

**MINUTES OF REGULAR MEETING  
SAN JUAN COLLEGE BOARD  
January 5, 2021**

**ITEM A.     CALL TO ORDER**

This was the tenth meeting which was held in a virtual venue due to the requirements and guidelines from Governor Michelle Luján Grisham’s office regarding the COVID-19 pandemic which allowed for five or less to attend in-person. Social distance and other safety measures were observed. The New Mexico Attorney General’s guidance for the meeting, in compliance with the Open Meetings Act, were followed.

Chairman Rasor called the meeting to order at 7:00 p.m. The following members were present:

Joseph Rasor, Chairman  
R. Shane Chance, Secretary  
Hoskie Benally, Jr., Vice Chairman  
Evelyn Benny, Member  
Byron Manning, Member  
John Thompson, Member  
Valerie Uselman, Member

**ITEM B.     WELCOME OF GUESTS AND VISITORS**

San Juan College administrators and staff in attendance via Zoom Webinar included: Dr. Toni Pendergrass, Edward DesPlas, Boomer Appleman, Adrienne Forgette, Don Beauregard, Elaine Benally, Josh Bishop, Debbie Chalmers, Andrea Cooper, Alicia Corbell, Sherri Cummins, Gayle Dean, Kristie Ellis, Sandy Gilpin, Chris Harrelson, Kenny Hibner, Roy Lytle, Ron Jernigan, Kris Kraly, Kerri Langoni, Robert Martinez, Steve Miller, Michael Ottinger, Sherry Paxson, Elizabeth Phelps, Shelley Pickett, Eddy Rawlinson, Lorenzo Reyes, Eileen Richey, Amanda Robles, Chris Rosen, Rhonda Schaefer, Linda Schwinghammer, Vanessa Tafoya, Carrie Tsosie-Jim, Gerald Williams, and Donna Ellis, Board Recorder

Guests: Samantha Bell, Dina Holcomb

**ITEM C.     ADOPTION OF AGENDA**

Mr. Chance moved and Ms. Benny seconded to adopt the agenda as presented. **MOTION CARRIED** by unanimous roll call vote.

**ITEM D.      REPORTS**

**1. Monthly Presentation**

None.

**iCare Minute Video**

The January iCare Minute Video highlighted how the Makerspace collaborated with San Juan Regional to create a medical clip that was in high demand.

**2. Association Reports**

Student Association representative, Ms. Samantha Bell, provided the Board with a report via Zoom.

Faculty Association representative, Ms. Sherri Cummins, provided the Board with a report via Zoom.

Professional Association representative, Ms. Amanda Robles, provided the Board with a presentation via Zoom.

Support Staff Association representative, Ms. Vanessa Tafoya, provided the Board with a report via Zoom.

**ITEM E.      CITIZEN COMMENT**

Dr. Andrea Cooper spoke about the possible change to Board Policy No. 502.

**ITEM F.      CONSENT AGENDA**

**1. December 1, 2020 Work Session Minutes**

The December 1, 2020 Work Session Minutes were presented in the Board Packet for approval.

**2. December 1, 2020 Board Meeting Minutes**

The December 1, 2020 Board Meeting Minutes were presented in the Board Packet for approval.

**3. Correspondence**

None.

**4. Financials**

Financial reports for the month ended November 30, 2020 were presented in the Board Packet.

**5. Personnel Report**

The following employment actions were made since the last Board meeting:

Appointments: None.

Changes: None.

Separations: Fidel Martinez, Custodian, Physical Plant, separation, effective December 9, 2020; Christine Baade, Associate Professor of Mathematics, retiring, effective December 31, 2020; Marilyn Chavez, Custodian, Physical Plant, retiring, effective December 31, 2020.

**6. Deletion of Equipment from Inventory**

College administration recommends the disposition of certain assets that are worn out, unrepairable, cannibalized, obsolete, or otherwise unusable. In accordance with Chapter 13-6-1 through 4 (Article 6) of the New Mexico State Statute, the Board is required to affirm the administration's recommendation. (The list of the assets recommended for disposition are included in the Board Packet.)

**Recommendation**

I recommend that the Board approve the College administration's recommendation and approve the listed items for disposal.

**APPROVAL OF CONSENT AGENDA**

Mr. Thompson moved and Mr. Chance seconded to take the recommended actions as presented on the Consent Agenda. **MOTION CARRIED** by unanimous roll call vote.

**ITEM G. OLD BUSINESS**

None.

**ITEM H. INDIVIDUAL ITEMS/NEW BUSINESS**

**1. PANDEMIC RESPONSE – VACATION LEAVE RESOLUTION**

Due to the current public health emergency, state public health orders, and the resulting need to allow flexibility for employees to take precautionary

measures in order to limit exposure to the Novel Coronavirus Disease (“COVID-19”) disease, San Juan College is experiencing unprecedented staffing challenges. These staffing challenges are complicated by the fact that some employees have accrued annual leave in excess of the 240-hour cap allowed in the San Juan College Employee Handbook. Pursuant to the Handbook, any accrued annual leave in excess of 240 hours is forfeited on the beginning of the next fiscal year (July 1). It is anticipated that employees who have accrued more than 240 hours of annual leave will request to use the excess annual leave before the end of the fiscal year to avoid forfeiture of the excess hours. If this occurs, this will result in a severe staffing deficiency that will create operational issues for the College.

In order to provide operational continuity during this time and minimize the number of employees absent simultaneously during this time period, College administration recommends the Board approve a one-time partial purchase of excess annual leave hours from eligible employees in order to minimize operational concerns created by employee absences. Eligible employees will be those with annual leave balances in excess of 240 hours at June 30, 2021. Eligible employees will be offered the ability to relinquish up to forty hours of annual leave in exchange for a payment of 25% of their hourly rate per leave hour relinquished. For example, if an employee’s hourly rate of pay is \$18.75, and the employee has 40 hours of excess annual leave, the employee would be eligible for a payout of \$187.50 ( $\$18.75 \times 40 \text{ hours} \times 25\%$ ).

The total cost of this proposal shall not exceed \$57,846 plus applicable employer payroll taxes and Educational Retirement Board contributions.

Note: Annual vacation is also known as vacation leave.

Mr. Chance moved and Mr. Thompson seconded to recommend the Board of Trustees approve the purchase of up to 40 annual leave hours from eligible employees who have accrued annual leave in excess of 240 hours at June 30, 2021, prorated and paid at 25% of eligible employee’s hourly rate as herein described. **MOTION CARRIED** by unanimous roll call vote.

## **2. SPENDING AUTHORITY FOR REASONABLE ACCOMMODATIONS**

Federal law requires San Juan College to make reasonable accommodations to students with disabilities. In many instances, the College may not have much advance notice of a student’s needs. In most of those instances, the cost to provide necessary and reasonable accommodations does not reach the Board approval threshold, and the College is able to secure timely services for the student. In the Spring semester, two sight-impaired students requiring both Braille textbooks and video description services have, or are anticipated to,

register for classes. The cost for Braille translation services is estimated at \$112,300 and the cost for the video translation is estimated at \$163,500. Other accommodations to be provided in the Spring and Summer of 2021 are estimated at \$24,200. In total, the projected cost for these accommodations amount to \$300,000. So that the College is able to secure services to provide reasonable accommodations in a timely fashion, College leadership requests that the President and the Executive Vice President be Board-authorized to purchase up to \$300,000 in services to accommodate students as required by federal law. As purchase orders are created under this authorization, College leadership will provide Information Reports on the Consent Agenda for the following Board meeting.

Because of budget constraints, it will be necessary to use fund balance for this need. A revision will be made in the year-end Budget Adjustment Request.

Mr. Benally moved and Ms. Uselman seconded to recommend the Board of Trustees grant the President and the Executive Vice President spending authority up to \$300,000 plus applicable taxes to procure services to provide federally-required reasonable accommodations for eligible students. This authority is effective for the balance Fiscal Year 2021. **MOTION CARRIED** by unanimous roll call vote.

**3. INCREASED SPENDING AUTHORITY FOR LAPTOPS FOR CHECK-OUT**

At its September 1, 2020 meeting the San Juan College Board of Trustees approved up to \$100,000 for the purchase of laptops from Riverside Technologies for students' check-out. Based on student demand in the Fall semester, College administration has determined that because the COVID-19 pandemic will extend into the Spring semester, additional laptops may be needed to support student success. Some additional employees will also require laptops for continued remote work. To meet these needs, College administration requests up to an additional \$200,000 in spending authority. Laptop acquisitions will be made in accordance with state procurement rules and San Juan College policies and procedures.

These acquisitions will be funded by the CAREs Act – Institutional Grant.

Mr. Chance moved and Mr. Benally seconded to recommend the Board of Trustees approve increased spending authority, up to an additional \$200,000 plus gross receipts taxes, for laptops for check-out. **MOTION CARRIED** by unanimous roll call vote.

**4. POOL FOR HOTSPOT PROVIDERS**

At its September 1, 2020 meeting the San Juan College Board of Trustees approved up to \$150,000 plus gross receipts taxes for the purchase of hotspots

from T-Mobile USA for student check-out. College administration has determined that because the COVID-19 pandemic will extend into the spring semester, hotspots will continue to be essential to support student success. Based on students' experience in the Fall semester, it has become apparent that all students cannot be supported through one hotspot provider; a single provider does not cover all reaches of San Juan College's service area. To meet a wider array of student needs, College administration requests that Verizon, Cellular One, and AT&T be added to T-Mobile as choices of providers approved to serve San Juan College and its students. No further spending authority is requested. Hotspot acquisitions will be made in accordance with state procurement rules and San Juan College policies and procedures.

These acquisitions will be funded by the CARES Act – Institutional Grant.

Ms. Uselman moved and Mr. Benally seconded that the Board of Trustees approve the pool of hotspot providers and include these choices as part of the previously approved \$150,000 plus gross receipts taxes spending authority. **MOTION CARRIED** by unanimous roll call vote.

**5. FIRST READING – REVISION TO BOARD POLICY NO. 502**

College leadership recommends that the San Juan College Board of Trustees read and consider revisions to Board Policy No. 502 Human Resources, Employment Separation II. Reduction in Force (RIF). In general, recommendations for policy revision cause:

- a change in General Provision and Philosophy,
- clarification that termination of employment due to the end of a grant is not subject to the RIF policy,
- clarification that the Board delegates to the President selection of employees that will be subject to a RIF,
- clarification in the Criteria for Reduction-in-Force of Faculty and Staff,
- and recognition that notice of a RIF for Faculty that are members of a collective bargaining unit will be provided in accordance with the requirements within the collective bargaining agreement.

The proposed revision to Policy 502 reads:

*“II. Reduction-in-Force*

*A. General Provisions and Philosophy:*

*The College generally manages employee reductions through means such as retirements, resignations, or other types of normal attrition. However, employees of San Juan College may be subject to reduction-in-force as a result of various factors, including but*

*not limited to, lack of work relevant to their position, declining enrollment, lack of institutional funding, reorganization of a department or program, or other institutional needs. Separation of employees due to grant funding becoming unavailable is not subject to the procedures contained herein.*

*The San Juan College Board recognizes that the College may be required to curtail or delete certain programs at the same time that other programs are being retained, expanded, or added depending upon educational requirements as determined by the College. Programs and services most necessary to meet the educational needs of the students and community, consistent with the established priorities and objectives of the College, are of the highest priority for retention when a reduction-in-force is being considered.*

*B. The Board delegates to the President the following duties:*

- 1. Determination of the necessity of a reduction-in-force;*
- 2. Determination of the program areas within which reductions-in-force will occur in accordance with the guidelines;*
- 3. Selection of employees that will be subject to a reduction-in-force; and*
- 4. Administration of procedures for effecting the reduction-in-force.*

*C. Criteria for Reduction-in-Force of Faculty and Staff:*

- 1. The President shall work with the College administration to identify programs, departments, services, and employees that may be subject to a reduction-in-force. In determining whether a reduction of a program, department, or service is appropriate, the President shall consider whether the program, department, or service is necessary to meet the educational needs of the students and community, consistent with the established priorities and objectives of the College. In determining whether a reduction of an employee's position at the College is necessary, the President may consider the employee's job performance and competency in service, the length of time the employee has been continuously employed by the College, whether the employee's job duties may be performed by others, whether there is sufficient work at the College to justify the employee's continued employment, and any other criteria deemed relevant by the President. An employee shall not be selected for a reduction-in-force on the*

*basis of race, sex, color, religion, creed, national origin or ancestry, age, marital status, sexual orientation, gender identity, gender expression, disability, veteran status, or in retaliation for participation in a legally protected activity.*

- 2. The President may reassign affected employees into other open positions at the College for which the person is qualified in the judgment of the President.*

*D. Notice of Reduction-in-Force:*

*Should a reduction-in-force become necessary, the President, or the President's designee, will notify the affected employees. The notice will state the reason for the reduction-in-force and shall state that this policy governs procedures for review of the reduction-in-force. The notice shall provide the effective date of the reduction-in-force. Salary and benefits shall cease the day following the effective date of reduction-in-force.*

*1. Reduction-in-Force of Faculty*

*Notice of a reduction in force for Faculty that are members of a legal bargaining unit will be provided in accordance with the requirements set forth in any collective bargaining agreement entered into between the College and the applicable bargaining unit and effective on the date of the issuance of the notice.*

*2. Reduction-in-Force of Other Employees*

*Notice of a reduction in force for Employees, other than those subject to Paragraph D (1) above, that are affected by a reduction-in-force shall be provided at least thirty (30) days written notice prior to the reduction-in-force. Terminated employees will be eligible for benefits as described in the Professional and Support Staff Handbook and the Faculty Handbook.*

*E. Grievance/Appeal Procedures:*

*All employees affected by reduction-in-force may appeal the decision through the employee appeal procedures for termination as outlined in the Professional and Support Staff Handbook and the Faculty Handbook.”*

College leadership discussed this policy revision with representatives of the San Juan College Educational Association (SJCEA) on December 11, 2020; the SJCEA was provided with a copy of the proposed policy revision. A



redlined, marked-up for proposed changes, copy of Policy No. 502 and a clean copy of Policy No. 502 has been provided to Trustees in advance of this meeting.

**NO ACTION** was requested by the Trustees. Board of Trustees recommended Policy No. 502 to be placed on the Work Session agenda for February 2, 2021 in order to review the College Community Act, the Higher Learning Commission Roles and Responsibilities, and for further discussion.

**ITEM I. ANNOUNCEMENT OF NEXT MEETING**

The date of the next regular meeting will be **Tuesday, February 2, 2021 at 7:00 p.m.** in the San Juan College Board Room.

**ITEM J. CLOSED SESSION**

A motion was made at 8:09 p.m. by Mr. Chance and seconded by Mr. Thompson for the Board to meet in Executive Session subject to the exception in NMSA 1978, Section 10-15-1(H)(7) of the Open Meetings Act to discuss strategies related to collective bargaining negotiations. **MOTION CARRIED** by unanimous roll call vote.

The Executive Session concluded at 9:02 p.m. and the matters discussed in the closed meeting were limited only to those specified in the motion for closure. Mr. Chance moved and Mr. Thompson seconded the motion to return to the regular meeting. **MOTION CARRIED** by unanimous roll call vote.

**ITEM K. ADJOURNMENT**

Mr. Thompson moved and Mr. Chance seconded the motion to adjourn the meeting. Chairman Rasor adjourned the meeting at 9:03 p.m.

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Mr. Joseph Rasor, Chairman  
San Juan College Board

ATTEST:

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Mr. R. Shane Chance, Secretary  
San Juan College Board

Date: February 2, 2021