

**NEOSHO COUNTY COMMUNITY COLLEGE
BOARD OF TRUSTEES
MINUTES**

DATE: November 12, 2009
TIME: 5:30 p.m.
PLACE: Student Union, Room 209
PRESENT: Kevin Berthot
Charlie Boaz
Patricia Griffith
Mariam Mih
David Peter

ABSENT: Clint Isaac

PRESENT: Dr. Vicky R. Smith, President
Dr. Brian Inbody, VP for Student Learning
Ben Smith, VP for Administration
Brenda Krumm, Dean of Outreach and Workforce Development
Eric Tincher, Dean of Students
Sandi Solander, Business Manager/Board Treasurer
Nathan Stanley, Faculty Senate
Ruth Zollars, Faculty
Joan LaRue, Faculty
Kent Pringle, Board Attorney
Terri Dale, Board Clerk

Mr. Peter called the meeting to order.

III. Public Comment

There were no speakers.

IV. Approval of the Agenda

Mr. Peter asked to amend the agenda by adding Memorandum of Understanding between the Neosho County Community College Board of Trustees and the Professional Educators' Association as item 8-E and Resignation as item 8-F. Upon a motion and a second the agenda was approved as amended. Motion passed.

V. Consent Agenda

The following items were approved by consent.

- A. Minutes from October 15, 2009
- B. Claims for disbursement for October 2009
- C. Personnel

1. Resignation of Assistant Softball Coach

It was the President's recommendation that the Board accept the resignation of Jennifer Joyal, assistant softball coach. Her resignation is effective November 4, 2009.

2. Resignation of Assistant Cheer/Dance Coach

It was the President's recommendation that the Board accept the resignation of Tara Palmer, assistant cheer/dance coach effective October 13, 2009.

3. Assistant Cheer/Dance Coach

It was the President's recommendation that the Board approve the employment of Katrina Hutson as the assistant cheer/dance coach. Ms. Hutson is a graduate of NCCC and attended the University of Kansas. Her work experience includes Admissions Specialist at Therapy Works in Lawrence, Logistics Specialist at Old Navy, and Assistant Manager at Maurices in Chanute.

Ms. Hutson will be paid \$1050 per month starting November 13, 2009. (The November payment will be prorated.)

Upon a motion and a second the consent agenda was approved. Motion passed.

Faculty Senate Report: Nathan Stanley gave the following report on behalf of the Faculty Senate.

Faculty forum pages have been added to InsideNC for the Applied Sciences and Liberal Arts divisions. This new addition to InsideNC will improve communications among full-time instructors and adjuncts. There are open discussion forums available and links to common resources. The faculty forum pages were a joint effort by Kevin Blackwell and Marie Gardner.

On a humanitarian note, all Intro to Sociology and Social Problems students at the Chanute campus are required to spend 10 hours of community service time as part of their grade this semester. They are able to do an additional 10 hours of community service work for extra credit. Examples of projects students have helped with are the Toys for Tots Golf Tournament, volunteering at the Cherry Street Youth center, visiting and helping in area nursing homes, blood drives, the Hospice Clay Shoot, and Artist Alley.

On September 17th, the NCCC Music Club received recognition from MENC (the National Association for Music Education) for celebrating National Anthem Day. The club received a certificate plus recognition on the National Anthem Day website.

On October 1st, twelve members of the NCCC Music Club, along with David Smith and Melissa Kiefer, traveled to Kansas City to visit the American Jazz Museum and viewed the film *Van Gogh* at the Extreme Screen Theater in Union Station.

History Club students visited the World War I Museum in Kansas City on Veteran's Day. The 90th anniversary of Veterans Day was commemorated at a special ceremony. Students were able to learn some history and mingle with veterans of World War II, Korea, Vietnam, Desert Storm, and more recent American conflicts.

Bobbie Forrest, construction instructor, attended the Mentorlinks conference in Washington D.C. It was hosted by the American Association of Community Colleges and the Association of Teacher Educators.

Dean of Outreach and Workforce Development Report: Brenda Krumm, Dean of Outreach and Workforce Development, reported that her department and the Retired Senior Volunteer Program are planning a Multigenerational Pep Rally for the December 5th college basketball games. Dean Krumm distributed a written report and highlighted some of the items on the report including:

- IN FY09 the NCCC Adult Education Center served 140 students logging a total of 9851 hours.
- Of the 140 students, 75 attended classes on the NCCC main campus and Anderson County location; 65 attended classes on campus at the FSCC outreach center.
- 29 students entered the program with the goal of entering employment; 22 actually entered employment for a 75% completion rate.
- 45 students were gainfully

Treasurer's Report: Business Manager Sandi Solander reported that revenues and expenditure were almost the same for the month of October. Revenues were at 3.5 million and disbursements were at 3.8 million. She reported that the cash balance comparison was up about \$723,000 over last year for the same time period.

Strategic Plan Report: Ruth Zollars and Joan LaRue, co-chairs for the Strategic Planning Committee, distributed copies of the Strategic Plan for 2009-10 and a list of funding recommendations for this year. They reported that although not everything recommended for funding was funded, they were happy with items that were funded. The committee was pleased that stacking academic scholarships for high achieving students was included in the budget as well as tech support for employees and students through the help desk, and improving science labs on the Chanute campus.

Several initiatives in each of the three objectives were highlighted including continuing to fund Title III march for new programs and implementing those programs as indicated in the grant, maintaining the position of Coordinator of on-line Learning, redesigning the college web site, creating a student literary magazine, augmenting on-line services for students, and focusing on employee fitness. They thanked the Board for their support and allowing them to make a report.

ACCT Conference Report: Trustee Pat Griffith discussed information from the Association of Community College Trustees annual meeting she attended in San Francisco. The information included presentations on sharing equipment, building green, using reserves to implement new programs, and how to search for a new president.

The ACCT annual conference will be in Canada next year and Dr. Smith told trustees if they were planning to attend the meeting, they should get their passports soon.

President's Report: Dr. Smith reported that 73 students received the academic stacking scholarship for the fall semester for a total of \$34,098.00. Each scholarship averaged \$467.00. This scholarship is in addition to, or "stacked" onto any other scholarship that students may have received.

The financial aid department has already paid out about the same amount of Pell Grant dollars as all of last year; 507 students received a Pell grant this semester compared to 486 for fall and spring of last year.

Student loan dollars for 08-09 totaled \$1,840,109 compared with \$988,498 for the fall 2009 semester. The number of students who filed a FAFSA for 08-09 was 1562. So far this year 1587 students have filed a FAFSA. Dr. Smith congratulated Kerrie Coomes, financial aid director and her staff for all they have accomplished this semester.

Dr. Smith just returned from four days in Washington, DC where she met with the staffs of Senator Brownback, Senator Roberts, and Congresswoman Jenkins. She spoke with them about the Center for Sustainable Energy project and I asked each of them for a \$600,000 appropriation in the appropriation bills for FT 2011. All of the individuals Dr. Smith talked to indicated that the appropriation requests process starts in January and shared how NCCC should go about making the requests.

Dr. Smith and Kathy Hund, KBOR staff, met with Ms. Imogene Byers regarding NCCC's request for a revision in the Title III grant. Dr. Smith asked permission to change one of the academic programs to be developed from Physical Therapy Assistant to Occupational Therapy Assistant. KBOR staff requested that the College make the request to Title III. Ms. Byers asked KBOR staff to write a letter indicating they will make sure the OTA program from NCCC moves smoothly through the process. If the letter is received by November 17th, Ms. Byers indicated she would approve the revision request.

During the trip to DC, Dr. Smith also attended the AACC Commission on Economic and Workforce Development. Jane Oates, undersecretary of Labor, spoke at length about how community colleges will be on the forefront of the workforce system in the US. She indicated that the American Graduation Initiative will provide many opportunities for community colleges to bring federal funds back to their areas for economic and workforce development as well as funds for student supportive services.

The surplus auction on November 7 grossed \$6290.50. With the expenses and fees paid the auctioneer of \$1052.65, the College netted **\$5237.82**.

The College continues to be successful in having grant proposals funded. Two recent grants that were funded are listed below.

- SEK KAN-GO: Transitioning Adult Learners from Adults Education to Postsecondary Education. Funded for \$84,559.

This funding is from the KBOR, who used Workforce Investment Act Incentive Funding as the source. The SEK KAN-GO is a collaborative effort by five community colleges and one school district in Southeast Kansas. The SEK KAN-GO Consortium regional partners are: Neosho County Community College (NCCC), Independence Community College (ICC), Fort Scott Community College (FSCC), Labette Community College (LCC), Coffeyville Community College (CCC), USD 250 – Pittsburg Adult Education Center and KANSASWORKS.

This project focuses on recruiting and retaining adult education students, as well as providing support services for students to assist them in transitioning to available certificate programs for training/re-training leading to employment. This unique collaboration, which includes adult education centers, community colleges and local workforce investment boards in the Southeast Kansas region, will provide adults of all ages an opportunity to acquire the knowledge and learn the skills necessary to compete for high demand jobs.

- Carl Perkins Reserve Fund Grant. Funded for \$34,795. The grant will provide Neosho County Community College monies to support equipment needs in our Energy Management program. This equipment will support the growth of our program by providing multiple lab workstations to enhance student learning.

Mark Watkins, business instructor, is in the educational leadership doctoral program at Wichita State University. He approached Dr. Smith about whether the College would like to have any research study

done. His class cohort would do the research under the guidance of one of the professors. Dr. Smith agreed and they have begun their work.

The Study will focus on the perspectives of external stakeholders regarding: (a) the perceived level of service provided by the community college; (b) a preferred level of service provided in the future; and (c) the necessary modifications needed for the community college to move towards providing a higher level of service. It will take them all this academic year to do the research and write up the results.

The NCCC Foundation Board voted to be the underwriter for purchasing and installing turf on the baseball field. The contracts between the Foundation and the company are being signed soon. Work will begin around November 20th. Included with adding turf, a new backstop will be installed.

Steve Murry, baseball coach, indicated that with turf on the field the college would get opportunities to host activities that would not have been considered a site for without the turf. The first event that NCCC will host is the "area code" tryouts in June. The tryouts are for the top 200 high school players from Nebraska, Kansas, Oklahoma and Missouri. The tryouts will bring in over 100 coaches and scouts.

Agenda Item VII-A: Finalize Topics for Board Retreat

Topics for the November 19th Board Retreat will include reviewing the missions and purpose statements. The Board will also discuss purchasing real estate in executive session.

Agenda Item VIII-A: Emeritus Faculty/Administrator Policy Revision-first reading

In March of 2005, the Board of Trustees approved the Emeritus Faculty and Administrator policy that grants the status in honor of 15 or more years of outstanding service to Neosho County Community College at the time of the employee's retirement or passing. The honor includes:

- the employee's name added to the Emeritus Faculty and Administrator plaque
- A certificate of status
- Lifetime free admission to college events
- A continuation of employee discount at the bookstore

Currently membership in this group is limited to full-time faculty members and administrators who have risen to the rank of Director or above. The administration recently reexamined the policy and requested a change. They requested that policy be changed to allow Emeritus status to be given by the Board of Trustees to all full-employees who meet the criteria, regardless of position at the college. The intent is to honor all retired long-term college employees who have devoted the bulk of their working lives to Neosho County Community College students no matter what their position or rank.

Furthermore, the administration requested that past living employees who would have met these criteria be asked to accept Emeritus employee status retroactively.

The proposed change in the policy below was presented for a first reading.

Emeritus ~~Employee Faculty and Administrator~~ Status (added 3/9/05)

The Board of Trustees of Neosho County Community College is greatly appreciative of employees who devote their professional lives to the College. In appreciation, the Board establishes and names individuals to Emeritus ~~Employee Faculty and Administration~~ status, so that their displayed

names, along with their positive impact on the College, will remain long after their retirements.

To be considered for this honor the employee must be:

- A full time ~~employee~~ ~~faculty member or full time administrator of director level or higher;~~
- Be employed at the college for at least 15 years;
- Be eligible for retirement under the Kansas Public Employees Retirement System;
- Be retired from Neosho County Community College.

If an employee who meets the first two requirements dies before retirement he or she is still eligible to receive the honor posthumously.

On or about July 1, the Director of Human Resources will compile of list of retirees that meet the above criteria and will submit that list to the President who then submits the list to the Board of Trustees. At the next meeting of the Board, they will publicly induct the new members to this honor. A plaque will be maintained displaying the names of the honorees.

Agenda Item VIII-B: Staff Professional Development Policy Revision-first reading

Professional development for faculty and staff is important to stay current on rules and regulations, and to develop leaders among employees. Professional development is important for all employees, not just faculty members. The College maintains two professional development funds, one for the faculty administered by the negotiated agreement and a separate fund of \$6,000 for staff, run by a staff committee.

There are several differences between the faculty and staff funds. In 2008, the Board of Trustees approved an increase of the per faculty allocated amount from \$500 per instructor to \$750. The staff development fund policy limits staff members to \$500 per year per staff member. Additionally, the negotiated agreement for instructors allows its members to reapply for unused professional development funds near the end of the academic year. Staff members are limited to \$500 with no chance to reapply for unused dollars.

In a continuing effort to strengthen professional development for all employees and to equalize benefits between faculty and non-faculty employees the administration recommended changing Board policy to allow for an increase in the initial amount staff members can apply for from \$500 to \$750. It was also recommended that the policy be amended to allow staff members to reapply for unused funds near the end of the academic year.

These proposed changes will have no effect on the budget as the total allotment of \$6,000 will not be changed. The proposed changes are presented for a first reading.

Proposed Policy Changes:

Staff Professional Development Fund (added 9/9/04)

The purpose of this fund is to encourage staff in developing and implementing individual plans for professional development. Neosho County Community College expects all employees to take the initiative in maintaining and continually reassessing skills and knowledge required for their assigned work. The staff professional development fund is designed to support opportunities for which sufficient funding cannot be found within their department budgets.

1. Eligible employees include all permanent full time non-Professional Employees staff. Contractual employees must have been employed for one (1) year at the time of application. The purpose of this fund is not intended to be used in lieu of other appropriate departments funds. Departments are encouraged to provide as much financial support as possible for appropriate training of their staff. The applicant is required to seek funding from his/her department *before applying for monies from the staff professional development fund.*
2. Monies will be budgeted each year and applications will be accepted throughout the year, but funding may become scarce as the year progresses. Therefore employees are encouraged to plan ahead.
3. The fund will be administered by the President's/designee Office.
4. Applications will be reviewed by a selection committee to be composed of a three-member committee appointed by the President. If a member of the selection committee is applying to the fund, he/she will excuse him/herself from that discussion.
5. The amount of monies available for each employee is ~~\$500~~ \$750 per year. Between April 15th and May 1st, employees may apply for any uncommitted funds. Applications must be submitted no later than May 1st and no funds will be committed after June 1st.
6. Due to fund availability, all of the worthwhile applications submitted will be approved on a first come first serve basis.

The strategies/priorities of the college's professional development plan are:

1. Academic Study- Includes formal courses of study, pursuit of additional degrees or other academic awards.
2. Conferences- Presenting papers, tutorials, chairing sessions or panels; participation in question and discussion sessions; and attendance at formal sessions and other conference activities, are all examples of appropriate conference-related professional development.
3. Seminars and Workshops- Such activities cover a variety of instructional programs that may be offered.

Agenda Item VIII-C: Early Retirement Incentive Policy Revision-First Reading

The Board of Trustees' attorney and the College's retirement plan provider have made the administration aware of a change in the tax code that affects the manner by which the college disperses its early retirement incentive to retirees. Part of the reason for the change in the tax code is that the US government sought to penalize corporate CEOs who delayed compensation in order to avoid paying taxes on salary and stock options. Unfortunately, the manner by which NCCC disperse the early retirement incentive by paying it out over five years to the retired employee directly can be construed as a form of delayed compensation and susceptible to tax.

Under the new tax code the employee would be forced to pay taxes on the entire amount of the five-year payment in the first year, usually taking all of the first payment for taxes, if not more than that payment. For example, if the retired employee was to receive \$4,000 a year for five years, for a total of \$20,000, he or she would have to pay taxes on the full \$20,000 in the first year of the payment. There is a solution that benefits the College, the retired employee and the IRS. The solution would require a minor change to the negotiated agreement and to board policy.

As this is a retirement payment and not "salary" the payment can be made in the name of the employee to the College's authorized 403(b) retirement plan provider. (As a non-profit organization, we are not

allowed to offer a 401(k). Instead, we offer a 403(b), which is almost exactly like a 401(k.) The retired employee can then access the funds through this retirement account. Like all pre-tax retirement accounts, as the employee draw the funds out of the account they will have to pay taxes on any withdrawn amount. The employee can leave the funds in the account until they are needed and earn interest in the meantime. The employee will not have to pay taxes on the entire "five-year" amount, just on the amount withdrawn each year.

There is another benefit. Currently the College and the retired employee pay Social Security and Medicare, (or FICA) taxes on the disbursements. Because this proposed change is a retirement payment to a 403(b) and not salary, neither the employee nor the college will pay FICA taxes on the amount. That would save both parties about 7.65% of the payment.

There is a charge of 1% and an annual fee of \$20 from the employee to the 403(b) plan provider, but the employee saves 7.65% from avoiding the FICA tax.

The administration recommended a change in Board policy to reflect this change to how early retirement disbursements are made. The changes requested in the Early Retirement Incentive Policy for employees not covered by the negotiated agreement are highlighted in **yellow** below:

3. Basis of Retirement Benefit. The early retirement benefit shall be an annual payment **made in the retired employee's name to the College's identified 403 (b) plan provider. The payment will be** determined by utilization of the percentage opposite the year of benefit on the following table. The percentage for the year shall be multiplied by the Full-Time Employee's last annual contract salary. The payment shall be paid annually in either January or July through the College contract year in which the Full-Time Employee reaches age sixty-four (64) or for a period of five (5) years, whichever occurs first. The initial date selected for first year payment (January/July) shall then become the anniversary date for subsequent payments. The age at the time of retirement shall determine the percentage of last annual salary for that year and each subsequent year.

Agenda Item VIII-D: Memorandum of Understanding with the PEA on Proposed

Changes to the Early Retirement Incentive

The Early Retirement Incentive mentioned in the previous narrative is found in both the Board of Trustees Policy Manual and the Negotiated Agreement with the Professional Educators Association (PEA), the faculty's collective bargaining unit. The administration recommended that the change in the payment from the individual to the 403(b) plan provider be applied to the PEA negotiated agreement as well as Board policy.

In order to change part of the agreement once it has been signed, both parties must agree to either re-open negotiations or sign a memorandum of understanding (MOU). As this is only one small change, the administration and the PEA agreed to create an MOU for Board approval.

Dr. Brian Inbody met with Gayle Randolph, the group's President and members of the PEA to explain the proposed changes in the early retirement incentive described in the earlier narrative. They agreed to the change and to the Memorandum of Understanding.

The administration recommended the Board sign the attached memorandum of understanding with the NCCC Professional Educators Association to allow for early retirement incentive payments to be made in the PEA member's name to the 403(b) plan provider instead of the employee directly. This change is for the 2009-2010 academic year only. A more permanent solution for future academic years will be added to the Administration's letter to the Professional Educators Association of items we wish to negotiate this spring. The content of MOU follows.

Resolution 2009-78

RESOLVED, that the Board of Trustees approves the memorandum of understanding with the NCCC Professional Educators Association to allow for early retirement incentive payments to be made in the PEA member's name to the 403 (b) plan provider instead of the employee directly for the 2009-2010 academic year only.

Upon a motion and a second the above resolution was approved. Motion passed unanimously.

Amended Agenda Item VIII-E: Memorandum of Understanding Between the Neosho County Community College Board of Trustees and the Professional Educators Association

Following a charge from the Vice President for Student Learning, the Professional Development Committee is attempting to improve its processes and communication with the faculty it represents. The committee has taken on the task of streamlining the decision-making process while ensuring that the professional development funds are used for their approved purpose. To that end the committee has created an improved set of forms for faculty to complete in order to request approval for professional development activities and for funds to pay for those activities.

The new forms should improve communication between the faculty member making the request and the committee both before the activity occurs and after it has been completed. The administration supports this effort. As the forms are part of the appendix to the 2009-2010 negotiated agreement, both the Professional Educators Association (PEA) and the Board of Trustees must agree to any change in the forms. The following Memorandum of Understanding (MOU) will allow the forms to be changed for the remainder of this academic year. Long-term addition of the new forms to future negotiated agreements may be mentioned in the letter from the Board of Trustees to the PEA for this year's negotiations.

Resolution 2009-79

RESOLVED, that that Board of Trustees of Neosho County Community College approves the Memorandum of Understanding to the 2009-2010 Negotiated Agreement.

Upon a motion and a second the above resolution was approved. Motion passed unanimously.

Memorandum of Understanding Between NCCC Board of Trustees and The Professional Educators Association

The attached forms replace professional development forms found in the 2009-2010 Negotiated Agreement.

his MOU agreement will terminate with the 2009-2010 Negotiated Agreement.

We hereby agree on November 12th, 2009.

David Peter
Chair, NCCC Board of Trustees

Gayle Randolph
President, PEA

Chairman Peter called for a 10 minute break at 6:58 p.m. The meeting resumed at 7:08 p.m.

Amended Agenda Item VIII-F: Resignation

It was the Presidents recommendation that the Board accept the resignation of Ella Jones, ABE instructor at Fort Scott. Ms. Jones resignation is effective November 26, 2009.

Resolution 2009-80

RESOLVED, that the Board of Trustees of Neosho County Community College accepts the resignation of Ella Jones, Adult Basic Education instructor at Fort Scott, effective November 26, 2009/

Amended Agenda Item VIII-G: Executive Session-Acquisition of Real Property

Upon a motion and a second the Board recessed into executive session for 30minutes for preliminary discussions relating to acquisition of real property and included the President, both Vice-Presidents, the College Attorney and Paul Cavanaugh. The Board entered executive session at 7:09 p.m.

The Board returned to open meeting at 7:39 p.m.

Upon a motion and a second, the Board returned to executive session for 10 minutes to continue preliminary discussions relating to acquisition of real property and included the President, both Vice-Presidents, the College Attorney and Paul Cavanaugh. The Board entered executive session at 7:40 p.n.

The Board returned to open meeting at 7:50 p.m.

Agenda Item IX: Adjournment

Upon a motion and a second the meeting adjourned at 7:51 p.m.