

**RESOLUTION No. 08-17-2021A**

**RESOLUTION OF THE BOARD OF TRUSTEES  
OF THE COMPTON COMMUNITY COLLEGE DISTRICT  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA**

**RESOLUTION TO REQUIRE VACCINATION OF FACULTY, STAFF AND  
STUDENTS ON THE COMPTON COLLEGE CAMPUS**

**WHEREAS**, the Compton Community College District (“District”) adopts this resolution in order to protect and advance the health, safety, and well-being of its faculty, staff, students and the surrounding community;

**WHEREAS**, COVID-19 has had devastating impacts worldwide, including over 600,000 deaths in the United States<sup>1</sup>, and continues to be a public health threat;

**WHEREAS**, the more infectious COVID-19 delta variant has caused a substantial rise in COVID-19 cases in Los Angeles County;<sup>2</sup>

**WHEREAS**, unvaccinated individuals in Los Angeles County account for 99.6% of COVID-19 cases, 98.7% of COVID-19 hospitalizations and 99.8% of deaths from December 7, 2020, to June 7, 2021;<sup>3</sup>

**WHEREAS**, the Los Angeles County Department of Public Health has advised that “vaccinated people remain exceptionally well protected from severe COVID-19 illness;<sup>4</sup>

**WHEREAS**, it is likely that a large portion of the District’s community is not vaccinated, insofar as only 42.2% of eligible African-Americans and 45.9% of eligible Latinos in Los Angeles County are fully vaccinated,<sup>5</sup> and only 61.7% of the Los Angeles County population between the ages of 18-29 is either fully or partially vaccinated.<sup>6</sup>

**WHEREAS**, COVID-19 vaccines available for use in the United States, though approved on an emergency basis, have proved safe and highly effective at curbing the spread of COVID-19 and preventing hospitalizations and death;

**WHEREAS**, vaccination is essential to the health and safety of the District community, and the District desires to implement a COVID-19 vaccine requirement for all faculty, staff and students;

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<sup>1</sup> COVID-19 Tracker, <https://usafacts.org/visualizations/coronavirus-covid-19-spread-map/>, accessed August 10, 2021

<sup>2</sup> County of Los Angeles Public Health, Press Release *Delta Variant and Unmasked Intermingling Cause COVID-19 Cases to Increase Four-Fold Since 4th of July*, <http://publichealth.lacounty.gov/phcommon/public/media/mediapubdetail.cfm?unit=media&ou=ph&prog=media&pid=3245>

<sup>3</sup> County of Los Angeles Public Health, <http://publichealth.lacounty.gov/phcommon/public/media/mediapubHPdetail.cfm?cur=cur&pid=3201&row=25&start=26>

<sup>4</sup> County of Los Angeles Public Health, Press Release *Vaccinated People Remain Well Protected from Severe COVID-19 Illness [etc.]*, <http://www.publichealth.lacounty.gov/phcommon/public/media/mediapubhpdetail.cfm?pid=3302>

<sup>5</sup> <https://covid19.ca.gov/vaccination-progress-data/>, accessed August 10, 2021

<sup>6</sup> County of Los Angeles Public Health COVID-19 Vaccine data, <http://publichealth.lacounty.gov/media/coronavirus/vaccine/vaccine-dashboard.htm> , accessed August 10, 2021

**WHEREAS**, the District recognizes that a limited number of individuals may be eligible for an exemption or accommodation from the District’s COVID-19 vaccination requirement for reasons including medical condition, disability, or religion, and the District intends to provide for such exemptions or accommodations to the extent required by law;

**WHEREAS**, a person receives substantial protection from COVID-19 approximately two weeks after receiving 1 dose of the Moderna or Pfizer vaccine;<sup>7</sup>

**WHEREAS**, a person is considered “fully” vaccinated when two weeks have passed since they completed a COVID-19 vaccine series (for example, 1 dose of the Janssen/Johnson & Johnson vaccine, or 2 doses within no more than 12 weeks of the Moderna or Pfizer vaccine);<sup>8</sup>

**WHEREAS**, COVID-19 vaccinations are freely available to members of the campus community;

**WHEREAS**, the District will return a large number of faculty and students to in-person on-campus instruction on August 21, 2021 but recognizes that time constraints may not allow faculty, students and staff who are currently unvaccinated to become fully vaccinated by August 21, 2021;

**WHEREAS**, the District will return additional staff to on-campus service on or shortly after September 7, 2021, but recognizes that time constraints may not allow these staff members to become fully vaccinated by September 7, 2021;

**WHEREAS**, the District believes there is sufficient time for all District employees to become fully vaccinated by October 1, 2021;

**WHEREAS**, the California Department of Public Health advises that unvaccinated persons delay travel until fully vaccinated;<sup>9</sup>

**WHEREAS**, student athletes have an elevated risk of exposure to COVID-19 due to close daily contact with teammates during practice, inter-collegiate games, competitions, and travel, and the District believes there is sufficient time for these athletes to become fully vaccinated by October 1, 2021;

**WHEREAS**, the Board intends to phase in a vaccination requirement over the course of the Fall 2021 term, such that all student athletes, and all faculty and staff on campus, will be fully vaccinated by October 1, 2021 (unless approved for exemption or other accommodation); and all other students on campus will be fully vaccinated by January 1, 2022 (unless approved for exemption or other accommodation);

**WHEREAS**, the Board understands that there may be other high risk student groups or activities which require adjusted vaccine requirement deadlines and has determined that the President/Chief Executive Officer may adjust the above student vaccine requirement deadlines accordingly;

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<sup>7</sup> Centers for Disease Control and Prevention (CDC), <https://www.cdc.gov/media/releases/2021/p0329-COVID-19-Vaccines.html>

<sup>8</sup> California Department of Public Health (CDPH), COVID-19 Public Health Recommendations for Fully Vaccinated People, <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-19-Public-Health-Recommendations-for-Fully-Vaccinated-People.aspx>

<sup>9</sup> <https://covid19.ca.gov/travel/>, accessed August 10, 2021

**WHEREAS**, pursuant to Education Code section 70902, the Board “may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established”;

**WHEREAS**, the California Community College Chancellor’s Office has determined that the decision to implement a COVID-19 vaccine requirement rests within the lawful discretion of each community college district;<sup>10</sup>

**WHEREAS**, recent federal court rulings in other jurisdictions, while not binding in California, confirm that employers and institutions of higher education may, consistent with law, require employees and students to be vaccinated against COVID-19 for the protection of employee and student health and safety. (*Bridges v. Houston Methodist Hospital* (S.D. Tex., June 12, 2021, No. CV H-21-1774) 2021 WL 2399994; *Klaassen et al., v. The Trustees Of Indiana University*, (N.D. Ind., July 18, 2021, No. 1:21-CV-238 DRL) 2021 WL 3073926.;

**WHEREAS**, the Public Employment Relations Board has concluded (see *University of California* (2001) PERB Decision No. 2783-H) that the decision to mandate vaccination for employees is not negotiable, but that there may be negotiable effects;

**WHEREAS**, insofar as unvaccinated individuals have an elevated risk of exposure to COVID-19, the Board intends to implement a monthly COVID-19 testing requirement and mask requirement for all staff, faculty, and students with an approved COVID-19 vaccine exemption; and

**WHEREAS**, the Board desires that faculty, staff, and students be able to return to the campus to the greatest extent reasonably possible, and engage with each other in the pursuit and dissemination of knowledge without undue fear of COVID-19 infection.

**NOW, THEREFORE, IT IS HEREBY RESOLVED:**

1. That the Board of Trustees hereby adopts the following requirements for all District **employees**:
  - A. All employees must submit proof of vaccination status to the Human Resources Office by October 1, 2021.
  - B. Effective October 1, 2021, and thereafter, employees will be allowed on campus only if they are fully vaccinated and have submitted proof of such vaccination status to the Human Resources Office.
  - C. Employees assigned to work on campus are required to be fully vaccinated (on the schedule stated above), and will be excluded from campus and deemed absent without leave if unvaccinated, unless an exemption or other accommodation has been authorized.

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<sup>10</sup> California Community College Chancellor’s Office Legal Advisory 2021-01, <https://www.cccco.edu/-/media/CCCCO-Website/Files/General-Counsel/2021-01-advisory-mandated-covid-19-vaccinations-a11y.pdf?la=en&hash=80473DB866E97BE0A9650603A745C3FC85871377>

- D. Employees travelling on behalf of the District are required to be fully vaccinated (on the schedule stated above), and will be prevented from travelling on behalf of the District and deemed absent without leave if unvaccinated, unless an exemption or other accommodation has been authorized.
  - E. The President/Chief Executive Officer, or designee, shall notify employees, and the employee unions, of this requirement, and shall engage in effects bargaining to the extent required by law.
2. That the Board of Trustees hereby adopts the following requirements for all District **student athletes**:
- A. Effective October 1, 2021, student athletes will be allowed to participate in school athletics (including practice, play and travel) only if they are fully vaccinated, and have submitted proof of such vaccination status to the Athletics Department. Student athletes who have not satisfied this requirement shall be given information as to where they may obtain free vaccination at the on campus Health Center.
3. That the Board of Trustees hereby adopts the following requirements for all District **students**:
- A. Effective January 1, 2022, students will be allowed to attend classes on-campus only if they are fully vaccinated, and have submitted proof of such vaccination status to the Human Resources Office. Students who have not satisfied this requirement shall be given information as to where they may obtain free vaccination at on campus.
  - B. Students attending classes on campus are required to be vaccinated (on the schedule stated above), and will be excluded from campus if unvaccinated and considered as absent from class without excuse, unless an exemption or other accommodation has been authorized.
4. That the Board of Trustees hereby adopts the following requirements for **all other persons**:
- A. The Board of Trustees hereby delegates authority to the President/Chief Executive Officer, or designee, to establish rules governing access of all other persons to campus.
5. That the Board of Trustees hereby authorizes the following provisions relating to **Exemptions**:
- A. Employees and students may request an exemption or accommodation on medical, disability, or religious grounds. The President/Chief Executive Officer, or designee, shall establish a process for consideration of such requests on an individualized basis, including, but not necessarily limited to, identification of the District contact person(s) responsible for responding to requests, and definition of the specific criteria by which such requests shall be evaluated, which shall comply with law including but not necessarily limited to the Americans with Disabilities

Act, Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the California Fair Employment and Housing Act.

- B. Employees and students receiving an exemption or accommodation from the above vaccination requirement shall, if allowed on campus without vaccination, be subject to monthly surveillance testing and are required to wear a face mask.
- 6. That the President/Chief Executive Officer, or designee, is delegated the authority to take all actions necessary and proper to implement the terms of this Resolution, including notifying students and employees of the requirements of this Resolution, and authorizing any exceptions to the above requirements.
- 7. That the President/Chief Executive Officer, or designee, is delegated the authority to modify student vaccine timelines for students engaged in groups or activities that create an elevated risk to COVID-19 exposure, including requiring students to be fully vaccinated before January 1, 2022.

The foregoing Resolution was adopted by the Board of Trustees of the Compton Community College District on the 17<sup>th</sup> day of August, 2021, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Sonia Lopez, President  
Compton Community College District  
Board of Trustees

I hereby certify that the foregoing is a full, true, and correct transcript of a resolution duly adopted by the Board of Trustees named therein at a duly constituted meeting of said Board Trustees held on 17<sup>th</sup> day of August, 2021, as it appears upon the minutes of the said meeting on 17<sup>th</sup> day of August, 2021.

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Keith Curry, Ed.D.,  
Secretary to the Board of Trustees  
Compton Community College District