

**D R A F T**  
**Delta College**  
**Board of Trustees Regular Meeting**  
**Virtually via Zoom (1-929-205-6099 Webinar ID 857 3606 3498)**  
**Held virtually in accordance with Public Act 254 of 2020 due to the COVID-19 Pandemic**  
**(Due to declaration of a Local State of Emergency by the Bay County Executive on April 6, 2021,**  
**and the Bay County Board of Commissioners resolution No. 2021-59 on April 13, 2021, extending the Local Emergency**  
**Order for a three-month period to expire on July 13, 2021, and the Bay County Board of Commissioners resolution No.**  
**2021-112 on July 13, 2021, further extending the Local State of Emergency for a three-month period to expire on**  
**October 13, 2021, this meeting was virtual.)**  
**Tuesday, September 14, 2021**  
**7:00 p.m.**

**BOARD PRESENT** M. Benecke, R. Emrich, S. Gannon, D. Middleton, M. Nash, M. Rowley, M. Thomas, M. Wood

**BOARD ABSENT** A. Baldwin

**OTHERS PRESENT** D. Allen, N. Bovid, L. Brown, T. Brown, P. Clark, S. Clauss, M. Crawmer, R. Curry, C. Curtis, R. Davis, S. DuFresne, A. Elias, J. Foco, P. Fox, J. Garn, M. Gavin, A. Ginter, J. Goodnow, L. Govitz, M. Haswell, S. Lewless, P. Matusiak, D. McQuiston, P. Randall, S. Raube, K. Rishe, S. Roche, K. Schuler, S. Shinkel, A. Ursuy, J. Young

**PRESS PRESENT** None

**CALL TO ORDER** Board Chair Nash read a meeting overview at 7:00 p.m.

“Good evening,

The Board is authorized to hold this virtual meeting with participation through the Zoom platform in compliance with the Michigan Open Meetings Act as amended (Public Act 254 of 2020) which permits a public body to meet by electronic or telephonic means upon declaration of a local state of emergency if meeting in person would place at risk the personal health or safety of members of the public or members of the public body. On July 13, 2021, the Bay County Board of Commissioners issued resolution No. 2021-112, extending the Local Emergency Order for a three-month period to expire on October 13, 2021.

The Zoom platform allows participants to participate virtually via phone or computer and ensures that the public can participate in this meeting.

For those joining us today, we want to ensure everyone can hear the board meeting. To minimize audio feedback, we ask all virtual participants NOT to use any speakerphone options.

All participants are currently muted to prevent any background noise or feedback. Board members will be unmuted to allow full participation during the meeting.

I have asked our Assistant Board Secretary, Talisa Brown; and Kay Schuler, Administrative Assistant in the President’s Office, to serve as moderators to assist me with today’s meeting.

Our moderators will note those who wish to address the Board and will unmute your lines one by one, announcing who is being unmuted.

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Please note that all votes will be taken via roll call by our Board Secretary, Andrea Ursuy.

In addition, "the amendments (to the Open Meetings Act that went into effect on October 16, 2020) impose a new requirement for any member of the public body participating remotely to publicly announce, at the outset of the meeting, that he or she is participating remotely. If the announcing member's remote participation is for any reason other than military duty, the member must announce his or her physical location "by stating the county, city, township, or village and state from which he or she is attending the meeting remotely." The member's public announcement must be included in the meeting minutes."

Therefore, our Board Secretary, Andrea Ursuy, will take attendance immediately after I call the meeting to order. When she calls your name, please say "here" and announce the city, township, or village; county; and state from which you are attending the meeting remotely.

If members of the public wish to address the Board, you may do so during the public comment portion of the meeting, which is on our agenda and will be announced by the Board Chair.

At that time, those wishing to address the Board should indicate their desire to speak by pressing \*9 (star-9) or the "raise hand" option.

Notes on rules for public comment, when you are acknowledged by the Board Chair, we ask that you state your name and you may state your county of residence. As outlined in the Board of Trustees Bylaws, please limit your comments to five minutes."

Board Chair Nash called the meeting to order at 7:06 p.m.

### **BOARD MEMBER ATTENDANCE**

Board Secretary A. Ursuy took attendance. Each Trustee indicated their presence, township or city, county and state in which they were participating in this meeting.

M. Benecke – Present, Frankenlust Township, Bay County, Michigan  
R. Emrich – Present, Saginaw Township, Saginaw County, Michigan  
S. Gannon – Present, Jerome Township, Midland County, Michigan  
D. Middleton – Present, Williams Township, Bay County, Michigan  
M. Nash – Present, Larkin Township, Midland County, Michigan  
M. Rowley – Present, Hampton Township, Bay County, Michigan  
M. Thomas – Present, Saginaw Township, Saginaw County, Michigan  
M. Wood – Present, Midland, Midland County, Michigan

### **APPROVAL OF THE AGENDA**

Board Chair Nash asked that the agenda be amended to move the vote to go into closed session immediately following public comments. Board Chair Nash called for approval of the amended agenda. M. Wood asked to have 5. A. 2. "approval of the Board Regular Meeting Minutes from August 10, 2021" removed from the consent agenda.

R. Emrich made a motion to approve the amended agenda. M. Benecke seconded the motion.

The results of the roll call vote to approve the amended agenda are as follows:

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M. Benecke – Yes  
R. Emrich – Yes  
S. Gannon – Yes  
D. Middleton – Yes  
M. Nash – Yes  
M. Rowley – Yes  
M. Thomas – Yes

Motion passed unanimously.

**PUBLIC COMMENT** Board Chair Nash called for public comment.

**TREASURER'S REPORT** The treasurer's report is year-to-date as of August 31, 2021.

S. DuFresne said she has no major variances of concern at this time, this report reflects the first two months into the fiscal academic year. She pointed out that, in terms of revenue in the general fund, the College doesn't start receiving State appropriations until the month of October. The payments received in July and August are revenue recognized for the prior fiscal year. This is why zero balance is reflected in the line item state appropriations – year to date.

In other funds – The restricted fund is where the College accounts for transactions related to federal, state and local grants. As of August 31, the fund shows a \$4.4 million dollar operating deficit, which is typical during this time of year. The College records expenditures for our student financial aid Pell awards, but the revenue draw down from the federal government was done after the month end close.

Our Auxiliary Services activity relates to mostly to the bookstore which had a much better Summer and Fall then the prior year. Food service just recently reopened in August with our new food vendor with limited hours in our Coffee n More. Red Bricks Café opened August 30, 2021. The fitness and has been open to the public, students, and our employees but are still slowly recovering from the pandemic shutdown, and the College is continuously monitoring the operations and abiding by COVID capacity restrictions.

The latest information from Lansing is budget talks are finally making progress as subcommittee chairs have received target spending numbers for their individual budgets in advance of the state fiscal year end on September 30<sup>th</sup>. So, the College will still continue to monitor community college funding, even though we are now in the 4<sup>th</sup> month of our fiscal budget.

### **VOTE TO GO INTO CLOSED SESSION**

R. Emrich made a motion that the Board voted to go into closed session pursuant to Section 8(h) of the Open Meetings Act to consider material exempt from discuss or disclosure by State or Federal Statute – a written legal opinion.

S. Gannon seconded the motion.

The results of the roll call vote to go into closed session are as follows:

M. Benecke – Yes  
R. Emrich – Yes

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S. Gannon – Yes  
D. Middleton – Yes  
M. Nash – Yes  
M. Rowley – Yes  
M. Thomas – Yes  
M. Wood – Yes

Closed session began at 7:11 p.m.

Open session resumed at 7:41 p.m.

### CONSENT AGENDA

M. Nash called for approval of the amended consent agenda. R. Emrich made a motion to approve the amended consent agenda with support from S. Gannon.

The results of the roll call vote to approve the amended consent agenda are as follows:

M. Benecke – Yes  
R. Emrich – Yes  
S. Gannon – Yes  
D. Middleton – Yes  
M. Nash – Yes  
M. Rowley – Yes  
M. Thomas – Yes  
M. Wood – Yes

The consent agenda passed unanimously resulting in:

- A. Acceptance of Minutes:
- Board Special Meeting, Vacancy Committee, August 3, 2021

### APPROVAL OF REGULAR MEETING MINUTES, AUGUST 10, 2021 (BA5410)

M. Wood asked that the minutes of August 10, 2021 be revised to reflect that he attained his bachelor's degree from Tulane University.

M. Rowley made a motion to approve the minutes as revised. D. Middleton seconded the motion.

The results of the roll call vote to approve the motion are as follows:

M. Benecke – Yes  
R. Emrich – Yes  
S. Gannon – Yes  
D. Middleton – Yes  
M. Nash – Yes  
M. Rowley – Yes  
M. Thomas – Yes  
M. Wood – Yes

Motion passed unanimously.

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### **APPROVAL OF REVISIONS TO BOARD POLICY 8.010 TITLE IX – SEXUAL HARRASSMENT POLICY (BA5411)**

It is the recommendation of the Administration that the Board of Trustees approve revisions to Board Policy 8.010 – Title IX Sexual Harassment Policy as presented.

D. Middleton made a motion to approve the recommendation with support from M. Benecke.

L. Brown provided an overview of the proposed changes. She summarized that the changes were to reflect our new College President; to update the list of advisors and remove them from the policy to allow for updates as needed; per the decision issued in the Victim Rights Law Center et al. v. Cardona case, to remove sub section h, “refusal to submit to cross examination.” Per the Department of Education this policy section is no longer applicable.

M. Rowley asked if the College sought a legal opinion prior to recommending this change. L. Brown said no because the notification came from the Department of Education.

M. Rowley made a motion to postpone action on this matter until the College seeks a legal review to ensure we are in compliance. D. Middleton seconded the motion.

R. Emrich said that this change is to make sure the College is in compliance.

M. Gavin said that the College did not just decide to make this change. The change is in accordance with the notification received by the Department of Education.

The results of the roll call vote to approve the motion to postpone action are as follows:

M. Benecke – No  
R. Emrich – No  
S. Gannon – No  
D. Middleton – No  
M. Nash – No  
M. Rowley – Yes  
M. Thomas – No  
M. Wood – No

The motion failed with a vote of 1 in favor, 7 opposed.

M. Benecke made a motion that the Board approve the changes proposed this evening and seek a legal opinion with a report coming back to the Board at the next meeting.

M. Wood seconded the motion.

The results of the roll call vote to approve the motion are as follows:

M. Benecke – Yes  
R. Emrich – No  
S. Gannon – No  
D. Middleton – Yes  
M. Nash – No  
M. Rowley – Yes  
M. Thomas – No

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M. Wood – Yes

The motion failed with a vote of 4 in favor, 4 opposed.

Board Chair Nash called for a vote on the original motion that the Board of Trustees approve revisions to Board Policy 8.010 – Title IX Sexual Harassment Policy as presented.

The results of the vote to approve the motion are as follows:’

M. Benecke – Yes

R. Emrich – Yes

S. Gannon – Yes

D. Middleton – Yes

M. Nash – Yes

M. Rowley – No

M. Thomas – Yes

M. Wood – Yes

The motion passed with a vote of 7 in favor, 1 opposed.

### **STUDENT SUCCESS – ESPORTS SUMMER CAMPS**

Allison Ginter and Sue Roche gave an overview of the Esports summer camp that was held at the Downtown Saginaw Center August 9-12, 2021.

Students who participated learned about Esports with an emphasis on teambuilding, literacy, health and wellness, math, career connections, and game play.

They thanked partners such as Saginaw Public Schools, Northwood University, EA Sports, and Ellucian who helped make the camp a great success.

In addition, they thanked faculty and staff from around the College who contributed to the camp’s success.

The students (grades 9-12) from the community who participated in the Esports camps also received information on Delta’s 2+2 programs in the CST area.

### **PRESIDENT'S REPORT**

Dr. Gavin began his report by welcoming the College’s new Associate Dean of Science and Mathematics, Dr. Melissa Haswell.

The complete report of hires, promotions, and separations for the month of August can be found in Board packets this evening.

#### **Information Sharing**

- Fall Learning Days took place virtually August 23-25. I delivered my State of the College Address on August 24. Kay will email the link to all Trustees so you can watch my address when you have an opportunity.
- On Sunday, September 26, the NAACP Saginaw Branch will host its 50<sup>th</sup> Annual Freedom Fund Banquet at the Horizons Conference Center beginning at 5:00 PM. The theme for this year’s event is “Always Fighting Forward” and the keynote speaker is Ron Busby Sr.,

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President/CEO of the U.S. Black Chambers, Inc. If you haven't already, please let Kay know by tomorrow if you plan on attending.

- Dr. Gavin said that he has requested that the Delta College's Facilities Management team perform a review process. Dr. Gavin noted that Delta College must submit a mandated 5-year Capital Outlay Master Plan to the State Budget Office each October. That 5-year plan must be annually updated and approved by the Board of Trustees.

Over the past 18 months, Delta's Facilities Management team worked with DiClemente Siegel Design (DSD) to assess our overall facilities needs across the entire campus. This assessment was authorized by the Board of Trustees back in February 2020. In addition to this draft report, I have asked the team to assemble further information for my review, by the end of the fall semester.

Back in July 2019, Nick Bovid brought forward a proposal for spending on the Observatory on the west side of campus. That project has been on hold since the start of COVID-19, due to the volume of work being done to complete the punch list on the downtown Saginaw Center and construct the downtown Midland Center. Since this was Board approved, Dr. Gavin wanted to let the Board know that this project will remain on hold until our assessment of our capital construction and equipment needs is completed. At that time, we will bring forward an update and any possible recommendation for further action to be taken.

- Dr. Gavin said that in his first few months at the College, he has had the opportunity to meet individually with SVSU President Dr. Don Bachand, Dr. Ramont Roberts, Superintendent of Saginaw Public Schools District, and Dr. Richard Pappas, Davenport University President. These were very positive meetings.
- Dr. Gavin said he has sent communications to our legislators encouraging them to vote to increase the amount and power of the Pell Grant program. In 2019-2020 academic year, 3,843 Pioneer students were awarded a little over \$12.97 million and they would not have been able to attend without the financial aid. If Congress were to double the maximum Pell grant amount to \$13,000, more students could earn a degree. He encouraged them to please consider enacting a minimum Pell Grant award of 5% of the maximum award rather than the current 10%. The College also supports transitioning the Pell Grant program to fully mandatory funding to align its structure with how it operates – as an entitlement.
- Dr. Gavin shared the comments he received from Jake Bennett, Deputy District Director for Congressman Dan Kildee -

*"I wanted to also thank you and your board for taking the conscientious steps to prevent COVID-19 in your students and the community. I know there are a lot of loud voices out there in opposition but consider me a part of the no longer silent majority who are appreciative of the steps Delta College takes. As a resident of Frankenlust Township and first responder who responds to Delta College I want to thank you."*

- Part of that COVID response has been to develop a green to red planning protocol that looks at many variables simultaneously in order to establish the College's approach to

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safety. That protocol has been lauded by Bay County Health Department and is currently being considered for use across the state.

- As a reminder, our next Regular Board Meeting will be held virtually on Tuesday, October 5, 2021.

M. Gavin and K. Rishe gave an enrollment report. The reported focused key data points regarding our Fall enrollment and provided a historical perspective.

For the Fall 2021 semester, 7,056 students are enrolled for a total of 70,559 contact hours.

While the College did not meet its projected goals, M. Gavin stressed that we would be working to add the deficit into our future goals for Winter and Spring 2022.

The report provided an overview on completion rates and gaps that exist in our completion rates. In addition, the data shows that the median age of our students is decreasing and the percentage of males in attendance has dropped to 37%.

These are all areas for action as we move the College into the future. M. Gavin said that he would continue to keep the Board apprised as the College implements action projects.

D. Middleton thanked M. Gavin and K. Rishe for the data presentation. She noted that it was interesting to see the falling median age of our students. She asked if the number of dual enrollment students is pulling down the median age. K. Rishe responded that it is.

M. Wood said to keep in mind that we need to remember that the great recession impacted the median age of our students with the number of non-traditional students at the College during that time. He also pointed out that dual enrollment students don't impact our graduation rates. They aren't counted in those that complete in 150% of time.

M. Thomas said she appreciated the excellent data in the presentation. She said she would like to see a timeline for action in addressing the drop in the number of males attending and completion gaps. M. Gavin said that this work correlates with the work of the DEI committee.

S. Gannon said that she liked seeing the realistic data. She said that she feels that it is important to gauge the voice of our students through avenues such as focus groups and surveys.

### TRUSTEE COMMENTS

M. Benecke officially welcomed President Gavin since she could not be in attendance at the August meeting. She thanked the presenters for the work on their presentations this evening.

D. Middleton said with Fall classes underway it is great to see the hustle and bustle at the Downtown Midland Center.

M. Rowley said that he appreciated the great presentations this evening and noted that the graphs were very informative.



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M. Rowley said that while he is a supporter of getting the COVID vaccine, he is not a supporter of Federal mandates related to the vaccine. He said that he feels that it is an extreme overreach for the government to mandate the vaccine. If the Board were to take a position against mandates, he would support that position.

M. Rowley said that he continues to be concerned about the Board's decision to approve the changes to the Title IX policy this evening. He said that he "Googled" the court decision this evening and, based on his findings, he continues to feel that a legal review of the policy should be undertaken. He said that he feels so strongly that he would be willing to pay out of pocket for the review. He noted that he wants the record to reflect that he is concerned that the College is out of compliance on this matter.

R. Emrich said that he respects Trustee Rowley but that it is the prerogative of the President and Board Chair as to whether or not a legal opinion on the matter should be sought.

M. Thomas said that this evening's presentations were excellent.

S. Gannon said that Andrew Rieder, Associate Professor of Art, has done a beautiful job of creating a mural in the town of Sanford.

M. Wood thanked the presenters this evening. He said he appreciates the presentation of meaningful data to help affect positive change at the College.

### CHAIR COMMENTS

M. Nash said that, regarding the request for legal review, the College President is empowered to act on behalf of the College. He said he plans to entrust this decision to Dr. Gavin and the College.

M. Nash said that he would like to understand if the College could look at an alternative benefits structure that would ensure that the employees who have been vaccinated are not bearing the burden of those who are not.

M. Gavin responded that he would follow-up. At this point, the College does not have intentions of mandating the vaccine.

D. Middleton asked if the direction changes, will a recommendation come to the Board. M. Gavin said that it will.

### ADJOURNMENT

There being no further business, Board Chair Nash adjourned the meeting at 9:19 p.m.

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Andrea Ursuy, Board Secretary