MINUTES

Santa Barbara Community College District
Board of Trustees
Study Session
Thursday, February 7, 2002
4:00 p.m., Room SS-240

1. Closed Session
   a. The Board moved to a Closed Session
      Directions were provided to the Superintendent/President on how to proceed

2. 2002-2003 State Budget. Review of information from the CCLC Legislative Conference

Trustees, O'Neill, Villegas, and Livingston along with the Superintendent/President attended the CCLC Legislative Conference in Sacramento. In addition to hearing a number of speakers representing the Senate Assembly and Governor's office there were speakers from the Legislative Analyst's office and the Department of Finance. Meetings were held with Senator O'Connell and Assemblywoman Hannah-Beth Jackson.

The consensus expressed was that the income figures provided in the budget for January were optimistic. To reinforce this point, a newspaper article citing the decline in state income for the month of January was distributed. All entities in Sacramento concurred that the projections were down from what had been estimated, the only disagreement was in terms of the amount. The low was $600 million, the high was $1.3 billion. This means that the state deficit rather than being projected at $12.6 billion would approach $13.2 or $13.9 billion.

Concern was expressed by the lack of understanding in Sacramento of the community college budget. Specifically that the budget was being presented as a 1.7% increase for the community colleges. This is a less than accurate description of the community college budget. The 2002-2003 budget, when measured by the amount received per full-time equivalent student, is -1.5% lower per student than the previous year (2001-2002). Partnership for Excellence (PFE) is not understood as representing resources that districts have received and spent. It is perceived by some in Sacramento as flexible funding which is available to be used to meet proposed cuts.

The lack of C.O.L.A. for PFE and the $57 million for adjunct salaries, means the district will cut expenses to meet cost of living commitments for allocations from those funded areas. For example if a 2.5% C.O.L.A. is provided to the Santa Barbara Community College District, $100,000 must be found to make up for PFE and adjunct salary expenditures required by labor agreements.
Questions were asked regarding the ability to influence the state budget. It was recognized that campaign contributions appear to have a substantial influence on budget outcomes. A significant effort will be made by all the community colleges to work together and address the goal of obtaining as favorable a budget as is possible.

Also, discussed was the probability, because it is an election year, that the budget may continue to be planned on less than accurate income figures to avert significant cuts prior to the election. This could mean that following the election, a mid-year adjustment (budget cut) could be made. This would put the district in a challenging financial position.

Board members commented on the necessity of the general reserve fund as well as the specialized reserve funds to support equipment replacement and construction remodeling improvements. Such funds are even more critical during periods of limited resources.

3. Facilities Development

a. Status on Campus Projects

- Classrooms and Gymnasium Improvements, Structural Issues
  The President reported on behalf of Vice President Fahnestock. He noted that if the anticipated higher education bond passes, there will be $3.55 million to support this project. The project includes providing for disabled access to the gym, and building classrooms for general campus use.

  The original plan called for the construction of the classrooms above what is now the Fitness Lab. Since the implementation of the Fitness Lab, the negative consequences of building over it have resulted in identifying an alternative location for its classrooms. The site selected is above the single story gym area in front of the faculty office building. The location will not block any views.

  The structural engineer determined that the building could be retrofitted to accommodate the classrooms in the new location. It will be necessary, however, to reduce the projected size of the classrooms to not trigger a requirement to bring the entire building up to present day code. Work will take place with the structural engineer to accomplish that outcome.

- Hotel Restaurant and Culinary Lab
  This project was also reviewed. The Board was reminded that the project will be located on the patio of the Campus Center on the upper level. It will be a lab for the HRC program with approximately thirty teaching stations. It was necessary for the structural engineer to determine whether the room could be added on the upper level of the Campus Center. The assessment indicated that the lab could be placed on the Campus Center patio. Steps will be taken to finalize the planning for this project. Fund- raising will be required to pay
for this project. Board members acknowledged previous review of the project and the necessity for raising the funds to achieve it.

- **Housing**
  The Board engaged in a discussion with the property owner and his representatives. The property is adjacent to Pershing Park, Mr. Gil Garcia formerly of the City Council was the lead spokesperson for the property owner. Architects Jan Hochhauser and Jay Blatter, presented specifics regarding the proposed student housing units. Also, present was Mr. Dave Gustafson representing the City of Santa Barbara Housing and Redevelopment Department.

  The presentation involved a proposal where Santa Barbara City College would work with the development team to obtain City support for the project. The units would house SBCC students. At present the proposal calls for approximately 75 to 92 students in suite arrangements. The proposal calls for two students per room with bathroom facilities and a small gathering area in each segment, and two units per suite.

  The architects presented a drawing of the arrangement with the possibility of parking for approximately 31 spaces.

  Providing a unit for a resident fellow type position to represent the college and serve as a counselor/educator for the facility was noted.

  Board members had many questions. Dave Gustafson affirmed the City’s strong support for the project.

  The Superintendent/President suggested the next step in the process would be for Mr. Luria and appropriate staff to convene and discuss specifics. That meeting would be called for next week. A proposal to the Board for the February 28 meeting to determine whether there was Board support for the project is also expected.

  The discussion was beneficial. It yielded significant understandings and set the stage for the next level of consideration. A meeting will be held the following week with the expectation that the matter will be brought before the Board at the February 28 meeting for conceptual approval.

4. **Carpinteria Project**

Discussion took place regarding the possibility of a project materializing in the City of Carpinteria. The project involves developing a Higher Education Center to provide for SBCC courses and upper division CSU courses. The objective is to enable SBCC graduates to pursue the baccalaureate degree part-time without having to drive long distances. Part-time students at present have no reasonable capability of attending a
public university without driving a considerable distance. That is difficult for individuals who must work full-time to do. Also, projected for this project include housing for faculty and staff. This housing would be below market value and it is expected that they would be rental units.

The plans for the Higher Education Center were reviewed. It was emphasized that discussion is at the preliminary stage. There is a great deal that must be done to move this project forward.

The next step in the process will be to meet with the contractor to have his reaction to the proposal presented by SBCC and determine if there is an ability to move ahead. If that is the case SBCC will work with the developer and the City of Carpinteria and attempt to bring the project to fruition.

This matter has been discussed previously with the Board. The college staff will continue to proceed to achieve the ends for a Higher Education Center and housing.

5. **Gas Project**

The Superintendent/President reported there is a possibility that the district could obtain a fixed, long-term price on the cost of gas. The Superintendent/President expressed the desirability of doing so. The staff will work toward solidifying this long-term agreement at a favorable price.

Though the project is not with Venoco Corporation, Venoco staff are assisting the college to carry out the method to determine the cost and effecting a contract for a long period.

The intent is to proceed with a five-year contract.

6. **Other Issues**

- **Policy Project**
  Susan Ehrlich, Vice President Human Resources, and Legal Affairs outlined the policy project that she will be leading to update all college policies consistent with recent changes in the law. The firm of Liebert, Cassidy, and Whitmore has made available, through the CCLC, a set of model policies. These policies will be used as the primary reference in updating the district’s policies. The approach will involve bringing to the Board only those policies that change substantially. The Board concurred with members expressing opinions that unless there is a major change in policy the staff should proceed to update policies without Board action.

- **Update on the Calendar**
  Dr. Friedlander, Executive Vice President, reviewed the calendar and the issues now taking place in regard to it. The criteria previously reviewed with the Educational Policies Committee need to continue to be the primary consideration. A major consideration is the amount of time students can spend in class.
The importance of the policy item for the Board cannot be overestimated. It deals not only with central issue on the amount of time individuals have in class, but also the impact upon facilities and the number of days actually spent teaching versus days for teaching and staff development.

An effort will be made to schedule an Educational Policies Committee meeting prior to the February 28 meeting. In addition, the matter will be brought before the Board at the February 28 meeting. This will enable the Board to provide their feedback on the calendar before the faculty act on it.

- **Name Change of LSG Building**
  It was noted that the faculty from the Earth and Biological Science Departments are considering a name change for the building. The names: Natural Science Building or Earth and Biological Sciences Building are under consideration.

- **Nepotism Policy**
  The Superintendent/President passed out the district’s current policy regarding nepotism. This has been reviewed by Vice President Ehrlich and she affirmed that the policy continues to comply with all legal consideration. There was concurrence that the policy is a sound one and should be continued.

- **Extension of the Job Deadlines for English Faculty Positions**
  The letter written to the Board was provided to them. The Superintendent/President felt this was not a policy issue for the Board but an issue that has to do with how the policy is effected. It was his intent to answer the letter on behalf of the Board, after discussion occurs with Vice President Ehrlich and Vice President Friedlander. There was no objection to that course of action.

- **Human Resources Technician**
  A position to be added to the Human Resources Department will be an action item at the next Board meeting.

The meeting adjourned at approximately 7:15 p.m.

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Date: 2/28/02  
Peter R. MacDougall  
Superintendent/President  
Secretary/Clerk to the Board of Trustees  

PRM:la
Revised Nepotism Policy  
(Board Approved August 17, 2000)

Contrary to present policies (2470 for faculty and 2300 for classified employees) which vary slightly, this proposed, more inclusive policy would apply to and be identical for all employees of the college.

The definition of “immediate family” references the definitions of “immediate family” in the academic and classified employee policies of the college.

This policy will be assigned a unique number in the near future when a comprehensive numbering scheme is developed.

2470 and 2300 Nepotism

The District may employ, for any position, qualified persons who are related to the current employees of the District provided all of the following conditions are met:

Employees of the District shall not initiate or participate in decisions involving a direct benefit (initial employment, retention, promotion, salary, leave of absence, etc.) to members of their immediate family;

Employees of the District shall not exercise direct supervision over another person who is in their immediate family; and

Employees of the District shall not participate in the evaluation of another person who is in their immediate family.

For purposes of this policy, “members of the immediate family” as used in this section means the mother, father, mother-in-law, father-in-law, grandmother or grandfather of the employee or the spouse, spouse, grandchild, son, son-in-law, daughter, daughter-in-law, stepson, stepdaughter, brother or sister of the employee, stepparents or any relative living in the immediate household of the employee.

The District retains the right to reassign or transfer one of the related individuals to eliminate any potential for creating any adverse impact on supervision, safety, security, morale, or other potential conflicts of interest.

If, subsequent to appointment to any position, an employee becomes legally related to another employee of the District, the District may require one of the parties to change department or position to avoid a conflict of interest.

H:Nepotism Policy (8/00)

Handout 21702
"Marital Status" Defined
"Marital status" is defined to include an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state. "Spouse" is defined as a partner in marriage, which is defined as "a personal relation arising out of a civil contract between a man and a woman." Consent to making the contract is necessary, and consent alone does not constitute marriage. There must exist the issuance of a license and solemnization as authorized by law for a marriage to exist.

Establishing a Claim of Marital Status Discrimination
To establish a claim of marital status discrimination, an applicant or employee must show that he or she was denied an employment benefit by reason of:

♦ His or her married status; or
♦ The employment or lack of employment of an applicant or employee's spouse.

Reasonable Regulations of Spouses Employed by the Same Employer Allowed
The California Fair Employment and Housing Commission has held that employers can assume that married couples, because of the unique emotional, legal and financial nature of the marriage relationship, may create problems of supervision, security, or morale if they work together in the same department, division, or facility. Thus, the FEHA expressly allows employers to reasonably regulate the working of spouses in the same department, division, or facility, for reasons of:

► Safety,
► Security, and
► Morale.

An employer, therefore, may lawfully refuse to place one spouse under the direct supervision of the other spouse, or refuse to place both spouses in the same department, division, or facility if the work involves potential conflicts of interest or other hazards greater for married couples than for other persons. In addition, if co-employees marry, an employer is required to make reasonable efforts to assign job duties, so as to minimize problems of supervision, safety, security or morale.

Included in this section is a sample Marital Status/Nepotism Policy.

Employee Benefits
While the availability of benefits to employees may not be based on the employee's marital status, an employer is not prohibited from maintaining a bona fide health plan which provides additional or greater benefits to employees with dependents than to those employees without or with fewer dependents. In addition, an employer's health plan may lawfully decline to provide benefits to any individual who is not one of the following:

► An employee of the employer;
► A spouse of an employee; or
► A dependent of an employee.