

MEMORANDUM OF UNDERSTANDING

This tentative agreement (“Agreement”) between the Yuba Community College District (“District” or “YCCD”) and the Faculty Association of Yuba Community College District (“Association,” collectively the “Parties”) sets forth the mutual agreement regarding the matters described herein.

WHEREAS, on September 10, 2021, the District provided the Association notice of the YCCD Governing Board’s (“Board”) resolution, dated September 9, 2021, and the District’s intended protocols authorized by that resolution, imposing vaccination and testing requirements “COVID Requirements;”

WHEREAS, on November 17, 2021, the District provided the Association notice of, among other things, the roles of Association-represented faculty to review rosters and remove any students from their respective classrooms that are out of compliance with the District’s testing and vaccine requirements;

WHEREAS, the District generally views these duties as consistent with already existing classroom management responsibilities and the Association generally views these as new requirements requiring negotiations, and thus submitted a demand to bargain;

WHEREAS, the Parties, in the spirit of harmonious labor-management relations and need to address the ongoing COVID-19 pandemic, desire to resolve all of the District’s bargaining obligations regarding the September 10, 2021, and November 17, 2021, notices, in a non-precedential manner;

WHEREAS, the Parties intend to resolve these matters fully and finally in a manner consistent with applicable law and existing District policy, and the terms of this Agreement only apply to employees currently represented by the Association;

NOW, THEREFORE, in consideration for the promises contained here, the Parties agree as follows:

1. INSTRUCTIONAL FACULTY AND STUDENT ROSTERS.

Instructional faculty will be provided a roster indicating which students are in compliance with the COVID Requirements. Faculty may, but are not required to, utilize the roster to identify students in the classroom that are not in compliance with the COVID requirements. If faculty do choose to utilize the roster and identify students that are out of compliance with the COVID Requirements, those faculty are responsible for informing the student that the student will need to leave the classroom and provide the student with an information card as described in the “YCCD Vaccine/Testing Policy Information and Faculty Safety Tips,” attached hereto as Attachment A.

2. TEACHING ASSIGNMENT.

For Spring 2022, only, the College Presidents or Vice Presidents of Instruction may elect to approve, on a case-by-case basis, exceptions to Article 10.4.3 and approve a faculty member to teach up to 100% of their contract load fully online.

3. NON-INSTRUCTIONAL FACULTY.

Non-instructional faculty may, but are not required to, utilize the Ready Education campus pass to identify students they are interacting with in the course of the faculty member's duties that are not in compliance with the COVID requirements. If faculty do choose to utilize the Ready Education campus pass to identify these students that are out of compliance with the COVID Requirements, those faculty are responsible for informing the student that the student will need to leave the indoor facility and provide the student with an information card as described in the "YCCD Vaccine/Testing Policy Information and Faculty Safety Tips," attached hereto as Attachment A.

4. DISTRICT AND COLLEGE ACTIVITIES.

The District and the Colleges will determine and implement spot-check activities. Faculty will, however, fully cooperate with District/College activities including, but not limited to, providing attendance information, and accommodating District and/or College personnel access and time to engage in spot-check activities in the classroom.

5. SIGNAGE.

In its sole discretion, District will determine the number and location of appropriate signage advising students and employees of the COVID Requirements. The Association may submit requests for additional signage. The District shall consider all such requests.

6. CHANGES IN POLICY OR LAW.

If the District determines that Board action and/or adherence to applicable law require changes to the District's overall COVID response and the COVID Requirements, including changes inconsistent with this Agreement, the District shall notice the Association and provide an opportunity to negotiate those changes only as required by the Educational Employment Relations Act (EERA) of 1976.

7. DURATION.

This Agreement shall remain in effect for Spring 2022 except as provided herein. The parties may mutually agree to extend this Agreement.

8. WAIVER OF RIGHT TO BARGAIN.

The Association waives any right to bargain with regards to the matters addressed herein including, but not limited to, the COVID Requirements, notices previously provided, and the "YCCD Vaccine/Testing Policy Information and Faculty Safety Tips," attached hereto as Attachment A.

9. NO PRECEDENT.

The Parties to this Agreement understand and agree that the execution of this document shall not be, and shall not be deemed or construed to be, a precedent or model for the resolution or settlement of future matters resulting from the same, similar, or different circumstances, nor shall this Agreement establish any precedent as to the negotiability of the topics covered herein.

10. TITLES AND SUBTITLES; INTERPRETATION.

The titles and subtitles used in this Agreement are used for convenience only and are not to be considered in construing or interpreting this Agreement. The terms "including," "includes," "include" and words of like import shall be construed broadly as if followed by the words "without limitation." The terms "herein," "hereunder," "hereof" and words of like import refer to this entire Agreement instead of just the provision in which they are found. In addition, this Agreement is a negotiated document initially prepared by one Party as a matter of convenience; therefore, in the event of any dispute between the Parties, as a matter of law, the provisions of this Agreement shall not be construed against or in favor of either Party solely as a consequence of such Party's preparation, or lack of preparation, of this Agreement.

11. ENTIRE AGREEMENT.

This Agreement (including all exhibits attached hereto and referenced in this Agreement) sets forth the entire agreement and understanding of the parties relating to the subject matter herein, and supersedes all prior agreements, arrangements, and understandings, written or oral, between the parties, which are merged herein.

12. COUNTERPARTS AND ELECTRONIC SIGNATURES.

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to be one and the same agreement or document. A signed copy of this Agreement transmitted by email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Agreement for all purposes.

13. BOARD APPROVAL

This agreement will be submitted to the Board for approval.

FOR THE ASSOCIATION:

Georganna O'Keefe-Schwering

Georgie O'Keefe-Schwering
FAYCCD President

FOR THE DISTRICT:



Jake M. Hurley
AVC/CHRO, Human Resources
Yuba Community College District


Sonja Lolland (Jan 18, 2022 16:57 PST)

Dr. Sonja Lolland
Vice Chancellor, Education & Planning
Yuba Community College District



Kuldeep Kaur
Vice Chancellor, Admin. Services
Yuba Community College District



Devin Crosby
Chief Technology Officer
Yuba Community College District

ATTACHMENT A



**YCCD VACCINE/TESTING POLICY INFORMATION AND FACULTY SAFETY TIPS
Spring 2022 Semester**

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BACKGROUND:

At the September 9, 2021, meeting of the Yuba Community College District Board of Trustees, a resolution was adopted to implement a vaccine and testing policy for all YCCD employees and students that will be physically present on any of the District’s properties, including Woodland Community College, Yuba College, the District Office, and the Lake County, Colusa County, and Sutter County campuses. Effective January 24, 2022, all YCCD students must be fully vaccinated against COVID-19 or submit to weekly testing in order to be physically present on district property or participate in college or district activities. This date coincides with the start of the spring term. Students only taking online classes will not be required to comply with the vaccine and testing policy. To encourage students that have yet to be vaccinated, the District has implemented a vaccination incentive program. To be considered fully vaccinated, the vaccine must be FDA approved; or have an emergency use authorization from the FDA. The District will follow requirements from the CDPH in determining what documents will be acceptable as proof of vaccination, and all of the information provided will be kept in strict

confidence, and in compliance with State of California Confidentiality of Medical Information Act (CMIA) and the Health Information Portability and Accountability Act (HIPAA). If a vaccine booster is required while the District’s vaccination and testing policy is in effect, the District’s definition of a fully-vaccinated individual will be expanded to include the necessary booster shot. Testing will be offered as an alternative to being fully vaccinated. Unvaccinated individuals will need to be tested no less than once a week with a COVID-19 test that is either approved by, or has emergency use authorization, from the US Food and Drug Administration.

To facilitate communication of the policy, the District created college branded COVID-19 webpages:

- [Link to Yuba College Return to Campus Page](#)
- [Link to Woodland Community College Return to Campus Page](#)

STUDENT REGISTRATION PROCESS FOR SPRING:

Under the YCCD Vaccine and Testing Policy, students have three options for the Spring 2022 semester:

	EMPLOYEES/VOLUNTEERS	STUDENTS
OPTION 1	Full vaccination	Full vaccination
OPTION2	Weekly testing	Weekly testing
OPTION 3	----	Utilization of only online instruction and services

- As of November 8, 2021, students can complete the Confidentiality of Medical Information Act (CMIA) form and upload their vaccine information into Self-Service.
- When students register for classes, they will indicate how they plan to comply.
- **If a student registers for a face-to-face class, they must submit their vaccine or recent testing documentation before 5pm on January 21, 2022.** If a student does not provide vaccination or testing documentation by the deadline, they will be dropped from their face-to-face courses, but will remain enrolled and eligible to attend any fully online courses they are enrolled in. COVID-19 tests must be administered within 72 hours of the January 21st deadline. Tests and vaccine documents will be reviewed and verified by the district contact tracers. Once the semester begins, students taking face-to-face courses and who are not vaccinated, must test weekly to be on campus.
- Students registering for classes after January 21st must provide vaccination or testing documentation prior to registering for an in-person class.
- A [video](#) with information on how to submit vaccine and testing documentation is on each college’s COVID-19 webpage. Students can get help online at each campus location. See the website for current hours and locations.

- Some programs such as the Public Safety Academies, Allied Health and intercollegiate athletics, have different vaccine and testing requirements and timelines. Students have been directed to check with the program director or dean for additional information.

READY EDUCATION:

READY Education is a mobile app that is intended to enhance and facilitate student communication and it also has COVID-19 capabilities. Specifically, this tool will be used by YCCD for two main things:

- **Daily Pre-screening Symptoms Check:** Students will answer questions prior to coming to campus each day. Based upon their answers and their testing and vaccination status, they will get a green or red health pass. A green pass is evidence that a student is clear to be on campus. A red pass indicates a student is not cleared to be on any District facility. Reminders to complete the symptom check form will be sent to students each morning. Students can pre-screen on their mobile phone, tablet, or computer.
- **QR Codes for Contact Tracing:** QR codes will be affixed to classroom seats or lab work areas. Students will scan the codes upon entry to the classroom through the campus app.
- If a student does not have a cell phone, they can check in on Ready Education at the kiosk at the front of each classroom or that will be at other campus locations.
- For student services, other non-instructional activities, and face-to-face instruction, employees can check campus passes prior to providing in person services/instruction. Students without a cell phone should be directed to a campus kiosk to complete the symptoms check and get a campus pass.

SELF-SERVICE AND WEBADVISOR ROSTERS:

Faculty course rosters will indicate if each student has submitted their vaccine paperwork or weekly COVID-19 negative test documentation. This will be indicated by a “YES” or “NO” in the “COVID-19 DOC” column. Students coming on campus should also have a campus pass that indicates if they are cleared to be on a District facility that day.

DISCIPLINE PROCESS FOR STUDENTS WHO DO NOT COMPLY WITH YCCD HEALTH RULES *(Mask and Vaccine/Testing if on Campus):*

YCCD utilizes the standard student discipline process that is outlined in [Administrative Procedure 5520](#) for students who do not comply with Student Code of Conduct requirements.

A. Discipline Process for a Student Refusing to Wear a Mask:

Every student, employee, and campus visitor is required to wear a mask indoors per YCCD District health rule/policy. The only exception is for a documented accommodation (students can

request a medical exemption from DSPS). If a student does not have a facial covering, give them a mask, and inform them that they cannot attend class without a mask. Students who refuse to wear a facial covering are given a final chance to comply, made aware of the consequence for non-compliance, which includes removal and/or suspension. If a student refuses to comply, the student is required to leave the classroom and advised not to return until they communicate with the appropriate Division Dean or Director. The instructor should immediately report the removal of the student to their dean's office.

Supervisor/Admin Intervention – Administrator will review the rules and expectations with the student and impose discipline as appropriate per Administrative Procedure 5520 and the Student Code of Conduct.

Police Intervention – If the student refuses to leave the classroom, contact campus police at 530-661-5722 (WCC), 530-681-8782 (WCC Cell), 530-741-6771 (YC) or (530-870-1158 (YC Cell). The student will be cited, removed from campus, and additional discipline will be imposed by the appropriate administrator. If police are not available, contact your Division Dean or Director. If the student cannot be removed, the class should be dismissed for the day.

Facial coverings will be available in each classroom. Faculty and employees can request N-95 masks from the President's Office.

B. Discipline Process for Students Who Come to Campus without Submitting Vaccination or Current Testing or do not have a Green Campus Pass

Every student is required to be fully vaccinated or submit a clear weekly COVID-19 test per YCCD District safety rule to be present on any YCCD campus or district facility effective January 24, 2022. The only exception is for is for a documented accommodation. Students can request the paperwork for a medical or religious exemption from the Vice President of Student Services Office at 530-661-4202 (WCC) or 530-741-6705 (YC).

In addition to the vaccination or testing requirement, students coming to any district facility must also complete a daily symptoms check and get a "green" campus pass using the YC or WCC Ready Education app.

Each day, a faculty member's course roster will indicate if a student has submitted the appropriate vaccine and testing paperwork to be on campus. Student services faculty, classified staff, and administrators can check a student's campus pass to verify a student is clear to be on campus to utilize face-to-face campus services or attend a face-to-face class. If faculty, classified staff, or administrators know that a student is on campus without being fully cleared, the following steps will be followed:

- 1) Give the student a card with a website link to COVID Tracker in the YCCD single sign on portal and the YCCD vaccine and testing policy. Students should check this immediately to find out why they are not cleared to be on campus. Cards will also be available at division offices, in student services areas, and will be distributed to employee mailboxes.
- 2) Direct the student to contact the District COVID-19 manager within 24 hours (contact information will be on the card).
- 3) Instruct the student to leave campus immediately.

Supervisor/Admin Intervention – Administrator will review the rules and expectations with the student and impose discipline as appropriate per Administrative Procedure 5520 and the Student Code of Conduct.

Police Intervention – If the student refuses to leave the classroom, faculty should contact campus police at 530-661-5722 (WCC), 530-681-8782 (WCC Cell), 530-741-6771 (YC) or (530-870-1158 (YC Cell)). The student will be cited, removed from campus, and additional discipline will be imposed by the appropriate administrator. If police are not available, contact your supervisor. If the student cannot be removed, the class should be dismissed for the day.

GENERAL FACULTY GUIDANCE:

Guidelines for When a Student is Ill:

To ensure the safety of all in the classroom, instructors teaching face-to-face classes should inform students they will not be academically punished for missing class when ill or when quarantining due to a COVID-19 exposure circumstances. If any employee or student indicates they have any COVID-19 symptoms, they might have COVID-19 and should immediately leave the classroom.

Excused Withdrawal (EW), may be a good option for students who become ill from COVID-19. An excused withdrawal is authorized by [Administrative Procedure 4230, Grading Symbols](#). An excused withdrawal occurs when a student is permitted to withdraw from a course(s) due to extenuating circumstances beyond the control of the student affecting their ability to complete a course. A student must file a petition requesting this option. Excused Withdrawals are not counted in progress probation and dismissal calculations. EWs are also not counted as an enrollment attempt or counted toward the permitted number of withdrawals.

Authority of Instructors:

Every student is to attend class regularly. Faculty may consult with college counselors and deans on student regarding classroom issues, attendance, or other academic concerns. The instructor has the right to drop any student with excessive absences (as defined by the instructor), which in the instructor's judgement will prevent the student from meeting the objectives of the course.

Notification of Absence:

In cases where a student may be absent for four or more days, a Notification of Emergency Absence can be requested by a student from the College (in cases of accident, sickness, bereavement, etc.). Further, it is the responsibility of the student to call instructors upon returning to make up missed course work. Students should call the Counseling Office for Yuba College and Woodland College and the Admissions and Records Office for other campus sites to request the Notification of Emergency Absence.

FREQUENTLY ASKED QUESTIONS (FAQ)

What if a student asks for a medical or religious exemption?

Students interested in a medical or religious exemption should be directed to the appropriate college Vice President of Student Services. Students can contact the VPSS virtually or via email.

How or where does a student request an exemption for medical or religious reasons?

Students must complete a form to request an exemption for medical or religious reasons. These are available from the Vice President of Student Services Office.

Do students still need to wear masks when indoors?

Yes, the YCCD mask mandate is still in effect.

What type of tests are allowed?

Testing will be available at all YCCD campus locations. Testing is free. PCR tests will be administered at all campus location and **only PCR tests will be accepted from other providers**. The polymerase chain reaction (PCR) test for COVID-19 is a molecular test that analyzes your upper respiratory specimen, looking for genetic material (ribonucleic acid or RNA) of SARS-CoV-2, the virus that causes COVID-19. Scientists use the PCR technology to amplify small amounts of RNA from specimens into deoxyribonucleic acid (DNA), which is replicated until SARS-CoV-2 is detectable if present. The PCR test has been the gold standard test for diagnosing COVID-19 since authorized for use in February 2020. It's accurate and reliable (Cleveland Clinic). Again, only PCR tests will be accepted by YCCD.

Testing will be offered at each campus location. There are many other locations that also offer testing. Students can get tested on campus or can test at other, off campus, locations. Students must upload their vaccine or testing results if they do not get tested at a campus location. If you are tested at a YCCD testing site, your results will automatically be uploaded into the District's system.

Where can students get tested?

Testing is offered at each campus location. There are many other locations that also offer testing. Students can get tested on campus or at other, off campus locations. Students must upload their vaccine or testing results if they do not get tested at a YCCD campus location. If students are tested at a YCCD testing site, their results will automatically be uploaded into the District's system. Only PCR COVID-19 tests are accepted by YCCD.

What if a student needs help uploading testing or vaccination documentation?

Each college has an on-campus location where students can get help scanning and uploading their vaccination or testing documentation. Check the Return to Campus web pages for locations and hours. Students can also get help from the YCCD helpdesk at helpdesk@yccd.edu.

Are dual enrollment students subject to this policy?

Dual enrollment students who only take classes that are held entirely at their high school, need to comply with their high school district COVID-19 policies. If a dual enrollment student takes face-to-face courses at any YCCD campus or uses any face-to-face student services at any YCCD campus location, they must comply with all YCCD district policies. Additionally, all dual enrollment students, regardless of where the course is held, must complete the COVID-19 Notice of Risks and Vaccination and Test Information forms. These are in the Self-Service portal.

Who has the authority to ask students to leave the classroom and campus?

The YCCD Student Code of Conduct states students are subject to discipline when they fail to comply with the directions of a College authority acting in the performance of their duties. Per page 11 of the YCCD Student Code of Conduct, students can be removed from class for behavior that constitutes “good cause”. An instructor may remove a student from his or her class for the day of removal and the next class meeting. In the case of the Library, removal would be for the day and the next college day. The instructor shall immediately report the removal of the student to the College President or designee for appropriate action.

Can a student request an extension of the due date to get vaccinated or tested?

No, there are no extensions for the vaccine or testing requirements. If students are not fully vaccinated by January 24, 2022, they are not allowed on any YCCD district or campus facility unless they submit to weekly testing.

What disciplinary process will be used if a student does not comply with the testing or vaccine requirement?

Students will be dropped from their face-to-face courses on the effective date of the disciplinary determination and will receive the same notation (“W” or “F”) as if the student had initiated the drop as of that date. Administrative drops are considered attempts for repeat purposes. Therefore, if a student is administratively dropped due to the discipline process from a course they are attempting for the third time, they may be unable to take the course again at the Yuba Community College District. Additionally, students should be aware that an administrative drop could impact their financial aid, and they may be required to repay some of their aid depending on the date they are dropped from any in-person course.

If a student was vaccinated early, are they still eligible to receive the vaccination incentive?

YCCD has a vaccine incentive program for all YCCD students who are fully vaccinated, register, and attend class during the Spring 2022 semester. Students taking online courses, dual enrollment courses, credit, and non-credit courses can participate in this program. Students who meet all the criteria will be eligible for a \$200 Amazon gift card. Gift card access codes will be emailed to student’s college email in mid-February. There is no restriction on when a vaccination has to be administered, so students who were vaccinated early are eligible to receive the vaccine incentive if they meet all the criteria.

What is the financial aid impact on students who choose not to get vaccinated and are withdrawn from their classes?

Students' eligibility for financial aid is dependent on the number of course units they are enrolled in. Students who withdraw from a course or are withdrawn from a course, may receive less financial aid or be required to repay some or all of the funding they have received. Additionally, withdrawing from a course may impact a student's ability to receive financial aid based upon Satisfactory Academic Progress requirements. Students should contact their college's financial aid office for more information.

APPENDIX A – Sample Syllabus Information

YCCD Vaccine and Testing Policy Information

At the September 9, 2021, meeting of the Yuba Community College District Board of Trustees, a resolution was adopted to implement a vaccine and testing policy for all YCCD employees and students that will be physically present on any of the District's properties, including Woodland Community College, Yuba College, the District Office, and the Lake County, Colusa County, and Sutter County campuses. Effective January 24, 2022, all YCCD students must be fully vaccinated against COVID-19 or submit to weekly testing in order to be physically present on district property or participate in college or district activities. This date coincides with the start of the spring term. Students only taking online classes will not be required to comply with the vaccine and testing policy. To encourage students that have yet to be vaccinated, the District has implemented a vaccination incentive program. To be considered fully vaccinated, the vaccine must be FDA approved; or have an emergency use authorization from the FDA. The District will follow requirements from the CDPH in determining what documents will be acceptable as proof of vaccination, and all of the information provided will be kept in strict confidence, and in compliance with State of California Confidentiality of Medical Information Act (CMIA) and the Health Information Portability and Accountability Act (HIPAA).

How Can I Prevent Myself from Getting Sick?

The best way to prevent illness is to avoid being exposed to this virus and getting vaccinated. Risk can be mitigated through the implementation of safety and health practices. On campus, you can play your part in public health efforts to limit the reach of the virus by taking everyday preventive actions that help stop the spread of germs:

- Wear a mask while indoors.
- Wash your hands often with soap and water for at least 20 seconds, especially after using the bathroom, before eating, after blowing your nose, coughing, or sneezing. If soap and water are not available, use an alcohol-based hand sanitizer with at least 60 percent alcohol.
- Avoid touching your eyes, nose and mouth with unwashed hands.
- Refrain from shaking hands in greeting others.
- Avoid contact with people who are sick.
- Stay home when you are sick.
- Clean and disinfect frequently touched objects and surfaces using a disinfectant cleaning spray or wipe.

Students, faculty and staff are encouraged to review the YCCD COVID-19 web pages and the Canvas COVID-19 information page which contains information on district protocols, health and wellness resources, and other COVID-19 information.

Staying Healthy on Campus:

During the pandemic, faculty, students, and all YCCD employees will be following required safety practices in all classrooms and public spaces.

- Facial coverings must be worn at all times.
- In addition to the vaccination or testing requirement, students taking face-to-face classes or using on campus services must also complete daily symptoms check and get a “green” campus pass using the YC or WCC Ready Education app.
- If you have a health issue that exempts you from wearing a face covering you must register with the DSPS office before the course begins and carry provided documentation with you while on campus.
- Before each class, students are encouraged to wait outside the entrance door at least six feet apart until the previous class has exited the classroom.
- Students with symptoms of respiratory tract infections (coughing, sneezing, or runny nose) or other illnesses will be asked to leave campus.

Staying Home or Self Isolating when Appropriate

- Students and district employees are required to stay at home and self-isolate if they test positive for COVID-19 or were potentially exposed to someone with COVID-19.
- Note: if you must leave campus because of illness or miss class due to quarantine obligations, online resources will be made available for you to continue with the course.

Failure to obey safety rules is a violation of the Student Code of Conduct and may result in disciplinary action. Students living with a person in a high-risk group are strongly encouraged to consider taking courses online.

FINAL FAYCCD Vaccine and Test MOU

Final Audit Report

2022-01-19

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By:	Ana Villagrana (avillagr@yccd.edu)
Status:	Signed
Transaction ID:	CBJCHBCAABAAuCW4gr8QzpP-qf_Gadu7KpFMJw84qkGd

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 Agreement completed.

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