

MINUTES OF THE STUDY MEETING
OF THE BOARD OF TRUSTEES
OF THE MONROE COUNTY COMMUNITY COLLEGE DISTRICT

Monroe Charter Township Hall
Nature Center
4925 East Dunbar Road
Monroe, MI 48161
5:00 p.m., October 21, 2019

Present: William T. Bruck, Florence M. Buchanan, Lynette M. Dowler, Steven Hill, Krista K. Lambrix, Aaron N. Mason, Mary Kay Thayer

Also Present: Janel Boss, Randy Daniels, Paul Hedeem, Chris Johnson, Edmund La Clair, Patrick Nedry, Linda Torbet, Kojo Quartey, Suzanne Wetzel, Grace Yackee, and Penny Dorcey (recording secretary)

1. Dr. Quartey called the meeting to order at 5:12 p.m. and asked for a moment of silence for those who are suffering in the world. The purpose of the meeting was to conduct training for the Trustees.
2. After introductions, Chris Johnson from the Michigan Municipal league took the floor to talk about the Michigan Open Meetings Act (OMA). Mr. Johnson is a former politician, who has also served for 12 years on a board of education, and 28 years as the mayor of his community for 28 years, and through which he has had a vast experience with the Open Meetings Act.

Mr. Johnson began by citing some of the actual language of the Open Meetings Act statute. He stressed that one of the things that is important to remember about a committee of public body is that it not only includes the main board, but it also includes any commissions, committees, and subcommittees that the board sets up. Even if a subcommittee is made up of less than a quorum of the board, it is still subject to the Open Meetings Act, and is still responsible to take and post and retain the minutes of the meeting.

The OMA was passed in 1976 and became effective March 31, 1977, prior to the availability of email, texting, and social media. Today's technology presents many challenges to boards in terms of compliance with the OMA. Mr. Johnson gave several examples of how boards may get into trouble when using these modern forms of communication. For example, "a trustee comes up with a great idea. The trustee shares this idea with the entire board. Then the other members of the board start replying via the "Reply All" feature of the email system." Trustees must take care not to fall into deliberating about the budget, policy, students, or anything along those lines. Although the OMA does not define deliberating, discussing, considering, exchanging views or debating a matter is likely to be considered "deliberating."

In the above examples none of the procedural requirements of the OMA are followed. The public body must provide notice of all public meetings. The OMA requires that all of the following information be contained in the notice: name of the public body to which the notice applies, its telephone number if one exists, and its address. A public notice for a public body must always be posted at its principal office and any other locations considered appropriate by the public body. Cable television may also be utilized for purposes of posting a public notice. Notices must be made available to any newspaper published in the state and to any radio and television station located in the state, free of charge.

For regular meetings of a public body, a notice must be posted within 10 days after the first meeting and must state the dates, times, and places of its regular meetings. Mr. Johnson summarized the notice requirements for changes to the schedule for a regular meetings, rescheduled meetings, and special meetings. Also covered were requirements for recessed meetings.

In the event of a severe and imminent threat to the health, safety, or welfare of the public and 2/3 of the members of the public body determine that delay would be detrimental to the efforts to lessen or respond to the threat, the 18 hour notice may be waived; however, the public body must make paper copies of the notice available at the meeting; explain in detail the reasons for not complying with the 18 hour notice; and post the notice on its website; and send a copy to the Board of County Commissioners of the county where the public body sits.

Most issues can be avoided by ensuring that proper notice has been given for all meetings. All meetings must be open to the public and readily available to the public. All persons must be permitted to attend any meeting unless provided for by the act. This right includes the right to tape-record, videotape, broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The right does not depend upon the approval of the public body; however, a public body may establish reasonable rules and regulations prior to the meeting in order to minimize the possibility of disrupting the meeting.

All decisions of the board must be made at a meeting open to the public. All deliberations of a public body must take place at a meeting open to the public with some exceptions. A person does not need to provide his or her name as a condition of attending a public meeting and must be permitted to address a public body under rules established by that public body. A person cannot be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting. Behavior at previous meetings doesn't count. People want to be heard. Public comment at beginning of meeting is a best practice because it lets the board know how they feel before the board votes. Boards should listen to the criticism as well as the accolades.

The OMA provides 10 exemptions in which the OMA does not apply. Of those 10, only two apply to community college boards: a committee of a public body which adopts a non-policy-making resolution of tribute or memorial which resolution is not adopted at a meeting; and, a meeting which is a social or chance gathering or conference not designed to avoid this act.

There are eight permitted purposes for closed sessions:

- (a) To consider dismissal suspension, or disciplining, of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing.
- (b) To consider dismissal or suspension of a student, at the request of a student, parents or guardian.
- (c) Strategy in negotiations sessions connected with the negotiation.
- (d) To consider the purchase lease of real property.
- (e) To consult with its attorney regarding trial or settlement strategy.
- (f) To review and consider the contents of an application for employment if individual requests their applications confidential.
- (g) Partisan caucuses of members of the state legislature.
- (h) To consider material exempt by a state or federal statute.

Boards can deliberate and craft a motion during a closed session, but all decisions, motions for action, and voting must be made in the open portion of the meeting. A 2/3 roll call vote is required to go into closed session, with the exception of Section 8(a), (b), (c), (g), (i) and (j). The roll call vote and purposes must be recorded in the meeting minutes. The secretary should take a separate set of minutes for the closed session. These minutes are not to be disclosed unless a judge orders them produced in an action under Sections 10, 11, or 13 of the OMA. The minutes may be destroyed one year and one day after the approval of the minutes of the regular meeting at which the closed session minutes were approved. The minutes should include the date, time, place, members present, members absent, any decisions made at a meeting open to the public, the purpose or purposes for which a closed session is held, all roll call votes taken at the meeting. A person who discusses the details of a closed session can be sanctioned for disclosing confidential material.

Minutes are a record of action taken and not what is said. Generally the less said the better. Corrections to minutes are made at the next meeting after the meeting to which the minutes refer. Corrected minutes should show both the original language and the corrected language. Minutes must be open for public inspection, make copies available for copying and printing. Minutes must not include anything that would violate the Federal Education Right to Privacy. Subcommittee meetings should be posted and minutes taken as with regular meetings.

Mr. Johnson's presentation is part of the permanent Board file and can be obtained from the President's Office.

3. The Board received an overview of Robert's Rules of Order from Dr. Paul Hedeem, retired Dean of Humanities at MCCC.

Dr. Hedeem spoke to the purpose for using Robert's Rules of Order in meetings. Robert's Rules of Order (R's Rules) help to clarify roles and power relationships and they help the public body to be more efficient. The rules and the agenda rule everything the public body

does, unless it deviates from the process. They rules create a public record of attendance, motions, actions, and votes and are a record of what is done, not what was said. Statements are recorded only when the individual speaking asks that it be recorded (“let the record reflect”), or when a person makes a motion or supports a motion. R’s Rules provides processes that are stable and ensures that all members have equal rights. They enforce civility, by ruling “out of order speech” the chair deems is unrecognized, rude, personalized, or beside the point. It is the chair’s duty to bring the group back to the process at hand. In a well run meeting, the only people who are speaking are those recognized by the chair. The chair needs to makes sure both sides of the issue

Dr. Hedeem stated that to make certain the public body is properly represented; Robert’s Rules require a quorum (51 percent) of the public body be present to conduct business. No quorum means no business. This ensures the majority rules, the minority is heard, everyone gets a voice, and everyone is a witness. Although a group can vote to set their quorum to less than 51 percent, it is not the best practice and it means that a minority of the group is making decisions that affect the entire group. There is nothing binding without a quorum present to vote. A simple majority of a quorum is required for ordinary motions. A two-thirds vote or super majority vote is required anytime processes are changed, rights are taken away, rights are limited, or a decision rescinded. The rules err on the side if stability by setting up the meeting structure, and making sure the group does the same thing in every meeting the same way.

Agendas are the format or road map for meetings run according to R’s Rules. Agendas are shaped in advance, they are accessible by members, they are conventional in form, and they are achievable in the time allowed. Once the agenda is set, it is the chair’s responsibility o get the group through it. People have to have access to be able to get on the agenda. The agenda gives order to the way business is handled by the group, and the chair requires that the order to be followed. An “open section” after new business, frees and agenda (and the chair) to consider what is urgent and timely.

Dr. Hedeem remarked that the chairs of public bodies facilitate the process. They follow the agenda and act with vested authority. They direct the flow of the work and moderate discussions. A chair needs to be a good citizen and referee, as well as an “expert” in R’s Rules and the group’s bylaws. The chair’s assistant is the secretary. The secretary communicates meeting information before meetings, creates the agenda, and takes minutes. During the meeting, the secretary writes and reads motions and their outcomes. The chair’s “second assistant” is either the vice-chair or a parliamentarian. Dr. Hedeem suggested that the vice chair also be a parliamentarian. Together, the chair, vice chair, and secretary are like a team’s coaching staff or referees. Members of the group (the team) should be on time, prepared, knowledgeable, and supportive of the group’s mission and its chair.

The business of the public body is conducted through the use of motions. To the extent possible, motions should be concise, written down in advance, read aloud, and briefly debated. If a motion contains anything debatable, the opportunity for debate (discussion) should be offered. Motions begin with the words “I move”. They must be seconded before they can be discussed. If a motion does not receive a second, it goes away and the group moves on to the next item. Once seconded, the chair restates the motion. The motion now belongs to the group and cannot be amended informally. Once seconded, the motion is on the floor and cannot be dismissed even by the person making the motion, nor can the mover withdraw the motion without the chair giving permission via “general consent.” Once on floor or pending, the motion must be dealt with before any other topic or motion is considered. Amendments are considered to be new motions. And must be read by chair, seconded, discussed, and voted upon. Then the amended motion must be voted upon.

Once a motion is made, seconded, and discussed, the public body must vote on it. There are several methods of voting. Typically, a voice vote is fine for small groups, if a simple only majority is needed, and for routine motions. A show of hands, standing, or roll call vote is best for large groups, and necessary for motions requiring a two-thirds or super-majority vote. Ballot votes should be used when anonymity is required or requested.

Occasionally a member may rise to a point of order, point of information, or parliamentary question. In all cases the chair rules. If a member of the group appeals the decision of a chair, a majority of the group must support the appeal. Moving a previous question or to objecting to consideration both require a two-thirds vote to carry.

4. Dr. Quartey called for a brief break at 7:26 p.m.
5. The meeting resumed at 7:32 p.m.

6. Edmund La Clair, Associate Professor of History, gave a Board a brief overview of academic freedom and shared governance. Professor. La Clair stated that, shared governance is part of academic freedom. Academic freedom has been in the news recently. Issues with academic freedom are not good for anybody and the Association of American University Professors (AAUP) can come in and sanction the college. Not for the faculty and not for the Board. It is the AAUP that defines academic freedom, and the seven major accrediting agencies, including the Higher Learning Commission (HLC), backs them up and ask boards to help protect academic freedom.

Professor La Clair gave a brief history of this concept, which goes back to the first universities during the time of feudalism where there were kings, priests, and peasants. University professors were not aristocrats, they were not priests, and they did not want be peasants. They came up with the idea of academic freedom by creating their own governance system systems faculty that included with artifacts such as long robes and mortar boards to signify that they were similar to priest and tat kings did not have authority over them, yet they were not priests. In America, the AAUP defined what academic freedom was in America by stating that teachers are entitled to freedom in the classroom when discussing their subject. At the time, teachers in the universities were not always saying what the kings and priests wanted to hear. Today in 2019, that usually translates to not always saying what politicians want to hear. Academic freedom is defined to protect the opinion of faculty when unpopular opinions are sated in the classroom. Dr. La Clair gave an example from his own experience. His area of specialty is the study of fascist groups and white supremacist organizations. Occasionally in the classroom he talks about the times he has been to a neo-Nazi rally for his graduate studies, and he should be allowed to discuss what happened at that rally. If an unsupportive trustee were to hear about this, he or she may become suspicious of a college professor who has gone to white supremacist or Nazi rallies.

It is important to note that institutions can place limitations on academic freedom; however, those limitations must be clearly disclosed in writing to the academics before they are hired. He also pointed out that academic freedom does not actually belong to the professors. There were a couple of Supreme Court cases in the last decade or so ruled that academic freedom of the college belongs to the Board of Trustees, to the college itself. This was decided in *Stronach v. Virginia State University*, a title VII retaliation suit. In one of the cases, a professor had assigned a grade, which the student appealed. The appeal went through the proper channels where the appeal board ruled in favor of the student and told the professor that he had to change the grade. The professor then sued the school argued that the college had violated his freedom of speech, arguing that the assignment of a grade is freedom of speech, and that this was a violation of his academic freedom. The court ruled that, although the grade was the professor's freedom of speech, but since there was a proper channel to change the grade, the college had the right to change the grade. This is an issue that many faculty have a difficult time understanding.

The AAUP argues that faculty members and students must be allowed to engage in intellectual debate without fear of censorship or retaliation. What his means for a professor is that he or she may have a student who states something in the classroom that the majority of people find repugnant, but that student still has the right to express his or her opinion. It also preserves the faculty's right of pedagogical philosophy and intellectual commitments with substantial latitude in deciding how to teach courses. This is another issue that is challenging for faculty today because there are demands on them to teach certain things or not teach certain things. Those demand often come from the government itself. For instance, in 1997 Liz Cheney complained about the way historians were teaching history. The Government of the United States American Congress decided to create standards on how history should be taught and then, those standards on schools. That simply will not work with the academic freedom model.

Academic freedom also gives faculty and students the right to express their views, speech, writing, and in electronic communication both on and off campus without fear of sanction unless the manner of instruction substantially impairs the rights of others, or those views demonstrate that they are professionally ignorant, incompetent, or dishonest. The political religious, or philosophical beliefs of politicians, administrators, or members of the public cannot be imposed on students or faculty. There was a recent movement in Michigan to forbid instructors from discussing the gay rights movement, and to limit the discussion slavery, specifically as the single cause of the civil war.

Academic freedom also secures the right to address or request a hearing if any faculty member or student believes their rights have been violated, and it protects the faculty member's right to assign grades as long as the grades are not capricious or unjustly punitive.

What academic does not protect is bullying or harassment. It does not protect the incompetent teacher from looking a job. There is also no right to ignore college regulations. For example, college courses must be taught in a fair and balanced manner.

Today, instructors face many challenges to academic freedom, such as issues with social media. Everything faculty post on social media can be a reflection on the college. Some schools do not allow professors to have friendships with students over social media. Faculty argue that the use of social media is part of their teaching style, while board point out cases where faculty have crossed ethical boundaries and caused problems. One example that comes to mind is the boycott and disinvestment of the Nation of Israel, in which social media was used to urge others to boycott Israeli owned businesses and support the Palestinian cause. Several universities have rescinded job offers from faculty upon discovering they supported that cause, or have blocked tenure to those faculties. Again, these institutions are accused of trampling on academic freedoms by telling professors that they are not allowed to support a particular cause.

As another example, the government of China funds the Confucius Institute, whose stated public goal is to promote knowledge of the history, culture, politics, and language of China. They also and give colleges lots of money and grants, which sounds fantastic, but then occasionally a professor criticizes the Chinese government, and the funding gets pulled back and they put pressure on administrators to pressure the offending faculty. There are growing concerns that this is an effort by China interfere with academic freedom in America. Dr. Quarthey said that, a couple of years ago a similar incident happened at the University of Toledo.

Recently, there have also been huge problems with proxy programs such as the ROTC. This is due to the leaked Wiki files, in which top secret files were released, in violation of Federal law. A college professor began using those files in the classroom to make a number of academic and historical points. Individuals who were a part of ROTC could not handle those files, look at those files, or even discuss those files. Many faculty argued that this was a violation of the students' academic freedoms. The federal government argued that those students were federal employees and could stay in the class, but the government would not pay for it anymore. Another political issue that comes up with a few academics is the censorship issue regarding topics like evolution or the fact that some of our founding fathers were slave keepers. There are some individuals on the left who challenge this mindset and call them academic justice issues. They believe that we have to use our academic freedom to promote a particular policy of social justice. For example, Professor la Clair teaches a Civil war Course. What does he call humans who owned other humans as slaves? The rule for years was to call these individuals plantation masters. People who argue for academic justice feel this is a good title. Other feel they should be called slave keepers and that the people who were slaves should be referred to as people held in bondage.

This also runs into the problem of providing safe spaces. If in a college class people are free to discuss topics that are controversial or sensitive, there has to be balance for individuals who desire a safe space. Faculty handle this by warning students ahead of time when they are going to discuss topics that may be upsetting to emotionally sensitive students (for instance, students with mental health issues such as PTSD). Others feel that these students will have to go out into the real world after college and deal with these issues; therefore, they should learn to deal with these issues in the classroom. The AAUP does occasionally try to weigh in on these issues and does suggest that faculty should provide safe spaces in their classrooms. This does not mean the AAUP expects faculty to not discuss sensitive and controversial topics, just that they will make an effort to warn students ahead of time before having these discussions. Professors must keep this in mind when dealing with dual enrolled students who may be as young 16 years of age. College professor make the assumption that students are prepared to discuss anything in that classroom that is relevant to the topic. The decisions is still up to the professor's discretion and none of this has any real legal backing; however, the AAUP is a powerful group with strong media connections which they use to vet their policies. Randy Daniels, Vice President of Student and Information Services, responded that both dual enrolled students and their parents sign a waiver acknowledging that adult topics will be discussion in college classes. Ms. Thayer remarked that she just returned from a conference, and academic freedom is a hot topic right now.

On another note, the Higher Learning Commission sees itself as a shield that protects faculty and the college's academic freedom. One of the ways they do this is by ensuring faculty members have a shared governance system. MCCC has a very generous governance system because it includes both full and part-time faculty, administrators, and full and part-time staff. Students are also included in shared governance. The idea of shared governance is a

democratic system of decision-making and recommendations that flow to the President so that he can make informed decisions. This also interjects the democratic process into colleges that have been increasingly following a corporate model of control. Shared governance allows debate to occur and empowers the college staff to participate into the decision-making process. Professor La Clair presented a diagram of MCCC's Council Model Flow that shows how information flows through governance system. Any employee or student can send a proposal through the Council Model for vetting, after which it goes to the President for a final decision. This model ensures every voice has the opportunity to be heard and to weigh in on decision-making at the college. Dr. Quartey added that although everybody has their say, it doesn't mean they always have their way. The final decision lies with the President.

Penny Dorsey, Executive Assistant to the President /Secretary to the Board of Trustees, added that although the Councils do take action on items, their decisions are recommendatory to the President, as are standing committee decisions; although their recommendations go through the assigned vice president to the President, rather than through the proposal process. The President makes his decision after considering all the input from the councils or standing committee. Of all the items that have gone through the councils, nothing has been "unapproved" by the President, although a couple of things have been sent back for further development after which they were approved.

7. Dr. Grace Yackee, Vice President of Instruction, briefed the Board on the upcoming visit from the Higher Learning Commission (HLC). The visiting team will be on campus November 4th and 5th for a comprehensive review. They plan to meet with the Board of Trustees at 4:00 p.m. in the Cabinet Conference Room.

Dr. Yackee's presentation focused on where the College is at in the HLC accreditation process, as well as on questions that the visiting team may ask. This visit will be a 10-year comprehensive evaluation. It will be full review for compliance, after which the HLC will be acting on the College's accreditation status. The assurance argument was submitted on October 7th along with the Federal Compliance piece. Dr. Yackee did not distribute the compliance document because it contains some private information. The information in the document is largely about federal regulations, protecting student identity, financial aid compliance, etc. There was a whole team that worked on the report, which was led by co-chairs, Valerie Culler and Tracy Vogt.

Dr. Yackee pointed out that the Board should have already received a copy of the third party comments. There only a couple of third party comments submitted. The student opinion survey was administered and analyzed entirely by the Higher Learning Commission. The College is not involved in this survey other than to distribute it through campus email to the students. The survey was administered between October 5th and 12th. The lowest score the college had was a 3.53 in reference to school financial aid counseling. This was surprising because MCCC is recognized nationally for its excellent financial aid counseling. In other surveys that have been administered to students, financial aid counseling has been scored very high.

Dr. Yackee added that guiding values that the team will consider during the visit include, a focus on student learning; education as a public purpose; is education for a diverse, technologically, globally connected world; a culture of continuous improvement; evidence-based institutional learning and self-preservation; integrity, transparency, and ethical behavior or practice; governance for the well-being of the institution including the shared governance system; planning and management of resources to ensure institutional stability; a mission centered evaluation. The team is measuring what the institution says it does against what it is actually doing and then looking at the evidence that proves this. This includes student learning. The institution needs to prove to the team that student learning is taking place. Finally, the team looks at accreditation through peer review.

Assumed Practices are where you can see us getting closer to the five criterion for accreditation, very similar to the guiding principles. The team members have these assumed practices in their heads the whole time they are reviewing the institution. The assumed practices are: Integrity: Ethical and Responsible Conduct (criterion 2); Quality Teaching and Learning, Resources and Support (criterion 3); Quality Teaching and Learning, Evaluation and Improvement (criterion 4); and Resources, Planning, and Institutional Effectiveness (criterion 5).

The assurance argument is organized based on the criterion, and then evidence is presented to support each of the criterions. The criterions are:

- Criterion 1. Mission

- Criterion 2. Integrity: Ethical and Responsible Conduct
- Criterion 3. Teaching and Learning: Quality, Resources, and Support
- Criterion 4. Teaching and Learning: Evaluation and Improvement
- Criterion 5: Resources, Planning, and Institutional Effectiveness

Dr. Yackee thanked Vice President Wetzel, Vice President Daniels and Quri Wygonik for their work on assurance argument. The goal is to have the campus feed the information o the vice presidents, and then the vice presidents present the information in the assurance argument.

Vice President Yackee stated that the purpose of the visit is to validate what the College says in its assurance argument, to clarify the evidence, and possibly identify further evidence, as well as to confirm compliance. This process continues until they leave the campus.

Dr. Yackee said that she is still waiting for confirmation from the chair about the meeting with the Board of Trustees, but it looks like the day of the meeting will be Monday, November 4th, probably in the evening. Dr. Yackee will let the Board know as soon as the team chair confirms the time with her. Trustee Thayer expressed the importance of all seven Board members making themselves available for the meeting with the HLC visiting team. Chair Dowler stated that while the team asks questions, they are also observing the trustees interaction with on another. They will be observing trustees for tone and temperament and getting a sense of the strength of the Board as a whole. Dr. Yackee gave a list of possible questions the team might have for the Board.

- What was the Board’s role in the development and review of the mission, vision, and values?
- What was the Board’s role in the development of the strategic plan? How does the Board see the strategic plan play out on a day-to-day basis?
- Does the Board evaluate itself? What does it do with the results? How is the information used to set goals, inform change?
- What professional development activities does the Board engage in?
- Is the Board free from undue influence from external sources?
- Does the Board annually review the president? Is the information used to develop the president’s annual goals?
- How would you define the Board’s role in the governance of the College?
- How is the Board informed about student retention and completion? Why is this important? (Recently, Quri Wygonik gave an extensive report to the Board on IPEDS that spoke to this topic. The College also has its Core Indicators of Effectiveness, which can be found on the Institutional Research webpage)
- Can you offer an example that demonstrates the faculty’s role in overseeing academic matters? The curriculum resides with the faculty.
- What is the Board’s role in the development of the budget? How is the Board involved with monitoring the budget?
- Does the College’s current resource base offer enough support to accomplish its mission, now? In the future?
- How does the Board verify that resources are being allocated in alignment with the College mission and strategic priorities?
- What is the Board’s role in setting tuition and fees? What process is used to set tuition and fees?

Dr. Yackee assured the Trustees that the answers for the above questions are already included in the assurance argument. She encouraged the Board to give the document a deep read in preparation for the team visit. Although it looks like a large document, most of it consists of long lists of evidence, which can be skipped over. The team is just looking to validate what’s written in the assurance argument and to look for more evidence. Dr. Yackee will update the Board with new information as it comes in. She expects to have the initial report back just before the Christmas break.

8. Board Chair, Lynette Dowler, thanked the presenters for their contributions.
9. *It was moved by Mr. Hill and supported by Mr. Mason that the meeting be adjourned.*

The motion carried and the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Lynette M. Dowler
Chair

Aaron N. Mason
Secretary

/prd

These minutes were approved at the January 27, 2020 regular meeting of the Board of Trustees.