

**DELTA COLLEGE
BOARD OF TRUSTEES REGULAR MEETING
BOARD ROOM
TUESDAY, NOVEMBER 13, 2012
7:00 p.m.**

BOARD PRESENT K. Ellison, R. Emrich, K. Houston-Philpot, K. Lawrence-Webster, J. MacKenzie, R. E. Selby, R. Stafford

BOARD ABSENT M. Fitzhugh, E. Wacksman

OTHERS PRESENT B. Baker, E. Beckman, T. Brown, E. Crane, C. Curtis, J. Decker, L. Dull, S. Enriquez, A. Givens, J. Goodnow, A. Goudas, L. Govitz, P. Graves, K. Higgs, G. Hoffman-Johnson, S. Little, G. Luczek, D. Lutz, A. McClorey-McLaughlin, J. Miller, E. Moore, C. Morley, F. Peters, G. Przygocki, L. Ramseyer, M. Rowley, D. Salinas, A. Sinclair, C. Sledge, T. Stitt, S. Whitney, K. Wilson, M. Wiltze

PRESS PRESENT J. Hall (WSGW), O. Shawl (Delta Collegiate)

CALL TO ORDER Board Chair Emrich called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA Board Chair Emrich called for the approval of the agenda. Board Chair Emrich requested that a closed session to discuss with legal counsel on the matter of Kim Higgs, Harlan Vermilya et al. v. Delta Board of Trustees et al. be added to the agenda after chair comments.

The amended agenda was approved by a consensus of the Board of Trustees.

APPOINTMENT OF PRO TEM SECRETARY K. Houston-Philpot made a motion to appoint Talisa Brown as Pro Tem Secretary to the Board of Trustees. K. Ellison supported the motion. The motion passed unanimously (BA 4961).

OATH OF OFFICE FOR NEW TRUSTEE R. Emrich indicated that the resignation of M. Fitzhugh is effective upon the certification of the election results which has not happened. R. E. Selby made a motion to appoint Mike Rowley as the Bay County Board of Trustee to fill the vacancy which ends on December 31, 2012, conditional on the certification of the election results. K. Houston-Philpot seconded the motion. The motion passed unanimously (BA 4962).

PUBLIC COMMENTS Board Chair Emrich called for public comments.

Kim Higgs, Bay County Resident, indicated that he was representing Ann Anklam, former resident of Bay County who now resides in Kent County. Mr. Higgs stated that he has filed a lawsuit in Kent County on behalf of Ms. Anklam based on allegations that Ms. Anklam had made numerous Freedom of Information Act (FOIA) requests to Delta College which were partially denied. He also explained which items in the FOIA requests were allegedly denied and why they felt these items should not be exempt.

Mr. Higgs also spoke about the just-released Supreme Court ruling in the Ader v Delta College case. He stated that he believes Delta College could have settled the case in order to avoid significant legal costs, which he feels is a poor decision on the college's part.

Mike Rowley, Bay County Resident, thanked the Board for their support in the conditional agreement that he replace Marty Fitzhugh on the Board of Trustees for the remainder of 2012. He suggested, based on another school board that he serves on, a change to allow for public comment

again at the end of the meeting agenda. He distributed sample copies of the agenda to also highlight the idea of Delta's Board moving to an electronic format for their board meeting agendas. Mr. Rowley noted that he would support getting a legal opinion on whether the pensions under MPERS are actually a liability to the college. Finally, he indicated that he took several days off work to sit in on a court case in which Delta College was involved. Mr. Rowley noted that he respects the decisions that the Board has made in regards to any legal case. He has never seen a case that was so baseless and unfounded. Mr. Rowley commended Delta College for following the law and for their service to the community.

Charles Sledge, a Saginaw County Resident and Delta College Student, made comments regarding the Ricker Center and students of Saginaw County. He indicated that he received a nice letter from Dr. Goondow in regards to the concerns he had raised earlier about the Ricker Center and the motion that R. Stafford had made at a previous meeting to do so. He also thanked the Board for the renovations that have already taken place. As a Saginaw County resident who helped to pass the millage he feels disrespected. Mr. Sledge raised issues such as lighting, left over subpar equipment, the cleanliness of the building and not having the facilities open on Saturdays. He also indicated that he is the Vice President of the Student Club, Students of Power and Opportunity, a member of Phi Theta Kappa and a part of the Student Leadership Academy.

Elaine Moore, a Saginaw County Resident and Delta College Student made comments regarding the busing system. She is the President of the Student Club, Students of Power and Opportunity. She indicated that students are using the busing system, that it is successful and that they are allowed to use their financial aid to pay for the bus passes. Ms. Moore indicated that more advertising needs to be done. She also talked about the Health Fairs that are held at the Ricker Center during the first and third Wednesday of each month. The information is not getting out to those who really need it. Her final concern was the lack of variety in class offerings and faculty that teach at the Ricker Center.

**TREASURER'S
REPORT**

D. Lutz noted that the Board has received the financial statements as of the end of October 2012. The College remains in good cash position and is operating in accordance with the budget adopted by the Board. There were no major variances to report.

**CONSENT
AGENDA**

Board Chair R. Emrich called for approval of the consent agenda. R. E. Selby asked that item H. Approval of Revisions to Senate Policy 3.022 Master's Degree Equivalent, be removed from the consent agenda.

The Board unanimously approved the consent agenda, accepting the minutes of the Board Meetings that were held on October 9, 2012 (dinner and regular meeting). The acceptance of the Annual Financial Statements and Audit for FY 2011-2012 (BA 4963), Revisions to Senate Policy 3.003 Faculty Selection (BA 4964), Revisions to Senate Policy 3.005 Appointment & Subsequent Appointment of Non-Tenure Faculty (BA 4965), Revisions to Senate Policy 3.008 Appoint & Reappointment of Tenure Track Faculty (BA 4966), Revisions to Senate Policy 3.010 Standards & Procedures for Promotion and Tenure (BA 4967), Revisions to Senate Policy 3.022 Release of Faculty for Financial Exigency (BA 4968), Revisions to Senate Policy 3.062 Termination of Employment and Appeal of Termination for Tenured Faculty (BA 4969), Revisions to Senate Policy 5.005 Procedure for Appointment of Administrative/Professional Staff (BA 4970), Revisions to Senate Policy 4.020 Disruptive Student Policy (BA 4971), and the Revisions to Senate Policy 8.015 Fresh Start (BA 4972), were also approved as part of the consent agenda.

**BOARD ACTION
SENATE POLICY
3.030
BA 4973**

It is the recommendation of the Administration that the Board of Trustees approve the revisions to Senate Policy 3.030 Master's Degree Equivalent.

E. Beckman, noted that the only changes to this policy are those that were requested in writing by Board Chair, R. Emrich. Specifically in 2009, the Board Bylaws were changed to reflect that the College President was delegated the power to be the final 'decision maker' in regards to personnel concerns. The SEB make the changes with the utmost urgency in order to simplify access to correct information and limit any legal liability. E. Beckman also noted that an ad hoc committee has been charged with reviewing the entire policy since it has not been updated in quite some time.

R. E. Selby indicated a concern with the use of "immediate superior" and suggested that supervisor be used instead. He also asked about "a level of competency in the appropriate discipline equal to Faculty members holding a Master's Degree Equivalency" if it doesn't exist in a particular department/discipline. E. Beckman gave an example of where years of experience in the field, and where a Master's Degree may not exist or would be very rare that the level of additional experience and such would warrant equivalence to a Master's Degree. R. E. Selby also indicated that acquired experience isn't always through paid employment and therefore should be accounted for in this case.

K. Houston-Philpot made a motion to approve the recommendation with support from R. Stafford.

R. E. Selby asked if they were approving the policy as presented. R. Emrich indicated that they were with the understanding that more revisions would be coming at a later time. R. E. Selby indicated that he was speaking in opposition to the motion so that the policy would be fully reviewed before voting on it. R. Emrich noted that he was speaking for the motion because he had requested that this policy and other be reviewed to be in compliance with the Delta College Board of Trustees. He also mentioned that time is of the essence and he didn't want to see a court case brought forth with this policy being in violation of the Bylaws.

The motion passed with a vote of 6 in favor, 1 opposed. R. E. Selby voted in opposition to the motion.

**FIRST READING
OF PROPOSED
AMENDMENT TO
BYLAWS**

R. Stafford, Chair of the Bylaws Committee, said that the Bylaws Committee is continuing to review the Bylaws and Operating Parameters of the Board of Trustees.

R. Stafford read the following proposed bylaws amendment to the Trustees.

ARTICLE XII - BYLAWS

Section 2. Review of Bylaws

The Board of Trustees shall review these bylaws at least every three years and update as required.

At this time, no action is required. Action on this proposed amendment will be recommended at the December 2012 Board of Trustees Meeting.

**APPOINTMENT
OF NOMINATING
COMMITTEE**

Board Chair R. Emrich appointed Trustees K. Houston Philpot, R. E. Selby and E. Wacksman to serve on the Board Nominating Committee. R. E. Selby will serve as chair of the committee.

**BOARD ACTION
BYLAWS
REVISIONS**

R. Stafford said that it is the recommendation of the Bylaws Subcommittee of the Board of Trustees that the Board will make revisions to the Bylaws of the Delta College Trustees, Article IV – Officers of the Board, Section 2. Officers; Article VI – Meetings, Section 7. Members’ Participation by Conference Telephone or Similar Communications Equipment; and Article XII – Bylaws, Section 3. Temporary Suspension of the Bylaws.

ARTICLE IV - OFFICERS OF THE BOARD

Section 2. Officers

At its organizational meeting in January following the date of the regular community college election, the Board shall elect a chairperson and vice-chairperson who must be members of the Board of Trustees. In addition, at its organizational meeting, the Board shall elect a treasurer and a secretary to the Board who do not need to be members of the Board of Trustees. Ordinarily, the treasurer shall be the Vice President of Finance and the secretary will be elected by the Board. In addition, on the recommendation of the President, the Board shall elect an assistant secretary to assist the secretary in the performance of his/her duties.

K. Ellison supported the motion. The motion passed unanimously (BA 4974).

ARTICLE VI - MEETINGS

Section 7. Members’ Participation by Conference Telephone or Similar Communications Equipment

Ordinarily, Board members are to be present at regular and special meetings of the Board. However, there may be circumstances (i.e. illness or other matters) which prevent a member from attending.

A Board member may participate in a meeting of the Board by a conference telephone or by other similar communications equipment through which all persons participating in the meeting may communicate with one another, and such participation shall constitute his/her presence in person. All participants shall be advised of the communications equipment and the names of all persons participating in the meeting. Those members participating by telephone or similar communications equipment shall identify themselves each time before communicating.

The provisions for members’ participation by conference telephone or similar communications equipment shall not be available for all closed meetings of the Board of Trustees.

K. Houston-Philpot supported the motion. The motion passed unanimously (BA 4975).

ARTICLE XII – BYLAWS

Section 3. Temporary Suspension of the Bylaws

Should extenuating circumstances, as determined by the Board arise, the Board may, by a 2/3 vote of the entire membership of the Board, suspend the Bylaws.

K. Ellison supported the motion. J. Mackenzie asked how many votes would be needed to suspend the bylaws. R. Emrich noted that a 2/3 vote of the entire board or 6 trustees are needed. K. Lawrence-Webster asked if there was discussion on having 2/3 of a quorum present. R. Emrich

noted that a vote cannot be taken unless a quorum or 5 trustees are present. The motion passed unanimously (BA 4976).

**BOARD ACTION
BA 4977**

Pat Graves said it is the recommendation of the Administration that the Board of Trustees approve the Michigan New Jobs Training Program Resolution recognizing the agreement between Delta College and ECO BIO Plastics Midland Inc., and approving Delta College's issuance of the revenue bonds to finance the costs of the Michigan New Jobs Training Program and the sale of the bonds to ECO BIO Plastics Midland Inc.

K. Lawrence Webster made the motion with support from R. Stafford.

R. Emrich asked if it was similar to other training programs that we have done in the past. P. Graves indicated that this is our second Michigan New Jobs Training Program. The first was the Dow Kokam Project that the Board approved backed in May of 2011.

The motion passed unanimously.

**STUDENT
SUCCESS REPORT**

English faculty member, Alex Goudas, provided the Board with an overview of the college's developmental education success. He serves as co-director of the developmental education committee along with Nate Blecke. Alex explained the goal of developmental education and how the goal is assessed. He also mentioned that the program was officially certified at the advanced level by the National Association for Developmental Education. In the spirit of continual improvement a group called the DECOOR team (Developmental Education Coordination) consisting of four faculty and staff, from different departments meet twice a week regarding developmental education issues at Delta.

Board Chair Emrich thanked Mr. Goudas for his presentation.

**PRESIDENT'S
REPORT**

Gifts to the College – October 2012

Foundation – \$ 488,385

Broadcasting – \$ 66,100

Monthly Total – \$ 554,48

Enrollment Report

Fall classes began on Saturday, August 25. At this time, 10,791 students are enrolled (4,163 FT, 6,628 PT).

Registration for the Winter 2013 semester began on October 30, 2012. To-date, 9073 students have registered.

Personnel Report

Dr. Goodnow welcomed Julie Dorcey to Delta College. Julie is the Major Gifts Advisor within the Institutional Advancement Department.

A complete report of hires and separations for the month of October 2012 can be found in your Board Packets this evening.

Information Sharing

- Dr. Goodnow announced that Delta College has been selected as a winner of the 2012 INSIGHT Into Diversity Higher Education Excellence in Diversity Award! Delta College was selected based on our institution's exemplary diversity and inclusion initiatives which

include all aspects of diversity such as gender, race, ethnicity, veterans, people with disabilities, and members of the LGBT community.

- Dr. Goodnow thanked the Institutional Advancement department, the Millage Renewal Informational Campaign Committee, and all of you for your hard work and dedication to the Millage Renewal Campaign and to spreading the word on the value of Delta College to our communities. All of our hard work paid off – the Millage Renewal passed successfully with 61% of voters across the three counties voting “yes” last Tuesday! You will find a summary of the results in your Board folders this evening.
- Congratulations to Kathy Ellison and Earl Selby – both were re-elected to serve as Trustees for Midland and Saginaw counties respectively. Dr. Goodnow would also like to welcome Mike Rowley who has been elected to serve as a Bay County Trustee.
- Dr. Goodnow proudly announced that Delta College was recently recognized by the Great Lakes Bay Business Leadership Network for our commitment to inclusive business practices. Dr. Goodnow thanked Mike Cooper, Director of Disability Resources at Delta College as well as the Disability Resources and Facilities departments for their commitment to making our campus accessible to all.
- Delta College was recently named to the Center for Digital Education’s top ten list of digital community colleges. Delta is tied for 7th place in the Large College’s category and are the only college in Michigan on the list. According to the Center for Digital Education’s website, the recognition is based on the following top five IT priorities:
 - Mobile computing management and integration into curriculum
 - Wireless infrastructure upgrades and expansion
 - Student portal development
 - Server virtualization and virtualized desktop deployment
 - Professional development in technology use and expansion into curriculum
- Under the direction of Alex Goudas and Nate Blecke, Co-Directors of Delta College Developmental Education Program, the Developmental Education Program has earned Advanced Certification from the National Association for Developmental Education. Here is a quote from the award letter:
 - “Reviewers felt that your application provided a wealth of evidence of Delta College’s commitment to innovative programming and excellence in its developmental programming. Additionally, your action plans for program improvements were thoughtfully constructed and carefully implemented.”

Congratulations and thank you for your dedication to the success of our students!

In folders this evening

- This month’s Fantastic Faculty Newsletter which highlights the professional and community activities of our faculty.
- You will find an article by J. Noah Brown titled *Coming of Age: New Efforts to Rebuild Partnerships With Our Communities* in which Brown discusses the ideal that community college boards need to build up their partnerships with K-12 school districts in order to help high school administrators and teachers understand what it takes to be successful at a

community college and help them align their teaching methods to reflect the assessments that community colleges use to help their students transition from high school to a community college.

- You will also find an updated booklet titled Delta College Facts and Figures. Dr. Goodnow praised Leanne Govitz and her staff in the development of this booklet. If you would like additional booklets to share when you are out in your communities please see either Amanda Givens or Leanne Govitz.

Dr. Goodnow indicated that there are a number of community colleges that are using iPad technology and electronic meeting packets. To make things more accessible and to be in tune with our sustainability efforts the administration would like to move forward in purchasing each board member an iPad. R. Emrich noted that they would be college property and asked E. Crane to look into any issues. E. Crane indicated that it would be another electronic device that would be subject to the same rules and regulation in regards to the communication amongst board members outside of public meetings. She also indicated a provision in the Michigan Community College Act in regards to board members not being able to receive any compensation and therefore ownership of the devices would belong to Delta College. R. Stafford indicated that other Boards he serves on have gone in this direction and he fully supports this recommendation.

**BOARD ACTION
BA 4978**

R. Stafford made a motion to authorize the administration to move forward on the purchasing of iPads for the Delta College Board of Trustees. R. E. Selby seconded the motion.

The motion passed unanimously.

**TRUSTEE
COMMENTS**

Trustee K. Ellison thanked everyone involved in the Career Pathways Event. It was a great event and also an opportunity for networking.

Trustee R. Emrich said that he had the pleasure of attending the ACCT conference in Boston with Dr. Goodnow. The theme of the conference was leveraging student success. He mentioned some topics that are not always thought of as being tied to student's success such as the risk of someone hacking into the school's network and stealing student's information. One of the speakers was Byron Pitts, contributor to "60 Minutes" and chief national correspondent for the CBS Evening News. He spoke about his disadvantaged youth and how others reached out to him when he needed help. He is the author of an inspirational autobiography called, "Step Out on Nothing." R. Emrich noted that Mr. Pitts reminded him and every one of their roles and responsibilities to reach out and help others when they most need it and to help students to become successful.

CLOSED SESSION
Kim Higgs, Harlan Vermilya *et al.* v. Delta Board of Trustees *et al.*

R. Emrich made the motion for the Board to go into closed session to discuss with counsel specific pending litigation: Kim Higgs, Harlan Vermilya *et al.* v. Delta Board of Trustees *et al.*

The results of the roll call vote to go into closed session were 7 in favor, 0 opposed.

- K. Ellison – Yes
- R. Emrich – Yes
- M. Fitzhugh – Absent
- K. Houston-Philpot – Yes
- K. Lawrence-Webster – Yes
- J. MacKenzie – Yes
- R. E. Selby – Yes
- R. Stafford – Yes

E. Wacksman – Absent

The closed session began at 8: 46 p.m. in the Board Room.

The Trustees reconvened in an open meeting in the Board Room at 9:28 p.m.

The results of the roll call vote to come out of closed session were 8 in favor, 0 opposed.

K. Ellison – Yes

R. Emrich – Yes

M. Fitzhugh – Absent

K. Houston-Philpot – Yes

K. Lawrence-Webster – Yes

J. MacKenzie – Yes

R. E. Selby – Yes

R. Stafford – Yes

E. Wacksman – Absent

ADJOURNMENT There being no further business, Board Chair Emrich adjourned the meeting at 9:30 p.m.

Talisa Brown, Board Secretary (Pro Tem)