



**CHAFFEY COMMUNITY COLLEGE DISTRICT
SPECIAL MEETING OF THE GOVERNING BOARD
Tuesday, August 17, 2021, 11:00 a.m.**

Pursuant to Governor Newsom's Executive Order N-29-20, dated March 17, 2020, members of the Governing Board of the Chaffey Community College District, staff, and the public will participate in the August 17, 2021 Special Board meeting via videoconference. To avoid exposure to COVID-19, this meeting will be held via videoconference and can be accessed at the following link: <https://www.chaffey.edu/leadership/governingboard.php>

Public comments for this meeting will be accessible via email and should be sent to presidents.office@chaffey.edu. Submissions must be received prior to the posted start time of the Board meeting. Please include in the email subject line: *Public Comments for the Special Governing Board Meeting of August 17, 2021*. Please indicate in your email if you are addressing a specific agenda item or if you are making a comment regarding an item not on the agenda. All submissions received will be considered a public record under the Public Records Act and are therefore subject to public disclosure. Submissions will be read into the record at the Board meeting and must comply with the three-minute time limit.

Following the presentation by Dr. Lally, we will take a twenty-minute break to allow for additional public comments. All additional public comments shall be sent to presidents.office@chaffey.edu.

I. REGULAR SESSION OF THE SPECIAL BOARD MEETING

- A. CALL TO ORDER (11:00 A.M.)
- B. PLEDGE OF ALLEGIANCE
- C. PRESENTATION BY DR. JAMES M. LALLY, CHIEF MEDICAL OFFICER, HEALTH SERVICE ALLIANCE, REGARDING COVID-19 VACCINATIONS
- D. PUBLIC COMMENTS
- E. ACTION AGENDA
 - 1. Consider and Take Action on Board Resolution 81721 (COVID-19 Vaccine Mandate)
 - 2. Consider and Take Action on the Emergency Passage/Approval of Chaffey Community College District Board Policy 3507 (COVID-19 Vaccination Requirement)

II. ADJOURNMENT

The next regular meeting of the Governing Board will be Thursday, August 26, 2021.

[Complete agenda may be viewed at www.chaffey.edu/leadership/governingboard.php](http://www.chaffey.edu/leadership/governingboard.php)

AGENDA ITEM
Chaffey Community College District
GOVERNING BOARD

August 17, 2021

Board Meeting Date

TOPIC BOARD RESOLUTION CREATING A COVID-19 VACCINE MANDATE

Communication No. I.E.1

SUPPORTS BOARD POLICY

Chaffey Community College District Board Policy 2200 and 2430; Administrative Procedure 2200.

PROPOSAL

Consider and approve Resolution 81721 creating a COVID-19 vaccine mandate.

BACKGROUND

The Chaffey Community College Governing Board ("Board") is committed to providing a safe and healthy work and academic environment for the entire Chaffey community. We are in the midst of a worldwide COVID-19 pandemic that has resulted in over 620,000 U.S. deaths and nearly 65,000 deaths in California to date. The Delta variant (B.1.617.2), which is a highly transmissible variant of the COVID-19 virus, has caused a surge in COVID-19 infections. Individuals who have not been vaccinated against COVID-19 are most at risk of infection, adverse health consequences, and further spreading COVID-19, including the highly transmissible Delta variant, to friends, family, colleagues, and the community at large. In this regard, the overwhelming majority of serious illness, hospitalizations, and death resulting from COVID-19, including the Delta variant, are among the unvaccinated.

As of today, three COVID-19 vaccines have received Emergency Use Authorization (EUA) from the U.S Food and Drug Administration (FDA) and have proven to be safe and highly effective in protecting against COVID-19 infections with resulting serious illnesses, hospitalizations, and deaths. Full authorization from the FDA for the use of these vaccines is expected soon.

Employers and colleges across the nation have implemented mandatory vaccination requirements in order to combat the COVID-19 virus. The implementation/requirement of a mandatory COVID-19 vaccination at the workplace and at academic institutions has been held to be permissible in recent cases, administrative decisions, and through guidance provided by, among other agencies, the U.S. Equal Employment Opportunity Commission, DFEH, and the California Community Colleges Chancellor's Office.

In order to protect the health and safety of the Chaffey community, the District asks that the Governing Board consider and pass a resolution (attached to this Board Agenda Item) approving a mandatory COVID-19 vaccination requirement for Chaffey employees, volunteers, and students. As part of any such mandate, the District shall allow for exceptions for medical conditions and sincerely held religious beliefs or reasons otherwise required by law.

BUDGET IMPLICATIONS

Cost to be determined.

Budget Source: Restricted general fund, HEERF funds.

RECOMMENDATION

To consider and pass/approve Resolution 81721 creating a COVID-19 vaccine mandate for District employees, volunteers, and students.

Prepared by:	<u>Chaffey Community College District Executive Team</u>
Reviewed by:	<u>Chaffey Community College District Executive Team</u>
Recommended by:	<u>Chaffey Community College District Executive Team</u>

RESOLUTION NO. 81721

**CHAFFEY COMMUNITY COLLEGE DISTRICT GOVERNING BOARD
RESOLUTION CREATING A COVID-19 VACCINE MANDATE**

WHEREAS, the Chaffey Community College Governing Board (“Board”) is committed to providing a safe and healthy work and academic environment for the entire Chaffey community; and

WHEREAS, we are in the midst of a worldwide COVID-19 pandemic that has resulted in over 620,000 U.S. deaths and nearly 65,000 deaths in California to date; and

WHEREAS, the COVID-19 pandemic has and continues to deeply impact the State of California, including the cities of Rancho Cucamonga, Fontana, Chino, and all of the surrounding cities and counties; and

WHEREAS, there has recently been a surge in the number of COVID-19 infections due to the Delta variant (B.1.617.2), which is a highly transmissible variant of the COVID-19 virus; and

WHEREAS, people who have not been vaccinated against COVID-19 are most at risk of infection, adverse health consequences, and further spreading COVID-19, including the highly transmissible Delta variant, to friends, family, colleagues, and the community at large; and

WHEREAS, the overwhelming majority of serious illness, hospitalizations, and death resulting from COVID-19, including the Delta variant, are among the unvaccinated; and

WHEREAS, three COVID-19 vaccines have received Emergency Use Authorization (EUA) from the U.S Food and Drug Administration (FDA) and have proven to be safe and highly effective in protecting against COVID-19 infections with resulting serious illnesses, hospitalizations, and deaths; and

WHEREAS, full authorization from the FDA for the use of these vaccines is expected soon; and

WHEREAS, the Board has a responsibility to provide a safe and healthy work and academic environment and it has an obligation to take steps to minimize the spread COVID-19 infections at the District; and

WHEREAS, both public and private employers and colleges and universities across the country have imposed vaccine mandates for employees and students to protect their workforces and educational communities from the continued spread of COVID-19; and

WHEREAS, the implementation/requirement of a mandatory COVID-19 vaccination at the workplace and at colleges has been held to be permissible in recent cases, administrative decisions, and through guidance provided by, among other agencies, the U.S. Equal Employment Opportunity Commission, DFEH, and the California Community Colleges Chancellor’s Office.

NOW, THEREFORE, the Governing Board of the Chaffey Community College District hereby resolves as follows:

Section 1. That the above recitals are adopted as true and correct.

Section 2. That a public health emergency exists that requires the District to safeguard students and employees against risks of infection, illness, hospitalization, and death from COVID-19.

Section 3. That all employees, which includes but is not limited to administrators, managers, faculty, classified professionals, professional experts, part-time employees, and temporary employees (short-term workers, student workers, and apprentices) who physically enter any District campus facility, worksite, District-affiliated site, or District owned, operated, or leased facilities must provide valid

documentation of “full” COVID-19 vaccination (as defined by the U.S. Center for Disease Control) through the District-established process by a date to be determined by District Administration, but no later than October 15, 2021, or otherwise required by law.

Section 4. That all volunteers who physically enter any District campus facility, worksite, District-affiliated site, or District owned, operated, or leased facilities must provide valid documentation of “full” COVID-19 vaccination (as defined by the U.S. Center for Disease Control) through the District-established process effective immediately.

Section 5. That student athletes, students participating in onsite or off-site apprenticeships, internships, cooperative education, and clinicals, and individuals participating in in-person Chaffey College programming (e.g., field trips or events) must provide valid documentation of “full” COVID-19 vaccination (as defined by the U.S. Center for Disease Control) through the District-established process by no later than two weeks prior to in-person participation, or otherwise required by law.

Section 6. That students taking in-person or hybrid courses must provide valid documentation of “full” COVID-19 vaccination (as defined by the U.S. Center for Disease Control) through the District-established process by a date to be determined by District Administration, or otherwise required by law.

Section 7. That the mandatory COVID-19 vaccine requirement will be developed consistent with applicable legal requirements, including containing exceptions for medical conditions and sincerely held religious beliefs.

Section 8. That District Administration is directed to promptly develop an implementation plan for this Resolution and take all actions necessary to implement and enforce this Resolution and implement and enforce any written procedures, policies, directives, or guidelines that follow, and given the urgency in effectuating such procedures, policies, directives, or guidelines, the Board hereby grants the Superintendent/President the authority to utilize the emergency powers given to him in March 2020 to effectuate such written procedures, policies, directives, or guidelines.

Section 9. The Board hereby grants the Superintendent/President, pursuant to his emergency powers given to him in March 2020, the authority to modify the requirements set forth in this Resolution if necessary to promote the safe, healthy, and efficient operation of the District.

Section 10. The Board hereby acknowledges the necessity for expeditious action to be taken to help promote a safe and healthy environment and help prevent the spread of COVID-19, which includes the emergency passage of any Board Policy or Administrative Procedure related to COVID-19.

PASSED AND ADOPTED by the Governing Board of the Chaffey Community College District at Rancho Cucamonga, California, this 17th day of August, 2021, at a special meeting by the following vote:

Ayes:
Noes:
Abstentions:
Absent:

I, Kathleen Brugger, Clerk of the Governing Board of the Chaffey College Community College District of San Bernardino County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly adopted by said Board at the special meeting thereof at the date and place and by vote stated, which Resolution is on file and of record in the Office of said Board.

Kathleen Brugger, Clerk, Governing Board

AGENDA ITEM
Chaffey Community College District
GOVERNING BOARD

August 17, 2021
Board Meeting Date

TOPIC **EMERGENCY PASSAGE/APPROVAL OF BOARD POLICY 3507**
(COVID-19 VACCINE REQUIREMENT)

Communication No. I.E.2

SUPPORTS BOARD POLICY

Chaffey Community College District Board Policy 2200, 2410, and 2430; Administrative Procedure 2200 and 2410.

PROPOSAL

Consideration and emergency passage/approval of Board Policy 3507 (COVID-19 Vaccine Requirement).

BACKGROUND

The Chaffey Community College Governing Board (“Board”) is committed to providing a safe and healthy work and academic environment for the entire Chaffey community. We are in the midst of a worldwide COVID-19 pandemic that has resulted in over 620,000 U.S. deaths and nearly 65,000 deaths in California to date. The Delta variant (B.1.617.2), which is a highly transmissible variant of the COVID-19 virus, has caused a surge in COVID-19 infections. Individuals who have not been vaccinated against COVID-19 are most at risk of infection, adverse health consequences, and further spreading COVID-19, including the highly transmissible Delta variant, to friends, family, colleagues, and the community at large. In this regard, the overwhelming majority of serious illness, hospitalizations, and death resulting from COVID-19, including the Delta variant, are among the unvaccinated.

As of today, three COVID-19 vaccines have received Emergency Use Authorization (EUA) from the U.S Food and Drug Administration (FDA) and have proven to be safe and highly effective in protecting against COVID-19 infections with resulting serious illnesses, hospitalizations, and deaths. Full authorization from the FDA for the use of these vaccines is expected soon.

Employers and colleges across the nation have implemented mandatory vaccination requirements in order to combat the COVID-19 virus. The implementation/requirement of a mandatory COVID-19 vaccination at the workplace and at academic institutions has been held to be permissible in recent cases, administrative decisions, and through guidance provided by, among other agencies, the U.S. Equal Employment Opportunity Commission, DFEH, and the California Community Colleges Chancellor’s Office.

In order to protect the health and safety of the Chaffey community, the District has asked that the Governing Board consider and pass a resolution (“Resolution Creating a COVID-19 Vaccine Mandate”) approving a mandatory COVID-19 vaccination requirement for Chaffey employees, volunteers, and students. In addition to the passage of Resolution 81721, the District requests that the Board consider and pass, on an expedited/emergency basis, Board Policy 3507 (COVID-19 Vaccine Requirement), which is attached to this Agenda Item.

BUDGET IMPLICATIONS

Cost to be determined.

Budget Source: Restricted general fund, HEERF funds.

RECOMMENDATION

To consider and pass/approve Board Policy 3507 (COVID-19 Vaccine Requirement).

Prepared by:	Chaffey Community College District Executive Team
Reviewed by:	Chaffey Community College District Executive Team
Recommended by:	Chaffey Community College District Executive Team



BP 3507 COVID-19 Vaccination Requirement

Chaffey Community College District (“District”) is committed to protecting the health and well-being of students, faculty, staff, administrators, and the communities it serves, as well as maintaining higher education access and attainment for the District’s students. As the District works toward the safe resumption of increased on-campus learning, working and other activities, the District embraces a comprehensive strategy designed to reduce the likelihood of transmission of the COVID-19 virus. This approach contributes to the overarching goal of achieving population-level protection/immunity throughout the Chaffey Community College District.

In light of the evidence established to date regarding the safety and effectiveness of available COVID-19 vaccines, the District hereby requires that all employees, which includes but is not limited to administrators, managers, faculty, classified professionals, professional experts, part-time employees, and temporary employees (short-term workers, student workers, and apprentices) who physically enter any District campus facility, worksite, District-affiliated site, or District owned, operated, or leased facilities must provide valid documentation of “full” COVID-19 vaccination (as defined by the U.S. Center for Disease Control) through the District-established process by a date to be determined by District Administration, but no later than October 15, 2021, or otherwise required by law.

Further, all volunteers who physically enter any District campus facility, worksite, District-affiliated site, or District owned, operated, or leased facilities must provide valid documentation of “full” COVID-19 vaccination (as defined by the U.S. Center for Disease Control) through the District-established process effective immediately.

Student athletes, students participating in onsite or off-site apprenticeships, internships, cooperative education, and clinicals, and individuals participating in in-person Chaffey College programming (e.g., field trips or events) must provide valid documentation of “full” COVID-19 vaccination (as defined by the U.S. Center for Disease Control) through the District-established process by no later than two weeks prior to in-person participation, or otherwise required by law.

Students taking in-person or hybrid courses must provide valid documentation of “full” COVID-19 vaccination (as defined by the U.S. Center for Disease Control) through the District-established process by a date to be determined by District Administration or otherwise required by law.

The mandatory COVID-19 vaccine requirement will be developed consistent with applicable legal requirements, including containing exceptions for medical conditions and sincerely held religious beliefs.



BP 3507 COVID-19 Vaccination Requirement

District Administration is responsible for the development and implementation plan to effectuate the COVID-19 vaccination requirement described herein and to take all actions necessary to implement and enforce any such requirement.

Also see BP/AP 2200 titled Governing Board Duties and Responsibilities, BP 2430 titled Delegation of Authority to the Superintendent/President, and Chaffey Community College District Board Resolution Number 81721 (2021)

References: California Code of Regulations, Title 8, Section 3203
California Constitution, Article IX, Section 14
Education Code, Section 70902
Education Code, Section 76020
Education Code, Section 76403
Education Code, Section 87408
United States Code Title 29 Section 654(a)(1)
United States Equal Employment Opportunity Commission guidance
(<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>)
California Department of Fair Employment and Housing guidance
(https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/03/DFEH-Employment-Information-on-COVID-19-FAQ_ENG.pdf)
California Community Colleges Chancellor's Office 2021-01 Advisory
(<https://www.cccco.edu/-/media/CCCCO-Website/Files/General-Counsel/2021-01-advisory-mandated-covid-19-vaccinations-a11y.pdf?la=en&hash=80473DB866E97BE0A9650603A745C3FC85871377>)

Adopted: 08/17/2021