

MINUTES OF THE INFORMATION SESSION OF THE BOARD OF TRUSTEES  
OF THE COMMUNITY COLLEGE DISTRICT OF THE COUNTY OF MACOMB

An open information session of the Board of Trustees of the Community College District of the County of Macomb was held Tuesday, December 16, 2014 in Room 109 of the Professional Development Center, University Center, Center Campus, 44575 Garfield Road, Clinton Township, Michigan.

1.0 CALL TO ORDER

The meeting was called to order by Chairperson Kelly at 6:35 p.m.

2.0 ROLL CALL

Present: James F. Kelly, Chairperson  
Christine Bonkowski, Vice Chairperson  
Connie Bolanowski, Secretary  
Roseanne DiMaria, Treasurer  
Frank Cusumano, Trustee  
Joseph DeSantis, Trustee  
Nancy Falcone, Trustee

Absent: None

Also present: James Jacobs, President  
Elizabeth Argiri, Vice President, Business  
Jill M. Little, Vice President, Student Services  
Patricia Martz, Secretary to the President  
Gerri Lynn Pavone, Executive Director, Research  
and Planning  
James Sawyer, Provost/Senior Vice President, Learning Unit  
Casandra Ulbrich, Vice President, College Advancement  
and Community Relations  
Hunter L. Wendt, General Counsel/Executive  
Director, College Police  
Denise Williams, Vice President, Human Resources  
Jennifer Haase, Trustee-Elect  
Vincent Viviano, Trustee-Elect

3.0 APPROVAL OF AGENDA

MOTION by Falcone, supported by DiMaria, to approve the agenda as presented.

Motion carried.

4.0 AUDIENCE PARTICIPATION

None

5.0 REVIEW OF AGENDA ITEMS AND MATERIAL

None

6.0 ISSUES AND UPDATES

6.1 General Fund Budget

Ms. Argiri stated that in regard to tuition and fees, the college experienced less of a decline in enrollment than the projected 3%, with the fall semester resulting in a decline of only 1.5%. As a result, this increased the revenues by approximately \$470,000 and an increase in total revenues to \$135.5 million. In regard to expenditures, the most significant change was an increase in bad debt expense relating to Pell Grants. She explained that when colleges administer financial aid they are responsible for adhering to federal regulations and those regulations require colleges to disburse the financial aid before it is earned by the students before the 60% completion rate in the semester. As a result, if a student withdraws from class, the college is then required to re-compute the Pell award, return the unearned portion to the federal government, and collect that amount from the student, which is not always successful. Changes have been made in order to mitigate that risk, including changing the disbursement to 21 days after the start of classes instead of 10 days before classes as was done in the past. She noted that this matter will continue to be monitored.

Ms. Argiri further explained that offsetting that increase is a change regarding wages and benefits driven by filling vacant positions at lower wages due to seniority of the individuals who previously held those positions. There are also seven new budgeted positions being incorporated into the budget, many of which are a conversion of part-time funds to full-time positions. Overall, the revenue sources have remained consistent in the past few years with property taxes and state aid at 26% and tuition and fees at 43%. Ms. Argiri further stated that the college is projecting a 2.3% decline in enrollment for the entire year.

In response to an inquiry by Trustee Cusumano regarding GASB 68, Ms. Argiri stated that the college will be required to record on the balance sheet the unfunded liability associated with the MPSERS pension system which is up \$152 million dollars, so for the year ended June 30, 2015 the balance sheet will show that recorded liability. She further stated that it will not hit the general fund budget because it will be a reclassification on the balance sheet between net assets and long-term liability. In conclusion, the combination of increased revenue and increased expenditure budgets results in a balanced budget with budgeted revenues exceeding expected expenditures by \$293,192.

6.2 Child Care Update

Dr. Sawyer referred to a recent inquiry made by Trustee Cusumano in regard to what the college is doing concerning the issue of child care. He stated that in 2013 a child care needs study was commissioned by the Democracy Commitment team at the college with over 17,000 students surveyed to determine their needs for child care. Four percent (4%) of those students indicated that child care was an issue and three percent (3%) were satisfied with the services they had been utilizing. Dr. Sawyer explained that there are two different categories of child care, early childhood education and drop-in care. Dr. Sawyer stated that from a

college perspective, Macomb would lean toward the early childhood education, indicating that drop-in day care is very rare due to challenges associated with required staffing. He stated that another question arose of what the college currently offers with regard to child care. Macomb students are made aware of child care through Student Options for Success (SOS).

Transportation and housing are the two most common issues for students. He noted that there is a scholarship offered at the college that is geared toward offsetting child care services. Dr. Sawyer stated that administration is in the midst of a further investigation into child care and the plan is to present more details at the February board meeting.

There was a discussion of what other neighboring institutions offer regarding child care. Dr. Jacobs stated that Lansing Community College has a model which would be in line with Macomb's goal of an early childhood education center run by an accredited group, a partner who can bring to the table experience and expertise. Trustee Bonkowski inquired about the issue of transportation and housing brought up by the students. Ms. Little clarified that the housing inquiries are usually students asking for either rent or mortgage assistance and the transportation issue includes requests for assistance with car repairs, gas money or bus fare. Dr. Jacobs noted that there is an increase in the amount of students taking the bus, but there is no direct bus transportation available between the two campuses. Ms. Little stated that a 2009 survey showed that 2% of students relied on bus service to get to the college and another survey will be conducted.

### 6.3 Title IX Overview

Dr. Ulbrich provided an overview regarding Title IX. She explained that in 1972, under Title IX, it became law that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." In 1990, the federal government passed the Clery Act as a result of colleges and universities not being proactive in sharing criminal information that could impact students. The Clery Act specifies that a college or university must report crimes on or near campus including twelve different categories. Colleges and universities must also identify campus security authorities, publish an annual security report and issue timely warnings to students of crimes occurring on or near campus. In 2013, the federal government reauthorized the Violence Against Women Act (VAWA), linking the Clery Act and Title IX together, to report three additional crimes, those being domestic violence, dating violence and stalking.

Dr. Ulbrich stated that the college is now required to provide training to students and staff. The United States Department of Education Office of Civil Rights came out with a document providing direction on what their requirements are. Colleges and universities must be proactive with regard to addressing sex discrimination and must have a Title IX coordinator. Investigations have to be timely, within 60 days. The standard of evidence is preponderance of evidence. Both parties must be notified in writing of the outcome of the complaint and that they have a right to appeal.

A Title IX administrative policy has been created for Macomb and a Title IX coordinator and two deputy coordinators have been assigned. If an allegation is made against faculty or staff, the deputy coordinator would be Denise Williams, Vice President for Human Resources. If it is an allegation against a student, those matters would be assigned to Susan Boyd, Dean of

Students. Dr. Ulbrich also explained that the administration is in the process of identifying a campus-wide online training program which will be accessible to all staff, faculty and students. Dr. Jacobs suggested that the Board of Trustees have access to this training as well. Dr. Ulbrich stated that there is a procedure in place, so when a complaint is made, she, as Title IX coordinator, will determine whether the matter should be investigated. She would then inform the complainant of their rights under Title IX and assign the complaint to one of the deputy coordinators to investigate. The investigator would then bring the complainant and respondent in along with any witnesses or documentation. She noted that either party can choose not to participate, but an investigation would still be conducted. The investigator will prepare a written report to the appropriate deputy coordinator which will be forwarded to Dr. Ulbrich who will make the final determination based on the report whether there has been a violation the policy. She would then simultaneously notify both the complainant and respondent of the outcome of the investigation and they would have the right to appeal within 20 days of the decision. The college disciplinary panel would make the decision on the appeal through a hearing process. Dr. Ulbrich noted that if the issue involves a college employee as opposed to a student, they would have due process rights under their contract. Ms. Williams stated that Title IX is a federal law and federal law would supersede any collective bargaining agreements. Ms. Williams further added that every union contract requires due process, and the union contracts require any disciplinary proceedings to stay confidential. Trustee Kelly stated that with regard to due process, it is his opinion that the college's policy strikes a good balance. Trustee DeSantis expressed his concerns about due process.

Trustee Cusumano stated that he has researched this issue and has shared his proposed revised policy with the administration and the Board. He indicated that he believes the college is departing from its student discipline code in that the finding of fact is being made by an investigator without a hearing. He further stated that due process requires fundamental fairness, advising the person of the accusation against them and giving them the opportunity to have a hearing and examine the complainant. Ms. Williams asked for clarification from Trustee Cusumano as to his definition of a hearing. Trustee Cusumano stated that it would be defined under the student discipline code and however that process moves forward. Dr. Ulbrich responded that when a complainant or respondent comes in for an interview with the investigator, it is considered a hearing. She further stated that they have the opportunity to present their story as well as any witnesses and have an advisor present, but the Office of Civil Rights is very clear that a complainant and respondent cannot cross-examine one another. She stated that this has led to litigation at some colleges and universities. Trustee Cusumano commented that the decisions made by the Board need to be fundamentally fair and policies that are put in place now will affect future generations. He further stated that he believes it is important to ensure that all students and employees are treated fairly and equally and does not think this policy as currently configured does that. He suggested that a separate study session be held to further discuss Title IX. Dr. Jacobs stated that this is a complicated issue, but he does not see where there is a lack of due process. Trustee Kelly agreed that more time should be devoted to discussion on this matter at a future date.

There was a discussion regarding regular meeting agenda item 5.2, 2015 Calendar of Meetings, and the Board and the administration adhering to the scheduled meetings as presented.

7.0 EXECUTIVE SESSION

It was determined that there was no need to hold an executive session.

8.0 ADJOURNMENT

MOTION by Falcone, supported by DiMaria, to adjourn the meeting.

The meeting adjourned at 7:41 p.m.

COMMUNITY COLLEGE DISTRICT OF THE COUNTY OF MACOMB  
BOARD OF TRUSTEES

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Secretary