

**TRUSTEES OF MESA STATE COLLEGE
MINUTES OF REGULAR BOARD MEETING**

August 18-19, 2004

Liff Auditorium, Mesa State College
Grand Junction, Colorado

Chair Elliott introduced new Board member, Cole Wist, who was appointed to serve out the term of member Luis Colon who resigned. Mr. Wist was welcomed, took the oath of office, and provided information about himself.

CALL TO ORDER

Chair Elliott called the meeting to order at 10:05 a.m. and announced an agenda change to accommodate Trustee Monfort's joining the meeting by conference call later in the morning.

Trustees Present

Trustee Hamilton, Trustee Kaesemeyer, Trustee Meyer, Trustee Nesland, Trustee North, Trustee Wexels, Trustee Wist, Faculty Trustee Slauson, Student Trustee Dukes, Chair Elliott

Trustees Excused

Trustee Monfort (joined the meeting by teleconference at 10:50 a.m.)

APPROVAL OF MINUTES

Chair Elliott asked that the minutes of the June 21, 2004 meeting be amended to reflect that Luis Colon not be listed as excused as he had resigned from the Board. Trustee Nesland moved to accept the minutes as corrected; Trustee Meyer seconded. The motion passed unanimously.

PUBLIC COMMENT

Ms. Ellie Rekemeyer was introduced as a member of the Foundation Board and gave some background on herself as a scholarship donor and AAUW member. Ms. Rekemeyer indicated her desire that the Board solve the issue of the current litigation expeditiously and as openly as can be done in order to bring the affected parties together to help repair damage, earn the respect of the community, gain credibility, and increase the confidence of College supporters.

REPORTS

President: President Foster reported to the Board on record enrollments that necessitated quick adjustments to address classroom and housing situations; the rapid pace of campus activities; increased maintenance and dedication of resources to replace aging facilities; the work done on the handbook and the associated effort dedicated by faculty and staff; the status of correspondence with leadership of other institutions and political leadership regarding the affects of the TABOR legislation; and campus expansion concepts and proposed plans.

Faculty Trustee: Faculty Trustee Slauson expressed her excitement at the beginning of the school term and meeting students. She mentioned that she was pleased to be able to access an electronic copy of class rosters prior to classes starting. Ms. Slauson reported that new faculty orientation was held the previous Monday, and that the Faculty Senate retreat held at UTEC offered reasonable discussions. She invited the Board to visit her office which had recently been rearranged.

Ms. Slauson expressed that she was impressed by the group that worked on the Handbook, thanked Trustee Nesland for her efforts to keep in touch with that project, and indicated that many positive things were happening at Mesa State and that she was looking forward to fall semester.

Student Trustee: Student Trustee Dukes reported that fall training camp sports had begun and encouraged Board members to come out and experience student activities. Mr. Dukes stated that during this critical Fee Allocation year ASG members are determined to ensure that funds are being allocated to organizations in dire need, that ASG understands the importance of maintaining low student fees, and that its members are determined to keep them low. Trustee Dukes mentioned that students are excited about working with the Board and the new president this year, as well as with the changes that have occurred and those that may come.

ASG President: Jared Wright introduced himself as the new ASG president mentioning that he served as an intern in the state capitol last year, is now working as a staff member in Congressman Scott McInnis' Grand Junction office and is excited about working with the Board of Trustees and the coming year. Mr. Wright related to the Board some of the changes that will be made in ASG this year, including the new volunteer position of ASG Events and the discretionary paid position of Press Secretary to be responsible for publicity for the student body and ASG. Other suggested changes included the proposal to hold a campus-wide special election in the event that the student trustee steps down, and the proposal to strengthen requirements for ASG members to receive travel advances.

Trustee Wright shared the goals of keeping student fees at the current level unless it is critical to raise fees for the sake of the quality of Mesa State's education, analyzing every request from student-fee-funded organizations, considering funds from the student-controlled reserve fund, moving toward using zero-base budgeting, and participating in the promotion of campus expansion. Mr. Wright indicated his understanding that the College will be addressing change and the importance of change, along with the need for the educational environment to be fluid and cutting edge. However, he cautioned that change should never occur too hastily. He promised that student government will be open to ideas for change from the College administration as long as the establishments being changed are carefully researched and impacts are meticulously studied before changes are made. Trustee Dukes told the Board that he looks forward to working with and learning from them while implementing plans and looking at changes in student government.

Classified Staff Council President: Tom Orrell introduced himself as the new president, reporting that it had been a quiet summer and Council looked forward to an exciting year.

Chair: Chair Elliott reported on meeting with the City on the MSC master plan, as well as on the City's master plan for Lincoln Park. She indicated that the City is being scheduled to share its plans with the Board at a subsequent meeting and that plans to set up meetings with the County and with media also are in progress.

Ms. Elliott stated that the Board had met with the Foundation, that Director Claudia Crowell had resigned to take another position with the Art Center, and that the creation of a job description for a development advancement person is moving forward.

President Foster informed the Board that the Foundation executive committee had met and tentatively agreed that Rick Adleman, current Alumni Relations Director, be appointed interim Foundation Director and hold both positions.

Faculty Senate President: President Phil Kavanagh welcomed new Board member Wist on behalf of Faculty Senate. He commended the Handbook committee for its work, mentioning that, while there are still a few minor issues to be discussed, they were generally satisfied with the Handbook. Dr. Kavanagh indicated that Senate looks forward to moving on to the policies and procedures manual, looking into salaries and equity on campus, maintaining a good relationship with Board and administration, and keeping communication open.

DISCUSSION/ACTION ITEMS

Calendar

Chair Elliott called the Board's attention to the proposed calendar, indicating that locations may change but that the dates are basically the same. It was clarified that one-day meetings will be held unless it is determined that more time is needed. Trustee Nesland moved that the calendar be accepted as presented; Trustee Wexels seconded. Discussion clarified that locations may change. Motion passed unanimously.

President Foster introduced Andy Breckel, Associate Vice President for Outreach and Dean of Students. Mr. Breckel provided some background information about himself and shared some goals with regard to Mesa's role as Regional Education Provider.

President Foster introduced Pat Doyle, Vice President for Finance, who shared some of his background, along with his views on the economic and social difference that higher education makes to the community.

Trustee Nesland congratulated President Foster on his choices with regard to building an extraordinary administrative staff.

DISCUSSION ITEM

Litigation

Trustee Monfort joined the meeting by conference call at 10:50 AM. Chair Elliott opened the floor to discussion on the Megan Fromm case. Trustee North moved that the Board go into executive session pursuant to title 24-6-402(3)(a)(II) of the Colorado Revised Statutes to receive legal advice from the Board's attorney, James Nesland, Special Assistant Attorney General, on pending litigation. Trustees Nesland seconded the motion. Discussion occurred among Board members regarding convening in executive session, the inadvisability of waiving attorney-client privilege by holding public discussion with attorney, and the need to balance maintaining that privilege with the Trustees' desire to conduct fully open public discussion. A roll call vote was taken. The motion passed with Trustees Elliott, Hamilton, Kaesemeyer, Monfort, Nesland, North, Wexels, Wist voting in favor and Meyer opposed. The Board recessed into executive session at 10:55 a.m.

Chair Elliott reconvened the Board in open session at 12:53 p.m. Trustee Meyer read the following statement:

“An agreement in principle has been negotiated by counsel for the Board and Megan Fromm. The attorneys for the respective parties are finalizing the terms of the settlement agreement. When the terms of the settlement agreement have been finalized, the proposed agreement will be disclosed to the public and the Board will publicly consider and vote on the specific terms of the settlement.

As proposed by counsel, and accepted and approved after public discussion by the Board, the Board will make available for public inspection and copying at the Office of the President the audio tapes and written minutes reflecting the presidential search discussion on November 18 and 19, 2003.”

Trustee Meyer clarified that the length of time needed by the attorneys for discussion would determine when the settlement would be made public.

Chair Elliott called a recess for lunch at 1:03 p.m. and reconvened in open session at 1:50 p.m.

DISCUSSION/ACTION ITEMS

Capital Construction, Controlled Maintenance

Director of Facilities Services Erik van de Boogaard provided explanation and background on the capital construction, controlled maintenance five-year plan, and program plan requests for approval by the Board, along with their associated CCHE requirements.

Trustee Meyer moved to approve the Capital Construction request to CCHE; Trustee Wexels seconded. The motion passed unanimously.

Trustee Nesland moved to approve the five-year controlled maintenance plan as presented. Trustee Meyer seconded. Questions on staging and funding were addressed. The motion passed unanimously.

After further explanation and discussion on the Program Plan, Trustee Nesland moved to accept the Program Plan House Demolition and Ground Recovery Project as recommended by staff; Trustee Kaesemeyer seconded. The motion passed unanimously.

Chair Elliott requested that staff explanations and recommendations be included in the Trustees’ agenda packets.

MSC Professional Personnel Employment Handbook

The Chair recognized Carol Futhey and Betty Bechtel, along with Handbook committee members Jeanne Durr, Rich Cowden, and Kristy Reuss. Dr. Futhey provided background on the combining of the former Trustee and MSC personnel handbooks, as well as an overview of the committee membership and its process for addressing the revision. Attorney Bechtel commented on the purpose of the Handbook, the differences between public and private sector handbooks, and how concerns were addressed specific to those expressed by employees regarding terminology. She also offered opinion on the current status of the Handbook and suggestions on how the Board might want to proceed, including comparing the current draft to the Trustee Policy Manual for the sake of consistency and avoidance of conflict.

Trustee Nesland presented questions, comments, and recommendations regarding sections of the Handbook draft that might be compared to sections of the Trustee Policy Manual. Discussion

occurred regarding benefits, tuition waivers, sabbaticals, Family Medical Leave/sick leave requirements, evaluation of administrators, and grievance policy/hearing committees for discipline, dismissal and promotion.

On behalf of the faculty on the committee, Rich Cowden thanked the Board, President Foster and Dr. Futhey for the opportunity to participate in the Handbook revision process, stating his belief that concerns of faculty, for the most part, were duly noted and that, although it is a work in progress, they felt that the Handbook is one with which they can work. Board Chair Elliott thanked the committee on behalf of the Board.

Ms. Bechtel recommended going back over the Handbook in reference to comments received today, including those from the State Attorney General's office. Discussion occurred on timeline for addressing Board and other recommendations and forwarding a draft to Trustees. Faculty Senate President Kavanagh expressed a desire to have the recent Senate retreat recommendations reviewed. Discussion was held on faculty member Jane Arledge's recommendations on the Handbook verbiage regarding non-tenured, tenure-track faculty and their employment following non-renewal. Trustee Nesland suggested that language be added that would guarantee a year of non-renewable employment following denial of tenure.

Trustee Nesland suggested that the changes, which are needed to bring the Trustee Policy Manual into line with the Handbook draft, be addressed simultaneously with this review. Ms. Bechtel welcomed all input. Chair Elliott offered her appreciation.

Chair Elliott called a recess at 3:05 p.m. and reconvened at 3:35 p.m.

Financials

MSC Controller Larry Cackler and Vice President for Finance Pat Doyle presented information on financials. Mr. Cackler offered that the Board packet materials included the same information that would be submitted for audit and to CCHE. Discussion was held on the budget for FY05, the College Opportunity Fund, enterprise status, the College's pricing structure, credit hours, legislation impacts, and non-discretionary expenses.

Settlement Agreement

Chair Elliott called the Board's attention to the settlement agreement and provided time for review. Trustee Wist moved that the Board authorize counsel to enter into, on the Board's behalf, the settlement agreement, release terms of which were provided to each of the Board members. Trustee Meyers seconded. Discussion included clarification that the document should be signed by parties on both sides of the case as well as counsel, and note was made of a misspelling on page 3. A roll call vote was taken. The motion passed with Trustees Elliott, Hamilton, Kaesemeyer, Meyer, Nesland, North, Wexels, and Wist voting in favor; none opposed; Monfort was absent.

ADJOURNMENT

Trustee Wexels moved to adjourn at 3:57 p.m.; Trustee North seconded. The motion passed.

AUGUST 19, 2004
CALL TO ORDER

Chair Elliott called the meeting to order at 9:03 a.m.

Trustees Present

Trustee Hamilton, Trustee Kaesemeyer, Trustee Meyer, Trustee Nesland, Trustee North, Trustee Wexels, Trustee Wist, Faculty Trustee Slauson, Chair Elliott

Trustees Excused

Trustee Monfort, Student Trustee Dukes

PUBLIC COMMENT

None.

ACTION ITEMS

Academic Program Reviews

VPAA Futhey shared background on, and explained the process and CCHE requirements for, academic program reviews. Discussion was held on review cycles, low-demand programs/provisional continuation, committee recommendations, program assessment/prioritization/planning, and Board involvement in the planning process. Also mentioned were the need for detail, a comparison to 1997 weaknesses and recommendations, previous reallocation of funds, class sizes, more students/fewer resources, and growth.

Trustee North moved to approve the Academic Program Reviews as presented; Trustee Wexels seconded. The motion passed unanimously.

Personnel Items

Vice President Futhey provided explanation of the personnel items for action and information.

Trustee Hamilton moved to approve; Trustee Nesland seconded. Discussion included clarification on probationary vs. tenure-track faculty, coaching and teaching responsibilities, and a request for salary to be separated out on coaching and teaching. The motion passed unanimously.

Questions on personnel items for information were addressed, including those on temporary administrators and transitional retirement.

OTHER BUSINESS

Trustee Nesland requested, with regard to the charge to the president to develop policy subject to Board approval, that over the course of meetings this year the administration go through the Trustee Policy Manual to 1) identify the areas where Trustees have specifically directed that policies be developed by administration for Board approval and to confirm that policies currently in existence, specifically those previously set up under State Colleges, are current, pertinent, and applicable and 2) provide a brief synopsis of those policies for Board review.

ADJOURNMENT

Trustee Wexels moved to adjourn at 9:57 a.m.; Trustee North seconded. The motion passed.