



Klamath Community College Board of Education
7390 South Sixth Street * Klamath Falls, Oregon 97603

Special Meeting – Wednesday, August 19, 2020 6:00 PM

MINUTES

I. CALL TO ORDER

Chair DeCrans called the special meeting of the Klamath Community College Board of Education to order at 6:00 p.m.

Members Present: Kenneth DeCrans; Kate Marquez; William Riggs; Al King; Dave Jensen; Michael Fitzgerald; Helen Petersen; and Crystal Rice, ASKCC non-voting member. A quorum was confirmed.

Members Absent: None.

Staff Present: Dr. Roberto Gutierrez, President; Tricia Fiscus, Vice President; Jamie Jennings, Vice President; Bill Jennings, Vice President; Charles Massie, Executive Director; Justin Wright, Executive Director; Lacey Jarrell, staff; Kathleen Walker-Henderson, faculty; Dale Severns, staff; MaryLou Wogan, faculty; and Shannon Childs, Secretary to the Board.

Guests: None.

II. ADOPTION OF AGENDA

Motion: To adopt the agenda as written.

Motion by: Al King

Second by: Helen Petersen

Discussion: None.

Public Comment: None.

Action: Motion passed. Unanimous approval.

III. INFORMATIONAL AND ACTION ITEMS

A. Re-Opening Planning – Action Item

Dr. Gutierrez introduced Executive Director Wright who explained that the Reopening Plan needs to be approved by the Board of Education. Upon approval, the plan must be approved by the Local Public Health Department, and then be sent to Oregon Health Authority (OHA) and Higher Education Coordinating Commission (HECC) for a compliance review.

Executive Director Wright handed out and reviewed the PowerPoint COVID Reopening Plan; a revised draft of the Reopening Plan; the Face Covering Exemption Procedure; the Face Covering Exemption Request form; the Memorandum of Understanding between KCC and Klamath County; and the Guidance for the Conduct of In-person Instructional, Residential, and Research Activities at Oregon Colleges and University document.

Executive Director Wright went through the PowerPoint as distributed. It was noted that members of the task force that coordinates the institution's response to the virus, the Continuity Committee, are Dr. Gutierrez, Jamie Jennings, Charles Massie, Bill Jennings, Tricia Fiscus, Justin Wright, Shannon Childs, Paul Breedlove, Lacey Jarrell, Oscar Herrera and when fall term begins, 4 members of faculty.

Trustee King shared that he understands the Governor's authority, and asked what legal authority OHA and HECC has to issue "binding orders" on an elected body such as the KCC Board. Also, how will this affect the union contract if at all. Executive Director Wright explained that this would not affect the union contract. The process was vetted through the faculty for review and consideration. Executive Director Wright shared where he believes the authority comes from. Governor Brown made a declaration of emergency through Executive Order 20-03 pursuant to Oregon Revised Statutes (ORS) 401175. She also made this with a public health emergency, in which a governor may close, order the evacuation of a facility, control limited entry/movement/occupancy with any premise in which any public person can go into or come out of and can take any other action that may be necessary including the management of resources or protecting the public. She also had additional powers under 401175, where she can assume control over all emergency operations, she can require aid and assistance from any other public agency as needed to accomplish her goals. Under ORS 401168, she is allowed to suspend agency rules and direct any agency in any way she would like to and she can manage all resources. The end result is that the legislature has granted the Governor uncontrolled power. She has given that power to the Oregon Health Authority. Until she divests them of that power, they have full power making ability in terms of what the College does.

Executive Director Wright shared that Evaclean is the 24-hour cleaning material that the College will be using in conjunction with other products at the College.

Trustee Petersen inquired on the difference between policy and plans. Executive Director Wright explained that a plan is a conceptual idea, it does not become a Board Policy. This plan can be amended or changed by the Board at any point. It is coming before the Board due to OHA and HECC requests. This is not binding on the Board. Chair Decrans shared that the plan is a living document that is subject to change with additional information moving forward. Executive Director Wright shared that one of the changes that was made in the plan was in the face mask exemption policy, which now has moved from 12 years of age to 5. Trustee Fitzgerald shared the plan is day to day planning.

Trustee Marquez asked what was anticipated regarding liability. Dr. Gutierrez shared that he has met with the state representative's office and they are trying to push the limited liability issue through legislature. Right now there is not help from legislature. Trustee Marquez asked if it is being considered for the signing of waivers. Executive Director Wright shared that several other community colleges have gone with waivers. Executive Director Wright expressed that liability protection is not truly covered with waivers, which is why liability legislation is being worked on.

Trustee King asked how Executive Director Wright could see this as anything more than just semantics to get around input from the Board and why this would not have a second reading as a policy. Executive Director Wright shared that he felt OHA and HECC wanted to give the College flexibility to be able to adapt and change the plan. It would be in the purview of the Board if they wanted to make this to policy in the future. Trustee King further inquired why the Board could not change things tonight. Executive Director Wright explained that the Board is being given the opportunity to look at the plan as currently constructed and that the College has parts of the plan that have to be in compliance with executive order. The College has minimal standards it has to reach with this plan. The end result of not giving consent to this plan is to not have in person instruction, which will have a major budgetary impact on the College.

Trustee Riggs referred to Page 2, item 1, I of the Reopening Plan. Should this read policy or procedure. Executive Director Wright shared this will be updated to procedure. Trustee Riggs shared that the face covering exemption form in the document may have HIPA information on it and would not want to see the College set up here. Executive Director Wright shared that the College may collect and maintain the information in how they need to comply with the order, in Human Resources. Executive Director Wright is comfortable that the College may collect the information.

Chair DeCrans inquired on the matrix that would be coming forward to each Board Meeting. Executive Director Wright shared that this will be brought to the Board meeting with no changes, or for review of changes. DeCrans asked if the information could be brought to the meeting to be most current and not sent out 7 days in advance.

Trustee Petersen referred to the exemption form where it reads “under the sole discretion of the administration” and asked what qualifies as a medical condition. Executive Director Wright shared that the OHA did not give interpretation of this. The Human Resource directors around the state are having difficult conversations about what makes sense. KCC is in line with other colleges across the state. Documentation is required at most colleges, as it is at KCC. The College is relying on medical professionals to make these decisions, with documentation, not College administrators.

Trustee Riggs clarified that this is a plan that may be revisited at almost every meeting. This may be updated continually.

Trustee Marquez and Trustee Fitzgerald made note that they have grammatical changes.

Trustee Riggs shared that it seems that we are approving a plan that will then be approved by OHA and HECC, which puts them on the hook as well.

Chair DeCrans asked for Board input on the matrix. It was agreed that it will both be sent out in advance and if there are updates, they will also be brought to the meeting.

Trustee Petersen shared that her understanding is that most things needs to be done out of gross negligence. If no one, federal or state, is taking the leg up on the plans, is it negligence vs. gross negligence? Executive Director Wright shared that this is not a determination he can make. He further shared that if you are in substantial compliance with the OHA, you will in all likelihood get the benefit of the doubt. However, negligence or gross negligence is finder of fact that cannot be answered today.

Motion: To approve the documents as amended, including the update the document readings from policy to procedure, with grammatical corrections.

Motion by: Kate Marquez

Second by: William Riggs

Motion to amend: To postpone for a second reading as per required in Board policy this is “for Board action” and “required to submit ... to the College’s Governing Board”. Both the term policy and plan is used and he questions that.

Motion by: Al King

Second by: Helen Petersen

Discussion: Trustee Marquez shared concern that postponing. It would be useful to have this document in order to move forward with implementing procedures. She disagrees with postponing. Trustee King shared this is serious and the Board is being asked to accept what has been given to them, and it is stated as a policy not just a plan. He believes they need time to think this over and research it. Trustee Fitzgerald stated the HECC document requires that the Board approve this no later than September 1, 2020. Executive Director Wright shared a clarification, he did not believe that there is both policy and plan listed, other than the one note to the update from policy to procedure. Trustee King stated he is questioning that. The Board discussed what timing would take place if this were postponed.

Dr. Gutierrez went on the record that this is a plan not a policy.

Trustee Riggs shared that he received the information in advance and does not need more time, he is comfortable with the great work that went into this.

Trustee Marquez called the question.

In favor of postponing; yay 2, nay 5.

Motion to amend dies.

Motion to Amend: To state a start and end date of the fall semester, as it reads tonight.

Motion by: Al King

Motion to amend dies for lack of second.

Original motion on the floor. The motion was reread. To approve the documents as amended, including the update the document readings from policy to procedure, with grammatical corrections.

Discussion: Trustee Riggs clarified that the motion included all three plans; The Reopening Plan, the Operational Plan and the Communicable Disease Management Plan.

Public Comment: It was verified that there was no public comment.

Motion to Strike: To strike from “Communicable Disease Management Plan” page 1 of 5, item 2 labeled under scope, examples listed number 1-7 and to strike all that and limit to only COVID-19.

Motion by: Al King

Second by: Helen Petersen

Discussion: Trustee Jensen shared this is something that was supposed to be able to be used for other communicable diseases other than just COVID. Trustee King shared that this is dangerous territory and that this moves into the ability, that at will, select anything from measles to mumps, chicken pox, measles, this is broad and dangerous. Trustee Petersen reiterated that she loved the idea of this being a rotating option, but this makes it seem more like a policy of a long-term thing, than a plan being for just one thing. Chair DeCrans shared that falls along the thought of fire plans, emergency plans, etc., which gives the College something moving forward, not starting from scratch. Trustee Fitzgerald shared that the Board may add or subtract and change this at any time.

Trustee Marquez called the question

Vote: in favor of motion 2, opposed 5.

Motion to strike dies.

Original Motion on the floor. The motion was reread. To approve the documents as amended, including the update the document readings from policy to procedure, with grammatical corrections.

Discussion: Trustee Petersen reiterated that all the areas that read policy will be changed to procedure.

Public Comment: None.

Action: yay 5, nay 2. Motion passed.

Trustee King stated for the record “this is a very serious move and voted no because this Board action is not a plan, but a broad Board policy. See page two of the reopening plan, etc. and other places of the document titling it as a policy, requiring two readings. It also allows KCC employees to decide whether they will report to work at KCC or work from home,” telework”, without an end date and for any of the 7 listed expanded medical reasons.”

Trustee Petersen voted no due to the policy issue, however also, Klamath Falls has some of the worst health outcomes of any county in Oregon for diabetes, asthma, COPD, etc. She does not want to have an issue in the community with COVID. She congratulated and thanked all that put effort into the plan, it is amazing work, but it is solely for worst health outcomes of any county in the state of Oregon.

IV. BOARD DISCUSSION AND PUBLIC PARTICIPATION

A. Board Discussion

i. Board Comment

- Trustee Marquez shared that she will not be at the Retreat. Base to Bachelors made her wonder how ambitious KCC may want to be nationally or even internationally to expand this aggressively. The College may want to consider the changes in education may be long lasting and substantial. Part of this will be online education, which gives KCC opportunity to reach beyond its geographic area. She felt that online is best when accompanied by a small group teaching, which students’ value. The opportunity to engage in this is valued.

Klamath Community College is an Equal Opportunity Educator and Employer.

- Trustee King thanked Dr. Gutierrez for taking the position to provide and use staff and facilities as appropriate. He is just concerned what will happen moving forward. This could have serious ramifications and could easily move into one year lost. There has been money spent, facilities shut down and high paid staff working on this. He does not want to see Dr. Gutierrez limited in his ability as the executive, on behalf of everyone, to make sure he has the authority to require staff to appear in person when appropriate. He believes we will lose, possibly one full year of loss across schools.
- Trustee King shared he has input from the community on the logo and it is not positive, they see it as bland and not enhancing the College. He understands some people will just not be happy. He wanted to share input.
- Chair DeCrans congratulated Executive Director Massie on the Economic Development Administration (EDA) and asked for an update. Massie shared that the EDA did get approved. They are excited to move forward with the project and fundraising and getting on the ground to serve students. Dr. Gutierrez shared that he met with the Wendt Family and they are prepared for discussion.
- Dr. Gutierrez shared that he does have some concern with K-12 and distance education. He is in conversations with K-12 partners.
- Trustee Petersen gave the administration a standing ovation just for making the plan and making it through COVID.
- Trustee Marquez shared it was her understanding the Klamath Falls city public schools has adopted the Canvas platform in which all education is delivered, and that county has a different system. It was noted that having a different system is a problem. Dr. Gutierrez shared KCC, OIT and City Schools are on Canvas.
- Trustee King shared that there are listings in the paper of those who are delinquent on taxes. This is one of the concerns he has moving forward. He is concerned there will be more expenses that may not be offset by income. Trustee King discussed the inflation of prices.
- Trustee Marquez understood that Klamath Falls City Schools is one of four communities in Oregon that received a large Intel Grant, which has support for laptops, hotspots, etc., and is a benefit.
- Trustee Petersen shared that Oregon State also uses Canvas and believes it is the easiest platform. Trustee Petersen shared that in her area alone, there were 9 properties in the listed alone in reference to the paper and delinquent taxes.

B. Public Participation

- None.

V. FUTURE ISSUES

- Trustee King thanked Dr. Gutierrez for information

VI. NEXT MEETING

- A. Board of Education Retreat August 25, 2020, Running Y Large Conference Room
- B. Scheduled Board of Education Meeting September 22, 2020, Founders Hall Boardroom.

VII. ADJOURN

Motion: To adjourn.

Motion by: William Riggs

Second by: Petersen

Discussion: None.

Public Comment: None.

Action: Motion passed. Unanimous approval.

Chair DeCrans adjourned the meeting at 7:25 pm.

Respectfully submitted by:

Shannon Childs

Klamath Community College

Board of Education Secretary