether Clark College intends to offer the evidence at the hearing.

NEW SECTION

WAC 132N-125-325 Rights of parties. (1) Clark College's student conduct procedures, WAC 132N-125-120, 132N-125-125, 132N-125-130, and 132N-125-200, and this supplemental procedure shall apply equally to all parties.

(2) The college bears the burden of offering and presenting sufficient testimony and evidence to establish that the respondent is responsible for a Title IX violation by a preponderance of the evidence.

(3) The respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.

(4) During the hearing, each party shall be represented by an advisor. The parties are entitled to an advisor of their own choosing and the advisor may be an attorney. If a party does not choose an advisor, then the Title IX coordinator will appoint an advisor of the college's choosing on the party's behalf at no expense to the party.

NEW SECTION

WAC 132N-125-330 Evidence. The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

(1) Relevance: The committee chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.

(2) Relevance means that information elicited by the question makes facts in dispute more or less likely to be true.

(3) Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:

(a) Is asked or offered to prove someone other than the respondent committed the alleged misconduct; or

(b) Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.

(4) Cross-examination required: If a party or witness does not submit to cross-examination during the live hearing, the committee must not rely on any statement by that party or witness in reaching a determination of responsibility.

(5) No negative inference: The committee may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.

(6) Privileged evidence: The committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:

(a) Spousal/domestic partner privilege;

(b) Attorney-client and attorney work product privileges;

- (c) Privileges applicable to members of the clergy and priests;
- (d) Privileges applicable to medical providers, mental health therapists, and counselors;
- (e) Privileges applicable to sexual assault and domestic violence advocates; and
- (f) Other legal privileges identified in RCW 5.60.060.

NEW SECTION

WAC 132N-125-335 Initial order. (1) In addition to complying with WAC 132N-125-135, the student conduct committee will be responsible for conferring and drafting an initial order that:

- (a) Identifies the allegations of sexual harassment;
 - (b) Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;
 - (c) Makes findings of fact supporting the determination of responsibility;
 - (d) Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;
 - (e) Contains a statement of, and rationale for, the committee's determination of responsibility for each allegation;
 - (f) Describes any disciplinary sanction or conditions imposed against the respondent, if any;
 - (g) Describes to what extent, if any, complainant is entitled to remedies designed to restore or preserve complainant's equal access to Clark College's education programs or activities; and
 - (h) Describes the process for appealing the initial order to the Clark College president.
- (2) The committee chair will serve the initial order on the parties simultaneously.

NEW SECTION

WAC 132N-125-340 Appeals. (1) The parties shall have the right to appeal from the initial order's determination of responsibility and/or dismissal of an allegation(s) of sexual harassment in a formal complaint. The right to appeal will be subject to the same procedures and time frames set forth in WAC 132N-125-215.

(2) The president or their delegate will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).

(3) President's office shall serve the final decision on the parties simultaneously.

Title IX talking Points

New Compliance Documents:

- Title IX Supplemental procedures to the Student Code of Conduct
- Title IX Supplemental procedures for cases involving employees
- Updates to Complaint and Discrimination policies and procedures

Significant Changes:

- Jurisdiction: due to narrowing of jurisdiction, change will likely lead to fewer Title IX cases. (Sexual misconduct that violates federal or state law or college policies, but does not meet the definition of Title IX harassment will still be subject to discipline).
 - Formerly: any reported case impacting a person's ability to pursue education regardless of where the incident happened, or who was involved in the incident.
 - New/current:
 - Must be a formal complaint filed by the complainant to the Title IX Coordinator or an affidavit signed by the Title IX Coordinator; **and**
 - Complainant must be participating in College educational program or activity at time of complaint; **and**
 - Incident must have occurred in the United States; **and**
 - Incident occurred during the institution's educational program or activity; **and**
 - Allegations, if proven, must meet the definition of Title IX sexual harassment.
- Narrowly defined to include only (see definition in Title IX supplemental procedures):
 - Quid pro quo harassment (only applicable if an employee is the respondent).
 - Hostile environment harassment (must be pervasive, persistent, **and** objectively offensive)
 - Sexual assault
 - Domestic Violence
 - Stalking
- Title IX requires Title IX administrators to undergo significant annual training:
 - Parties entitled to an advisor during the investigation and must be represented by an advisor during the hearing. College must appoint an advisor during the hearing if the parties do not have one. May be an attorney. Significant training requirement.
 - Hearings must happen and follow new DOE requirements and Washington Administrative Procedure Act. Hearing officer must
 - determine if evidence relevant and articulate their decision on the record if evidence is not admitted
 - understand how to handle evidentiary and procedural objections

9.11.2020

- understand the nuances of running a hearing, much like a court case
- Investigators and Title IX Coordinators must be trained on the new Title IX standards and procedures:
 - New definitions, new jurisdictional and procedural requirements
 - New role
 - Significant additional work
- College must maintain existing student and employee disciplinary processes for sexual misconduct that do not meet Title IX jurisdictional threshold

Expenses to the each college:

- Hearing Officer training or contract with outside party to conduct hearings
- Advisor training or contract with outside party to serve as advisors, potentially lawyers
- Investigator training or contract with outside party to serve as investigators
- Training for all other Title IX positions (employee and student decision makers)
- Qualified outside parties may be difficult to find as they will also need to receive training on College's investigation and disciplinary procedures

**ASCC STUDENT GOVERNMENT
BOARD OF TRUSTEES REPORT
November 2020**

Academic Excellence

Facilitate student learning by providing the conditions for intellectual growth through scholarship, discovery, application, creativity, and critical thinking.

- Increase completion rates.
- Improve student learning.

Progress

- *The ASCC will participate in two virtual Financial Aid forums.*
- *Vice President Davidson is processing student representatives for College committees:*
 - *Currently 12 committees are filled.*
 - *Currently 3 students are in the process of being placed on committees.*

Social Equity

Facilitate student learning by providing the conditions that improve educational outcomes and eliminate systemic disparities among all groups.

- Eliminate racial disparities in educational outcomes.
- Improve intercultural and multicultural competencies among students and employees (including educational opportunities and institutionalizing hiring and retention practices that challenge systems of power, privilege and inequity).

Progress

- *ASCC President Josiah Joner and ASCC Executive Assistant DeLainey Phelps have continued working on the first stages of a college-wide Canvas page. We have met with IT, Academic Technology and Network Technology faculty member Dwight Hughes to discuss best set-up and how best to engage students. The goal is to launch in winter quarter with currently compiled resources.*
- *ASCC President Josiah Joner has continued working with Communities for Our Colleges.*
 - *Contacted several legislators including Rep. Hansen, Sen. Hasegawa, and Rep. Stonier to gain support for community college funding.*
 - *Joner will be a panelist for a November 17th Communities for Our Colleges event: Our Students, Our Colleges, Our Future. The event will gather students, staff, faculty, and community leaders in Washington State to share ideas and address problems in community and technical colleges in Washington State.*
 - *Communities for Our Colleges has created a bill to be introduced in the next legislative session. The bill is still being drafted.*

- *The bill will address the Communities for Our Colleges' policy recommendations found here: <https://juststrategy.org/our-projects/our-colleges/report-what-students-need-in-a-time-of-covid/>*
- *ASCC officers participated in a November 6th student leadership panel with Dr. Edwards, Vice President of Diversity, Equity and Inclusion Rashida Willard, Vice President of Student Affairs Michele Cruse, and Associate Dean of Financial Aid Chippi Bello. Panelists answered student questions about leadership, connecting with students during the pandemic, and persisting in a remote environment.*

Economic Vitality

Facilitate student learning by providing programs, services, and conditions that improve the economic well-being of the students, college, and community.

- Ensure graduates are employed in livable wage jobs either directly after professional/technical program or after successful transfer to four-year institution.
- Reduce the cost of education.
- Align program offerings with regional workforce needs to include technical and work-readiness skills.

Progress

- *Club Coordinator Smook is working with clubs:*
 - *Currently 4 clubs are chartered*
 - *ACES*
 - *2020 Visionaries*
 - *Students for Life*
 - *Japanese Club*
 - *Smook has held approximately 5 club orientations for a total of 10 students*

Environmental Integrity

Facilitate student learning by providing the conditions that continually improve the college's physical, virtual, and social environment.

- Develop and improve sustainable environmental, physical, virtual, and social college systems.

Progress

- *Executive Assistant Phelps has begun a new, weekly video series on the Clark College YouTube page.*
 - *Several ASCC members will collaborate each week to create a weekly video.*
 - *The link to the first video can be found here: https://www.youtube.com/watch?v=XOndrB_4Zi0*
- *Student Relations and Promotions Coordinator Rodriguez continues to reach out on ASCC social media:*

- *Instagram: 596 followers*
- *Facebook: 1,464 followers*
- *Twitter: 349 followers*

WPEA/UFCW Local 365, Clark College Unit

Board Report for November 2020

MEETINGS

WPEA Steward meetings on Mondays 12:00 PM
WPEA members meetings every-other Thursday evening
Classified Staff Forum with Dr. Edwards on Nov. 10, 2020
WPEA monthly conversation with Dr. Karin Edwards on Nov. 12, 2020
Labor/Management Communications Committee Meeting on Nov. 18, 2020

COMMUNICATION

Current contact for campus stewards:

Co-Chief Shop Stewards

Sarah Thorsen 360-992-2075
Chris Layfield 360-992-2933

Communications Officer

David Sims 360-992-2132

Shop Stewards

Courtney Braddock 360-992-2196
Josh Chambers MS: FST034
Angela Dawson 360-992-2515
Becky Lindsay 360-992-2575
Danielle Plesser 360-992-2273

WPEA Classified Staff News:

November 10, 2020 Seventy-six classified staff members met with Dr. Edwards and discussed a variety of topics.

The number of Exempt employees in 2007-2008 when the college was of a similar student enrollment, is significantly less than it is currently. Why are classified staff the subject of position cuts when other classifications show disproportionate numbers of employees when compared to that time?

The Budget Committee's feedback document from classified staff. (see chart)

Clark College Number of Employees and FTES by Employee Classification

Number of Employees by Employee Type (Prioritized*, Unduplicated)

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
FT Faculty	196	204	245	240	210	217	215	214	207	216	208	201
FT Faculty Teaching	187	195	235	231	201	209	208	203	194	207	199	192
FT Faculty Other	9	9	10	9	9	8	7	11	13	9	9	9
PT Faculty	510	544	620	686	640	598	531	506	474	454	456	458
PT Faculty Teaching	509	542	617	634	640	597	533	504	474	452	454	454
PT Faculty Other	1	2	3	2		1		2		2	2	4
Admin/Exempt	68	66	80	81	82	95	104	120	115	115	118	131
Exempt Admin	35	39	46	41	43	43	59	57	55	54	52	60
Exempt Other	30	27	34	40	39	52	45	63	60	61	66	63
Classified	301	295	313	318	317	323	327	311	310	324	323	316
Total**	1,075	1,109	1,258	1,275	1,249	1,233	1,179	1,151	1,106	1,109	1,105	1,106

SOURCE: SBCTC Faculty/Staff Data, Table: Faculty/Staff Trends. Available at: <https://www.sbctc.edu/colleges-staff/research/data-public/faculty-and-staff-data-dashboard.aspx>

FTE by Employee Type

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
FT Faculty	224	238	285	284	247	254	258	254	248	264	250	246
FT Faculty Teaching	214	229	275	275	239	247	251	246	238	256	242	238
FT Faculty Other	10	9	10	9	8	7	7	8	10	8	8	8
PT Faculty	191	213	245	263	288	275	247	237	222	215	221	209
PT Faculty Teaching	191	213	245	263	288	275	247	237	222	215	221	209
PT Faculty Other	0	0	0	0	0	0	0	0	0	0	0	0
Admin/Exempt and Class	327	334	362	368	365	378	386	395	389	399	394	401
Admin/Exempt	68	62	72	75	75	84	93	106	102	106	105	126
Exempt Admin	34	37	40	38	40	39	53	53	51	52	49	67
Exempt Other	34	25	32	37	35	45	40	53	51	54	56	58
Classified	269	272	290	293	290	294	293	289	287	293	289	283
Total**	742	786	893	915	900	907	891	887	859	878	864	855

SOURCE: SBCTC Faculty/Staff Data, Table: Faculty/Staff Trends. Available at: <https://www.sbctc.edu/colleges-staff/research/data-public/faculty-and-staff-data-dashboard.aspx>

Clark College Trend Number of Employee by Type.xlsx

1

Classified staff expressed concern regarding students that did not have their Financial Aid awarded in time for fall quarter when the college is trying to increase enrollment and retain our student population. Ongoing issues with CTLink and processing issues were cited as problems.

Staff also asked if the Clark College Foundation had any funds to support students that did not receive their Financial Aid in time to start fall quarter. If this were to happen again, is there a way to cover tuition and expenses for students until their Financial Aid is funded?

Labor Management Communication:

Recent LMCC meetings throughout November have addressed mandatory subjects, skimming of work, and direct dealing on specific work related issues. There are three unresolved issues that will be going to arbitration.

Supervisory training opportunities have been arranged via PERC as well as Clark College HR covering several topics.

Updates and Announcements

- WPEA has been hosting zoom meetings for classified staff on every-other Thursday evening. All classified staff have been invited to participate in the calls.
- WPEA looks forward to continued and regular meetings with Administration and President Edwards throughout the 2020-2021 academic year.

Clark College Foundation
November 2020 - Board of Trustees Report

Since the October last report, not much has changed in the regular formatted presentation, so I took this opportunity to comment on areas of support provided in relation to President Edwards FY 21 institutional goals.

I. Improve Student Success

The Foundation is proud of its support for student success. Currently, the Foundation is in the fall process for awarding scholarships, yet to date, the number of FY '21 awards granted have totaled \$1,114,419 to 427 students. In addition to this support, 39 students have received \$56,140 in emergency funding. The final data point involves outside scholarships (Clark College students receiving outgoing support for the student to continue their education at another institution of higher education) of \$98,500.

A pilot program has also been initiated to mitigate some of the barriers recognized in awarding emergency support. Some students expressed concern in needing support, but could not provide the underlying documentation to satisfy audit standards. In an effort to mitigate those barriers, the foundation has purchased approximately \$2,000 in grocery and \$1,000 in gas gift cards. Upon allocation of a portion of these cards, the institutions will evaluate the pros and cons of the program so that adjustments can be made to increase the overall success of the support offered.

II. Achieve Financial Stability

The institutional priority regarding financial stability is something that is critically important for both institutions given the continuation of economic uncertainty and global pandemic concerns. These facts have played out in donations recognized as COVID related funding appears to have dried up. Donors are still providing private philanthropy within the community, but competition remains fierce given the significant level of need exhibited in the region.

The Foundation is currently applying to the payroll protection plan program to obtain a forgiveness of debt based on maintaining staffing during the qualified period. The total "loan" to be considered for reclassification totals \$339,500. Per the initial review, there should be no problem gaining that forgiveness given the data provided. Approval is pending.

To highlight foundation related support, the Washington Foundation Leadership group consolidated data from the 34 community college foundations related to FY 2020. The findings were as follows:

	Statewide	CC Foundation	Ranking
Total \$ Raised	\$50,510,374	\$3,400,000	Tied for 2nd
Total \$ Given to Colleges	\$27,138,197	\$5,400,000	1st
Total \$ awarded for scholarships	\$13,744,507	\$1,240,000	1st
Total \$ - Emergency funds	\$1,790,840	\$36,268	18th
Total \$ - Program	\$15,169,595	\$4,200,000	1st

Note: total college data submitted equals 30 as some colleges report as “districts.” Program and total support given to college by CCF in FY 20 included the transfer value of ten acres of land at CC at Boschma Farms.

III. Improve Campus Climate

Foundation personnel recognize the stressful environment the college and its employees are currently experiencing. In an effort to assist in mitigating those stressors, CCF is working directly with CC leadership to identify areas of need that could potentially attract donor support. Success in garnering support is highly reliant upon clear messages around the impact of support and urgency of the need. As a result, the foundation is in the process of working directly with the college in assessing current funding held by the foundation for college use. These program related dollars are available, but need to be matched with current priorities within the institution. Additionally, the foundation will consider specifically identified college needs and commit to working collaboratively with the staff to describe the need, the impact of requested support and the identified sustainability of the met need upon depletion of donor funding provided.

IV. Expand and Deepen Community Engagement

Presidential Conversation events continue to provide opportunities for Dr. Edwards to meet current community leaders and donors. Recognizing the current demands on Dr. Edward’s time, the foundation is tapering back meeting requests unless such contact is identified as critical to obtaining additional college support. The work around revisiting constituents who attended Savoring Excellence is being conducted to move these relationships closer to CC and possibility of philanthropic support.

Respectfully submitted,

Lisa Gibert, CEO
Clark College Foundation

Clark College - Budget Status Report October 31, 2020

Sources of Funds (Revenues)	2020-21 Budget	Revenues to Date	Difference	% Budget Received
<u>Operating Accounts</u>				
State Allocation	40,081,242	9,821,088	(30,260,154)	24.5%
Tuition & ABE	15,777,200	6,690,949	(9,086,251)	42.4%
Running Start	14,467,068	429,464	(14,037,604)	3.0%
Planned use of prior fund balance	-	-	-	0.0%
Dedicated, matriculation, tech, cont ed	4,952,764	1,880,931	(3,071,833)	38.0%
Total Operating Accounts	75,278,274	18,822,433	(56,455,841)	25.0%
<u>Other Accounts</u>				
Grants	3,215,364	1,473,478	(1,741,886)	45.8%
Contracts	768,631	670,728.73	(97,902)	87.3%
Internal Support & Agency Funds	1,029,034	302,248	(726,786)	29.4%
ASCC	1,972,161	748,631	(1,223,530)	38.0%
Bookstore	4,168,159	884,951	(3,283,208)	21.2%
Parking	477,524	135,168	(342,356)	28.3%
Campus Food Service	-	-	0	0.0%
Auxilliary Services	2,454,838	909,914	(1,544,924)	37.1%
Financial Aid	23,036,478	5,405,564	(17,630,914)	23.5%
Total Other Accounts	37,122,189	10,530,683	(26,591,506)	28.4%
Total Sources of Funds	112,400,463	29,353,116	(83,047,347)	26.1%

Uses of Funds (Expenses)	2020-21 Budget	Encumbrances Expenditures to Date	Difference	% Budget Spent
<u>Operating Accounts</u>				
President	1,936,970	230,297	1,706,673	11.9%
Vice President of Diversity, Equity & Inclusion	614,238	188,687	425,551	30.7%
Vice President of Instruction	46,700,300	11,004,224	35,696,076	23.6%
Vice President of Administrative Services	9,332,445	4,187,595	5,144,850	44.9%
Vice President of Student Affairs	9,088,804	2,912,545	6,176,259	32.0%
Chief Information Officer	5,461,803	1,843,725	3,618,078	33.8%
Chief Communication Officer	805,948	266,362	539,586	33.0%
Vice President of Human Resources and Compliance	1,280,355	529,742	750,613	41.4%
Bank/CC Fees	57,411	98,843	(41,432)	0.0%
Total Operating Accounts	75,278,274	21,262,020	54,016,254	28.2%
<u>Other Accounts</u>				
Grants	3,215,364	905,035	2,310,329	28.1%
Contracts less Running Start	768,631	780,925	(12,294)	101.6%
Internal Support & Agency Funds	1,029,034	88,109	940,925	8.6%
ASCC	1,972,161	311,155	1,661,006	15.8%
Bookstore	4,168,159	824,282	3,343,877	19.8%
Parking	477,524	245,187	232,337	51.3%
Campus Food Service	-	40,631	(40,631)	0.0%
Auxilliary Services	2,454,838	603,271	1,851,567	24.6%
Financial Aid	23,036,478	6,972,592	16,063,886	30.3%
Total Other Accounts	37,122,189	10,771,188	26,351,001	29.0%
Total Uses of Funds	112,400,463	32,033,208	80,367,255	28.5%
Difference - Excess (Deficiency)	-	(2,680,091)		

c. Dr. Karin Edwards, Sabra Sand, Michele Cruse
e. Cindi Olson, Nicole Rogers-Marcum, Bill Belden, Sabra Sand, Stephanie Weldy
Linda Tuve 11/12/2020