

APPROVED MINUTES OF 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 Wednesday, February 21, 2018 at 6:00 p.m., in Room 109 of the University Center, Professional Development Center, Center Campus, 44575 Garfield Road, Clinton Township, Michigan.

1.0 CALL TO ORDER

The meeting was called to order by Chairperson Haase at 6:00 p.m.

2.0 ROLL CALL

Present: Jennifer Haase, Chairperson  
Frank Cusumano, Vice Chairperson, (Acting Secretary)  
Roseanne DiMaria, Treasurer  
Kristi Dean, Trustee  
Joseph DeSantis, Trustee (arrived at 6:15 p.m.)  
Vincent Viviano, Trustee (arrived at 6:37 p.m.)

Absent: Katherine Lorenzo, Secretary

Also present: James Sawyer, President  
Elizabeth Argiri, Vice President, Business  
Sharon Kowal, Executive Administrative Assistant to the President  
Gerri Lynn Pavone, Executive Director, Research and Planning  
William Tammone, Provost/Vice President, Learning Unit  
Casandra Ulbrich, Vice President, College Advancement & Community Relations  
Hunter L. Wendt, General Counsel/Executive Director, College Police  
Denise Williams, Vice President, Human Resources

3.0 APPROVAL OF AGENDA

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

Motion carried.

4.0 AUDIENCE PARTICIPATION

None.

5.0 REVIEW OF AGENDA ITEMS AND MATERIAL

Trustee Cusumano said with regard to the construction costs of \$509,000, what is the number of square feet of the auxiliary gym and how was that figure arrived at as a total budget. Also was IDS's services bid out. Ms. Argiri stated that yes they were. She does not have the square footage of the floor, but B. Simonson, Director of Administrative Services, will be at the public meeting.

Trustee Cusumano asked about the concrete replacement with the trip hazards – is the old pool still underneath and was it filled with concrete? Ms. Argiri answered that there was a swimming pool there before that was filled in with concrete. Over time the concrete has shifted and adjusted and there is some moisture and that is why the concrete has to be replaced. Trustee Cusumano asked if part of this job is breaking out the old concrete and pouring new. Ms. Argiri said yes it has to be replaced due safety concerns for the students. Trustee Cusumano asked if the same shifting is going to take place over the long run again. Ms. Argiri responded over 25 years it may. Our goal would be to not have that happen. With the new concrete they are putting in another vapor barrier to control the moisture and try to prevent any issues.

Trustee Cusumano inquired regarding the door locks, if the keys are going to be available to police and fire? Dr. Sawyer responded that they will be. He indicated that the big difference with these door locks is that you can actually lock the door from the inside without a key. Ms. Argiri added that as the buildings are being renovated the thumb turn latches have been added to each room. She said that Dr. Sawyer asked her to take a look at a different accelerated schedule to address the remaining rooms. (550 rooms)

Trustee Cusumano discussed the issue of the harassment policy. He noticed that there is no definition per se of harassment. Mr. Wendt responded it says unlawful harassment that is the title. (See also discussion under 6.5) Trustee Cusumano took the liberty to make a copy of Black's Law Dictionary's definition of harassment. (Copies of the definition were distributed.)

## 6.0 ISSUE AND UPDATES

Dr. Sawyer stated that this past month he went with Chairperson Haase and Nicole McKee to the State Legislative Summit that was organized by the Michigan Community College Association. They met with several of our local representatives. The focus of the meetings was to talk about funding. This was on the heels of the Governor's budget proposal with zero increases to the budgets of community colleges and two percent to universities. We also continued to push for support for our capital outlay project. We are encouraged that yesterday the capital outlay rankings came out and we are ranked number two. This is encouraging but it does not mean that we are funded yet. There is more work to do and we will continue to follow-up with our legislators.

Dr. Sawyer said that last week he went with Nicole McKee to Washington DC with the American Community College Trustee Association for legislative meetings. They met with Senator Peters, Senator Stabenow's staff, Congressman Levin, and Congressman Mitchell's staff. Those were good meetings but the primary talking point was the current language in the new higher education act that talks about putting more of the financial aid burden back on the colleges. Right now when students complete 60 percent of the course the financial aid is considered consumed. The new legislation puts the burden back on the college, up to 99 percent. If students drop out at any point along the path to completion, the college is on the hook to pay back that financial aid.

Dr. Sawyer continued that Ms. Argiri and her team did an assessment and today that would cost the College \$1.5 million. We are obviously concerned about this and brought it to their attention. Also the President's initial budget had a reduction of \$40 million in Perkins. Perkins is a significant

portion of our career and technical education (CTE) support as well as our special populations. The reduction would be very problematic for us. Also the federal grants for job training have not been available as they were in the past. That is a concern because we have made very effective use of those to train thousands of people to go back to work. On the upside, one of the things the current administration is pushing is apprenticeships. We are very strong with apprenticeships and we are promoting and encouraging them.

Dr. Sawyer said Administration is planning to bring an extension of the cleaning contract to the Board next month. GCA, the current cleaning company is doing a good job. The previous cleaning company did a horrific job. We are very pleased with the service that GCA has been providing. Their initial plan is to hold the pricing and we see that as very encouraging. GCA is a leading cleaning company in schools and higher education. We are comfortable in continuing with them.

Dr. Sawyer stated that in March, the Administration is going to be prepared to present a tuition recommendation to the Board. Theoretically he shares the philosophy that the Board has been following the last several years of implementing modest increases on a regular basis as opposed to periodic high increases. That said, this year is particularly unique because of the millage. The millage is something we are taking into consideration as we formulate our final recommendation to the Board.

Dr. Sawyer said that enrollment is down 4.2 percent in credit hours. On the positive side revenue is \$125,000 above budget. Again this is a consequence of the increase in out-of-county students that we had. Out-of-county enrollments have really helped from a revenue perspective. That is a reflection of the differentiation between the in-county and out-of-county rates. We are seeing the benefit of that in our increased revenue.

Dr. Sawyer stated that in November, following the lockdown situation, he provided the Board with an update. After the horrific situation in Parkland, Florida, he wanted to give them an update on a few things since November. At that time, we had 173 cameras in place, we now have 181. We continue to add cameras as part of the renovation process.

Dr. Sawyer added that Mike Zimmerman is doing an RFP to look at the backbone of the security camera system which will include replacing some obsolete cameras, updating the network and also has a bid alternate for wifi parking lot cameras. You will recall from previous conversations it is no small task to put cameras in the parking lots. If these wifi cameras work, while the cameras are expensive, it may be a solution. OCC is piloting those cameras now. Mr. Zimmerman is in contact with them to get their assessment.

Dr. Sawyer continued, we have developed a placard that will be ready for installation in the beginning of March. We will be posting them in every classroom. They will detail the instructions of what to do in an emergency situation/lockdown.

Dr. Sawyer said that we have revised our emergency messaging. We will try to make messages clearer and, in a lockdown situation, communicate on a more regular basis.

Dr. Sawyer added that since November the College Police have conducted numerous training sessions for different groups – teachers, classrooms, and at other events. Mr. Wendt has

presented at our large institutional events, as well as during faculty development day, adjunct faculty development day, and the adjunct faculty service awards. We are seeking out every opportunity we can to get it in front of as big of an audience as possible. As Chairperson Haase indicated, if the Board would like a formal update on safety we can do that at a future Board meeting.

Trustee Cusumano appreciated Dr. Sawyer's attention to detail on that issue. He asked who is in charge of making sure there is coverage at all ingress and egresses. Dr. Sawyer said the College Police are responsible for dictating the locations of cameras. Trustee Cusumano also asked if there is any signage up saying this area is under surveillance. Mr. Wendt responded that Ms. Argiri has facilitated for the Police to meet with Mr. Zimmerman when new plans and blueprints are available for renovations. They meet with Mr. Zimmerman and look at the plans, every floor, every angle, and every corridor and decide where cameras need to be placed. The issue of putting up signs regarding an area being under surveillance was discussed some time ago. At that time the thinking was if there is a sign stating this area is under surveillance it emphasizes that there are other areas that are not under surveillance. We would rather have people be concerned that they are always under surveillance.

Dr. Sawyer shared the sad news that Mr. Julius Cicchini, a member of our Foundation Board and an outstanding supporter of the College, particularly the Performing Arts Center and the Cultural Center, had passed away. We are sorry to lose Mr. Cicchini and will certainly miss his support for the College. Trustee Cusumano asked if any kind of tribute or resolution was appropriate. Dr. Ulbrich commented that the annual report for the Foundation will be out soon and there is a page dedicated to him.

Dr. Sawyer pointed out a few upcoming events:

February 28 at 7 p.m., is the launch of this year's series at the Lorenzo Cultural Center – Making Macomb: A Journey Through 200 Years.

March 26 at 6:30 p.m., Lawrence Summers is speaking as part of the James Jacobs Civic Engagement Project. This is the first session of that project. Dr. Ulbrich added that an email to faculty and staff went out last week and the email to students went out today. She said that we haven't really advertised it beyond that but 250 people have already RSVP'd.

March 27 is the College's Institutional Development Day. The State of the College address will be given at 8:45 a.m. Throughout the day there will be a number of professional development events on a wide variety of subjects. Also there will be celebrations for our 25-year service award recipients as well as our retirees.

July 24-27 is the MCCA summer conference. This year it will be held in Traverse City at the Grand Traverse Resort.

#### 6.1 Millage Update

Dr. Sawyer stated that he is currently in the midst of conducting meetings with municipal leaders. He has met with Clinton Township, Fraser, Mt. Clemens, Richmond Township, and Macomb

County. This week he met with the Sterling Heights Chamber Policy Board. The Policy Board is going to recommend to the entire chamber an actual endorsement for the millage for the college.

Friday he is meeting with Macomb Township and Center Line. He has another dozen meetings on his schedule over the next couple weeks. He has a presentation that describes the millage, why we are doing it and answers any questions they may have. So far the meetings have been great.

Trustee Cusumano asked if he is giving the presentation to the Board of Trustees or to the Supervisor. Dr. Sawyer responded that he meets with the Supervisor, but it varies. When he went to Clinton Township, Supervisor Cannon had the Clerk there, as well as, their Public Works person and their accounting person. It is up to the Supervisor but he will meet with whoever they want him to.

Dr. Ulbrich stated that the advertising campaign continues to be very strong. There were over 47,000 hits to the website landing page. An internal working committee has been established to help with internal communications to the College regarding the millage. An external committee has also been set up. That committee is called Taxpayers for Macomb Community College. They are in the process of raising money so they can do some absentee ballot work. They had a kick off meeting a couple of weeks ago.

Dr. Ulbrich stated that the first print pieces are currently in Graphics. We are gearing up for the absentee ballot portion of the campaign. We are also calling all of the local Clerk's Offices to find out when they are planning to send out their absentee ballots. Right now it looks like mid to end of March is the target for most of the cities. A couple of them are moving it to the first week of April. We will start staggering mailings based on when they tell us they are going to send out their absentee ballots so they both hit roughly at the same time.

Dr. Ulbrich added that we purchased a voter list that contains about 180,000 voters. It rates voters based on their propensity to vote in a May election. We can target by a number of different things, one, their likelihood to vote, but also things like partisanship, age, location, race, gender, etc. If we want to get down and target different things we can do that with this list.

Finally, Dr. Ulbrich said that we taped two more WWJ ads this week. One on the Public Service Institute (PSI) and one on health care. Those will start running on WWJ in conjunction with the other ads currently on.

Dr. Ulbrich mentioned she has met with the Macomb Police Chiefs Association and is starting to talk to the local unions as well. The meetings with the local unions just started but so far have been promising.

Dr. Ulbrich added that the *Connect* magazine is now hitting households.

Trustee Cusumano asked if any polling will be done in the interim to see where we are at. Dr. Ulbrich responded that we didn't budget for any additional polling. That can be looked at if we think there is a need, but so far our polling has been consistent.

Mr. Wendt added that the Election Clerk has sent over a proposed ballot and it is exactly what we asked for.

## 6.2 Safety – Door Locks

Dr. Sawyer said there is an item on the agenda that invokes the section of the Board's purchasing policy that enables the president and the vice president of business to issue a purchase order if it is of urgent need. His opinion is that this has been an urgent need so they went ahead and did that. The quotes received are listed on the agenda item. The lowest bidder was selected. The urgency was based on trying to expedite the installation of the door locks as soon as possible.

Chairperson Haase said she thinks that is why the clause is in the policy. When there is a safety concern like that it has to be addressed as soon as possible. Given what has been going on, we can't necessarily wait. She thinks our students and staff will feel much safer knowing they have the ability to lock their doors.

Ms. Argiri added one point about the number of bids that were received. She thinks what impacted the number of bids included the scope of work that was defined which included performing the work around classes. The work will be done by the contractor from 10 p.m. until 6 a.m. and on the weekends. She thinks given the demand of construction in the area along with the restrictive hours and the amount of work to occur, we received very few bids. She added that when they were projecting what the costs would be they came in lower than what had been anticipated.

## 6.2 Auxiliary Gym Floor (estimate \$600,000)

Dr. Sawyer said last month he gave them advance notice about repairs to the auxiliary gym floor. On tonight's agenda we are bringing forth the recommendation on the actual repair we want to make. Ms. Argiri stated that the bids will be presented as Information Items, like we do with our major renovations program. Ms. Argiri said she received a text message from B. Simonson saying that the square footage is 11,000 square feet. Part of the costs of construction include painting the entire auxiliary gym so it will be consistent with the new gym floor.

Trustee Cusumano said he understands that the floor will be all wood. Ms. Argiri confirmed that it will. She continued that the concrete will be replaced and the floor will be all wood. They looked at the options of urethane, mixed urethane and wood. The transition between wood and urethane doesn't always go very well in terms of providing a tripping hazard than all wood. They really looked at the three options, had some initial cost projections and will know more when everything is out for bid. They looked to the Learning Unit and Student Services/Athletics to help make the decision in terms of the type of floor that would be best for the uses of that gym.

Trustee Cusumano said his only question was about putting the wood right up against the wall. The area by the wall isn't necessarily used that much. Would there be any cost savings by using a mixed media. Ms. Argiri replied that the mixed media provides additional trip hazards. When most of the teams are playing in there, if it's the volleyball court or the basketball court she thinks some of the greater areas are used outside of the main court itself.

6.4 Policy on Unlawful Harassment (First Reading)6.5 Policy on Civil Rights Complaint Procedure (First Reading)

Mr. Wendt recapped what was discussed at last month's meeting, as well as, what's in today's write-up. It was decided to take a look at the Civil Rights Complaint Procedure Policy and the Policy on Unlawful Harassment. In looking at those policies it was clear that they were written some time ago and that they needed to be updated and streamlined. They thought some of the provisions in the existing policy would be a little bit misleading to anybody who may be attempting to file a complaint. For instance, the reference to giving deference to the bargaining agreements with respect to the process of reviewing a complaint. They didn't want those filing a complaint thinking that someone who is employed here is going to get separate protections and therefore a defense to a claim of unlawful harassment. They felt that was an important provision to remove. They also thought that the examples given were outdated and unnecessary given the education of society since the time these were adopted. People are more likely today to express displeasure with how they are treated in an unlawful harassment setting and they are bringing those complaints forward. They were trying to streamline and make it more understandable for those reading the policies.

Mr. Wendt said that for the Civil Rights Complaint Procedure itself, the policy had been reviewed by the U.S. Department of Education, Office of Civil Rights, with respect to what should be contained therein. He has rearranged some of the previous provisions in order to make it more readable and understandable. The intent was anybody who might have a complaint for civil rights, and that would include the Title IX or unlawful harassment itself or any of the violations of civil rights by people, they would know where to go and file their complaint. The emphasis here is not on making it a quiz for the person filing the complaint to pick the right person to send it to but to give them broad direction on where to send any of their complaints. Once again this is an attempt to streamline, make it more readily understandable by those who might be interested or feel they have a complaint to file in order to follow the process.

Mr. Wendt continued, at the conclusion of our discussion last month the Board asked him to bring it forward as a first reading of a revised policy. He was also asked how someone can tell if a policy has been revised and what are the revisions, etc. In keeping with what has been his practice throughout the years he has provided the trustees with a copy of the current policy, the redline version (that which is being revised) and then a clean copy at the end so you would know what the policy would look like should you choose to adopt it at a first and second reading.

Trustee Cusumano asked if there is a College policy that interconnects any complaint that's filed whereby other enforcement personnel for the different policies are advised. He is specifically thinking about what happened at MSU with people not communicating and the report not being handled properly under the various different levels. Someone can be in violation of more than one of these policies under a single act.

Mr. Wendt responded that compared to MSU or any other large university we are much smaller. We work intricately with each other. There are only four individuals who would be the initial target of these complaints being filed. They are D. Williams, C. Ulbrich, S. Boyd, and J. Steele. We all work together on a daily basis. We pretty much tell each other what's going on with respect to a case. No, we do not have something formal in writing that states you shall let the other know

and he's not saying it is prohibitive by the policy and privacy that is involved in these situations, but his office is pretty much involved in all of those situations. He is aware of them. If a Civil Rights complaint comes to the President's Office it is sent to him and he sends it on to the right department. All of our departments interact all of the time on these complaints. Trustee Cusumano would like to see one person get copied all of the time on all of them so there is a single point person that can redirect or be aware of them. Mr. Wendt said that one of the reasons for the change to the Civil Rights Complaint Procedure Policy is to put in one place where complaints ought to go so the College is on notice and the individual who is the intended recipient is known to the filer. If a complaint is filed in one place and it turns out to be wrong we always shift it. If there is ever a question whether or not something is a civil rights or Title IX complaint it is sent out to let people make that decision. Rather than have a singular traffic cop, we have four.

Trustee Cusumano asked if the student disciplinary code automatically goes to the Learning Unit and who is in charge? Mr. Wendt said that if a student is involved it would go to S. Boyd as the Dean of Students. If there is a determination of discipline and it is appealed there is an appellate process. Three individuals would review the decision. Those individuals consist of a faculty member (appointed by the Faculty Senate, an Administrator (appointed by the President) and the Provost.

Trustee Cusumano asked if S. Boyd is notified when the Title IX coordinator makes a finding. Dr. Ulbrich said that is not how a Title IX investigation works. A Title IX complaint would come to her and then there are two deputies, D. Williams and S. Boyd. S. Boyd's office handles the actual investigation. They make a recommendation on a finding and potential sanctions. She receives the recommendation and either signs off on it or sends it back to them for further review. S. Boyd would always know because her office is involved in the actual investigation.

Trustee Cusumano asked how many Title IX complaints are received. Dr. Ulbrich responded that the number of complaints that result in an actual investigation are usually a handful per year. In 2014 there were five, in 2015 there were four, in 2016 there were five, and last year only two resulted in an actual investigation. There are about 20 preliminary complaints per year that turn out not to be a Title IX issue.

Trustee Cusumano asked if the MCCA or any other organization we are affiliated with provide continuing training on Title IX, harassment violations, etc. Dr. Ulbrich stated that she receives training through an organization called ATIXA, which is the Association of Title IX Administrators. On an annual basis she goes through certification training. Ms. Williams added that any staff members who are considered investigators also have that training annually.

Trustee Cusumano asked if we have a policy about FOIA requests for certain details or disclosure of these as public records. Mr. Wendt stated that the College has a specific FOIA policy online as required by State law. We follow the law, which would require the disclosure of certain information and there are restrictions within the law. We will provide information as required.

Trustee Cusumano said if there is an allegation of sexual misconduct and it goes through the process, there is an exemption under FOIA for investigative reports of a personal nature or embarrassing nature. Would the victim be contacted? Or would an Administrator of the College disclose. Mr. Wendt said if a complainant makes a complaint or respondent receives a complaint



under Title IX the other side is entitled to the same information. That's to them. As to someone from the general public coming in and getting it, we haven't had that occur yet, but he would be very resistant on just blithely presenting that information. We will look at it with a view towards non-disclosure at least until such time as there is a conclusion reached. While there is an ongoing police investigation we will not release it under FOIA or FERPA.

Trustee Cusumano said the policies are much improved and thanked Mr. Wendt. Mr. Wendt stated that he worked on the policies with J. Steele.

Trustee Cusumano questioned the definition of harassment in the policy. He said the policy says Harassment Prohibited. So in other words, the term harassment is stated before the definition of harassment. The policy says unlawful harassment defined and then it talks about sexual harassment and using the term harassment itself, unlawful sexual advances, requests for sexual favors, racial – prohibits verbal or physical acts based (he said the word acts is vague) on race, color, national origin, religion, disability or marital status. He looked up the term harassment in Black's Law Dictionary and it says "words, conduct or action that, being directed at a specific person, annoys, alarms, or causes substantial emotional distress to that person and serves no legitimate purpose; purposeful vexation." He thinks that is the correct definition of harassment and it should be incorporated in this policy as the definition. Then it can talk about different types of harassment, which he thinks it does, but he doesn't think the policy defines harassment.

Mr. Wendt expounded that the policies of the Board are, in this case, directed toward unlawful harassment. Unlawful harassment is defined based on race, color, national origin, religion, disability, age, marital status, pregnancy, height or weight, etc. Those things that are recognized as law as being protected status – that's pretty much the only thing that this Board has ventured into and he thinks appropriately. The College should be doing what is needed to protect people from violations of the law, in this case, these are pretty much all civil rights that warrant protection. The definition in Black's, the definition commonly used by people, is usually social harassment and is very subjective in nature. This Board should never venture into a policy that prescribes conduct. The conduct we are trying to prohibit is more readily defined as the civil rights of the people who work here and attend here as students. He would never recommend the Board adopt a policy so broad as to prohibit so called harassment.

Mr. Cusumano said his point is to define harassment - say it is unlawful harassment to do any of the following. But just to say the word "acts" verbal or physical acts based on race. Mr. Wendt responded it says unlawful harassment that is the title. Trustee Cusumano says it doesn't set up the definition and say this is what harassment is and this is what unlawful harassment is. He thinks it would be a better policy if that was made clear.

Mr. Wendt said for this Board to try to define personal conduct that doesn't violate some statute or law is very problematic. We can't control social interactions between people to that extent. Ms. Williams said it's not that we don't consider harassment or look into those things but a violation of policy with respect to unlawful harassment versus inappropriate behavior when dealing with workplace issues those things are addressed. We don't want it to be a finding of unlawful harassment every time a couple of employees are not getting along – that would create a burden to everyone including the College. A finding of unlawful harassment is certainly to a much higher level in a violation of the law versus inappropriate behavior and we have to do some training or mentoring.

Trustee Haase confirmed that all present are satisfied with the first reading of the policies. Trustee Haase thanked Mr. Wendt for the work he has done on updating the policies.

7.0 Executive Session

MOTION by Viviano supported by DiMaria to move into Executive Session to discuss collective bargaining.

ROLL CALL VOTE:

Ayes: Viviano, DiMaria, Cusumano, Dean, DeSantis, Haase

Nays:

Absent: Lorenzo

RECESS

The meeting recessed at 6:56 p.m.

RECONVENE

The meeting reconvened at 7:35 p.m.

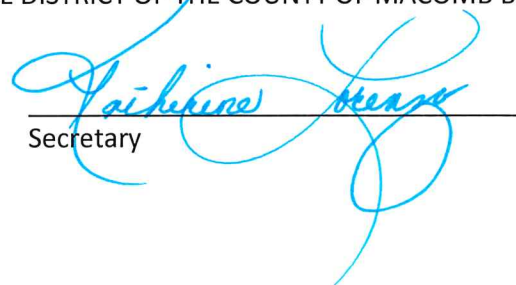
8.0 ADJOURNMENT

MOTION by Viviano, supported by Dean, to adjourn the meeting.

Motion carried.

The meeting adjourned at 7:35 p.m.

COMMUNITY COLLEGE DISTRICT OF THE COUNTY OF MACOMB BOARD OF TRUSTEES

  
Secretary