

**Southern West Virginia Community and Technical College
Board of Governors
Meeting of October 9, 2014
6:00 p.m.
Stonewall Resort, Pecan Room, 940 Resort Drive, Roanoke, WV**

Minutes

Members Present: Thomas Heywood (Chair), Wilma Zigmond (Vice Chair), Glenn Yost (Secretary), Linda Akers, Shelley Huffman, Jada Hunter, George Kostas, Terry Sammons, Debbie Dingess, Mary Nemeth-Pyles, Brandon Elkins

Members Absent: None

Staff Present: President/First Lady Joanne Jaeger Tomblin, Samuel Litteral, Allyn Sue Barker, Ronald Lemon, Debra Teachman, Pam Alderman, Gary Holeman, Bill Cook, David Lord, Rita Roberson, Randy Skeens, Steven Hall, Steven Lacek, Guy Lowes, Melinda Saunders, Carol Cole, Emma Baisden (Recorder), Howard Seufer (General Counsel)

1. Call to Order

Board of Governors Chair, Thomas Heywood, declared a quorum present and convened the meeting at 6:10 p.m. Mr. Heywood asked individuals present to introduce themselves to the group.

2. Call for Public Comments to the Board of Governors

Chair Heywood announced last call for public sign-up for comments to the Board. No signatures were recorded.

3. Board of Governors and Administration Self-Assessment Report

Mr. Howard Seufer, Board Counsel, led the Board of Governors and administrators through the results of the 13th annual self-evaluation which was conducted on an aggregated and anonymous basis. Mr. Seufer first led Board members through the results of the Board self-evaluation. Most category results remained at an exemplary level. Overall, the self-assessment results were excellent, the Board is well informed, decisions of the Board are supported by its members, and Board operations are rated high. Board members agree that there is a climate of mutual trust and respect among its members, and the Board has a positive relationship with the College President. Results showed that Board members agreed they are prepared for meetings which are effective and efficient, and the Board adheres to and understands its responsibilities and are knowledgeable about key College issues. There were three items which demonstrated significant positive results (numbers 1b, 2b, and 7). The overall administration self-evaluation results remained the same or improved significantly over last year. All administrators responded positively that as a group they are meeting established Compact goals, and as individual administrators they are meeting established individual goals. Mr. Seufer believed the overall rating of the self-evaluation was excellent. Chair Heywood thanked Mr. Seufer and commented that survey results depict a core theme of improvement over the previous year.

4. President's Report

4.1 Southern's enrollment for Fall 2014 has decreased from Fall 2013. President/First Lady Tomblin informed Board members that Chancellor Skidmore discussed the decline in student enrollment at community and technical colleges statewide during the Community and Technical College Advisory Council (CTCAC) meeting she attended on October 8, 2014. The economy has had an effect statewide as all

community and technical colleges have seen a decline in enrollment except for Blue Ridge. Enrollment at New River CTC has declined 18% and WVU Parkersburg CTC enrollment has decreased 10-11%. She pointed out that at one time 300-500 high school students were enrolled in dual-credit courses, but the headcount in dual-credit courses has decreased to 98.

- 4.2 The Governor's Office invited Chancellor Skidmore and all community and technical college (CTC) presidents to attend the October 7 meeting of the West Virginia Workforce Planning Council to discuss issues concerning regions the CTC president's represent. The Council developed a video explaining career opportunities in West Virginia to motivate middle school and high school students to further their education. Recent studies show that West Virginia will generate 30,000 new jobs each year through 2018, and nearly 60% of these jobs will require at least a two-year degree. On a positive note, two seams of oil and gas were discovered that should open up southern West Virginia.
- 4.3 Southern's first *Governance Day* for the 2014-2015 academic year was held on September 5th at the Logan Campus. The emphasis was on Emergency and Crisis Management. President/First Lady Tomblin followed-up with a meeting on September 29th with the Campus Emergency Response Teams (CERT) to discuss the details of her vision for a Campus Emergency Response Plan. Each Campus Emergency Response Team will develop an individual campus emergency plan with an overall College emergency response plan. When completed, personnel will be trained and mock drills will be scheduled in Spring 2015 for all employees and students.
- 4.4 President/First Lady Tomblin and Vice President for Finance and Administration, Samuel Litteral, have held budget discussion meetings with the Student Government Associations (SGA) to provide insight to the students on how the College operates and to discuss the students' roles and responsibilities as SGA members.
- 4.5 On August 25, 2014, President/First Lady Tomblin and Vice President for Academic Affairs and Student Services, Debra Teachman, met with the academic deans from West Virginia University to discuss possible 2+2 articulation agreements between the two schools.
- 4.6 President/First Lady Tomblin, Vice President Samuel Litteral, and Vice President Debra Teachman, met with officials from Marshall University on September 22, 2014 regarding the delivery of a Master of Arts Counseling Program at Southern with an emphasis on School Counseling.
- 4.7 On September 8, 2014, President/First Lady Tomblin, Vice President Debra Teachman, Division Head Steven Lacek, and Coordinator for Dual Credit and Education Program Liaison, Mary Hamilton, met with administrators from Marshall University, the Larry Joe Harless Community Center, and the West Virginia Women's Education Forum (WE) to discuss the development of a nationally accredited childcare facility in Gilbert, WV. This facility would provide Southern's Early Childhood Education students with clinical experience. The proposed center is a 2014 project of the West Virginia Women's Education Forum (WE) in Huntington, WV. WE is dedicated to enhancing educational opportunities for students in southern West Virginia.

- 4.8 Southern received Trade Adjustment Assistance Community College and Career Training (TAACCCT) grant funds from the Department of Labor as part of a consortium with Mountwest and Blue Ridge community and technical colleges to develop educational programs and services for veterans in its service region.
- 4.9 Southern will receive Workforce grant funds to provide mechatronics/oil and gas training for coal miners who have been layed-off. Workforce grant funds may also be available for a metal structure on the College's recently purchased property in Boone County.
- 4.10 President/First Lady Tomblin was the featured speaker at the Madison Rotary Club on August 28. She provided an update on the college and gave an overview of her duties as West Virginia's First Lady.
- 4.11 A copy of the Fiscal Year 2011 3-year official cohort default rates (CDR) issued by the U. S. Department of Education was provided to Board members.
- 4.12 With the exception of the Board's student representative, West Virginia Code §18B-1D-9 requires that each Board member complete at least six hours of training and development within two years of beginning service and within every two years of service thereafter. The current two-year cycle will end on June 30, 2015. Following tomorrow's training sessions, all of Southern's Board members will have completed the required number of training and development hours except for Ms. Shelley Huffman. On-line training for Boards of Governors is provided on the West Virginia Higher Education Policy Commission's website at www.wvhepc.com. Ms. Huffman confirmed that she will complete her remaining required training hours on-line and requested the link be sent to her via e-mail.

5. Financial Report

Vice President for Finance and Administration, Samuel Litteral, provided the financial report dated September 30, 2014 to Board members. The report was on a cash basis with no accrual accounting. He reviewed restricted, unrestricted, and auxiliary revenues and expenditures for the period. The annual financial audit was conducted during September and the results will be presented to the Board at its December 9, 2014 meeting.

6. Community and Workforce Development Office Report

Ms. Allyn Sue Barker, Vice President for Workforce and Community Development, presented a PowerPoint presentation to Board members highlighting the Unit. The Community and Workforce Development Unit consists of three departments – Academy for Mine Training and Energy Technologies; Community and Leadership Development; and Workforce and Continuing Education. The Unit is committed to supporting the needs of employees and employers. It serves as a mechanism for economic development in the region by offering continuing education, non-academic credit courses, customized training programs to expand and upgrade workplace skills, and to provide community interest programs and activities which promote personal growth and cultural enrichment.

7. Student Success Data

Dr. Pamela Alderman, Director of Institutional Effectiveness, informed Board members that the Office of Institutional Effectiveness was established at Southern on July 1, 2014. She provided Board members with a report of student success data for the 2013-2014 academic

year which was compiled from data which is annually reported to the West Virginia Higher Education Policy Commission (HEPC), the Integrated Postsecondary Education Data System (IPEDS), and internal metrics found in the ARGOS database. Over the next five years, Dr. Alderman plans to develop a system to provide a more thorough collection, analysis, dissemination, and reporting of information.

8. Action Items

8.1 Appointment of Board's Institutional Vision Review Committee

Chair Heywood appointed an ad hoc committee to review the College's Vision Statement and Core Values. The committee will bring a recommendation forward for the Board's review and consideration at its December 9, 2014 meeting. Members appointed include Wilma Zigmond, George Kostas, Shelley Huffman, Linda Akers, Debbie Dingess, Joanne Tomblin, and Allyn Sue Barker. Ms. Zigmond will serve as committee chair. Upon a motion by Glenn Yost and second by Terry Sammons, the Board unanimously approved the committee appointments.

8.2 Request for Approval of August 19, 2014 Board Meeting Minutes

MOTION: Mary Nemeth-Pyles moved to accept the meeting minutes as presented.

ACTION: George Kostas seconded the motion. The motion carried unanimously. Chair Heywood declared the motion adopted and the minutes approved.

8.3 Request for Final Approval by Board of Governors and Submission to Chancellor

8.3.1 SCP-1215, Use of Institutional Facilities

MOTION: Shelley Huffman moved the adoption of the following resolution:

RESOLVED, That the Southern West Virginia Community and Technical College Board of Governors grant approval of SCP-1215, *Use of Institutional Facilities*, and its attachment (SCP-1215.A) following a 30-day public comment period.

ACTION: Wilma Zigmond seconded the motion. Chair Heywood declared the motion adopted.

8.4 Request for Approval to Release for 30-day Public Comment Period

8.4.1 SCP-3625, University Transfer Program Evaluation Model

MOTION: Jada Hunter moved the adoption of the following resolution:

RESOLVED, That the Southern West Virginia Community and Technical College Board of Governors grant approval for the distribution of SCP-3625, *University Transfer Program Evaluation Model*, and SCP-3625.A, *University Transfer Program Evaluation Model Guidelines* to Southern's constituents and the Chancellor for Community and Technical College Education for the required 30-day public comment period.

ACTION: Shelley Huffman seconded the motion. Chair Heywood declared the motion adopted for 30-day public comment.

8.4.2 SCP-5066, Third-party Tuition and Fee Waivers

MOTION: Linda Akers moved the adoption of the following resolution:

RESOLVED, That the Southern West Virginia Community and Technical College Board of Governors grant approval for the distribution of SCP-5066, *Third-party Tuition and Fee Waivers*, to Southern's constituents and the Chancellor for Community and Technical College Education for the required 30-day public comment period.

ACTION: Shelley Huffman seconded the motion. Chair Heywood declared the motion adopted for 30-day public comment.

8.5 Request for Approval to Postpone Action on SCP-1400, Guest Speakers, Lecturers, Performers, and Organized Groups

At its June 17, 2014 meeting, the Board first authorized release of the proposed policy regarding "Guest Speakers" to Southern's constituents and the Chancellor for Community and Technical College Education for the required 30-day public comment period which ended July 19, 2014. Due to comments received at the end of the comment period, language in the draft policy was modified for clarification, and an approval process for inviting external guest speakers, lecturers, performers, and/or organized groups was developed and presented to the Board at its August 19, 2014 meeting. The Board authorized release of the draft documents for an additional 30-day public comment period which ended September 19, 2014.

Due to numerous comments received at the end of the September 19, 2014 comment period, the staff recommended that action on this policy be postponed to allow sufficient time for a review of constitutional safeguards and stakeholder comments.

Chair Heywood called upon Mr. Howard Seufer, Board Counsel, to address specific questions raised during the comment period. Mr. Seufer explained that the general purpose of SCP-1400 was to create a procedure for the approval of guest speakers, lecturers, performers, and organized groups who are invited by a student, student group, faculty member, faculty group, classified staff member or classified staff group to lecture or perform at the College, and to avoid damage to the reputation or operation of Southern and the community. He stated that SCP-1400 likely does not violate the First Amendment to the Constitution of the United States assuming the College makes certain revisions and additions to the policy such as (1) to specify which areas of the campus to which the policy applies, i.e., classrooms, meeting rooms, auditoriums, etc.; (2) clearly label those areas subject to policy SCP-1400 as limited public forums; and (3) revise the purpose of SCP-1400, removing the phrase, "to avoid damage to the reputation or operation of Southern and the community," and link the policy's purpose to existing policies SCP-1500, *Philosophy, Vision, and Mission of Southern West Virginia Community and Technical College*, and SCP-1215, *Use of Institutional Facilities*.

Comments received concerned (1) the perceived impact that SCP-1400 may have

upon academic freedom at the College, and (2) administrative concerns that the proposed preapproval process may limit opportunities for invitation of guest speakers. Mr. Seufer explained that while academic freedom may be a principle to which the College is committed, it is not a legal right that inures in an individual teacher. Classes taught at the institution belong to the College and not individual instructors. The concerns expressed regarding the ten-day notice period prohibiting faculty from inviting guests to address students raise administrative, and not legal, questions. Nevertheless, the College may want to consider shortening the notice period.

Mr. Seufer distributed to Board members a modified version of SCP-1400 prepared by Bowles Rice attorneys which affords a level of protection for Southern's President and Board of Governors and provides structure. A lengthy discussion about the provisions of the policy ensued. Main concerns voiced were – a single person having the authority to veto a request for a guest speaker, and the need to include an appeal process for denied requests. Chair Heywood determined that additional work was needed on the proposed policy and appointed an ad hoc committee to further define the proposed policy. The committee will bring forward a draft policy with a request that the Board authorize an additional 30-day public comment period. Members appointed include Wilma Zigmond, Terry Sammons, Mary Nemeth-Pyles, Debbie Dingess, and Brandon Elkins.

MOTION: Jada Hunter moved the adoption of the following resolution:

RESOLVED, That the Southern West Virginia Community and Technical College Board of Governors postpone action on proposed policy SCP-1400, *Guest Speakers, Lecturers, Performers, and Organized Groups*, pending further review by the ad hoc committee and the group will bring forward a draft policy to the full Board at its December 9, 2014 meeting.

ACTION: Terry Sammons seconded the motion. The motion carried by a majority with one no vote. Chair Heywood declared the motion adopted.

9. Discussion Item:

9.1 Higher Learning Commission Monitoring Report

Following the April 2013 comprehensive evaluation visit for continuing accreditation by the Higher Learning Commission (HLC), the peer review team recommended that Southern submit a follow-up monitoring report to the HLC addressing (1) institutional governance, and (2) results of ongoing discussions at the state level in order to develop solutions to address the HLC's perceived potential structural conflict of interest. Southern's monitoring report was submitted on June 18, 2014. On July 2, 2014, President/First Lady Tomblin received a letter from the HLC stating it had determined that Southern had satisfactorily responded to the HLC's first recommendation, but had failed to respond to the second recommendation regarding the perceived potential conflict of interest and was directed to submit an additional report to address this concern by January 1, 2015. Chair Heywood explained that on July 15, 2014, he, President/First Lady Tomblin, Steven Lacey, and Emma Baisden participated on a conference call with Southern's HLC staff liaison, Dr. Karen Solomon, to discuss the HLC's findings. Mr. Heywood informed Dr. Solomon that the Board of Governors has no power to amend the relevant

statutory structure, and the Board perceives that it would have limited or no ability to effectively request or suggest such a legislative change as a practical matter. It was determined that Chair Heywood would submit a preliminary report with documentation to Dr. Solomon by October 30, 2014 with the hope that the facts and documents provided may obviate the need for any further submission by Southern. Chair Heywood worked with the General Counsel at the West Virginia Council for Community and Technical College Education (the "Council") to discuss the issues of structure, oversight and control that exist in West Virginia.

10. Informational Items

- 10.1 West Virginia Community and Technical College's 3-year Default Rates
- 10.2 *West Virginia's Wonder Women*, excerpt from West Virginia Focus Magazine

11. Adjournment

There being no further business, Chair Heywood declared the meeting adjourned at 9:15 p.m. The next Board meeting is scheduled for 6:00 p.m. on December 9, 2014 and will be held at the West Virginia Governor's Mansion in Charleston.

Thomas A. Heywood, Chair

Emma L. Baisden
Executive Assistant to the President
and Board of Governors

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12/05/2014