ADOPTED MINUTES

FOR THE REGULAR MEETING OF THE IMPERIAL COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

Wednesday, June 17, 2009

Location
Administration Building – Board Room
380 East Aten Road
Imperial, CA 92251

CALL TO ORDER/ROLL CALL

On Wednesday, June 17, 2009, at 6:03 p.m., Board President Acuña called the regular meeting of the Imperial Community College District Board of Trustees to order in the Administration Building Board Room.

BOARD MEMBERS PRESENT:
- Carlos R. Acuña
- Rudy Cardenas, Jr.
- Jerry D. Hart
- Romualdo Medina
- Rebecca L. Ramirez
- Norma Sierra Galindo [arrived at 7:40 p.m.]

BOARD MEMBERS ABSENT:
- Louis Wong

REPRESENTATIVES PRESENT:
- Dr. Bruce Seivertson, Academic Senate Representative
- Steven Sciaky, Student Representative
- Dr. Michael Heumann, College Council Representative

CONSULTANTS PRESENT:
- Dr. Ed Gould, Superintendent/President
- Dr. Victor Jaime, Vice President for Student Services
- Kathy Berry, Vice President for Academic Services
- Travis Gregory, Associate Dean of Human Resources
- Frank Oswalt, Legal Counsel

PLEDGE OF ALLEGIANCE

Academic Senate President Dr. Bruce Seivertson led the Pledge of Allegiance to the Flag.

PUBLIC COMMENT

Part Time ESL Professor Jean Montenegro and volunteer for the American Cancer Society shared her work on the book, *A Bouquet of Words and Pictures* that she helped develop for the American Cancer Society. She stated the printing services were provided by the IVC Reprographics Department at an agreed upon price. She mentioned the names of the people who donated money for the book and thanked Dr. Gould for his support. On behalf of Camp Reach for the Sky, American Cancer Society, she stated she was pleased to present IVC with a copy of the book.

PRESENTATION

M/S/C Ramirez/Medina
Resolution No. 14383: In Memoriam: A Resolution of Respect and Appreciation for Instructor Johnny Romero

Discussion
President Gould presented the family with a plaque that was given by the Fire Academy IV Students of Imperial Valley College.

President Gould then presented the family with a resolution plaque.

Resolution
WHEREAS, the Board of Trustees, Superintendent/President, and the employees of Imperial Valley College express our deepest respect and sympathy on the loss of a dear friend and instructor, Johnny Romero; and

WHEREAS, Johnny Romero was an instructor for four years, serving as instructor in fire fighter courses, fire academy courses, and the advanced fire technology courses since August 2005; and

WHEREAS, Johnny Romero was a supporter of the community through his service as a Deputy Fire Marshall for Imperial County and as an avid participant in local Pop Warner and High School football; and

WHEREAS, Johnny Romero loved his family, his friends, the fire community, and reached into our community for the good of the students, the advancement of his profession, and the good of the community; and

WHEREAS, Imperial Valley College benefited from his sense of integrity, honesty, and dedication to his community;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees, does hereby extend its deepest sympathy to his family and acknowledges to them our gratitude and deepest admiration for his years of faithful and devoted service to Imperial Valley College and our community.

WRITTEN COMMUNICATION
Board President Acuña announced that the Board received four written communications.

INFORMATION REPORTS
Employee of the Month (June 2009)
Dean of Technology Dr. Robin Ying announced Director of Application Services Jeff Cantwell as the June Employee of the Month. He gave Jeff accolades and thanked him for his work.

President Gould congratulated and presented Jeff with a certificate.

Employee of the Year 2008-2009

Vice President for Academic Services Kathy Berry announced Bruce Page as Employee of the Year for 2008-2009. She gave Bruce accolades and thanked him for his work.

President Gould congratulated and presented Bruce with a certificate.

Bruce thanked everyone and shared his motto, "Students don't care what you know, until they know that you care."

Board Member Reports

Trustee Hart reported the following:

- Attended the final SDICCCA meeting of the year on June 1st. He reported he was elected to be Vice President of the Trustees. He stated IVC is well represented with his election as well as President Gould being elected as the President of SDICCCA.

Associated Student Government Senate Update – Steven Sciaky

ASG President Sciaky reported the following:

- Announced he became the formal ASG President.
- Announced he will be holding a planning meeting once the summer session begins to start planning for the upcoming school year.
- Announced the Region X meeting was canceled due to quorum. He stated the next meeting would be held on Friday where the induction of the new Region X Governor will take place.

President Gould thanked former ASG President Chantilee Mendenhall, new ASG President Steven Sciaky, and Associate Dean for Student Affairs Sergio Lopez for an outstanding commencement ceremony.

Academic Senate Update – Dr. Bruce Seivertson

Academic Senate President Dr. Bruce Seivertson reported the following:

- Announced the meeting tonight would be his last meeting. He stated he was on several committees and the Board would still see his input.
- Announced the Rafael Santos Award was presented to Gaylla Finnell. He stated she was well deserving of the award.
- Announced the new Academic Senate President Kevin White was not able to make the meeting.
- Announced that during his two years as Academic Senate, there has been a move towards Student Learning Outcomes and Basic Skills. He stated there has been a lot of positive changes, and rearranging of activities.

College Council Update – Dr. Michael Heumann

College Council Chair Heumann reported the following:

- Announced the budget process has been a trial by fire and stated it has been nice to try to come to a mutual understanding.
- Announced that there is a process through shared governance and the reinforcement is positive and stated the lines of communication need to remain open.
- Announced he is the Distance Education Coordinator and runs a Tech Camp every year. He stated there have been many classes developed over the years. He stated this year there

would be a change in that the focus would be on training as many instructors as possible to learn Etudes to benefit the students.

Board President Acuña asked what Etudes was. College Council Chair Heumann stated it is a course management system and could do a demonstration for the Board.

President's Update – Dr. Ed Gould

President Gould presented a PowerPoint presentation and reported the following:

- Announced the IVC Foundation moved to the Stockmen's Club. He stated that there would be a meeting on July 1, 2009 to discuss the master agreement. He stated the agreement covers the purpose of the Foundation. He discussed the personnel proposal with the Foundation.
- Reported that the Educational Master Plan is a well written document by the Educational Master Planning Committee. He discussed the planning process.
- Reported on the many campus projects that would be under construction during the summer: Board Room Expansion, Science Building, Bus Drop-Off Expansion and Car Drop-Off, and Parking Lot Remodel/Resurface and Drop-Off. He stated the Art Gallery drawings are in DSA for approval and there may be a Stirling Energy Systems demonstration on solar farming.
- Met with two General Obligation Bond companies. He stated that the District will move forward with Caldwell, Flores, Winters Inc. to assess the possibility of a new bond. He presented some demographics of Imperial County voters. He discussed the costs associated with the bond.
- Discussed the restructuring of the Research, Planning, and Grants area and the current grants underway.
- Reported on the organizational flow for the President's Office.
- Reported on the San Diego State-IV/SDSU Task Force Recommendations.
- Reported on the IVC Budget 2009-2010 and stated there would be a balanced budget with a planned 10.48% reserve. He reviewed some of the highlights which included a predicated 5.49% growth in 2008-2009, 0% COLA 2009-2010. He reviewed the programs and services affected by the budget. He reviewed the impact of the IVC Budget Cuts for the 2009 summer classes. He also reviewed the budget cut impacts to Instruction, Business Services, and Student Services.
- He reported on the closure of the Brawley Extended Campus.

Trustee Medina asked if the athletic programs were cut. VP for Academic Services Berry stated some athletic programs would be cut such as: soccer, baseball, and softball. She stated there would still be an athletic programs but it would be reduced.

CONSENT AGENDA – BUSINESS

Approval of Minutes dated May 20, 2009, Regular Board Meeting
M/S/C Medina/Hart and the Board approved the minutes as presented.

M/S/C Medina/Hart
Resolution No. 14384: Purchase Orders

BE IT RESOLVED that upon the recommendation of the Superintendent/President the following Purchase Orders and Direct Payments are hereby approved:

May 2009

Purchase Orders	$2,368,779.26
Direct Payments	65,261.54
	$2,434,040.80

M/S/C Medina/Hart
Resolution No. 14385: Payroll Warrant Orders

BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President to approve the issuance of the following payroll warrants for the month of May 2009.

2008-09 Payroll Warrant	#	Fund 10 General Fund	Fund 45 Child Dev.	Fund 80 Bond Fund	Warrant Total
5/8/09	22	279,089.91			279,089.91
5/29/09	23	2,707,018.43	41,140.49	10,089.28	2,758,248.20
		2,986,108.34	41,140.49	10,089.28	3,037,338.11

M/S/C Medina/Hart
Resolution No. 14386: Commercial Warrant Orders

BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President to approve the issuance of the following commercial warrant orders for the month of May 2009:

	Fund 10 General Fund	Financial Aid	Fund 20 Building Fund	Fund 40 Lease Rev. Bond	Fund 45 Child Dev.	Fund 50 Cert. of Part.	Fund 80 Bond Fund	Warrant Total
5/7/09	144,107.78		24,737.00		7,647.59		1,912,249.91	2,088,742.28
5/14/09	625,310.35	87,498.18		13,489.17	568.96		73,215.30	800,081.96
5/21/09	172,049.87	177,580.17	270.00		475.35	3,565.00	87,015.82	440,956.21
5/28/09	199,438.01	15,471.67			573.85		22,425.30	237,908.83
	1,140,906.01	280,550.02	25,007.00	13,489.17	9,265.75	3,565.00	2,094,906.33	3,567,689.28

M/S/C Medina/Hart
Resolution No. 14387: Tentative Budget 2009-2010

BE IT RESOLVED that the Tentative Budget for fiscal year 2009-2010 be approved;

BE IT FURTHER RESOLVED that the public hearing for the 2009-2010 Final Budget is hereby set for September 15, 2009, at 6:00 p.m. in the Administration Building Board Room.

M/S/C Medina/Hart
Resolution No. 14388: Citizens Oversight Committee for Measure L

BE IT RESOLVED that upon the recommendation of the Superintendent/President, the Board appoints the following member to the Citizens Oversight Committee for Measure L:

Name:	Membership category:	Term:	Replacing:
Everett "Butch" Taylor	*Retiree (Retired Associate Superintendent El Centro Elementary School District, part-time benefits counselor State Teachers Retirement System)*	July 1, 2009 – June 30, 2011	Bertha Morris

M/S/C Medina/Hart
Resolution No. 14389: EMS Medical Directorship Agreement

Discussion
Trustee Medina asked if the cost was consistent with previous agreement. VP for Academic Services Berry stated it was the same amount.

Resolution
WHEREAS, Imperial Community College District offers Emergency Medical Services Programs, specifically an Emergency Medical Technician (EMT) and an Emergency Medical Technician – Paramedic (EMT-P) courses; and

WHEREAS, all Emergency Medical Services Programs must comply with county and state regulations; and

WHEREAS, the Imperial Valley College EMS Programs operating within Imperial County must comply with the Imperial County Policy and Title 22 of the Californian Code of Regulations requirement for the employment of a licensed Medical Director for EMS Programs;

NOW THEREFORE BE IT RESOLVED, that the Imperial Community College District Board approves the renewal of the Medical Directorship Agreement with Dr. Bruce E. Haynes for the period of July 1, 2009 to June 30, 2010; and

BE IT FURTHER RESOLVED that the total compensation under the term of this agreement shall not exceed Fourteen Thousand Forty Dollars annually.

M/S/C Medina/Hart
Resolution No. 14390: Award of Bids

WHEREAS, the District has advertised for bids and a bid opening was held on June 4, 2009, for the following projects:

Parking Lot Improvements – Phase III
Grading and Paving
Electrical Lighting

WHEREAS, in accordance with the provisions of California Business and Professions Code Section 7028.15 and Public Contract Code Section 3300, the District requires that the bidder possess applicable classification(s) of contractor's license(s) at the time the bid is submitted. Any bidder not so licensed at the time of the bid opening will be rejected as non-responsive; and

WHEREAS, there will be one base bid on each bid package and all work in the base bid must be completed within the time specified on the Notice to Proceed issued by the District. Failure to complete the work within the time specified will result in the imposition of liquidated damages for each day of delay, in the amount set forth in the bid documents.

WHEREAS, the District reserves the right to reject any or all bids or to waive any irregularities or informalities in any bids or in the bidding process.

NOW, THEREFORE, BE IT RESOLVED, that the following contracts be awarded, per the plans and specifications:

PARKING LOT IMPROVEMENTS – PHASE III

Bid Package Title:	Contract Awarded to:	Contract Amount:
Grading and Paving	R.E. Hazard Construction	$2,732,000
Electrical Lighting	Neal Electric Corporation	384,000
		$3,116,000

BE IT FURTHER RESOLVED, that the Superintendent/President and/or the Vice President for Business Services be authorized to sign all notices, contracts, change-orders, and other necessary documents related to these contracts on behalf of the District.

Fiscal Impact: All contracts to be paid from Measure L Bond Funds

M/S/C Medina/Hart
Resolution No. 14391: 2009-2010 GANN Appropriation Limit

WHEREAS, in November of 1979, the people of California passed Proposition 4, a Constitutional Amendment commonly called the Gann Amendment, which added Article XIII-B to the California Constitution; and

WHEREAS, the provisions of that Article establish maximum appropriation limitations, commonly called "Gann Limits," for public agencies, including school districts; and,

WHEREAS, Senate Bill 1352, Chapter 1205 of 1980, implements Proposition 4, and requires the Board of Trustees to establish by resolution an appropriation limit each fiscal year beginning with 1981-82; and

WHEREAS, the District's 2009-10 budget is in conformance with the requirements of Proposition 4.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby declare that the appropriations in the budget to be adopted for 2009-10 do not exceed the limitations imposed by Proposition 4.

M/S/C Medina/Hart
Resolution No. 14392: Five-Year Construction Plan

WHEREAS, in accordance with Section 81820 of the California Education Code, each year community college districts are required to submit a Five-Year Construction Plan to the Chancellor the California Community Colleges; and

WHEREAS, the Five-year Plan communicates to the State Chancellor's Office and other State agencies the anticipated capital outlay needs of the district for the next five years; and

WHEREAS, the Five-year Plan includes information on current enrollment, projected enrollment, and instructional staff. This information, together with actual college space utilization, is analyzed by the Chancellor's Office to develop load-capacity ratios, which are measures of a college's need in certain areas. The load-capacity ratio is one factor that is considered in State funding of a capital project; and

Priority	Project Title	Current Cost	District Share	First Funding Date	Occupy Date
1	SCIENCE STUDY BUILDING	$32,000,000	$32,000,000	2004/2005	2009/2010
2	BLDG 400 MODERNIZATION	$4,808,00	$2,404,000	2009/2010	2010/2011
3	MODERNIZE ACADEMIC BLDGS	$12,087,000	$5,897,000	2010/2011	2012/2013
4	CAREER TECHNICAL BUILDING	$25,040,000	$9,524,000	2011/2012	2014/2015
5	TECHNOLOGY BUILDING	$17,932,000	$8,959,000	2012/2013	2014/2015
6	LIBRARY REMODEL/ADDITION	$13,196,000	$2,639,000	2013/2014	2015/2016
7	GYM – MODERNIZATION	$2,280,000	$2,280,000	2014/2015	2016/2017
8	COUNSELING/FIN. AID MODERNIZATION	$1,715,000	$1,715,000	2015/2016	2017/2018
9	ADMINISTRATION BUILDING MODERNIZATION	$1,322,000	$1,322,000	2015/2016	2017/2018

WHEREAS, one component to the Five-year Plan is the project priority list for the five-year period. The priority list includes all facility needs of the District based on the Education Master Plan, regardless of whether State funding will be requested. The Project Priority List includes projects that are under way, projects that have been approved by the District for bond or other funding, and projects for which State funding will be requested.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the Project Priority List and approves the submission of the 2011-12 Five Year Construction Plan to the California Community Colleges Chancellor's Office.

M/S/C Medina/Hart
Resolution No. 14393: Funding Proposal – Career Technical Building

WHEREAS, the District submitted an Initial Project Proposal (IPP) to the California Community Colleges Chancellor's on July 1, 2008 for a Career Technical Building; and

WHEREAS, the Initial Project Proposal for the Career Technical Building has been included in the Chancellor's list of Potential Projects that may be eligible for 2011-12 state capital outlay funding; and

WHEREAS, under provisions of Education Code Section 81800 of the California Community College Construction Act of 1980, the District is required to submit a Final Project Proposal for consideration for 2011-12 state capital outlay funding.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the submission to the California Community Colleges Chancellor's Office of a Final Project Proposal (FPP) for the Career Technical Building.

CONSENT AGENDA – EDUCATIONAL SERVICES

M/S/C Cardenas/Medina
Resolution No. 14394: Educational Master Plan

BE IT RESOLVED that the Board approves the 2009–2010 Educational Master Plan as presented in Exhibit A.

M/S/C Cardenas/Medina
Resolution No. 14395: Major, Certificate, Course Additions, and Deletions

WHEREAS, new programs, deleted programs, and new courses within the programs have been approved by the Curriculum and Instruction Committee and instructional administration, and satisfy all applicable requirements of Title 5 regulations. All factors, taken as a whole, support the establishment and maintenance of the proposed instructional programs and courses.

BE IT RESOLVED that the Board approves the recommendation of the Curriculum and Instruction Committee (4/30/09) and the Academic Senate (5/20/09), with the consent of the Superintendent/President, as follows:

New Credit Courses
JRN 101 – Multimedia News Writing and Reporting (3.0)

M/S/C Cardenas/Medina
Resolution No. 14396: Division Chair Appointments for 2009-2010

BE IT RESOLVED that the following individuals have been elected to act as Division Chairpersons for their respective divisions for the 2009-2010 academic year:

Divisions	Chairperson
Behavioral & Social Science	Suzanne Gretz
Business Division	Valerie Rodgers
English	David Zielinski
Exercise Science/Wellness/Sport	David Drury
Humanities	Dr. Melani Guinn
Science/Math/Engineering	Dr. Lianna Zhao

M/S/C Cardenas/Medina
Resolution No. 14397: Academic Calendar for 2009-2010

BE IT RESOLVED that the Board acknowledges the 2009-2010 Academic Calendar as ratified on June 4, 2007, as follows:

2009

August	21	Friday	Orientation (Non-Instructional Faculty Service Day)
	24	Monday	Fall Semester Begins
September	7	Monday	Holiday (Labor Day), Campus Closed
November	9	Monday	Holiday (Veterans Day), Campus Closed
	26–28	Thursday - Saturday	Holiday (Thanksgiving), Campus Closed
December	7–12	Monday - Saturday	Final Exams, Fall 2009 Semester
	14–18	Monday - Friday	No Classes, Campus Open
	21–31	Monday - Thursday	Winter Recess, Campus Closed

2010

January	1	Friday	Holiday (New Year's Day)/Winter Recess, Campus Closed
	4–6	Monday - Wednesday	No Classes, Campus Open
	7	Thursday	Winter Intersession 2010 Begins
	18	Monday	Holiday (Martin Luther King's Birthday), Campus Closed
February	9	Tuesday	Winter Intersession 2010 Ends/Final Exams
	12	Friday	Holiday (Abrahams Lincoln's Birthday), Campus Closed
	15	Monday	Holiday (President's Day), Campus Closed

	16	Tuesday	Spring Semester 2010 Begins
April	5–10	Monday - Saturday	Spring Recess, Campus Closed
May	31	Monday	Holiday (Memorial Day), Campus Closed
June	5–11	Saturday - Friday	Final Exams, Spring 2010 Semester
	12	Saturday	Graduation (Non-Instructional Faculty Service Day)
	21	Monday	Summer Session 2010 Begins
July	5	Monday	Holiday (Independence Day), Campus Closed
	29	Thursday	Summer Session 2010 Ends/Final Exams

CLOSED SESSION
M/S/C Hart/Ramirez to go into CLOSED SESSION at 7:19 p.m.

Trustee Galindo arrived at 7:40 p.m.

1. NEGOTIATIONS UNDER THE EDUCATIONAL EMPLOYMENT RELATIONS ACT
   Conference with District Negotiators: John Lau and Travis Gregory
   Employee Organization: CSEA Chapter 472
   RE: Negotiations

2. NEGOTIATIONS UNDER THE EDUCATIONAL EMPLOYMENT RELATIONS ACT
   Conference with District Negotiators: John Lau and Travis Gregory
   Employee Organization: IVC Chapter of CCA/CTA/NEA
   RE: Negotiations Update and Direction

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
   Title: Superintendent/President

4. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

OPEN SESSION
M/S/C Ramirez/Galindo to go into OPEN SESSION at 8:42 p.m.

Trustee Galindo joined for items 3 & 4.

1. Information was provided direction given.
2. Information was provided direction given.
3. Unanimous Vote to Accept performance evaluation of President.
4. Information was given and direction given.

CONSENT AGENDA – HUMAN RESOURCES

Trustee Galindo pulled Resolution No. 14380

M/S/C Cardenas/Hart
Resolution No. 14398: Classified Retirement

BE IT RESOLVED that the Board accepts, with sincere regret, the retirement of Maria Del Rosario Castro Garcia, Staff Secretary I effective October 1, 2009.

BE IT RESOLVED that sincere appreciation be expressed for her 29 ½ years of devoted service to Imperial Valley College.

M/S/C Cardenas/Hart
Resolution No. 14399: Faculty Retirement

BE IT RESOLVED that the Board accepts, with sincere regret, the retirement of Professor Sherry Zobell, effective at the end of the spring semester 2009.

BE IT RESOLVED that sincere appreciation be expressed for her 9 ½ years of devoted service to Imperial Valley College.

M/S/C Cardenas/Hart
Resolution No. 14400: Sabbatical Leave

BE IT RESOLVED that the Board approves the recommendation of the President/Superintendent (June 1, 2009) to award Lincoln Davis, English Professor, a sabbatical leave for August 24, 2009 – December 12, 2009, the Fall semester.

M/S/C Cardenas/Hart
Resolution No. 14401: Adjunct Counselor Employment

BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President for the following personnel and possible assignments during the summer session 2009, at the hourly rate provided for in Resolution No. 14166. Employment is contingent upon verification of records, credentials, finger printing clearance and continued funding of any grant indicated, and approval of Student Services:

Name	Position	Funding
Bill, Emily	Counselor	State/District
Garcia, Rosario	Counselor	State
Herrera, Cynthia	Counselor	State
Neely, Maria	Counselor	State
Ragland, Lisa	Counselor	State/District
Scott, Norma	Counselor	State/District
Soto, Veronica	Counselor	State/District
Spears, Wayne	Counselor	District

Trevino, Elizabeth	Counselor	State/District
Vega, Olga	Counselor	Federal

M/S/C Cardenas/Hart
Resolution No. 14402: Outreach Counseling Specialist Employment

BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President for the following personnel and possible assignments during the summer 2009 session, at the hourly rate provided for in Resolution No. 13819. Employment is contingent upon verification of records, credentials, finger print clearance and continued funding of any grant indicated, and approval of Student Services:

Name	Position	Funding
Amezquita, Julie	Counselor	Federal
Avelar, Irma	Counselor	Federal
Cabrera, Hector	Counselor	Federal
Carrera, Jose	Counselor	Federal
Hernandez, Eduardo	Counselor	Federal
Vasquez, Lorena	Counselor	Federal
Vizcarra, Margarita	Counselor	Federal

M/S/C Cardenas/Hart
Resolution No. 14403: Full-Time Faculty Employment

BE IT RESOLVED that the Board approves the following full-time, academic personnel be employed for the 2009-2010 academic year:

Name	Classification/Step	Assignment
McClain, John	Appropriate Classification and Step Contingent Upon Verification of Records	English Instructor

M/S/C Cardenas/Hart
Resolution No. 14404: Non-Credit Adjunct Instructor Employment

BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President for the following personnel and possible assignments during the summer 2009 session, at the hourly rate provided for in Resolution No. 12945. Employment is contingent upon verification of records, credentials, finger print clearance and continued funding of any grant indicated, and approval of Academic Services:

Name	Possible Assignment
Almousouti, Basel	Business
Brister, Gloria	Business
Garcia, Norma	Business
Martinez, Berenice	Business
Vasquez, Melisa	Business

M/S/C Cardenas/Hart
Resolution No. 14405: Extended Leave of Absence

WHEREAS, employee is requesting an extended sick leave of absence effective May 6, 2009 through June 30, 2009.

WHEREAS, the extended leave of absence is being requested pursuant to CSEA Contract, Article 11.2.

NOW,THEREFORE, BE IT RESOLVED the Board approves the recommendation of the Superintendent/President to approve an initial request for an extended leave of absence due to a non-industrial illness for Leticia Petty, Staff Secretary II.

M/S/C Cardenas/Hart
Resolution No. 14406: Volunteer Employment

BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President to employ Erica Hernandez as a volunteer office assistant who shall be covered by Workers' Compensation Insurance effective June 4, 2009 through July 31, 2009.

BE IT FURTHER RESOLVED that thanks be hereby extended to Erica Hernandez for her volunteering in the President's Office and for her contribution to Imperial Valley College.

M/S/C Cardenas/Hart
Resolution No. 14407: Classified Service Reclassification Correction

BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President to reclassify the following classified employee effective July 1, 2009 with the corrected funding source as follows.

Name	Present Classification	New Classification
Olea, Martha	Technology Support Technician Range 21 District 75%/Federal 25% ~~Federal 75%/ District 25%~~	Microcomputer Technician Range 23 District 75%/Federal 25% ~~Federal 75%/ District 25%~~

M/S/C Cardenas/Hart
Resolution No. 14408: Employee Conflict Resolution Form

WHEREAS, the District is promoting an informal conflict management procedure by implementing the use of a Conflict resolution form.

WHEREAS, by completing the Conflict Resolution form, the employee/District agrees to informally resolve internal disputes or disagreements that do not rise to the level of discrimination, sexual harassment, or contract grievances.

BE IT RESOLVED that the Superintendent/President recommends approval with recommendations from the Environmental Health and Safety Committee (May 18, 2009) and College Council (June 8, 2009) to use the following Conflict Resolution Form:

EMPLOYEE CONFLICT RESOLUTION FORM

This form is meant to serve as an optional way to allow employees to help informally resolve conflicts that don't rise to the level of discrimination, sexual harassment, or contract grievances. Those types of complaints have specific procedures, mandated by law, and you should contact the Human Resources office for assistance.

Name:_____ Date:_____

Position:_____ Immediate Supervisor: _____

1. Please outline the concern(s), which resulted in your decision to initiate this process. Specific examples / dates detailing your concern(s) are encouraged. Ensure to include the impact it has on the work environment. Feel free to attach additional pages if more space is necessary.

2. What specific remedies would help resolve this issue?

Employee's Signature:_____ Date:_____

Upon completion, submit to Human Resources. The form will then be forwarded through your chain of command. Within 15 working days the supervisor /administrator will respond to you in writing and will ask you to indicate if the issue has been resolved to your satisfaction (simply circle "Yes" or "No" below).

Date received in Human Resources _____	Received by _____	
Date submitted to Immediate Supervisor _____	Received by _____	Resolved: Yes No
Date submitted to area Administrator_____	Received by _____	Resolved: Yes No
Date submitted to area Vice President_____	Received by _____	Resolved: Yes No
Date submitted to President/Superintendent_____	Received by _____	Resolved: Yes No

M/S/C Cardenas/Hart (ABSTAIN: Galindo)
POSTPONED FROM MAY 20, 2009 BOARD MEETING
Resolution No. 14380: Board Policy Revision of BP 3720 – Computer and Network Use Policy

Discussion
Trustee Galindo stated that she would be abstaining as she had not reviewed the resolution.
Board President Acuña had some questions regarding the excessive use regarding chain letters under unauthorized use. There was some discussion regarding the language associated with the excessive language.

Resolution
WHEREAS, The College recognizes the need to effectively use computer technology to further enhance the educational goals of the District.

WHEREAS, the purpose of this policy is to ensure that all computer and network resources are used in a responsible, effective, ethical, and lawful manner. Users are expected to learn and follow established standards of conduct and responsible behavior in their use of computer resources.

WHEREAS, use of the District's computers and access to the network is a privilege; a user who is found to have violated any of the procedures outlined on this policy may lose his/her access and may be subject to disciplinary action.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the recommendation of the Technology Committee (2-19-09) and College Council (5-11-09), with the consent of the Superintendent/President to amend the *District Board Policy 3720 Computer and Network Use* effective June 1, 2009 as follows:

BP 3720 Computer and Network Use
Reference: 17 U.S.C. Section 101 et seq.; Penal Code Section 502, Cal. Const., Art. 1 Section 1; Government Code Section 3543.1(b); Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45

The District Computer and Network systems are the sole property of Imperial Valley College (the district). They may not be used by any person without the proper authorization of the District. The Computer and Network systems are for District instructional and work related purposes only.

This procedure applies to all District students, faculty, and staff and to others granted use of District information resources. This procedure refers to all District information resources whether individually controlled or shared, stand-alone or networked. It applies to all computer and computer communication facilities owned, leased, operated, or contracted by the District. This includes personal computers, workstations, mainframes, minicomputers, and associated peripherals, software and information resources, regardless of whether used for administration, research, teaching, or other purposes.

Conditions of Use. Individual units within the District may define additional conditions of use for information resources under their control. These statements must be consistent with this overall procedure but may provide additional detail, guidelines and/or restrictions.

Legal Process. This procedure exists within the framework of the District Board Policy and state and federal laws. A user of District information resources who is found to have violated any of these policies will be subject to disciplinary action as provided in relevant employment agreements.

Copyrights and Licenses. Computer users must respect copyrights and licenses to software and other on-line information.

Copying - Software protected by copyright may not be copied except as expressly permitted by the owner of the copyright or otherwise permitted by copyright law. Protected software may not be copied into, from, or by any District facility or system, except pursuant to a valid license or as otherwise permitted by copyright law.

Number of Simultaneous Users - The number and distribution of copies must be handled in such a way that the number of simultaneous users in a department does not exceed the number of original copies purchased by that department, unless otherwise stipulated in the purchase contract.

Copyrights - In addition to software, all other copyrighted information (text, images, icons, programs, etc.) retrieved from computer or network resources must be used in conformance with applicable copyright and other law. Copied material must be properly attributed. Plagiarism of computer information is prohibited in the same way that plagiarism of any other protected work is prohibited.

Integrity of Information Resources. Computer users must respect the integrity of computer-based information resources.

Modification or Removal of Equipment - Computer users must not attempt to modify or remove computer equipment, software, or peripherals that are owned by others, unless they have received proper authorization.

Unauthorized Use - Computer users must not interfere with others access and use of the District computers. This includes but is not limited to the sending of chain letters or excessive messages, either locally or off-campus; printing excess copies of documents, files, data, or programs, beyond those needed to perform the work of the District; running grossly inefficient programs when efficient alternatives have been provided by the District; modifying without proper authorization system facilities, operating systems, or disk partitions; attempting to crash or tie up a District computer or network; and damaging or vandalizing District computing facilities, equipment, software or computer files.

Unauthorized Programs - Computer users must not intentionally develop or use programs which disrupt other computer users or which access private or restricted portions of the system, or which damage the software or hardware components of the system. Computer users should take appropriate, reasonable measures to ensure that they do not use programs or utilities that interfere with other computer users or that modify normally protected or restricted portions of the system or user accounts. The intentional, malicious use of any unauthorized or destructive program will result in disciplinary action as provided in relevant employment agreements, and may further lead to civil or criminal legal proceedings.

Unauthorized Access. Computer users must not seek to gain unauthorized access to information resources and must not assist any other persons to gain unauthorized access.

Abuse of Computing Privileges - Users of District information resources must not access computers, computer software, computer data or information, or networks without proper authorization, or intentionally enable others to do so. Additionally, abuse of the networks to which the District belongs or the computers at other sites connected to those networks will be treated as an abuse of District computing privileges. Users who abuse these privileges and/or these procedures may lose their access and be subject to disciplinary action.

Reporting Problems - Any defects discovered in system accounting or system security must be reported promptly to the appropriate system administrator so that steps can be taken to investigate and solve the problem.

Password Protection - A computer user who has been authorized to use a password-protected account may be subject to both civil and criminal liability if the user discloses the password or otherwise makes the account available to others who intend to use this information for fraudulent, malicious or illegal purposes and the computer user knew or should have reasonably known of that person's intent.

Usage. Computer users must respect the rights of other computer users. Attempts to circumvent these mechanisms in order to gain unauthorized access to the system or to another person's information are a violation of District procedure and may violate applicable law.

Unlawful Messages - Users may not use electronic communication facilities to send defamatory, fraudulent, harassing, obscene, threatening, or other messages that violate applicable federal, state, or other law or District policy, or which constitute the unauthorized release of confidential information.

Information Belonging to Others - Users must not intentionally seek or provide information on, obtain copies of, or modify data files, programs, or passwords belonging to other users, without the permission of those other users.

Rights of Individuals - Users must not release any individual's (student, faculty, and staff) personal information except in the circumstances allowed under law or contract.

User identification - Users shall not send communications or messages anonymously or without accurately identifying the originating account or station.

Political, Personal and Commercial Use - The District is a non-profit, tax-exempt organization and, as such, is subject to specific federal, state, and local laws regarding sources of income, political activities, use of property, and similar matters.

Political Use - District information resources must not be used for partisan political activities where prohibited by federal, state, or other applicable laws.

Personal Use - District information resources should not be used for personal activities that interfere in any way with the use of District information resources for official district business.

Commercial Use – Electronic communication facilities may not be used to transmit commercial advertisements, solicitations, or promotions, with the exception of commercial activities that are for the exclusive and sole benefit of the District, officially sanctioned student groups or clubs, or the Imperial Valley College Foundation. Further, District employees may use the District intranet to transmit to other District employees materials of a commercial nature as long as those employees have expressed a direct interest in said materials and as long as transmission of said materials does not interfere in any way with the use of District information resources for official District business. Users also are reminded that the ".cc" and ".edu" domains on the Internet have rules restricting or prohibiting commercial use, and users may not conduct activities not appropriate within those domains.

Nondiscrimination. All users have the right to be free from any conduct connected with the use of the Imperial Valley College network and computer resources which discriminates against any person on the basis of national origin, religion, age, sex (gender), race, color, medical condition, ancestry, sexual orientation, marital status, gender preference, physical or mental disability, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. No user shall use the District network and computer resources to transmit any message, create any communication of any kind, or store information which violates any District procedure regarding discrimination or harassment, or which is legally defined as defamatory or obscene, or which constitutes the unauthorized release of confidential information.

Disclosure

No Expectation of Privacy - The District reserves the right to monitor all use of the District network and computer to assure compliance with these policies. Users should be aware that they have no expectation of privacy in the use of the District network and computer resources. The District will exercise this right only for legitimate District purposes, including but not limited to ensuring compliance with this procedure and the integrity and security of the system.

Possibility of Disclosure - Users must be aware of the possibility of unintended disclosure of communications.

Retrieval - It is possible for information entered on or transmitted via computer and communications systems to be retrieved, even if a user has deleted such information.

Public Records - The California Public Records Act (Government Code Sections 6250 *et seq.*) includes computer transmissions in the definition of "public record," and nonexempt communications made on the District network and computer must be disclosed if requested by a member of the public.

Litigation - Computer transmissions and electronically stored information may be discoverable in litigation.

Overtime
Prior approval required. The Fair Labor Standards Act (FLSA) requires that each employee be paid appropriately for eligible overtime hours worked. These provisions do not apply to employees who are exempt from overtime compensation.

1. No time spent in any activity on the District's Electronic Communications Resources for the benefit of the District may be done outside of the employee's scheduled work hours without advance approval from his or her supervisor. In an emergency, an employee may perform the work but must notify the supervisor as soon as possible and by the end of that same day. If the supervisor denies a request to work overtime, then the employee must obey that directive.

2. All time spent outside of the employee's scheduled hours must be reported on the District's time reporting form so that they are paid appropriately. Employees may not choose to work and not request compensation. All legitimate overtime must be compensated.

Dissemination and User Acknowledgment
All users shall be provided copies of these procedures and be directed to familiarize themselves with them. A signed copy of the acknowledgement and agreement will be placed in all employee personnel files.

ADJOURNMENT
M/S/C Ramirez/Hart to ADJOURN the meeting at 8:47 p.m.

The next regular meeting of the Imperial Community College District Board of Trustees is scheduled for the **THIRD WEDNESDAY, JULY 15, 2009, AT 6:00 P.M.** in the Administration Building Board Room.

Adopted this _____ day of _____, 2009.

_____
ICCD Board President

_____
ICCD Board Secretary