

MINUTES OF THE MARCH 14, 2024
BOARD OF EDUCATION
Work Session

Board Members Present: Ashley Flukinger, Ed Johnson, Tim Lyman, Lloyd Mueller, Sheila Roley, Mitra Vazeen

Board Members Absent: Jody Stahancyk

Others Present: Karen Smith, Bill Meck, Rebecca Norden-Bright, Pat Schulte, Interim President Teena Toyas, Anita Jensen, Tom Ank, Tammy Lambert, Helen Keefe, Recording Secretary Felicity Green

Karen Smith, Interim Executive Director/Senior Policy Advisor & General Counsel for OCCA (Oregon Community College Association) joined the Board for a training on the Board Policy and Procedure Program and the role of the Board of Education in Oregon Community Colleges. The powerpoint is attached to these minutes (Appendix A.)

She began the presentation with a brief overview of the history of OCCA and the policy program. She spoke about the four fiduciary duties of Board members: Care, Loyalty, Obedience and Trust. She also spoke about policy direction and the importance of being proactive, visionary and future-oriented. She explained ORS 341-290, which defines the Board's statutory role. She also spoke about OCCA's policy and procedure program and how it worked. There was a question about whether any legal changes are reflected by that program. They are reflected; OCCA provides annual federal and state law updates. Up to date policies which are continuously reviewed are also a requirement of the College's accrediting body.

She continued by going over the differences between policies and procedures. There was a question about who was responsible for writing the procedures. OCCA provides some language in their templates; they ensure that this is consistent with law as well as policy. Some procedures, like those associated with Title IX, must follow federal law. In those cases, the recommended language is in brackets and states that it is legally required. Other procedures may be more flexible; OCCA notes where flexibility is possible and local procedure can be added or changed. They recommend consulting with College legal counsel if considering a change to a legally required policy or procedure.

There was a question regarding the liability of the Board. Karen Smith said that the board is not liable as individuals if they are acting within the scope of their role. She said that when working on policies it was important to not exceed the language of the law but to stay within the confines of what is in the law. She also commented that it was important to rescind old policies and make sure they are not posted anywhere on the website, which could lead to legal issues.

There was some discussion of College legal counsel and insurance. Miller Nash are the College's legal counsel. The College's insurance, PACE, is held through OSBA (Oregon School Board Association.) OCCA pays dues to OSBA on behalf of all Oregon community colleges. The colleges, in turn, pay dues to OCCA. Each association has a non-voting member on the other's board of directors.

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There was a question about the amount the College pays in OCCA dues and whether that would be going up in the next fiscal year. Karen Smith said that she did not know the amount offhand and that any increase in those dues had not yet been decided. Later in the meeting, Teena Toyas stated that the College paid \$40,640 for their OCCA membership in 2023-24. All 17 Oregon community colleges belong to OCCA. Half the OCCA dues are split evenly among all of them and the other half are based on FTE. OCCA has a \$1.3 million budget and a staff of six. They have multiple annual events including the All Oregon Academic Team luncheon and award ceremony, which is coming up on April 19. Two CCC students will be attending with their families and Interim President Teena Toyas. The students apply for this honor.

Karen Smith spoke about information requests. She said that this is a common question and she believes the College has a Board policy on how to handle it. She said that if individual Board members have a request for information, they should bring it to the President, who will determine if it can be easily answered or would take time and effort by the staff. The President can then ask the Board if it is their will to devote employee time to this information request, which allows the Board to discuss and prioritize it. She said it is important that the Board all have the same level of information.

There was a question about the legality of charging for public records requests. Karen Smith said that yes, it was legal to charge for these requests. She said that while transparency was key and that most aspects of the College's business are public records, the College should set rules around public record requests.

Karen Smith continued the presentation by speaking about strategies for success, including using broad, general language in policies. She spoke about the partnership between the Board and the President and emphasized that the President is the Board's only employee. She recommended that the Board refer any staff complaints, questions and comments to the President, thus creating a chain of accountability. She also said that the Board should avoid public criticism of the President and the staff as their behavior in public meetings sets the tone for the institution as a whole. She said it was important to remember that that does not mean the Board shouldn't have difficult discussions or can't disagree but that the Board and the President should remember to view themselves as in a partner relationship with each other and the President. She concluded her presentation by discussing the role of the President.

The Powerpoint slides for this presentation are included in these Minutes as Appendix A.

MINUTES OF THE MARCH 14, 2024
BOARD OF EDUCATION
Regular Board Meeting

Board Members Present: Ashley Flukinger, Ed Johnson, Tim Lyman, Lloyd Mueller, Sheila Roley, Jody Stahancyk, Mitra Vazeen

Others Present: Rebecca Norden-Bright, Rinda Johansen, Greg Dorcheus, Kevin Leahy, Tom Ank, Sarah Geleyense, Evon Jacobsen, Cliff Fick, Jim Alegria, Margaret Frimoth, Karen Smith, Anita Jensen, Tammy Lambert, Angeleen Somoza, Kristen Wilkin, Russel Hunter, Doris Jepson, Jan Horning, Mary Jackson, Ciara Van Velsor, Holly Tumbarello, Jesse Fulton, Jon Graves, Pat Schulte, Pat Keefe, Kevin Leahy, Asher Finch, Interim President Teena Toyas, Recording Secretary Felicity Green

Board Chair Ed Johnson called the meeting to order at 5:32 pm. He announced changes to the original agenda in New Business: approval of OSBA short-term borrowing resolution #2023-24-01 has been tabled until the April meeting at staff request and HR Assistant Greg Dorcheus will be reading a letter to the Board from the President's Cabinet in its place.

Sheila Roley **moved to approve the agenda as amended.** Lloyd Mueller seconded the motion. **The motion carried unanimously.**

PUBLIC FORUM

Margaret Frimoth spoke. She said that she was at the meeting to talk about processes, not outcomes. She said that she had just gotten a copy of a report on DEI at Oregon community colleges which was requested by the former Interim President. She felt that this report was used to substantiate an already made decision. She said that the research used did not follow academic process and was inaccurate. She also said that poor research impacts the entire consortium of community colleges in Oregon, as it presents an inaccurate picture of DEI work around the state.

She said that she conducted her own research by reaching out to multiple colleges to ask if the reported information was correct; how they were supporting mandated DEI work without funding and if it was possible to determine a direct FTE / DEI calculation. The Blue Mountain College President responded by saying that the information in the report was not correct and that it was not possible to have a direct correlation of funding to FTE. They said that at Blue Mountain, a minimum of \$25,000 is dedicated to the DEI committee and participating faculty and classified are given release time for their work. Umpqua Community College also responded by saying that the information was inaccurate and that they do have a budget for DEI, but they could not tie that directly to FTE. Treasure Mountain Community College said that they also had a budget for DEI, which is used to support their Multicultural and Diversity Center as well as paying the salary for their Multicultural and Outreach Coordinator. She concluded by saying that it was important for the College to understand academic accuracy.

❖ **APPROVAL OF MINUTES**

- February 2, 2024 Vacancy Interviews
- February 8, 2024 Regular Board Meeting

Tim Lyman said that as a point of information he believed that editorial content had been added to the Minutes for February 8 by the Board Secretary. He objected to the insertion of the URL on page 6 of those Minutes and said that he did not recall any discussion of this during the meeting. The Board directed the Board Secretary to check the recording and amend the February 8 Minutes if necessary.

Tim Lyman **moved to approve the February 2 Minutes as presented.** Lloyd Mueller seconded the motion. **The motion carried unanimously.**

PRESENTATION:

Dr. Preston Pulliams from Gold Hill Associates spoke about the presidential search process. He stressed that the ultimate responsibility of selecting the President lies with the Board and that in his role he will do everything he can to support the Board. He said that the Board is responsible for selecting the search committee and deciding whether to take their recommendations. He spoke about participation in the search committee from the community and the College, and touched on academic shared governance, stating that the search process should have plenty of input from the academic community as well as the community at large.

The key responsibility of the search committee will be to build the listing defining the President they are looking for, including setting the qualifications for the position. The search committee will also advise the Board on the timetable and communicate with candidates. They will read all the applications and will decide on the semifinalists. Fully confidential semifinalist “airport” interviews* will be conducted by the search committee. All applicants will be kept fully confidential until the finalist stage. He stressed that confidentiality is extremely important throughout the process.

He spoke about what candidates are looking for and said that competitive candidates will be doing their own research on the College and the community. He said that they want to know that they will have support from the Board and from the faculty and staff. He also stressed the importance of including their families, particularly at the finalist stage, and discussing the quality of life in the area. He said that benefits and salary should match other like sized institutions in the state.

He stated that the reason to bring in a recruiter is as a conduit between the search committee and the candidates. He said that he can share the challenges and opportunities here with candidates and work with the search committee to appraise the candidates, including creating a 4 - 5 page report on each candidate, including references and social media scans. He cautioned that it is a very competitive environment right now with fewer applicants than in the past.

Ed Johnson said that he has heard concerns about the selection committee and public meeting law and as Karen Smith was present, he would like her to speak to this matter and about confidentiality. Karen Smith said that the search committee, because it is advisory to the Board, is a public body subject to public meeting law regardless of the number of Board members on the committee.

Therefore, the initial search committee meetings must be public meetings but once the position has been advertised and the job description has been set, then the committee can go into executive session to maintain confidentiality for the semifinalists. Once the finalists have been determined it will become an open process again, but final interviews and Board discussion of the candidates will also take place in executive session. Preston Pulliams thanked Karen Smith for her input and said that in standard practice, two or three Board members are on the search committee. He said that in best practice, the majority of members on the search committee should be employees of the College.

Tim Lyman asked Karen Smith and Preston Pulliams if it was possible for a single member of the search committee to be appointed to review the applications as they arrived and redact all identifying information before forwarding the applications to the committee. He expressed concerns that confidentiality could not otherwise be guaranteed. Karen Smith said that she deferred to Preston Pulliams on that question. He answered that yes, that is done occasionally and is happening more often recently. He said that it turns the process into a completely blind search which can be more equitable, fair and inclusive. He cautioned that however some candidates will not apply if they do not feel confidentiality is completely guaranteed, even if this process is followed.

Ed Johnson asked whether Dr. Pulliams felt that a committee composed of four Board members, eight College staff and faculty and four community members would give enough community input? Dr. Pulliams stressed the majority of the people on the committee should be from the College. He said that majority created a more effective committee and down the line ensured a better starting environment for the new President. Ed Johnson commented that the final vote by the Board on a Presidential candidate should be unanimous or nearly so. Preston Pulliams agreed that this was the most favorable position for a President to be in and was almost expected. He said that the beginning of their tenure is the most popular they ever will be and is also the time they will need the most support from the College community.

There was some discussion of background checks. Preston Pulliams said that Gold Hill Associates would do both formal and informal checks and asked that the Board and search committee not do that. He said that the search committee and Board would be asked to sign a confidentiality agreement.

Ed Johnson asked at what point in the process should the Board decide to visit the candidate's community. Dr. Pulliams said that he only recommended doing that if the Board can't decide between two candidates. He felt that having a group of Board members visit in such a case would be helpful. He said that those visits occur in about one third of searches he has been engaged in.

Tim Lyman asked about the progress of the community and College survey for feedback on the search process. Dr. Pulliams said that it should be available on the College website today or tomorrow and that the deadline for responses would be in five days.

REPORTS

Report of the ASG Representative

Asher Finch gave the report. They said that over the last month ASG has experienced a transition in leadership: Angee Hunt and Julie Kovatch are their new advisors. The ASG office has also moved to

Columbia Hall from the Services building; they are hoping it will make it easier for students to find them. ASG has made a lot of progress in records and event planning this term. They had a CCC trivia contest in Patriot Hall today partnered with Pi Day.

Asher Finch asked the Board if they felt that student government should have a voice in the search committee. Teena Toyas and Ed Johnson said that there will be a student on the committee. Ed Johnson asked how many hours they put into ASG. They replied that they spent 10 to 12 hours a week on ASG business.

Report of the Board Chair

Ed Johnson reported that the Board is moving on as rapidly as possible with the Presidential search. He said they are listening to Preston Pulliams and hoping to get a lot of input from the survey. He asked people to respond to the survey.

Report of the Board Representatives

OCCA

Lloyd Mueller said that Karen Smith's presentation covered the OCCA report.

CEDR

Kevin Leahy reported that the job fair was very successful with record numbers of students attending from the College, all five county high schools and Ilwaco. He thanked the College committee for their work.

Ed Johnson asked about the Bandit Fitness program. Kevin Leahy said that they are working with Patriot Hall on the punch card program and need to get data together to figure out if enrollment is down. He said he would update the Board at the April Meeting. Teena Toyas said that running Bandit Fitness is a work in progress. She said it can be confusing and they are looking at some restructuring to make it work better. They have increased enrollment prices to keep up with tuition increases. It is difficult because as a state institution, Patriot Hall can't compete with private business: they can't advertise or undercut prices. Kevin Leahy agreed that they need to find a long-term solution that benefits everyone.

Ed Johnson asked if students could use Patriot Hall. Teena Toyas explained that students must be enrolled in at least one academic class for free unlimited use. For non-students, there are different memberships and fees per term. There are also multiple kinds of punch cards for people who drop in, just want to try it out or to play a specific open gym game.

Foundation

Ed Johnson asked if Cliff Fick wanted to add anything to the Foundation report. Cliff Fick said that there had been some money set aside at the Foundation thanks to Betsy Johnson, Jody Stahancyk and Elena Langton. He said that \$25,000 had been intended for another purpose but that it would be moved over to directly cover the cost of the search consultants. He also said that the pickleball tournament had been a success and raised about \$7,800 to fund the Bandit Food Pantry.

Board Policy Committee

Ashley Flukinger asked Ed Johnson if he could read BP 7370, which was set for First Reading in New Business. Ed Johnson read the policy.

The Board then skipped forward to New Business.

Greg Dorcheus, HR Assistant, read a letter to the Board from the President's Cabinet about the makeup of the Presidential Search committee (Appendix B.) He thanked the Board for their time and thanked Dr. Pulliams for his comments, which were in line with some of the concerns stated in the letter. The letter asked that 50% of the search committee be composed of College staff and faculty. It also asked that any community members on the committee be known stakeholders who have worked with the College previously and stressed a desire for the process to be inclusive and transparent. Lloyd Mueller asked if the Board had done something to prompt this letter. Greg Dorcheus said that during the last few Board meetings things were said during discussions of the Presidential search which were concerning to faculty and staff.

Report of the President

Teena Toyas gave an update on the Strategic Plan. Corraggio is currently scheduling focus groups for interviews. The core planning team will not be meeting again until May to scrutinize the information from the survey and focus groups. There were over 200 responses to the survey.

She passed out a letter from NWCCU (Northwest Commission on Colleges and Universities – the College's accrediting body; Appendix C) which states that they are concerned about the College's financial situation. NWCCU has requested a financial report in fall of 2024 in addition to the ad hoc report which is due at that time. Standard & Poors have taken the College off the financial watch but are still concerned.

She reported that in response to the Board's request for a succession list kept in HR, she has been sending that information out to campus when she is absent. The acting President will also hold the administrative phone, which had fallen out of use and she is reinstating, to ensure that someone with the authority to make emergency administrative decisions is always available. The administrative phone is in addition to the Facilities phone, which is also available 24/7 for emergencies.

Financial Report

Bill Meck gave the financial report. He said that he wanted to clarify what the College reserves were coming into this fiscal year and for each fund he has summarized all activity. The beginning balance for FY FY 2024 operating fund is \$1,662,359. This is what carried over from FY 2023. The balance for the unrestricted plant fund is \$1,309,663. The total comes to about \$2,972,022. The issue is that on June 30, 2023 the College booked a receivable for the ERC (employee retention credit) for \$1,826,332 and \$1 million of that was placed in the plant fund. That means if the money is never received, then the balance in the plant fund is \$309,663.

Sheila Roley asked about the origin of this fund. It is a reimbursement of payroll taxes paid during Covid and is part of a federal program. Tim Lyman asked if the College had received any part of this

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money. Nothing has been received. He asked if there was any confirmation from the government that the application had been received. Teena Toyas confirmed that the College has been informed that it is in the IRS queue and no red flags have been reported. Tim Lyman stated that the Board had been told that the College was definitely receiving that money as of the President's report in February 2023. Bill Meck said that was a mistake.

Bill Meck continued by explaining what the loss of this money, should it not be received in this fiscal year or at all, will impact. He said that it cuts the operating fund by almost half, as \$826,332 was placed in that fund. Lloyd Mueller asked what could be done if the money is not received before the end of the fiscal year. Bill Meck answered that the auditors accepted that it was coming and he recommended that the College seek advice from them as to what they should do if it is not received. He said the College would have to work with the auditors to determine how much of it should be reserved. He also said that Standard and Poors are aware that it has not been received.

Lloyd Mueller asked if the College had spoken to Suzanne Bonamici about this matter. Teena Toyas said that she had not yet reached out to government but was going to speak with Umpqua Community College about what happened in their case. Tim Lyman said that he thought some colleges had to resubmit their data and he wanted to know the status is of the ERC funds with those colleges. He thought the information on those colleges would be in the Board minutes of October or November 2022.

Teena Toyas said that Clackamas Community College had received theirs, but that there are some issues with colleges who have been asked to pay back some of the money. She said the program was shut down due to fraud and that as applications have been audited, the IRS has found errors similar to those many businesses have encountered with Covid PPE loans. Lloyd Mueller asked who submitted the information. The College contracted with the same private organization who was working with other colleges.

Bill Meck said that he wanted to point out the plant ERP bond proceeds and discourage any thoughts of seeing the \$1,665,000 left in that fund as a windfall. He said it would be used for implementation and ongoing training.

Bill Meck discussed the financial summary as of February 29, fund 11. He said that over the last three years, while the fund balance did go up on paper, it unfortunately did not go up in cash flow. He estimates that the College currently is \$551,000 in expenses over revenue. He said that the \$4,290,452 is the most current approved state account information. The College is on track to receive approximately \$520,000 more this year than last year in state appropriations. So far they have not received all state funds. He discussed the difference between the working budget and the amount of funds the College has actually received.

Sheila Roley asked if the College had a target percentage for the ending fund balance. The target would be a 15% carryover but it has not been reached.

Bill Meck stated that revenues are significantly up this year but that unfortunately expenses have also gone up. The College is currently spending more than the revenues have gone up. He said that typically at this time of year revenues will be higher than expenses due to state tuition aid.

He said that the increase in expenditures this year is due to payroll increases. The Classified union contract got an 9% COLA (cost of living adjustment) this year as well as a step increase and by contract they will get another 8% next year. Faculty has presented a letter asking about contracts and requesting a 5% COLA. Bill Meck said it was no secret that the College needs to cut expenses. He said that the timber revenue is also going to be diminished beginning in FY 2025. He said that however the College will be retiring a chunk of debt next year which is good news. Kevin Leahy said that the timber decrease will be about 35 – 40% countywide.

Ed Johnson asked about the sense of the Board and whether they thought reaching out to Suzanne Bonamici or other legislators would help with the ERC funds. Teena Toyas said that she would like to reach out to other colleges first to get an idea of the process and timing. Ed Johnson says what is the sense of the Board? Is this political? Should the board reach out to Bonamici? Ed Johnson and Tim Lyman agreed that contacting legislators, particularly Senator Merkley, was a good idea and might get results.

NEW BUSINESS

Discuss Tuition Increase for 2024-2025 Academic Year

Teena Toyas requested that the Board approve a tuition increase beginning in Fall 2024 of \$9 per credit to \$125 per credit for in state tuition, \$9 per credit to \$128 per credit for border state tuition and a raise from \$232 per credit to \$250 per credit for out of state tuition. Sarah Geleynse, Director of Financial Aid, gave a statement about how it will affect students. She said that while a tuition increase is the last thing anyone wants to do, given the situation the College must cut costs and increase revenues. She said that due to FAFSA changes she thinks conservatively that financial aid will be going up 10%. She said that she is very willing to work with students who are struggling as a result and that there are many options available.

Bill Meck said that the increase is based on the consumer price index: if tuition had increased annually for the last ten years based on that number then this would be the result. He said that while increases are difficult, it is important to try to right the ship by doing a better job of managing tuition and fees at the College. He said that CCC tuition is \$11 below the average for small community colleges in Oregon. There was a question about why the change will be implemented in fall but not summer. It is because some students do not receive financial aid in the summer and it is a low enrollment point. The decision must be made in March in order to be included in the budget and allow time for marketing and adding the correct information to the new ERP.

Sheila Roley **moved to accept the recommended tuition increase.** Lloyd Mueller seconded the motion. Tim Lyman said that he was not convinced that this is the only option. He stated that he will never support any tuition increase under any circumstance. He said that the College was pricing out the people who need college the most. Ashley Flukinger, Ed Johnson, Lloyd Mueller, Sheila Roley and Mitra Vazeen voted Aye. Tim Lyman and Jody Stahancyk voted Nay. **The motion carried.**

ANNOUNCEMENTS/COMMUNICATIONS

New Hires

Teena Toyas said that the College was fortunate in being able to hire Michelle Morfitt on a part time basis to cover the registrar’s office. She was previously employed at the College in that office and is returning.

Ed Johnson asked the Board if, after hearing from Preston Pulliams and College staff, they wanted to discuss the makeup of the Presidential search committee that evening or wait.

Lloyd Mueller said that while Preston Pulliams recommended eight staff members, he felt there should be more. There was a long discussion of the correct makeup of the committee. Board members, staff, faculty and students gave their opinions. Lloyd Mueller agreed to step down from the committee in order to give more representation to staff and faculty.

After much discussion, Ed Johnson **moved that the Presidential Search Committee be composed of nine faculty and staff from the College, three members of the Board of Education, one student, one member of the Foundation Board and three people from the community, which will include a representative from the K-12 community.** Sheila Roley seconded the motion. **The motion carried unanimously.**

The Board discussed when the first committee meeting should be scheduled. They agreed it should be after the survey results were received. Teena Toyas said the College would submit their list by March 22. There was some discussion about the K-12 representative. Tim Lyman **moved to extend an invitation to join the Presidential Search Committee to Craig Hoppes, superintendent of Astoria School District.** Jody Stahancyk seconded the motion. The motion carried unanimously.

Ed Johnson adjourned the meeting at 8:09 pm.

** An airport interview can be defined as a step in the administrator search process whereby the top candidates (anywhere from 4 to 10) are brought to an undisclosed and anonymous location over a one or two day period for 1-1/2 to 2 hour sequentially arranged interviews conducted by the dean search committee.*

Teena Toyas, Interim President

Ed Johnson, Board Chair

Felicity Green, Board Secretary