

MINUTES

COCHISE COUNTY COMMUNITY COLLEGE DISTRICT GOVERNING BOARD VIRTUAL WORK SESSION

Friday, July 24, 2020

Zoom Webinar

3:00 p.m.

Due to health concerns related to COVID-19, the Board suspended public group access to conference rooms located at Cochise College Campuses and Centers. Members of the public who wished to attend the meeting via video conference, joined at <https://cochise.zoom.us/j/96882355326>.

1. GENERAL FUNCTIONS

1.01 Call to Order

Mr. Hudgins called the meeting to order at 3:08 p.m.

Board Members Virtually Present:

Mr. David DiPeso
Mr. Don Hudgins
Mr. Dennis Nelson
Mr. Tim Quinn
Mrs. Jane Strain

2. NEW BUSINESS

2.01 Discussion of the College Operations and Liability in Light of COVID-19

Dr. Rottweiler began the discussion informing the Governing Board of a notification the college received by the Arizona School Risk Retention Trust (The Trust) stating they will no longer cover any liability associated with organic pathogen related claims. This is in large part because the larger commercial insurance market decided to exclude coverage. The Trust insures nine of the ten community college districts and the majority of Arizona's K-12 Districts. This is a potential game changer for colleges and K-12 districts across the state as institutions are finalizing plans for when, how, and what will reopen for the fall semester.

Cochise College Governing Board Policy 406-Asset Protection limits the college president's authority related to risk. The policy states, "the president may not: Allow the district to become at risk by: unnecessarily exposing the District, its Board or staff to claims of liability (406, 6(a)); and by failure to insure against liability losses to Board members, staff and the District (406, 6 (c)).

On July 23, 2020, a letter was sent on behalf of the Arizona Community College system to the Governor, with copies to the Speaker of the House, and the President of the Senate requesting the Governor call a special session or issue an Executive Order limiting liability for businesses, non-profit, religious or education institutions, except in cases or gross negligence. Similarly, the letter was forwarded to the Arizona Congressional Delegation seeking federal relief.

Based on the current COVID-19 data for Cochise County, the college's current enrollment trends, and the recent notification from the TRUST, Dr. Rottweiler recommends to the Governing Board, as part of their consideration of risk, that the college move all instruction, except in those

classes where in-person instruction is required, to a remote format for fall 2020. Those programs where in-person instruction is necessary will be required to follow the CDC guidelines including conducting a self-assessment of symptoms, social distancing, and face coverings. Students attending in-person will also be required to sign an Acknowledgment and Disclosure form.

During a meeting held on July 23, 2020, senior administration directed the Deans and Directors to begin preparing for the recommended format with plan finalizations no later than Friday, July 31. With the now emphasized remote nature for fall 2020, the college will begin consolidating course sections, as they are no longer campus based. College services also, will be evaluated to enhance the student experience from afar. Administration will look for efficiencies within the college to address the new normal. Likewise, facility and technology projects will be reevaluated based on necessities and changes in the number of people accessing college campuses and centers. Dr. Rottweiler stated the college is anticipating a significant operational impact.

Dr. Rottweiler expressed this is not an easy decision! He is the most concerned for students who need the more intimate support of in-person instruction and the college environment. He called upon all faculty and staff to recommit in enhancing educational services. The college must find ways to connect, encourage, and support students despite the changes and challenges of remote classes and services.

College teams will continue calling potential students. After final decisions are announced, teams of faculty and staff will begin to contact students whose classes or class formats have changed.

Questions/Comments:

Responding to Mr. Hudgins, Mr. Britt Hanson, Cochise County Attorney, reaffirmed to the board that Dr. Rottweiler's recommendation to move all instruction, where possible, to remote instruction is the least risky approach, when balancing health, safety, and follows the college's primary mission to educate. Mr. Hanson also expressed that having students sign a liability waiver is a good plan, but the signed waiver does not guarantee the college will not be sued if gross negligence is proven.

Mr. DiPeso led a brief discussion expressing his concerns with the lack of liability insurance and protection for companies from possible law suites. Dr. Rottweiler noted that the letter sent to the Governor requested an Executive Order or a Special Legislative Session to provide liability protection. The second request of the Governor was the potential to utilize some of the CARES ACT dollars to potentially establish a common defense fund that could be in place for all of the community colleges and universities. No response has been received from the Governor's Office. Dr. Wendy Davis, Vice President for Administration, informed the board that the college has a \$2M aggregate limit with a \$500,000 deductible for non-organic pathogens claims.

Mr. Quinn addressed Mr. Hanson asking if student's HIPPA rights are protected if the college asks students to sign a waiver. Mr. Hanson assured the board that the waiver does not contain health information, it only asks if they are healthy, and do not have COVID-19 symptoms, at the time they sign the form. Mr. Hanson also stated the completed and signed form is considered protected health information and is not subject to public records requests. Mr. Quinn expressed the importance of instructors not releasing the information pertaining to why a student is not in class for several days, ensuring the college is not violating HIPPA rights of that student. Dr. Fick informed the board of common language guidance he is preparing that would help instructors address issues when they arise, such as a student refusing to wear a mask, or adjusting attendance requirement language to accommodate the college's request that a student stay home when sick, without the fear of being penalized.

Mr. DiPeso expressed that students should not feel pressured to attend in-person portions of their class, such as a science class that may have a lab component. The student should be allowed to wait until they feel safer for the in-person portion of the class without being penalized.

Dr. Fick discussed the courses and programs that would be need in-person instruction. Such programs as nursing as it is driven by State Board of Nursing requirements and accreditation expectations, Police Academy, which requires learning defensive techniques and a driving course, career and technical education (CTE) programs that require use of equipment to meet learning objectives such as welding, residential construction, HVAC, ceramics, 3D printing, and culinary.

Mr. Quinn noted he is in favor of some needed classes being offered in-person with the number one priority to health and safety of the student, their families, staff, and faculty; second is effective learning through effective instruction. If a course cannot be taught remotely and the health risk is too great, the college must cancel the class, which weighs safety over instruction.

Responding to Mr. Quinn, Dr. Rottweiler reported some facilities projects and technology projects presented in the budget would be reviewed for modification if the college offers most classes remotely. Such projects include a replacement of the phone system, some classroom remodels, and classroom technology upgrades. The college will move forward with the replacement of the sewer pond in relationship to EPA and Arizona environment quality.

Responding to Mr. Nelson, Dr. Rottweiler noted that faculty and staff are covered under worker's compensation for liability and do not currently need to sign a waiver. Dr. Davis assured the board that the safety and health of faculty and staff are of importance to the administration. The college has implemented protocols following the CDC guidelines, providing masks, personal protective equipment for employees in front-facing positions, and requiring social distancing.

Dr. Rottweiler stated the presented recommendation comes based upon an outstanding administrative team that expands from deans, directors, faculty, and staff. The recommendation is one that can provide some flexibility based upon the board's statutory requirements.

Mr. Quinn led a brief discussion regarding how the college will ensure equitable access to education for all students. The college is using CARES Act funds to purchase 150 laptops and other technology equipment for students who need the equipment. Additional WIFI hotspots would be established in parking lots on each campus and the computer labs on the campuses and centers will be available for students to reserve. Dr. Rottweiler assured the board that administration would do everything they can to ensure students have what they need. GED placement testing will begin the first week of August, and their classes are set to be taught livestream and online. Dual credit will be primarily under the responsibility of the high schools.

Addressing Mrs. Strain's concerns regarding a student's family member experiencing symptoms of COVID-19, Dr. Rottweiler stated the acknowledgement form the student signs also recognizes that if their family members test positive, they have a responsibility to notify the college. The college has put in place cleaning practices following CDC guidelines.

Mrs. Strain expressed concerns regarding veteran student benefits for students going to remote learning; responding, Dr. Rottweiler noted he had discussions with Senator McSally and Senator Sinema concerning Veterans Administration requirements.

Mrs. Strain offered her appreciation to the administration, deans, faculty, and staff for working so diligently to serve students and maintaining focus on the college's mission. Thanking Mrs. Strain, Dr. Rottweiler expressed how he is also proud of the faculty and staff; however, it is devastating for the students, especially those that really need the face-to-face instruction to succeed.

Dr. Rottweiler informed the board that student services would remain available to students, most in a virtual format, such as Zoom tutoring sessions, library services, writing labs, TRiO services, etc.

At the direction of Mr. Nelson, the board will hold a special meeting to be held on Tuesday, July 28, 2020, at 6 p.m.; action will be taken on the administration's recommendation to move all instruction, except in those cases where in-person instruction is required, to a remote format for fall 2020. There will also be an opportunity for members of the public to request addressing the board for comments by emailing the clerk of the board the morning of the special meeting.

3. ADJOURNMENT

Mr. Hudgins adjourned the meeting at 4:27 p.m.

Respectfully Submitted:

Crystal Wheeler, Executive Assistant, Office of the President

Mr. Dennis Nelson, Secretary of the Governing Board