

**BOARD OF TRUSTEES REGULAR MEETING**  
**Cessna Learning Center**  
**Room 104 (West Classroom)**  
**March 9, 2016 - 6:00 p.m.**

**MINUTES**

**Members Present**

Jana Shaver  
Val DeFever  
Norman Chambers  
Sam Forrer  
Cynthia Sherwood joined the meeting at 6:07 p.m.  
Jay Jones joined the meeting at 6:22 p.m.

**Others Present**

Daniel Barwick, President  
Keli Tuschman, Human Resources Coordinator  
Kara Wheeler, Associate Dean of On-line and Continuing Education  
Debbie Phelps, Director for Institutional Research  
David Smith, Chief Academic Officer  
Taylor Crawshaw, Associate Dean for Academic Support Services  
Tammie Geldenhuys, VP for Student Affairs, Athletics, and Admissions  
Eric Montgomery, Chief Information Officer  
Beverly Harris, Executive Assistant/Board Clerk  
John Eubanks, Business/Accounting Instructor  
Konye Ori, Communications Instructor  
Kevin O'Neill, Engineering Technology/Drafting Instructor  
Brett Gilcrist, Psychology Instructor  
Ben Seel, Political Science Instructor  
Brian Southworth, Developmental Math Instructor  
Isaias McCaffery, History/Geography Instructor

**Guests**

Amanda Williams, Reporter  
Nurali Mamedov, PTK Honoree/Student  
Niena Ramirez, PTK Honoree/Student  
Becca Zimmerman, Student  
Sarah Wark, Student  
Rylie Shoop, Student  
David McElroy, Student  
Roy Blevins, Student  
Zachary Coke, Student  
Edward Shaw, Student  
Annie Martin, Student

**I. ROUTINE**

- A. Call to Order – Jana Shaver called the meeting to order at 6:00 p.m. and noted a revision to the agenda. The second Executive Session was moved to the end of the meeting.
- B. Approval of Agenda – Val DeFever moved to approve the revised agenda. Norman Chambers seconded the motion and the motion carried 4-0.

- C. Recognize PTK Honorees, Nurali Mamedov and Niena Ramirez – Dr. Barwick recognized the PTK Honorees, and shared that Nurali Mamedov was selected out of nineteen hundred nominations from over one thousand community colleges to receive the Coca Cola New Century Scholar Award. Dr. Barwick will accompany Nurali Mamedov to the American Association of Community Colleges President’s Breakfast in Chicago where Mr. Mamedov will be recognized as the most outstanding community college student in the state of Kansas. Jana Shaver thanked Nurali Mamedov and Niena Ramirez for their outstanding and professional representation of Independence Community College during the Phi Theta Kappa Honors Luncheon held in Topeka.
- D. Pledge of Allegiance – Nurali Mamedov and Niena Ramirez led the group in recitation of the Pledge of Allegiance.
- E. Welcome Guests – Jana Shaver welcomed the guests and shared options for public comment regarding items pertaining to the agenda
- F. Mission Statement – Jana Shaver read the College Mission Statement.
- G. Vision Statement – Jana Shaver read the College Vision Statement.
- H. Approval of Minutes –Norman Chambers moved to approve minutes of the February 4<sup>th</sup> special Board Work Session. Val DeFever seconded the motion and the motion carried 5-0. Val DeFever moved to approve minutes of the February 9<sup>th</sup> regular meeting. Sam Forrer seconded the motion and the motion carried 5-0.

James Yates addressed the Board regarding the Resolution for his non-renewal. Nurali Mamedov, ICC student, and Ben Seel, Political Science Instructor, spoke on behalf of James Yates. Nurali Mamedov also read a statement from ICC student, Braidon Beard, in support of James Yates.

## II. INSTITUTIONAL OPERATIONS

- A. 2016-2017 Academic and Office Calendars – David Smith and John Eubanks provided an overview of the process followed in development of the 2016-2017 Academic and Office Calendars. Sam Forrer moved to approve the 2016-2017 Academic and Office Calendars. Val DeFever seconded the motion and the motion carried 4-2, with Norman Chambers and Cynthia Sherwood voting no. It was noted that the proposed calendars met the Kansas Board of Regents requirements for seat time. Val DeFever suggested the process use a comparison with the number of days other community colleges require when being developed next year.
- B. Inge Center and Festival – Karen Carpenter gave a detailed overview of the 35<sup>th</sup> Anniversary William Inge Theatre Festival activities taking place April 21-23, 2016.
- C. Complaint Process /First Reading – Dan Barwick provided background information and answered questions regarding the first reading of revisions to TRU-909 Due Process. For compliance throughout, Jana Shaver suggested revision of the terminology used in the first sentence of the policy. Jana Shaver read the first reading of the revision to TRU-909 Due Process. The second reading and action for approval will take place at the April Board of Trustees meeting.
- D. Sexual Misconduct Policy Second Reading – Jana Shaver read the second reading of the Sexual Misconduct Policy.

<b>CODE:</b>	<b>TRU – 917</b>
<b>SUBJECT:</b>	<b>Sexual Misconduct</b>
<b>ADOPTED:</b>	<b>March 9, 2016</b>

ICC will not tolerate Sexual Misconduct, including rape, acquaintance rape, sexual assault, dating violence, domestic violence and stalking, and related retaliation of any nature against or by any student or employee. Sexual Misconduct violates the dignity of individuals, impedes the realization of ICC’s educational goals, and is unlawful. Sexual Misconduct is a form of illegal discrimination in violation of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Kansas Acts Against Discrimination and could lead to criminal prosecution.

ICC students and employees are responsible for assuring that ICC maintains an environment for study and work, free from Sexual Misconduct or related retaliation. All members of the ICC community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The Student Handbook and the Faculty/Staff Handbook contain the “Sexual Misconduct Policy and Procedures for Students and Employees”.

Cynthia Sherwood moved to approve the Sexual Misconduct Policy. Jay Jones seconded the motion and the motion carried 5-1, with Sam Forrer voting no. Trustee Forrer requested the minutes show that he “does not believe it is policy unless it is actually originated in the Trustees Policy Manual, regardless of what it is called in the handbook”.

- III. EXECUTIVE SESSION – Val DeFever moved to go into Executive Session for thirty minutes, to include Dr. Barwick, Keli Tuschman, and David Smith, for the purpose of discussing non-elected personnel in order to protect the privacy interests of the individuals to be discussed. Jay Jones seconded the motion and the motion carried 6-0. The Board entered Executive Session at 7:15 p.m. the Board returned to Open Session at 7:45 p.m. Norman Chambers moved to go into Executive Session for an additional fifteen minutes, to include Dr. Barwick, Keli Tuschman, and David Smith, for the purpose of discussing non-elected personnel in order to protect the privacy interests of the individuals to be discussed. Jay Jones seconded the motion and the motion carried 6-0. The Board entered Executive Session at 7:46 p.m. The Board returned to Open Session at 8:01 p.m.
- E. Resolution of Non-renewal – Norman Chambers moved to approve the Resolution for Non-renewal of instructor, James Yates. Jay Jones seconded the motion. Annie Morton and Edward Shaw, ICC students, spoke on behalf of James Yates. Jana Shaver called for a vote on the motion to approve the Resolution of Non-renewal for instructor, James Yates; the motion carried 6-0.
  - F. Reserve Funds Transfer for Mold Remediation – Sam Forrer moved to approve the transfer of \$150,000 from the reserve account to the general fund to partially cover the cost of \$160,133.85 for mold remediation in the brick dorms. Jay Jones seconded the motion and the motion carried 6-0. Val DeFever noted that the dorms are managed by an outside source and requested a procedure be in place by the end of the Spring 2016 semester to prevent such reoccurrences.
  - G. Tuition and Fees/Room and Board – Daniel Barwick and Kara Wheeler answered questions regarding the proposed 2016-2017 Tuition and Fees/Room and Board proposal. Jay Jones moved to approve the 2016-2017 Tuition and Fees/Room and Board proposal. Val DeFever seconded the motion and the motion carried 6-0.
  - H. Enrollment Update – Daniel Barwick provided a detailed analysis of the enrollment update.
  - I. Allow Payables – Jay Jones moved to allow payables. Cynthia Sherwood seconded the motion and the motion carried 6-0.
  - J. Board Chair Report – Jana Shaver suggested two Board members meet with Dr. Barwick and College attorney, Jeff Chubb, regarding items which would be deemed privileged in the attorney-client relationship. Sam Forrer and Norman Chambers will represent the Board of Trustees. Jana Shaver informed the group that Jay Jones is working with Cynthia Sherwood as the Policy Review Committee. Jay Jones added that a work session with Dr. Barwick, Keli Tuschman, and Beverly Harris is planned for March 30, 2016.
  - K. President’s Report – Daniel Barwick shared a thank-you received from David Wallis, Chairman of the Republican Party Montgomery County Central Committee. Mr. Wallis commended Eric Montgomery and Elaine Kimzey for the customer service and attention to detail during the Presidential Caucus held at ICC West. A recap of the successful Dancing With the Indy Stars was provided, and a progress report on the weight room was presented. It was noted that \$187,000 cash and in-kind donations have been received for the weight room project; Tammie Geldenhuis hopes to have building drawings and estimates for presentation at the April Board of Trustees meeting. Dr. Barwick noted that Cabinet Operational Plans will be included in the Board Agenda packets for the April meeting. Dr. Barwick shared information regarding the Carl D. Perkins Program Improvement Review Site Visit taking place in March or April. Dr. Barwick ended his report with a legislative update and Kansas Association of Community College Trustees information.

- IV. CONSENT AGENDA – Norman Chambers moved to approve the Consent Agenda which included receipt of the Financial, Personnel, and Grant Progress Reports. Revisions to the Academic Council By-laws, and the Network Acceptable Use Policy were included in the Consent Agenda. A proposal for using \$46,500 of the approximate \$48,000 balance of Renovation and Repair funds was detailed as: \$12,000 for a mower; \$12,500 in door replacements and broken emergency exits; fourteen magnetic door holders in the amount of \$7,000 for the main campus, and eighteen in the amount of \$9,000 for the west campus; and, miscellaneous HVAC repairs in the amount of \$6,000. Also included in the Consent Agenda was a request for approval of vehicle lease agreements with Quality Toyota. Jay Jones seconded the motion and the motion carried 6-0.
- V. EXECUTIVE SESSION – Norman Chambers moved to go into Executive Session, to include Dr. Barwick, for five minutes for preliminary discussion relating to the acquisition of real property. Sam Forrer seconded the motion and the motion carried 6-0. The Board entered Executive Session at 9:20 p.m. The Board returned to Open Session at 9:25 p.m.
- VI. ADJOURN – Norman Chambers moved that the meeting adjourn. Jay Jones seconded the motion and the motion carried 6-0. The meeting adjourned at 9:25 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.