

BOARD OF TRUSTEES REGULAR MEETING
ICC Administration Building
September 19, 2013-5:30 p.m.

MINUTES

Members Present

Norman Chambers
Jay Jones
Hoite Caston
Phillip Fienen
David Wallis
Val DeFever

Others Present

Daniel Barwick, President
Misty Githens, Vice-President for Marketing and Resource Development
Sara Harris, Vice-President for Academic Affairs
Keli Tuschman, Human Resources Coordinator
Beverly Harris, Executive Assistant/Board Clerk
Greg Eytcheson, Vice-President for Information and Operations
Jan Fischer, Vice-President for Financial and Employee Services
Debbie Phelps, Director of Institutional Research
John Eubanks, Professor of Business/Accounting
Isaias McCaffery, Professor of History/Geography
Ben Seel, Professor of Political Science
Susan Thomas, Professor of Communications

Guests

Greg Lower, Reporter
Lisa Wilson, Community Member
Jason Rutledge, Community Member
Carolyn Torrance, Community Member
Liz Moore, Community Member
Sam Forrer, Community Member

- I. ROUTINE
- A. Call to Order – Norman Chambers called the regular monthly meeting for September to order at 5:31 p.m.
 - B. Approval of Agenda – Jay Jones moved to remove Character First from the evening’s Board meeting agenda, and all future agendas, as he was not sure it was a good fit for the Trustees’ meetings. David Wallis seconded the motion and the motion carried 3-2, with Phillip Fienen and Hoite Caston voting no. David Wallis moved to approve the amended agenda. Phillip Fienen seconded the motion and the motion carried 5-0.
 - C. Pledge of Allegiance – Jason Rutledge and Lisa Wilson, Independence Chamber of Commerce representatives, led the group in recitation of the Pledge of Allegiance.
 - D. Character First-Removed.
 - E. Welcome Guests – Norman Chambers welcomed the guests and announced the options for public comment on items pertaining to the agenda.
 - F. Mission Statement – Phillip Fienen read the College Mission Statement.
 - G. Vision Statement – Phillip Fienen read the College Vision Statement.
 - H. Approval of Minutes – Phillip Fienen moved to approve the minutes of the August 15 and August 29 meetings. David Wallis seconded the motion and the motion carried 5-0.
 - I. September 13-14 Annual KACCT/COP Meeting Cowley County Community College, Arkansas City – Norman Chambers and Jay Jones shared information on the Strategic Planning process and establishment of the Kansas Leadership Institute which took place during the annual meeting.

II. INSTITUTIONAL OPERATIONS

- A. Resolution to Censure Trustee – David Wallis read Resolution No. 9-19-13 to Censure Trustee and moved to adopt the resolution. Phillip Fienen seconded the motion and the motion carried 4-1, with Hoite Caston voting no.

Hoite Caston requested an opportunity to respond to Resolution No. 9-19-13. Norman Chambers cautioned that Mr. Caston's time was limited to the discussion of any inaccuracies in the Resolution. Mr. Chambers added that, although the decision to change insurance carriers took place before he took office, in his view, the statements Hoite Caston made about the insurance consortium at the statewide meeting of the Kansas Association of Community College Trustees and Council of Presidents were out of place. Hoite Caston read his response to the Resolution to Censure Trustee. At various points in Mr. Caston's reading, point of order was called for his statements outside of the topic covered in Resolution No. 9-19-13. Community member, Liz Moore, suggested the Board was subverting the Democratic process and requested continuation of Mr. Caston's response. Hoite Caston stated the right express his opinions, as an elected official representing the taxpayers. Phillip Fienen noted that it was not Mr. Caston's place to address attendees at the state-level meeting. Jay Jones added that the main issue was when a motion carries, regardless if it has a unanimous vote, it should be publicly supported by the Board of Trustees. Isaias McCaffery observed that Mr. Caston could voice a personal opinion, as long as he did not present himself as the representative of the Independence Community College Board of Trustees. David Wallis read an e-mail statement from Coffeyville Community College (CCC) President, Linda Moley. Ms. Moley's e-mail was distributed statewide and explained the process CCC observed when selecting insurance coverage for 2013-2014. Jay Jones informed the group that Hoite Caston would not have been an attendee at this statewide gathering of Kansas community college Presidents and Trustees if he was not a member of the ICC Board of Trustees. Community member, Sam Forrer, noted that the Board would not be in this position, if they followed policy governance guidelines.

- B. Trustee Wallis-Presentation and Motion – David Wallis read the “Official Misconduct of Trustee Hoite Caston” document he developed and moved for Hoite Caston's resignation. Jay Jones seconded the motion and the motion carried 4-1, with Hoite Caston voting no. Isaias McCaffery asked for clarification and inquired if the Trustees were asking Mr. Caston to freely resign, because resignation cannot be forced upon an elected official. David Wallis agreed with Dr. McCaffery's statement and added that an appeal can be made for a recall election if Mr. Caston does not freely resign. Phillip Fienen stated his regret for the events taking place and noted that he had lost confidence in Mr. Caston's ability to lead as an elected official. Mr. Fienen noted that the request for resignation resulted from Mr. Caston's failure to present a written plan of action, as promised following a lengthy Executive Session regarding a complaint submitted against Hoite Caston at the August Board of Trustees meeting. Hoite Caston declined any further comment on advice from his attorney.
- C. 2013-2014 Renovation and Repair Priorities – Phillip Fienen moved to approve the 2013-2014 Renovation and Repair Priorities List. Norman Chambers seconded the motion and the motion carried 5-0
- D. Action Projects Update – Debbie Phelps provided an overview of material distributed in the Board Agenda packet.
- E. Allow Payables – Jay Jones move to allow payable. Phillip Fienen seconded the motion and the motion carried 5-0.
- F. Additions to Personnel – The Personnel Report included employment of: Kimberly Harris in the position of Administrative Assistant for the Upward Bound Trio Program at the wage of \$12 per hour plus College support toward employee participation in ICC's group health insurance plan; Melinda Clark in the position of part-time Volleyball Coach at the rate of \$500 per month for a 10-month contract; Jennifer Clark in the position of Administrative Assistant for the Office of Career and Technical Education at the wage of \$11.50 per hour plus College support toward employee participation in ICC's group health insurance plan; Mary Jo Dancer in the position of Recruiting/Admissions Coordinator at an annualized salary of \$30,000 plus College support toward employee participation in ICC's group health insurance plan; and Meagan Barrera in the position of part-time Evening Library Supervisor at the wage of \$10.50 per hour (\$8,064 annually).
- G. Update on Residence Hall Request for Proposals – Daniel Barwick provided an update and noted that only one RFP was received. Dr. Barwick asked if the Board would like him to enter negotiations with Bluffstone to identify our options; he noted no fees or commitment is required at this stage. David Wallis moved that ICC enter negotiations with Bluffstone and consider two scenarios; Bluffstone purchases and manages ICC's existing dorms, along with the proposed addition, and a second option where ICC maintains ownership of the exiting dorms and Bluffstone maintains the proposed addition. Phillip Fienen seconded the motion and the motion carried 5-0
- H. President's Report – Daniel Barwick addressed the enrollment drop and stated that numbers are not finalized yet. Dr. Barwick informed the group that the Strategic Plan Review Committee would meet soon to finish its annual review; a strategic path for enrollment growth will be recommended during the October Board of Trustees meeting.
- I. Second Reading of Revision to PSL-714
- J. Second Reading of Revision to STU-801
David Wallis moved to table items “I.” and “J.” until an Attorney General's opinion can be obtained. Phillip Fienen seconded the motion and the motion carried 5-0.
- K. Suspend Early Retirement Plan for 2014-2015 – David Wallis moved to table item “K.” until additional legal research is conducted. Jay Jones seconded the motion and the motion carried 5-0.

- L. Placement on Salary Schedule – Sara Harris informed the group that faculty member, Heather Mydosh, was improperly placed on the salary schedule at Step 1 and should have been placed at Step 3 when hired. Dr. Harris proposed that Heather Mydosh be placed at Step 3 for her 2013-2014 contract; however, she noted that research was still being conducted regarding Ms. Mydosh’ graduate studies and an additional request may be made following that research. Phillip Fienen moved to approve the findings for placement of Heather Mydosh at Step 3 on the salary schedule for 2013-2014. Hoite Caston seconded the motion and the motion carried 5-0.
- III. CONSENT AGENDA – Phillip Fienen moved to approve the consent agenda which included receipt of the financial and personnel reports. Jay Jones seconded the motion and the motion carried 5-0.

Val DeFever joined the group at 7:00 p.m.

- IV. EXECUTIVE SESSION – Norman Chambers moved the Board enter into Executive Session, to include Dan Barwick, Sara Harris, and Keli Tuschman, for twenty minutes following a five-minute break for the purpose of discussing negotiations to protect the Board’s right to confidentiality of its negotiating position and the public interest and that the Board return to Open Session at 7:30 p.m. in the Board Room. David Wallis seconded the motion and the motion carried 6-0. The Board entered Executive Session at 7:10 p.m. The Board returned to Open Session at 7:30 p.m. Jay Jones moved the Board enter into Executive Session, to include Dan Barwick, Sara Harris, and Keli Tuschman, for an additional fifteen minutes for the purpose of discussing negotiations to protect the Board’s right to confidentiality of its negotiating position and the public interest and that the Board return to Open Session at 7:45 p.m. in the Board Room. David Wallis seconded the motion and the motion carried 6-0. The Board entered Executive Session at 7:30 p.m. The Board returned to Open Session at 7:45 p.m. David Wallis moved the Board enter into Executive Session, to include Dan Barwick, Sara Harris, and Keli Tuschman, for an additional fifteen minutes for the purpose of discussing negotiations to protect the Board’s right to confidentiality of its negotiating position and the public interest and that the Board return to Open Session at 8:00 p.m. in the Board Room. Phillip Fienen seconded the motion and the motion carried 6-0. The Board entered Executive Session at 7:45 p.m. The Board returned to Open Session at 8:00 p.m.

- V. ADJOURN
David Wallis moved to adjourn. The motion was seconded by Jay Jones and carried 6-0. The meeting adjourned at 8:02 p.m.

Beverly Harris
Board Clerk

Independence Community College is committed to a policy of nondiscrimination on the basis of race, sex, national origin, religion, age, and handicap in admissions, educational programs or activities, and employment, all as required by applicable laws and regulations under the Title VI Civil Rights Act of 1964, Title IX regulations of 1972, Section 5 of the Social Rehabilitation Act of 1973, and the Americans With Disabilities Act of 1990.