

**RESOLUTION #2021-09-23-FPC-01 OF THE BOARD OF
TRUSTEES OF THE SAN BERNARDINO COMMUNITY
COLLEGE DISTRICT
TO DIRECT DISTRICT LEADERSHIP TO MANDATE COVID-19 VACCINATIONS
FOR ALL SBCCD STUDENTS AND EMPLOYEES**

[v.9.20.2021.p.1|4]

WHEREAS, the outbreak of the Novel Coronavirus (“COVID-19”), which was categorized by the World Health Organization as a globalized pandemic, and declared by the President of the United States to be a national emergency, and by the Governor of California to be a state emergency; and

WHEREAS, on March 19, 2020, the San Bernardino Community College District (SBCCD) college campuses, community sites and district offices were temporarily closed and services, classes, and operations quickly transitioned to be conducted remotely for the purpose of protecting students, employees, and the community from possible exposure to COVID-19; and

WHEREAS, on May 13, 2021, the Board of Trustees approved the SBCCD Safe Reopening Plan; and

WHEREAS, SBCCD established a Safe Reopening Taskforce made up of representatives of faculty, staff, and management to develop recommendations to the Chancellor on restoring in person, on-site operations and adopting the SBCCD Safe Reopening Plan in alignment with guidelines and recommendations issued by the U.S. Centers for Disease Control and Prevention (CDC), California Department of Public Health (CDPH), California Community College Chancellor’s Office, San Bernardino County Department of Public Health, and the California Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA); and

WHEREAS, SBCCD transforms lives through the education and training of students for the benefit and enrichment of its diverse communities. The SBCCD strives to impact the social and economic mobility of its students by ensuring access, success and equity for everyone who wishes to take advantage of the educational opportunities offered by its colleges, work-based, and community programs; and

WHEREAS, SBCCD has worked with state and local health officials to provide access to the COVID-19 vaccine for students, faculty, staff and their families, and will continue working with those partners to provide access to any vaccine boosters and subsequent vaccinations released; and

WHEREAS, the U.S. Food and Drug Administration (FDA) has approved the PfizerBioNTech COVID-19 vaccine on August 23, 2021 with others available through the Emergency Use Authorization from the FDA, and over 179 million people have been fully vaccinated in the United States; and

WHEREAS, SBCCD has encouraged all students and employees take the COVID-19 vaccination as soon as possible; and

WHEREAS, the SBCCD student population has been acutely affected by the pandemic in economic, health and social factors; and

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[v.9.20.2021.p.2|4]

WHEREAS, according to the CDC and the CDPH, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths; and

WHEREAS, according to the CDC, vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths; and

WHEREAS, on June 17, 2021, Governor Newsom issued Executive Order No. N-09-21, which implements new Cal/OSHA rules requiring employers to take specific measures to protect employees from COVID-19; and

WHEREAS, Cal/OSHA's COVID-19 Temporary Emergency Standard, revised June 17, 2021 by Governor Newsom's Executive Order No. N-09-21, requires employers to verify and document that an employee is fully vaccinated; and

WHEREAS, although 62% of eligible San Bernardino County residents have already been vaccinated, the pace of vaccination distribution has significantly slowed; and

WHEREAS, the Delta variant is currently increasing infection rates; and

WHEREAS, the director of the CDC warned on July 16, 2021, that the COVID-19 pandemic "is becoming a pandemic of the unvaccinated;" and

WHEREAS, there is an ample supply of vaccines for Californians 12 years of age and older; and

WHEREAS, SBCCD requires all students, employees, and guests to wear face masks indoors in district offices, community sites, and college facilities, regardless of vaccination status; and

WHEREAS, the SBCCD Board of Trustees finds that requiring students, employees, and guests who enter district offices, community sites, and college facilities document vaccination or provide a recent negative test is necessary to ensure the health and safety of the wider community,

NOW, THEREFORE, IT IS RESOLVED that Board of Trustees directs the Chancellor to take the following actions:

1. Require students participating in on-site, in-person instruction and student support services to provide evidence of fully vaccinated status no later than January 7, 2022. As of January 7, 2022, proof of vaccination is required for in-person instruction and/or services.
2. Allow consideration for exemptions to the vaccine mandate to students who attend in-person instruction and are medically unable to receive the vaccinations or for

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[v.9.20.2021.p.3|4]

sincerely held religious objections; however, exempted students must undergo weekly COVID-19 testing with evidence of negative test results prior (see item 6 below) to entering college campuses, community sites, district offices and buildings.

3. Strongly encourage unvaccinated students to access online student support services and enroll in online distance education courses.
4. Require all employees (faculty, staff, administrators, short-term temporary staff, and student employees) to provide evidence of fully vaccinated status no later than January 7, 2022.
5. Allow consideration for exemptions to the vaccine mandate to employees who are medically unable to be vaccinated or for sincerely held religious objections; however, exempted employees must undergo weekly COVID-19 testing with evidence of negative test results prior (see item 6 below) to entering college campuses, community sites, district offices and buildings.
6. Require all guests and visitors, as well as students and employees with approved exemptions provide documentation of negative COVID-19 test results no more than 72 hours prior to arrival on college campuses, community sites, district offices and buildings.
7. Implement disciplinary procedures up to and including termination in accordance with Board Policies, Administrative Procedures, collective bargaining agreements, and Education Code for failure to provide weekly test results for vaccine exempted employees.
8. Initiate procedures to track the vaccination status and test results of students and employees using secure systems designed to protect the privacy of students and employees in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rules and Regulations and all other applicable laws.
9. Require all students, employees, guests, visitors, and the general public to wear protective face coverings indoors, regardless of vaccination status, whenever accessing college campuses, community sites, district offices and buildings, except:
 - a. When alone in a room or vehicle, or
 - b. When eating and drinking in authorized areas determined by the SBCCD, or
 - c. When an approved accommodation is executed, or
 - d. When job duties or student instructional activities make a face covering infeasible or create a hazard as determined by the appropriate instructor or SBCCD administration,

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[v.9.20.2021.p.4|4]

BE IT FURTHER RESOLVED the Chancellor and/or designee shall have the authority to amend the vaccine/testing requirement as necessary based on new emergency orders, guidance, or recommendations from federal, state, and local public health authorities; and

BE IT FURTHER RESOLVED that the SBCCD Board of Trustees hereby directs the Chancellor to develop appropriate Board Policies and Administrative Procedures to memorialize resolution tenants.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the San Bernardino Community College District on the 23rd day of September 2021, by the following vote:

AYES: Viricel, Houston, Harrison, Longville, Williams

NOES: None

ABSENT: Reyes, Ashlock, Sanchez

ABSTENTIONS: None

I, Dr. Anne L. Viricel, Chair of the San Bernardino Community College District Board of Trustees, do hereby certify that the foregoing is a full, true, and correct copy of the resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which resolution is on file in office of said Board.



Chair of the Board of Trustees
San Bernardino Community College District

I, Gloria Macias Harrison, Clerk of the Board of Trustees of the San Bernardino Community College District, do hereby certify that the foregoing Resolution was introduced and adopted by the Board of Trustees of the San Bernardino Community College District at a regular meeting thereof held on the 23rd day of September, by the following forgoing vote.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the San Bernardino Community College District this 23rd day of September 2021.



Clerk of the Board of Trustees
San Bernardino Community College District