



General Library Item

Name Minutes 2011-12-14

Content

Lane Community College
Board of Education Minutes
December 14, 2011

1. Attendance

Board members present: Bob Ackerman, Pat Albright, Susie Johnston, Gary LeClair, and Tony McCown, Rosie Pryor, and Sharon Stiles. Also present were: President Mary Spilde; Vice President Sonya Christian; Lane Community College Education Association Interim President Stacey Kiser, and Lane Community College Employees Federation President Bob Baldwin.

A. Chair Johnston called the meeting to order at 6:35 p.m.

B. President's Report

As you probably know, we closed main campus this morning due to a heating system breakdown. Heat was restored about 1:30 p.m. with a temporary repair. A broken flange caused the problem. A replacement part will arrive tomorrow. One of the bond projects is a central plant upgrade.

Several of you met our visiting Chinese college presidents who were here the last two weeks of November. They toured many programs and attended events, including a reception we gave in their honor on November 30. They were participants in the Vocational Education Leadership Training Program for vocational and technical college leaders. Their visit was sponsored by the Chinese government, the China Education Association for International Exchange, the American Association of Community Colleges, and Lane. I want to thank Jennifer Falzerano, Christine Marshall, the entire staff of the International Programs office, Donna Zmolek, and Brett Rowlett for all their hard work in organizing the program and the visitor's schedules. I believe Brett has a brief slide-show video of their visit that we'd like to show.

I am sad to note the passing of Dixie Maurer Clemons Wilcox, who died last month of cancer at age 66. Dixie taught science at Lane for 30 years and was a cooperative education coordinator. I and others from Lane attended her memorial service on November 30.

Oregon's state revenues have dropped by another \$106.8 million, according to the most recent state revenue forecast, released November 17. Revenues are down an estimated \$306 million since lawmakers approved the 2011-2013 state budget earlier this year. That's about the amount lawmakers reserved unspent from agency budgets, although there also is a regular ending fund balance of \$150 million as an additional cushion. The rebalance of the state budget will be the priority task of the February session.

We hosted a legislative town hall on campus on November 21. State Senator Lee Beyer and State Representatives Phil Barnhart, Terry Beyer, Val Hoyle, and Nancy Nathanson participated. The state budget and education funding were the two top topics. Thanks to Brett Rowlett for organizing the event, and to the students, faculty and staff who attended. The Oregon Education Investment Board (OEIB) approved the governor's recommendations last week for three legislative initiatives to go to the legislature in 2012 and 2013. The first, intended for the February 2012 session, would create authority and responsibilities for the board's Chief Education Officer. The CEO would be charged with redesigning and reorganizing the state's P-20 education system and would have control over the:

- Commissioner of Community Colleges and Workforce Development
- Chancellor of the Oregon University System
- Executive Director of the Oregon Student Assistance Commission
- Executive Director of the Higher Education Coordinating Commission
- Deputy Superintendent of Public Instruction

The second initiative would have the board examine current governance and management structures of Oregon's preschool-to-20 system for possible legislation during the 2013 session, consolidate boards and commissions. The third initiative would deal solely with the Oregon University System and the question of whether one or more of the universities should have local boards. The proposal directs the investment board to examine the issue and bring legislation to the 2013 legislative session.

And of course, on your agenda tonight for discussion is OEIB's achievement compacts proposal.

As you know, I interviewed with The Register-Guard for a story they ran Sunday about Kitzhaber's proposals and the work of the OEIB.

In Washington, the House and Senate are currently conferencing the nine remaining FY 2012 appropriations bills into a larger omnibus. With many hurdles remaining for the Labor-HHS-Education bill, a year-long continuing resolution for that bill remains probable. With a \$1.3 billion shortfall in the Pell Grant program, indications are that negotiators will seek to make Pell eligibility changes within a continuing resolution to address the shortfall. Negotiators appear less likely to accept an across-the-board-cut scenario to protect Pell in a year-long continuing resolution.

We have better financial news from our Foundation. Numbers are now in for the Harvest Dinner, with \$221,137 raised, up \$32,473 from last year. We had 42 sponsors and four new gold sponsors including Slocum Orthopedics, Women's Care, Burley Design, and Murphy Company, and a new title sponsor, Lease Crutcher Lewis.

Our employee campaign is officially completed but pledges are still coming in. As of last Friday, we had raised \$104,000 for scholarships and for United Way.

Last week a Lane team attended a crisis response training for Oregon community colleges held at Chemeketa. The importance of such training was underscored by the shooting that same day at Virginia Tech. We also held active shooter trainings here on campus with a trainer from the Federal Protective Services. I want to commend Greg Morgan, Jace Smith and our emergency team for continually working to improve the college's readiness and response. We are officially closed to the public for winter break from December 19 through 27. During that time, Facilities has a major work list to achieve, including a campus-wide power shutdown to inspect and test equipment including a few 40-year-old transformers that are scheduled for replacement this summer.

We'll be closed again for New Year's Day holiday on January 2, and winter classes begin January 9. I hope everyone has a safe and happy holiday and a restful break.

1) Personnel

The college's current personnel appointments were presented.

C. Board Agenda Review/Changes

Item 3.A.2 Policy Review, Second Reading, Personnel Services, D.010, was removed from the agenda pending further legal counsel review. Item 4.H Board Expectations for Professional Behavior was added to the agenda.

D. Statements from Audience

Justin Blakely, former student, expressed dissatisfaction regarding services he received from Disability Resources. Dennis Gilbert, Physics instructor, expressed concern regarding the proposed long range financial plan and felt that the plan was not yet complete.

2A. Consent Agenda

McCown moved, and seconded by LeClair, to approve the revised Consent Agenda consisting of:

- Approval of the November 16, 2011, minutes

Motion passed unanimously.

3. Policy Review

A. Second Reading

1. Monitoring President's Performance, C.060

Albright moved, seconded by Stiles, to approve the second reading of board policy C.060, Monitoring President's Performance.

Ackerman moved to amend the policy to strike the word "presidential" under number 3. McCown seconded.

The motion to amend the policy passed unanimously.

The motion to approve the policy as amended passed unanimously.

POLICY NUMBER: C.060

POLICY TYPE: BOARD-PRESIDENT LINKAGE

POLICY TITLE: MONITORING PRESIDENT'S PERFORMANCE

Any evaluation of the president's performance, formal or informal, may be derived only from the criteria established within board Ends and Executive Directions.

Accordingly,

1. The purpose of monitoring is to determine the degree to which board policies are being fulfilled. Information which does not do this will not be considered to be monitoring.
2. The board will acquire monitoring data by one or more of three methods: (a) by internal report, in which the president discloses compliance information to the board, (b) by external report, in which an external, disinterested third party selected by the board assesses compliance with board policies, and (c) by direct board inspection, in which a designated member or members of the board assess compliance with the appropriate policy criteria.
3. The standard for compliance shall be any reasonable presidential interpretation of the board policy being monitored.
4. All policies that instruct the president will be monitored at a frequency and by a method chosen by the board. The board can monitor any policy at any time by any method, but will ordinarily depend on a routine schedule.

Policy	Method	Frequency
Treatment of Learners, A.020	Internal	Annually
Treatment of Staff, A.030	Internal/External	Annually
Financial Planning and Budgeting, A.040	Internal	Semi-annual
Financial Condition and Activities, A.050	Internal	Quarterly

Policy	Method	Frequency
Emergency President Succession, A.060	External	Annually
Asset Protection, A.070	Internal	Annually
Compensation and Benefits, A.080	Internal	Annually
Communication and Support to the Board, A.090	Internal/Direct Insp.	Annually
Community Outreach, A.110	Internal	Annually
Governance Process Policies, B.010-B.200	Direct Insp.	Annually

ADOPTED: November 9, 1998

REVISED: May 12, 1999

REVIEWED: May 12, 2004

REVIEWED: November 9, 2005

REVIEWED: January 14, 2009

REVISED: December 14, 2011

B. First Reading

1. Harassment, D.020

No changes were recommended to this policy. A second reading will be held in January.

POLICY NUMBER: D.020

POLICY TYPE: MISCELLANEOUS

POLICY TITLE: HARASSMENT

Harassment Policy

Lane has a zero tolerance policy regarding all forms of harassment. Any proven harassment will result in immediate and appropriate action to stop the harassment and prevent its recurrence, including employee discipline consistent with collective bargaining agreements, or student sanctions. Remedial action will be designed to stop the harassing behavior. Any remedial action will be in keeping with the educational mission of the college. Whether or not the alleged harassing behavior is sufficiently severe or pervasive to be judged a violation of this policy, the college may take action to address a complainant's concerns and to ensure that Lane, as a workplace and as an academic institution, maintains a respectful environment. All forms of harassment, including student- to-student harassment, are covered by Lane's harassment policies. Incidents of harassment may bring about sanctions up to and including termination of employment or expulsion from the college.

Sexual Harassment

Sexual discrimination in the form of sexual harassment is prohibited. Sexual harassment is defined as unwanted sexual advances, requests for sexual favors, and/or other verbal, written, visual, or physical sexual conduct that makes the terms or conditions of employment contingent on the acceptance of unwanted sexual advances, that negatively affects employment or educational opportunities, or that creates an intimidating, hostile, or offensive environment for one of the parties.

Harassment Based on Race/Ethnicity or National Origin

Harassment based on race, ethnicity or national origin is defined as unwelcome verbal, written or physical conduct based on a person's actual or perceived race, ethnicity or national origin that unreasonably interferes with an individual's work or academic performance, adversely affects the targeted individual's or others' work or learning opportunities, or creates an intimidating, hostile or offensive environment.

ADOPTED: November 9, 1998

REVISED: September 8, 2004

REVIEWED: September 13, 2006

REVIEWED: January 14, 2009

4. Discussion/Action Items

A. Auditor's Report

Greg Morgan, Chief Finance Officer, and Scott Muller, auditor from Kenneth Kuhns & Co., answered questions and responded to comments regarding the audit report.

B. Long Range Financial Plan

The board had an opportunity to review the long range financial plan in their work session and at the November board meeting. College Council and the budget development subcommittee had a chance to review and comment on the draft plan.

Pryor moved to approve the Long Range Financial Plan. LeClair seconded.

Motion passed unanimously.

C. Tuition Rate Adjustment

In November, the board approved the use of the Higher Education Price Index for a tuition rate adjustment for the 2012-2013 academic year.

Ackerman stated that he would vote against the increase because the board policy states that the board will review the index, which it has, as well as affordability and access for students, which he believed the board has not discussed.

Spilde responded to Ackerman's concerns, stating that inflationary increases do take affordability and accessibility into consideration; larger increases have an effect on enrollment and are more difficult for students to manage. No one is in favor of tuition increases; however, all aspects need to be considered, including the requirements of the college. Albright requested that students come forward with alternative proposals to tuition increases.

McCown moved to approve an adjustment to 2012-13 tuition rates equivalent to \$2 per credit hour increase for the resident student rate resulting in a resident tuition rate of \$83 (total of \$86 with surcharge). For non-resident and international students, the rate will increase to \$217 per credit during fall, winter, and spring terms and to \$150 per credit hour for summer term. The \$3 temporary surcharge is also applied to international and non-resident students for a total tuition rate of \$220. The ESL rate currently set will be raised to \$11 per hour of instruction. Non-credit tuition will be increased to \$4.50 per hour of instruction. Stiles seconded.

Motion passed. 6 – 1. Ackerman dissented.

D. Downtown Campus

Christian shared the work of the Student Housing Advisory Committee, who had visited other colleges and universities and private apartments in downtown Eugene to look at management, maintenance, custodial safety and security of student housing. Three options for housing management were presented at the November meeting, and the committee has since put together a fourth option to recommend to the board. Option 3B would provide a blended approach of acquiring a management firm to deal with property management aspects while the college would provide limited student support. In addition, the college would also provide onsite public safety staff.

Jill Sherman of Gerden Edlen provided operating expenses on the four options provided. Option 3B would be slightly higher due to the provision of public safety staff. Sherman explained the differences in three scenarios for the thirty year operating pro forma: stabilized occupancy at project opening, higher physical vacancy in first years of operation, and higher operating expenses than expected. Morgan explained that the housing project is part of the Enterprise Fund and that there is enough Net Working Capital in that fund to cover shortfalls in revenue that may be experienced in the beginning. Also, the pro formas are relatively conservative.

McCown moved to adopt Option 3B for the management and staffing of the housing facility for the next three years. Ackerman seconded.

Spilde and Sherman shared a memo describing plans and responded to questions for closing the funding gap. Spilde reviewed the status of new market tax credits, construction contingency, project contingency, foundation requests, and decreasing some project costs.

Motion passed unanimously.

The board took a ten-minute break at 8:35 p.m.

E. Achievement Compacts

Spilde explained that the governor is taking forward legislation in the February session to create achievement compacts with the local school districts, community college boards, the university system, and education service districts. Each entity has quite a bit of influence on what gets developed. She asked the board for feedback as this moves forward. The board discussed the issue and comments included concern due to previous similar efforts which have not created the results intended. Also, it was hoped that instructors and support staff be included to give input, which has not happened yet. Others believed that it is good to evaluate the educational system and decide what we want to achieve. It was felt that it is important to maintain as much local control as possible and work to participate in the development of the results needed and the content of the compacts.

F. Capital Fund Resolution No. 572

Greg Morgan explained that there is now an opportunity to begin funding the Capital Reserve Fund with residual funds from past capital bond projects through a board resolution. The intended purpose of these bonds was for capital projects, so it is important to stay with the original intent.

McCown moved to adopt Resolution No. 572 to move residual funds from prior bonds to the Capital Reserve Fund. LeClair seconded.

Motion passed unanimously.

G. Supplemental Budget Resolution No. 573

Morgan explained that board resolution No. 573 will allow the needed additional budget authority for Funds I, II, IV, and IX.

McCown moved to adopt Resolution No. 573 to provide additional budget authority for FY2011-12 for Funds I, II, IV and IX. Ackerman seconded.

Motion passed unanimously.

H. Board Expectations for Professional Behavior

The board has created a plan of action on expectations for professional behavior which was discussed in the work session. This is a statement to encourage civil behavior and respect. The statement and plan of action is the following: "In light of the board of education's concern for the deterioration in public discourse at the national, state and college levels, we wish to be clear about our expectations and provide direction to the president."

1. We recognize everyone's right to free speech.
2. We are committed to the college values of Integrity and Diversity which "foster and environment of respect, fairness, honesty and openness" and "cultivate a respectful, inclusive, accessible working and learning environment."
3. We take seriously our responsibility to assure civil dialogue that reflects Board Policy A.100: "integrity [that] is demonstrated by conduct that is honest in word and actions, and promotes respect, fairness and openness."

4. We expect that everyone takes responsibility to exhibit professional behavior that reflects college values and board policies.
5. We expect communication at all levels of the college and at the board table to be civil, respectful and professional.
6. We expect the focus to be on issues, not individuals, and we will not tolerate personal attacks on college employees.

Further, we request that the president do the following:

1. Consider an initiative that calls Lane employees to develop, participate in, and model systems that promote respectful and professional communication. We believe that engagement in this very important issue will not only benefit the people who work at Lane but also will be a clear signal to our students and the community that Lane is committed to our core values and to constructive problem solving and dialogue.
2. Where appropriate, develop policy language for the board consideration that further reflects these expectations."

LeClair moved to approve the Board Statement and Plan of Action on Expectations for Professional Behavior. Pryor seconded.

Motion passed unanimously.

5. Accountability/Reports

A. Benchmarks

Craig Taylor, Institutional Research, Assessment, and Planning director, responded to questions and comments on the following Benchmarks:

- OUS GPA's of Transfer Students

B. Facilities Update

An update on the status of bond and facility projects was presented.

C. Non Credit Tuition

President Spilde explained that this board item was in response to some questions being raised by a board member regarding non credit tuition. A report was included in the board mailing; President Spilde asked the board to review the report before the next meeting and give feedback. Updates will be made by staff, and a further discussion will be held at the January meeting.

6. Reports

LCCEF President Bob Baldwin reported that officer elections were held, and all officers were reelected without opposition. There are four arbitrations pending. Labor relations are not working the way the union would like to see them. Outsourcing is a point in labor relations.

LCCEA Interim President Stacey Kiser commented on the achievement compacts, stating that they may be a way to show areas that Lane is improving or doing better than peers. We need to be careful of backsliding and how we can improve. Kiser expressed concern that there is not a measurement for things that are no longer working. Kiser noted that it was her last board meeting as interim president and wished everyone well.

Vice President Sonya Christian stated that achievement compacts bring clarity, transparency, and empowerment. When we have conversations, we understand each other's world. The Oregon Community College Association needs to develop a distinctive statement on how they respond to the issue of the compact. Compacts will force conversations to happen, and that is powerful.

Chief Financial Officer Greg Morgan stated that if board members need access to Microsoft Office to do their work for the college, they can get a site license at the TitanStore just as employees have access to. Facilities will be testing components over the break and will help find trouble such as the flange that went out today. Lane will be doing more crisis and emergency training.

Board Reports

McCown reported that he spent some time with the delegation from China, and it was an interesting cultural experience. He attended the Native American Pow Wow and encouraged other board members to attend in the future, as it is an enlightening cultural learning experience and it's a lot of fun. Regarding the achievement compacts, McCown stated that if we are to expect more from the state we should plan on more to be expected of us. The opportunity to define expectations is exciting.

Stiles reported that she also spent some time with the Chinese delegation over in Florence. She congratulated Morgan and his staff on a good audit.

Pryor thanked everyone for the warm welcome she has received this year during her first phase of board participation; she is learning something new every day.

LeClair compared achievement compacts in education to the ones in medicine, which have not worked well.

Albright stated that if we are going to achieve better funding, we need to demonstrate to the state that we are worth it. Before the state began taking more control over education, Oregon was noted as having one of the best education systems in the state. Albright favored allowing teachers to manage their own classrooms and giving them the opportunity to achieve success.

Ackerman encouraged board members to visit the Eugene Library, where there is a tremendous vista of our new Downtown Campus. It is an extraordinary education experience as well as a benefit to the community.

Johnston reported that she was able to see the opening ceremony at the Pow Wow, and it was an impressive event. She also spent some time with the Chinese delegates. She thanked everyone involved in setting their schedule and hosting their visit. Johnston attended the American Association of Women in Community College fall conference,

where President Spilde was a keynote speaker and Johnston won a Community College Excellence Award.

7. Date, Place, and Proposed Agenda Items for the Next Regular Meeting

Wednesday, January 11, 2012, Boardroom, Building 3, Lane Community College.

8. The board meeting unanimously adjourned at 9:52 p.m.

Mary Spilde, President/District Clerk Susie Johnston, Board Chair