

BOARD OF DIRECTORS

This meeting was facilitated both in-person and via an online Zoom format

Monday, December 5, 2022

12:30 p.m.

BMU 205

Members Present: Krystal Alvarez, Johnathan Montes, Michelle Davis, Autumn Alaniz-Wiggins, Dr. Tracy Butts, Allison Wagner, Jade Tsao, Dr. Isaac Brundage, Ann Sherman

Members Absent: None

Others Present: Jamie Clyde, Karen Bang (recording), Hugh Hammond, Thang Ho, Katrina Robertson, Jon Slaughter, Tom Rider, Shar Krater, Eliza Miller, Kendra Wright, Leah Mercer, Curtis Sicheneder, Steve Novo, Keith Crawford, Josh Rubinoff, Mason Tovani, Charlina Sealy, Gianna Echavez-LaRocca, Dominic Tressler, Amanda Dubner, Jatha, Kristina Barger, Teresa Clements, Kennedy Rodas-Dias

- I. **CALL TO ORDER** – The Chair, Alvarez, called the meeting to order at 12:31 p.m.
- II. **MECHOOPDA LAND RECOGNITION** – The meeting was started with the reading of the Mechoopda Land Recognition Statement.
- III. **AGENDA** – Approval of the 12/5/22 regular meeting agenda. **Motion to approve the 12/5/22 regular meeting agenda (Montes/Tsao) 9-0-0 MSC.**
- IV. **APPROVAL OF MINUTES** – None
- V. **ANNOUNCEMENTS** – Wagner said they are in the process of appointing Harrison Hoang as the College of Humanities and Fine Arts Senator.
- VI. **PUBLIC OPINION** – Limited to items on the agenda, three minutes per speaker, five minutes for entire topic – Dominic Tressler, Director of Legislative Affairs at San Jose State, said it came to his attention that Commissioner Rubinoff may be removed and he said he disagrees with this. He said Rubinoff told him it's because of things he supposedly said at a recent CSSA Conference. Tressler said Rubinoff is an exemplary student from Chico State and one of the most active participants in the CSSA committees that he's on. He said Rubinoff avoids talking about the AS to most individuals at the conference. Rubinoff said he is appealing his removal from office, stating that he was wrongly treated, without due process, and retaliated against for calling out special treatment and said he violated no AS policy. He said President Alvarez said he defamed members of the organization; however, he said he has no personal vendetta against anyone in this organization. He said he called out what he perceived as special treatment during student elections, saying he believes that students involved with the AS were allowed to submit photos after the deadline, giving them an unfair advantage. Rubinoff said he does not contest the results of the election. He also said he believes previous AS officials violated election conduct policy by polling in BMU 220. Rubinoff said he has had constructive conversations with GAC representatives Wright, Tsao and Alvarez where he was told this is his problem. He said he is being removed for calling out violations of AS policy even though the Gloria Romero Act clearly states a legislative body shall not prohibit public criticism of anything related to a student body organization, legislative body or both. He said Alvarez' actions are a clear violation of the Gloria Romero Act and the Whistleblower Protection Act. He said her claims that he violated policy are false and unprofessional. He said he has been wrongly treated and denied due process. He said for his meeting with Wright, Alvarez and Tsao to discuss what he said during his free time outside of the conference that he asked for a HR representative to be present but was denied. However, he said he thought the meeting went smoothly and that he and the Tsao came to a civil resolution. Rubinoff said less than two weeks later, President Alvarez informed him she was removing him without written notice. He said she mentioned by name a former AS President for purposes of analogy to him who resigned due to sexual misconduct and that he should resign his position due to the same issue. Rubinoff said he found this blatantly offensive and felt her analogy was drawing a direct parallel between this colleague's sexual misconduct and his own conduct. He said as a sexual assault survivor he found this casual analogy extremely triggering. He said he's deeply disturbed with Alvarez' unprofessionalism and abuse of power and said he intends to file a complaint with HR. He said Alvarez violated policy and engaged in conduct unbecoming as an elected AS official. He said the AS should be built on civility and diversity of opinion and that he has not been treated justly and

asked the Board members for his right to advocate for student voices. If the Board votes to retain him, he said he would continue to maintain professionalism, as well as fight for the equity and diversity of opinion when representing Chico State and our student body. Sealy said she sits on the Legislative Affairs Council with Rubinoff and has known him for five or six years. She said he is a good team player and will speak up for what he believes in. Clyde clarified that the Action Item on today's agenda is to remove, or not to remove, Rubinoff from his position.

VII. STANDING COMMITTEE REPORTS – Action Items forwarded to the Board of Directors from the standing committees stand approved unless overturned by a 2/3 + 1 Board action.

A. Government Affairs Committee

1. GAC Actions of 11/30/22 Tsao noted the approved item.
 - a. Approved the 11/30/22 regular meeting agenda.

B. Associated Students Facilities Committee

1. ASFC Actions of 11/29/22 – Davis reviewed the approved items.
 - a. Approved the 11/29/22 regular meeting agenda.
 - b. Approved increasing the currently approved Capital budget of \$150,000 for the WREC Pool Deck Project by \$305,000 for a new approved total of \$455,000.
 - c. Approved increasing the currently approved Capital budget of \$125,000 for the WREC C02 Project by \$125,000 for a new approved total of \$250,000, as presented.
 - d. Approved increasing the currently approved Capital budget of \$60,000 for the WREC MAC Project by \$187,000 for a new approved total of \$247,000, as presented.
 - e. Approved Capital Expenditure for BMUC HVAC Management System Project for \$650,000, as presented.

C. Associated Students Businesses Committee – Montes said no meetings were held.

VIII. BUSINESS

- A. Action Item: Approval of revisions to Associated Students Corporate Codes – Duties for Associated Students President, effective beginning the 2023-24 elected representative term. Addition to Duties and Responsibilities: Shall participate in the peer-mentoring program facilitated by the Connection Coordinator. – Wright explained that this is the peer-mentoring piece that the elected student representatives have discussed for the 2023-24 term for all student elected representatives. She said revisions to the Duties for the AS President come straight to the Board for approval due to the President's role. Alaniz-Wiggins asked regarding the peer-mentoring program, if all of them would be paid or stipends and Wright said this would be within the Duties of the student elected representatives and falls within their scholarship, not in addition to hours. Discussion was held. Wright said they're trying to streamline the peer-mentoring process. Sherman asked what issue would be solved with this proposal and Wright said it's an addition to the Duties for all 17 student elected representatives. She said the Connection Coordinator, who will be hired shortly, will connect FLO graduates with our 17 student representatives in a peer-mentoring program to assist second year FLO students. **Motion to approve revisions to Associated Students Corporate Codes – Duties for Associated Students President, effective beginning the 2023-24 elected representative term. Addition to Duties and Responsibilities: Shall participate in the peer-mentoring program facilitated by the Connection Coordinator (Wagner/Alaniz-Wiggins) 9-0-0 MSC.**
- B. Action Item: Approval of removal of Commissioner of Legislative Affairs – Alvarez passed the gavel to Tsao. Tsao invited Rubinoff to the table and said he has the floor. Rubinoff said he spoke during Public Opinion and is open to questions. Wagner said Rubinoff mentioned he had discrepancies with the Election Procedures and asked if he would be open to taking steps to mend those discrepancies, finding ways to prevent favoritism, etc. Rubinoff said he reviewed the Election Procedures and that it's in the procedures but believes the procedures were violated. Alaniz-Wiggins asked if it was confirmed and Rubinoff said he didn't do any further investigation, noting he has evidence from people that witnessed it and told him what happened. He said he abstained from revisions to the Election Procedures as there were no punishments in place for breaking the procedures. Alaniz-Wiggins asked if there's any groundwork for having third parties investigate elections. Rubinoff said he didn't want to bring up names. He said looking at statistics, that if you have a photo on the ballot, you have a higher likelihood of receiving more votes. He said the provisional ballot was posted after the deadline passed for submitting photos and someone's photo wasn't on the ballot; however, the deadline was changed and then that person's photo appeared on the ballot. He said he feels like this was special treatment for that individual. He said he'd like to add to the procedures regarding deadlines for photos as he feels extending the deadline is unfair for students that aren't already involved with the AS. Clyde said she's ultimately

responsible for all the career staff so if that's where it comes from, an investigation is her responsibility. Sherman questioned if the issue was that someone put a picture up after a deadline and Rubinoff confirmed, and added that elected officials were polling in BMU 220. Alaniz-Wiggins asked if he was requested by Clyde or Wright to work through the claims with professional staff and he said not yet. Clyde said she was feeling uncomfortable that this is about career staff and said this isn't the forum if it's career staff, as it would be a HR discussion. Rubinoff said he agreed, and that when discussing the issue with Wright, Alvarez and Tsao, he had asked for a HR representative to be present and they were not present. He said he doesn't want to show any ill-will to professional staff or other members of the Board. Clyde said without going further into detail, she asked if the Board had questions regarding what Rubinoff shared. Montes said he'd like to hear from Alvarez. Dr. Butts asked if this was for a normal AS election, and that in the course of that election, there was one position that multiple people were seeking that particular seat, and one person had a photo added? Rubinoff confirmed. He said it was very clear via email chains that the deadline was extended beyond the original deadline. Clyde said it's inappropriate to be having this conversation, putting in doubts of career staff, noting this person hasn't been talked with about this.

Alvarez distributed portions of the Bylaws, as well as the Code of Ethics. She said in November she and Rubinoff travelled to Fresno State, to represent Chico State at the California State Student Association (CSSA) conference and explained the mission of CSSA. She said there were statements that Rubinoff said at this conference with other CSU representatives in the room that violated the AS Code of Ethics. She said he made remarks that EVP Tsao cheated in the election, and that our professional staff helped her cheat. She said there were at least two instances where he made those remarks. After those conversations were done, she said she asked him on the side, who this professional staff was, and he said the Project Coordinator, Assessment and Special Projects. Alvarez read an email from the CSSA President regarding comments made by Rubinoff about professional staff helping the EVP cheat to help them win, noting they said it wasn't appropriate for the time, nor the setting and made others visibly uncomfortable. Alvarez said she and Wright had a mediation with Rubinoff and Tsao to provide an opportunity for him to validate or apologize for any misinformation that was spread. After discussing the election procedures as well as Tsao's perspective, she said he failed to accept his actions. She said this is a pattern with Rubinoff, and in addition he showed up late several times for mandatory trainings; she reviewed the only reasons allowed for absence from trainings. She said this showcases that his proven behavior does not align with our duties as student elected representatives of Chico State. Alvarez said as the AS President she is not comfortable with this information and false accusations against CSU, Chico, especially when conversing with other elected student representatives from CSU campuses and tainting the reputation of the AS of Chico State. She said her role is to hold elected representatives accountable for their actions and she believes that if he's not removed, the false accusations will continue. Alvarez reviewed with the Board Article X – Officers, Section 3. – Removal of Officers. She next reviewed the Code of Ethics, Section A, Subsection 3 – Accuracy of Information as well as Subsection 11 – Relationships with Members. She said Rubinoff violated these areas of the Code of Ethics. Wagner said Alvarez is well within her right of requesting removal and asked if she has a plan ready to set in motion to quickly replace the vacancy if approved, or if it would cause a hardship. Alvarez said she has action plans for moving forward no matter which way the vote goes. Montes asked if Tsao is uncomfortable around Rubinoff and she said she's not on bad terms with him. Montes asked if the requested removal of Rubinoff is more per Alvarez, and Tsao confirmed. Alvarez said she has a problem with him tainting the corporation, this is not a personal gain. Davis asked if other members from CSSA were in the meeting with her, Wright, Tsao and Rubinoff. Alvarez said no others attended. Rubinoff said he doesn't feel he's breaking the Code of Ethics and said he in no way contested the results of the election. Dr. Butts asked if the Board members could meet separately regarding this issue. Clyde said this item has to be discussed in Open Session; however, a five-minute break could be taken and the Board would then reconvene. **Motion to take a five-minute recess (Wagner/Montes) 9-0-0 MSC.** Tsao reconvened the meeting at 1:22 p.m. and said due to the nature of her being placed in this situation, that she's passing the gavel on to Montes. **Motion to approve removal of Commissioner of Legislative Affairs, as presented (Alvarez/Wagner).** Montes asked if there was any discussion on the motion and noted that those that wish to speak on the motion have two minutes to do so. Wagner said Alvarez' argument is that Rubinoff violated the Code of Ethics. She said Alvarez is well within her rights to request removing but expressed concern about the team as a whole and the kind of tension this would put them through. Alaniz-Wiggins said she doesn't believe enough parties were involved to note the truth of what may or may not have happened. She said that to present this as an Action Item, instead of first as an Information Item, puts an unfair strain on some people as there are a lot of voting members who still don't understand the entirety of the situation, and said it doesn't feel very social equity minded. Montes requested a Roll Call vote:

Krystal Alvarez – Yes. Dr. Tracy Butts – Abstain. Autumn Alaniz-Wiggins – No. Allison Wagner – No. Ann Sherman – No. Jade Tsao – Abstain. Dr. Isaac Brundage – No. Michelle Davis – No. Johnathan Montes – No. **1-6-2 Motion Failed.**

- C. Discussion Item: Associated Students Executive Order 2022-05 – Clyde reviewed the Executive Order with the Board regarding purchase of a new Honda.
- D. Discussion Item: 9/30/22 Activity Fee, Student Union, Auxiliary Activities and Corporate Services Fund Capital Expenditure Reports – Robertson reviewed the various reports with the Board.
- E. Director of University Affairs Report – Wagner said approval of the new HFA Senator is in the process of being finalized. She updated regarding the spring Student Academic Senate meeting schedule.
- F. Director of Social Justice and Equity Report – Alaniz-Wiggins updated regarding the various De-Stress Fest events this week. She said her committee is confirming their meeting time for next semester, as well as a series of wellness events.
- G. University Vice Presidents' Reports – Dr. Brundage said they are continuously working on enrollment and an Enrollment Continuum was held in November. They are also setting a date for a student Open Forum regarding enrollment. He said they're also working on the budget and various scenarios that will be presented to the University Budget Committee. Dr. Brundage said he went to the VP of Student Affairs State meeting last week where they discussed enrollment, student health and well-being as well as affordable on-campus housing for students. He said that a student panel attended and discussed some of the issues they see that are going on. Alaniz-Wiggins asked about the Chief Diversity Officer position and Sherman said there's an offer out. • Sherman said when there are enrollment issues, there are budget issues and noted the University Budget Committee will be meeting on Monday. She said her area has also been looking at a variety of scenarios and state funding levels and what's happening across the CSU. She said there are about 8 variables that she's keeping track of. Sherman said the Behavioral and Social Sciences building official groundbreaking will be held in February. She noted she is looking at potential candidates for the AVP of Facilities and Capital Planning Design and Construction. Sherman said that last Thursday Mary Wallmark moved to her division from Dr. Brundage's division. She said Wallmark will be doing boundary spanning types of projects across campus.
- H. Faculty Representative Report – Dr. Butts said student feedback of teaching continues through the end of this week and currently response rates are low. She explained that for each faculty member, particularly those that are probationary or undergoing review, they look at student feedback of teaching. In addition, they have to have a peer observation of teaching as well. She noted the various criteria that they look at for personnel decisions; explaining the various areas that determine a ranking in areas of instruction, professional growth and achievement. She said these materials are used and are looked at very carefully.
- I. Executive Director's Report – Clyde said she had no report.
- J. President's Report – Alvarez said she had no report.
- IX. ANNOUNCEMENTS** – Davis said on Wednesday, December 7 the AS will be hosting the Selvester's Study Lounge, from 2 to 7 p.m., which will include a Meet & Greet with the AS officers and free food. Wagner said Davis's birthday is tomorrow. Krater said Swipe against Hunger received over 1,200 donation swipes recently.
- X. PUBLIC OPINION** – Sherman said she wanted to follow up on the next course of action based on today's discussion. She said it sounds like there are multiple lines of inquiry to think about: 1) Understanding what happened in the election process and how to improve it for next time. 2) The way we maintain our Chico State reputation in public and the ways it might have been impacted by some untoward comments. 3) Resolving any lingering interpersonal tension between the key players in this mix. 4) Understanding how we can come to a restorative justice process by which we understand where harm may have been caused and how it can be corrected. Sherman said there are many open items to pursue and wants to make sure we identify them and how to move forward. Wright said she was in support of all of Sherman's suggestions and said as the Director of Government Affairs, that she's happy to help working with our team, moving forward, and growing from today. • Wagner suggested that in addition to everyone reviewing their duties, that they also review general codes to make sure they're up to date. Wright said this would be a good item to discuss at spring training.
- XI. ADJOURNMENT** – The Chair, Alvarez, adjourned the meeting at 1:45 p.m.