

**REGULAR MEETING
February 28, 2011
Key West Campus
2:00 P.M.**

PRESENT: Trustees: O’Bannon, Martin, Bassett, Scales, Slate;
Attorney DeVane,; Provost Charles; VP Kehoe, Dean Heck, CFO Snyder; **Staff:** Estenoz, A. Ernst-Leonard, C. Davis, Wise, McPherson, Skinner, Hullum, Tinker, MacWilliams, C. Malsheimer, Gilchrist, Love, Allish, Bailey, Careaga, Hill, Ball, Cole, Rice, Alvarado, Carey, Wood, Gray, Mera, Cherry, Hitz, Charron, Rosenberg, Urban, Silcox, Turner, Farrell, Boyer, Torres, Estevez, Nicholas, Gerrard, Hovorka, Preston, Park, Richardson,

APPROVAL OF THE AGENDA

GUEST: Attorney Doral, John Guerra, Roger McVeigh, Frank Toppino
Moved Bassett, seconded Scales to approve the Agenda with the addition of: under HR The David Monroe Agreement, and under Student Services a Fee Waiver for Go Higher, Get Accepted, also a new Personnel Actions attachment was handed out with some additions.

APPROVAL OF THE MINUTES

VOTING YES: Scales, Slate, Bassett, Martin, O’Bannon
Moved OBannon, seconded Scales to approve the minutes of January 24, 2011.

CONSENT AGENDA

VOTING YES: Scales, Slate, Bassett, Martin, O’Bannon
CONSENT AGENDA

Moved Scales, seconded Martin to approve the Consent Agenda in bulk, as per separate attachment (Suppl. Min. Book)

VOTING YES: Scales, Slate, Bassett, Martin, O’Bannon

DISTRICT BOARD OF TRUSTEES

PRESIDENT’S REPORT

PRESIDENT

A. President’s Report – The President reported that he met with Board Members, Employees and Faculty over the last few weeks on the budget.

FOCUS ON STUDENTS

B. Focus on Students – Dean Heck introduced Christopher Freeze, who has 3.5 GPA, is an SGA Senator, he worked the Soup Kitchen over the Christmas Break, He is the Vice President of the Environmental Club, and works as an intern doing research on lobsters with Florida Fish and Wildlife.

FACULTY COUNCIL REPORT

C. Faculty Council Report – Penni Wise reported the Faculty Council met twice in the past month, at the first meeting they reviewed the Evaluation procedure for Faculty and a motion was made to request more time to carefully examine and revise the performance evaluation documents ie. the Faculty Evaluation BR 6.430 and the Performance Evaluation-Faculty Procedure #56.30.

-Some of the faculty met with Dr. Barbara Jones on the QEP, faculty who met with Dr. Jones expressed their excitement and eagerness to work on this.

-The Council took a vote of no confidence in the Provost, Dr. Randy Charles. The Faculty Council listed 8 items as their reasons for the No Confidence Vote, as per separate attachment (Suppl. Min.)

-Trustee Martin addressed the Faculty Council on the issue directed at herself and Dr. Charles concerning Serious Conflict of Interest at FKCC, because of Dr. Charles relationship with a Board Member. She asked the Faculty Council if they had any evidence to support their accusations. Ms. Wise answered they did not. Vice-Chair Bassett asked if there was ever any vote that Trustee Martin participated in that adversely affected the faculty based on her relationship with Dr. Charles. Attorney DeVane answered, that in every vote that they knew would be coming up Trustee Martin and himself discussed whether there was the appearance of impropriety or the potential of a conflict of interest and on all of those occasions Trustee Martin did not take part in those discussions or vote. Vice Chair Bassett asked if the Faculty council had discussed any of the issues they name prior to the Vote of No Confidence with the Provost. Ms. Wise answered that they discussed it with the President and the Provost. Vice Chair Bassett told the Faculty Council that she was going to need data or evidence that these things were occurring. Ms. Wise said that if the Board needs more information that they will provide it. Trustee Bassett was concerned that these allegations were going to be part of the record, copies were going to be given to the newspaper and that there was no substance behind them, as no evidence or data had been presented.

-President Tyree stated that he met with the Faculty last Thursday and pledged that he would address the issues presented. He also stated that he had told Ms. Wise that he had met with her predecessor every week and he had made the offer four different times to meet, but Ms. Wise’s choice was to work with the Provost. President Tyree felt that things were changing and now Ms. Wise and Ms. Pringle have made appointments to meet regularly with him.

-President Tyree said that there are responses to every one of the items listed, but that he preferred not to do this at a Board meeting.

-Trustee Scales said that from a legal standpoint it is completely inappropriate for the Board to evaluate anyone except the two people who report to the Board, the President and the Board Attorney, otherwise the Board has stepped over the boundary as a Board.

-The Board felt that the President should work with the Faculty to resolve their issues and keep the Board apprised of the progress.

President Tyree announce with the authority given to him in BR 5.620, he has made three personnel changes as follows: Brittany Snyder will become the Provost/Dean of Arts and Sciences, Jean Mauk will be the new VP of Business Services and Dr. Randy Charles will become the Interim Director of the Centers, until a search is completed and a new Director of the Centers is hired. These changes will take place April 4, 2011.

D. Moved O'Bannon, seconded Martin to approve the Phillip Benjamin Certification, as per separate attachment (Suppl. Min. Book)

VOTING YES: Scales, Slate, Bassett, Martin, O'Bannon

E. SACS Update – Director MacWilliams reported that we are on schedule and will be submitted soon. Dr. Jones, our SACS consultant was on campus for a few days and met with faculty on the QEP.

Programmatic Changes

Moved O'Bannon, seconded Scales to approve the Programmatic Changes, for the implementation of the Certificate in Entrepreneurship, the elimination of the AAS in Criminal Justice and the Educator Preparation Institute Program, as separate attachment (Suppl. Min. Book)

VOTING YES: Scales, Slate, Bassett, Martin, O'Bannon

ATTORNEY

Attorney DeVane introduce Jim Dorl, who is going to be taking a more active role with the Board of Trustees.

Attorney DeVane reported to the Board that President Tyree has asked him to relay to the Board that he has experience a deterioration in his health that mandates that he, at the advice of his Dr. is asking the Board to approve his request that between now and the end of June he will be working full bore, starting July 1, he will be taking six weeks off and will come back after that on a 50% basis. Between now and June he will get the College through the current financial challenges and the State Cuts for next fiscal year. He will stay through the SACS visit in November and whatever is necessary through the end of the next fiscal year.

Moved O'Bannon, seconded Martin to approve Dr. Tyree's request.

VOTING YES: Scales, Slate, Bassett, Martin, O'Bannon

Trustee Scales asked about the process on the Presidential Search. Attorney DeVane reviewed with the Board the Board Rule on selecting a President. Trustee Scales is concerned that we cannot afford to spend the amount of money the college spent on the last Presidential Search. He strongly suggested that Dr. Tyree help the Board with the next Presidential Search.

-Attorney DeVane announced that he has similar health problems and that he will be retiring in April. Jim Dorl, his partner will be taking his place as Board Attorney.

A. Board Rule Changes

Moved O'Bannon, seconded Martin to adjourn as a Rule Making Board and reconvene as a Regular Board.

VOTING YES: Scales, Slate, Bassett, Martin, O'Bannon B.

Moved Scales, seconded Martin to approve BR5.623 Probationary Period, as per separate attachment (Suppl. Min. Book).

VOTING YES: Scales, Slate, Bassett, Martin, O'Bannon

Moved Scales, seconded Martin to accept with changes BR 5.421 Voluntary Leave Donation, as per separate attachment (Suppl. Min. Book). Add a reference to the procedure connected to this Board Rule

VOTING YES: Scales, Slate, Bassett, Martin, O'Bannon

Moved O'Bannon, seconded Bassett to accept with changes Procedure 54.50, Non-Fraternization Procedure, as per separate attachment (Suppl. Min. Book). Remove from 4th. Paragraph, 4th. Sentence the word "be" and remove from 5th. Paragraph, 4th. Sentence the word "be" and after the word "subject" add "the offending party". On the Relationship Agreement Form, add commas after the first blank, and second blank. On the 3rd. Paragraph, 3rd. line , after the word "policy" add "or any other rule, policy or procedure".

VOTING YES: Scales, Slate, Bassett, Martin, O'Bannon

Moved O'Bannon, seconded Bassett to adjourn as a Rule Making Board and reconvene as a Regular Board.

VOTING YES: Scales, Slate, Bassett, Martin, O'Bannon

B. Moved O'Bannon, seconded Scales to approve the removal of Board members, Dr. John Kehoe and David Monroe from the Florida Keys College Campus Foundation, Inc. and replace them with Jean Mauk and Brittany Snyder.

VOTING YES: Scales, Slate, Bassett, Martin, O'Bannon

HUMAN RESOURCES

Trustee Scales suggested that all FKCC contracts from this day forward have an at will clause in all new contracts. Joanne will check with the Labor Attorney

A. Moved O'Bannon, seconded Scales to approve the New Hires section of the Personnel Actions with the condition that Sherloyn Hopkins contract be as an at will employee:

NEW EMPLOYEES

Iglesias, Carlos - February 22, 2011, Accounts Payable Specialist, Career, Grade 5, \$13.90/hr.

Hopkins, Sherolyn - March 28, 2011, Director, Residential Life, Administrative, Level F, \$63,908 annl.

**PERSONNEL
CHANGES
ANNOUNCE BY
PRESIDENT TYREE**

**PHILLIP BENJAMIN
CERTIFICATION**

**PROGRAMMATIC
CHANGES IN CERT.
OF
ENTREPRENEURSHIP
AND ELIMINATION
OF AAS IN CRIMINAL
JUSTICE AND THE EPI
PROGRAM**

**REQUEST FROM
PRESIDENT TO
REDUCE WORK
HOURS TO 50%.**

**ATTORNEY
DEVANE'S
RETIREMENT**

BOARD RULES

**BR5.623
PROBATIONARY
PERIOD**

**BR 5.421 VOLUNTARY
LEAVE DONATION**

**54.50 NON-
FRATERNIZATION
PROCEDURE**

**REMOVAL AND
REPLACEMENT OF
BOARD MEMBERS ON
FL. KEYS COLLEGE
CAMPUS
FOUNDATION, INC.**

PERSONNEL ACTIONS

Moved Bassett, seconded Scales to approve the rest of the Personnel actions with the Removal of the David Monroe Termination, until the David Monroe Agreement is discussed.

PART-TIME

Arrowood, Robert - January 4, 2011, Part-time Artist's Model, \$15.00/hr.

Bahm, Rachel - February 14, 2011, Part-time Artist's Model, \$15.00/hr.

Bundy-Gilday, Rosa - January 4, 2011, Part-time Artist's Model, \$15.00/hr.

Caceras, Monica - January 3, 2011, Part-time Tutor, \$15.00/hr.

Catellanos, Victoria - January 3, 2011, Part-time Tutor, \$15.00/hr.

Crowl-Dodamead, Melody - January 18, 2011, Part-time Library Specialist, \$12.87/hr.

Mescher, Michaela - January 3, 2011, Part-time Lifeguard, \$11.91/hr.

Owens, Margaret - January 18, 2011, Part-time Library Specialist, \$12.87/hr.

ADDITIONAL EMPLOYMENT

Cutty, James - January 11, 2011, Part-time Accompanist, \$25.00 / hr.

Del Valle, Henry - January 3, 2011, Part-time Instructor, \$30.87/ hr.

Garcia, Heather - January 14, 2011, Part-time Accts. Payable Specialist, \$13.90/hr.

Gardner, Ceasha - January 3, 2011, Part-time Lab Asst. Nursing, \$13.90/hr.

Hernandez, Yomar - January 7, 2011, Part-time Tutor, \$15.00 / hr.

Laino, Jessica - January 3, 2011, Part-time Swim. Skills Coord. \$11.91 / hr.

Philips-Ford, Greta - January 3, 2011, Part-time Swim. Skills Coord. \$11.91 / hr.

Preziosi, Mark - January 12, 2011, Part-time Lab Asst. Biology, \$13.90 / hr.

Vandenabeele, Patrick - December 6, 2010, Part-time Dive Tech. Advisor, \$14.50 / hr.

Wells, Shannon - January 3, 2011, Part-time Tutor, \$15.00 / hr.

PROMPTION/RECLASSIFIATIONS/ADJUSTMENTS:

Dillalogue, Eric - February 7, 2011, Transfer: from Financial Aid Specialist, Career, Grade 4,

\$13.90/hr, to Library Specialist, Career, Grade 4, \$13.90/hr.

Owens, David - February 1, 2011, Promotion: from Part-time Financial Aid Specialist, Career

Grade 4, \$12.87 / hr. to full-time Senior Financial Aid Specialist, Career, Grade 5, \$13.90 / hr.

TERMINATIONS:

Kehoe, John - Vice President, Administrative Services, March 1, 2011, Dismissal

Higbie, Valerie - Campus Store Clerk, March 1, 2011, Position Eliminated

Freeman, Susan - Centers Director, March 31, 2011, Resignation

Parker, Steven - Library Specialist, April 8, 2011, Resignation

Adjunct / Part Time Instructors , as per separate attachment (Suppl. Min. Book)

VOTING YES: Slate, Bassett, O'Bannon, Scales, Martin

B. Moved O'Bannon, seconded Martin for discussion the David Monroe Agreement, as per separate attachment (Suppl. Min. Book)

VOTING YES: Slate, O'Bannon, Scales

VOTING NO: Bassett, Martin

Moved Scales, seconded O'Bannon for discussion the Personnel Actions, under Terminations as follows:

Monroe, David - Controller, March 1, 2011, Position Eliminated

VOTING YES: Slate, O'Bannon, Scales

VOTING NO: Bassett, Martin

ADMINISTRATIVE AND BUSINESS SERVICES

A. Brittany Snyder updated the Board on Financial status, the AFR was re-submitted, and the Fund Balance is at 3.5%. She reported that after meeting with budget coordinator we realize that there was a huge shortage of \$607,000 and with the shortage of \$150,000 from last year the College is at a \$750,000, shortfall. There was a lot of work done by the Budget Task Force to bring the budget reduction recommendations to the Executive Council. Ms. Snyder review with the Board all of the recommendations that have been implemented. With all the recommendations reviewed and help from the Foundation we will be at a break even budget, however we will still only have a fund balance of 3.5%.

**PERSONNEL
ACTIONS CONT'D**

**DAVID MONROE
AGREEMENT**

**DAVID MONROE
PERSONNEL ACTION**

CFO REPORT

SGA RESOLUTION

Trustee Scales asked that the Student Government Association vote on a resolution to endorse the Budget Task Force recommendation to use Student Activities Funds to partially support the Salaries of the Recruiter and the Student Activities Coordinator.

JANUARY 2011 FINANCIALS

B. Moved Scales, seconded Bassett to approve the Financials for January 2011, as per separate attachment (Suppl. Min. Book)

SRI CONTRACT

VOTING YES: Slate, Bassett, O'Bannon, Scales, Martin

C. Moved O'Bannon, seconded Martin to approve the SRI Contract with a change to 2nd. Page, under Article V, Key Personnel, 7th. Line, change "60 day notice period" to "10 day notice period".

ACADEMIC CALENDARS FOR 2011-12, 2012-13 & EXCEPTION FOR 2011-12

VOTING YES: Slate, Bassett, O'Bannon, Scales, Martin

INSTRUCTIONAL SERVICES

A. Moved O'Bannon, seconded Scales to approve the Academic Calendars for 2011-12, 2012-13 and the Request for Exception to the Academic Calendar 2011-12 in bulk, as per separate attachment (Suppl. Min. Book)

VOTING YES: Slate, Bassett, O'Bannon, Scales, Martin

STUDENT SERVICES**FEE WAIVER FOR GO HIGHER, GET ACCEPTED**

A. Dean Heck introduced Liz Love, Recruiter who gave the Board an overview of recruitment activities, as per separate attachment.

B. Moved O'Bannon, seconded Martin to approve the Fee Waiver for the Go Higher, Get Accepted, as per separate attachment (Suppl. Min. Book)

RESIDENCE HALL NAMING

VOTING YES: Slate, Bassett, O'Bannon, Scales, Martin

C. Amber Ernst-Leonard presented the Board with the top five picks for the Residence Hall Name. The Board decided to let President Tyree pick the name and he chose Lagoon Landing.

GOOD OF THE ORDER**Public Input**

Judith Rosenberg, a Faculty member, spoke on the Faculty Council report and felt that the background was not clearly stated on what occurred with the follow-up from the Provost.

The next meeting will be held on March 28, 2011, at 2:00 p.m. in Key West.

The meeting adjourned.

Larry W. Tyree
President

Spencer Slate
Chairman

