

MINUTES **REGULAR** **MEETING**

HELD **March 31** **2009**

The regular meeting of the Hocking College Board of Trustees was held Tuesday, March 31, 2009, at the Hocking College Perry Campus, New Lexington, Ohio.

Board members present were: Mr. Van Cardaras, Dr. Jack Cline, Dr. Alan Geiger, Mr. J. Thomas Hill, Mrs. Patricia Light, Mr. Joe Murtha, Mr. Frank Newlon, and Mr. Larry Willard.

Administrators attending were: Dr. John Light, president; Sue Chiki, dean school of business and information; Larry Coon, dean school of natural resources; Dr. Larry Dukes, interim executive administrator; Dr. J. William Hill, senior vice president; George Hinkle, chief technology officer; Dr. Lynn Hull, dean enrollment management; Jerry Hutton, dean alternative energy institute; Laura Kreider, director human resources; Dr. Judy Maxson, provost and senior vice president; Dr. Roy Palmer, senior vice president; Judy Sinnott, public relations director; Dr. Lisa Smith, director residence life; Chuck Taylor, dean Perry campus; and Cindy Baden, board secretary.

Also attending were: Mr. Bill Russell, Ohio Board of Regents; Nelson Cary, Esq., VORYS Legal Counsel, and Mark Yancko, faculty/HCEA representative.

CALL TO ORDER

Mr. Willard, board chair, called the meeting to order.

OATH OF OFFICE

Mr. Willard administered the oath of office to Mr. Van Cardaras, who was elected by a caucus of school board presidents to fill the term of Mrs. Carol Mackey, who resigned. Mr. Cardaras' term will expire August 1, 2010.

MINUTES OF MEETING

Dr. Cline moved, seconded by Mr. Murtha, that the minutes of the February Board meeting be approved as presented,

Voting Yes: Dr. Cline, Mr. Hill, Mrs. Light, Mr. Murtha, and Mr. Newlon.

Voting No: None.

Abstaining: Mr. Cardaras, Dr. Geiger.

FACILITIES COMMITTEE REPORT

Mr. Murtha reported the contractor feels he is on schedule to complete the Logan campus by mid-August. Twenty-six geothermal wells have been completed on the Logan campus.

SEARCH COMMITTEE REPORT

Dr. Geiger noted the committee had identified three candidates to come to the campus. They are very strong candidates. The candidates will be on campus for two days and will be meeting with stakeholders of the college and community who will have an opportunity to provide input regarding each candidate's strengths and weaknesses. Dr. Geiger thanked the committee for the participation in the process. Dr. Ponitz was very helpful in many ways. Geiger noted the next step was to recruit the candidates for the campus. Mr. Willard thanked Dr. Geiger for his work on behalf of the Board.

ACADEMIC COMMITTEE REPORT

Dr. Geiger noted the committee had met to review a proposal from a campus in India to continue the college's international outreach. Dr. DuVivier will be meeting with other administrators on campus for additional information requested by the committee.

PERSONNEL COMMITTEE

Mr. Hill indicated the committee had discussed length of contracts for administrators. The intent was for administrators to go to one year contracts rather than multi-year contracts to allow for yearly evaluations.

PRESIDENT'S REPORT

Continuity Report

Dr. Light distributed a continuity report on the McClenaghan Center for Hospitality Training Board of Directors and the Energy Institute Board of Directors. He has contacted members of the McClenaghan Center Board and they have indicated a willingness to continue to work with the college.

Members of the McClenaghan Board will be coming on campus to review the hotel operations. The Board will be working with the Energy Institute Board to develop an alternative energy module in the hospitality area.

The Energy Institute Board will be meeting in April. A continuity report will be completed after the meeting.

INTERIM EXECUTIVE ADMINISTRATOR

Dr. Dukes indicated generally things are going well. Enrollment is up. Mr. Willard noted the Human Resources function is now under Dr. Dukes, with Cindy Baden reporting to Dr. Dukes for human resources. Dukes reported that the fire science students passed their State exams.

BUDGET

Dr. Hill noted the budget commitment is well within limits. Both the residence hall and dining services are very positive. The hotel has about a \$15,000 increase in losses over last year. The travel agency has flat sales compared to last year. Lake Snowden is currently showing a loss. There are two good months of income yet to be reported on this fiscal year, which will be reviewed closely.

Mr. Newlon moved, seconded by Dr. Cline to accept the financial report as distributed.

Voting Yes: Dr. Cline, Mr. Cardaras, Dr. Geiger, Mr. Hill, Mrs. Light, Mr. Murtha, and Mr. Newlon.

Voting No: None.

RED FLAG RULE AND IDENTITY THEFT PREVENTION PROGRAM

Dr. Hill noted that Hocking College needed to implement an identity theft program in compliance with the Federal Trade Commission ("FTC") regulations collectively known as the "Red Flags Rule," which implements Section 114 of the Fair and Accurate Credit Transaction Act ("FACTA"). The College is required to have a Policy adopted and in place by May 1, 2009.

Background

In late 2007, the FTC and federal banking agencies issued a regulation known as the Red Flag Rule under sections 114 of the FACTA. The regulation is intended to reduce the risk of identity theft by requiring stronger fraud prevention to protect personal data.

The program and procedures presented in the new Identity Theft Policy enables the College to comply with the new Red Flag Rule, which focuses on the College's need to be alert to and respond to patterns, practices, and activities that signal possible identity theft attempts. As we implement the program, we will formalize administrative procedures.

The identity theft program contains principles designed to detect or mitigate identity theft and to enable the College to:

- o identify relevant red flags
- o detect potential red flags
- o respond appropriately to detected red flags to prevent and mitigate identity theft; and
- o ensure program is updated periodically to reflect changes in risks.

The Red Flag Rule regulations require an implementation deadline of May 1, 2009.

Dr. Geiger moved, seconded by Mrs. Light that the Red Flag Policy be adopted, with a three year sunset provision.

Voting Yes: Dr. Cline, Mr. Cardaras, Dr. Geiger, Mr. Hill, Mrs. Light, Mr. Murtha, and Mr. Newlon.

Voting No: None.

RESOLUTION 2009-14

BE IT RESOLVED, by the Hocking College Board of Trustees, that the following red flag and identity theft policy be approved with a three year sunset date:

(A) Purpose

- (1) In recent years identity theft has become a serious concern in the technology savvy society. The College creates, obtains, and stores personally-identifiable financial and other sensitive information, and desires to ensure appropriate measures are taken to prevent identity theft involving such information. Therefore, the College shall maintain an active identity theft program in accordance with federal trade commission regulations enacted at 16 C.F.R. 681 et. seq. (often referenced as the "red flag rule"). This identity theft policy shall be supported by an "identity theft procedure."
- (2) The vice president for fiscal operations & treasurer and the assistant vice president of student affairs & bursar shall serve as "program administrators," leading development, implementation, and oversight of the identity theft program.

(B) Identifying red flags

- (1) The program will identify red flags for covered accounts and incorporate those red flags into the program.
 - (a) The procedures will incorporate the following risk factors in identifying relevant red flags for covered accounts:
 - (i) The types of covered accounts offered or maintained by the College.
 - (ii) The methods provided by the College to open covered accounts.
 - (iii) The methods provided by the College to access covered accounts.
 - (iv) The College's experience, if any, with identity theft.
 - (b) The procedures will incorporate appropriate red flags from relevant experiences and sources, including without limitations.
 - (i) Incidents of identity theft previously experienced.
 - (ii) Methods of identity theft that reflect changes in risk.
 - (iii) Regulatory or professional guidance.
 - (c) As appropriate, the procedures shall include relevant red flags from the following categories of risk factors:
 - (i) Alerts, notifications, or other warnings received from consumer reporting agencies or service providers, such as fraud detection services.
 - (ii) The presentation of suspicious documents.
 - (iii) The presentation of suspicious personal identifying information.
 - (iv) The unusual use of, or other suspicious activity related to, a covered account.
 - (v) Notice from customers, employees, students, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.

(C) Detecting and responding to red flags

The College's identity theft procedure should address the detection of red flags in connection with the opening of new covered accounts and existing covered accounts. The identity theft procedure should provide for appropriate responses to detected red flags to prevent and mitigate identity theft. The procedures will be commensurate with the degree of risk posed.

(D) Updating the identity theft program

The College will review and update the identity theft program (including the identity theft policy and procedure) every three years, in accordance with appropriate factors, which may include:

- (1) The experiences and instances of identity theft.
- (2) Changes in methods of identity theft.
- (3) Changes in methods to detect, prevent and mitigate identity theft.
- (4) Changes in the types of accounts that the organization offers or maintains.
- (5) Changes in the business arrangements of Hocking, including without limitation, alliances, joint ventures, and service provider arrangements.

(E) Definitions

- (1) "Covered accounts" are the College's deferred payment plans, short term emergency loans, and Hocking meal plan card accounts.
- (2) "Identifying information" is "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person," including without limitation: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, student identification number, employee identification number, computer's internet protocol address, and routing code.
- (3) "Identity theft" is a "fraud committed or attempted using the identifying information of another person without authority."
- (4) "Red flag" means a "pattern, practice, or specific activity that indicates the possible existence of identity theft."

(F) Methods for administering the program

In administering the identity theft program, the program administrators shall be responsible for:

- (1) Training of College staff on the program.
- (2) Requiring and reviewing reports on compliance with this program. The identity theft procedure should include appropriate details about this reporting process.
- (3) Leading prevention and mitigation efforts in particular circumstances.
- (4) Monitoring and ensuring College compliance with the identity theft policy and procedure.
- (5) Overseeing the activities of service providers performing activities related to covered accounts to ensure that such activities are conducted pursuant to reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.

(G) Implementation

The president's designees (Hill & Herdlitzka) are hereby directed to take all steps necessary and appropriate for the effective implementation of this policy.

GENERAL FUND SIGNATURE

The college's current policy dictates that the Treasurer and the President both sign all general fund checks. This was done when checks were done manually. Now all checks are printed electronically, with the signatures. It was recommended that the policy be revised so that President or the Treasurer be permitted to sign general fund checks. Dr. Geiger suggested that only the Treasurer be signatory on the general fund checks.

Mr. Newlon moved, seconded by Dr. Cline that the general fund policy be amended to only require the Treasurer's signature.

Voting Yes: Dr. Cline, Mr. Cardaras, Dr. Geiger, Mr. Hill, Mrs. Light, Mr. Murtha, and Mr. Newlon.

Voting No: None.

RESOLUTION 2009-15

BE IT RESOLVED, by the Hocking College Board of Trustees, that the only signature required for general fund checks for Hocking College is the Treasurer of the college.

HOUSING/MEAL PLAN RATES

Dr. Hill presented proposed housing and meal plan rates beginning Summer 2009 as well as a budget for the residence halls.

Mr. Hill moved, seconded by Mr. Newlon that the proposed residence hall fee schedule for 2009-10 be approved as submitted:

Voting Yes: Dr. Cline, Mr. Cardaras, Dr. Geiger, Mr. Hill, Mrs. Light, Mr. Murtha, and Mr. Newlon.

Voting No: None.

RESOLUTION 2009-16

BE IT RESOLVED, by the Hocking College Board of Trustees, that the following fee schedule for Hocking College residence halls and meal plan rates are approved:

HOCKING COLLEGE RESIDENCE HALLS FEE SCHEDULE

Description	FY 09-10	FY 08-09
Application Fee (One Time)	\$ 50.00	\$ 30.00
Room Deposit (Academic Year)	\$ 200.00	\$ 100.00
Parking (Per Quarter)	\$ 45.00	\$ 45.00
Lost Mail Box Key (Per Quarter)	\$ 5.00	\$ 5.00
Improper Checkout (Per Quarter)	\$ 50.00	\$ 50.00
14-18 Wks Programs - Prorated for additional weeks		

FALL TO SPRING RATES:

Hocking Heights:

Double	\$1,400.00	\$1,350.00
Triple	\$1,150.00	\$1,100.00
Single	\$1,640.00	\$1,540.00
RA	\$1,200.00	\$1,150.00

Downhour Hall and North Hall

Double Suite	\$1,660.00	\$1,560.00
RA Rate	\$1,250.00	\$1,150.00

SUMMER RATES:

Summer rates will be 70% of the above amounts.

Meal Plan

Mandatory per quarter minimum FWS	\$ 700.00	\$ 350.00
Mandatory summer quarter minimum	\$ 500.00	n/a

* ALL RATES EFFECTIVE SUMMER 09

NATIONAL CITY LEASE RESOLUTION

Dr. Hill reviewed a lease with National City to purchase \$338,000 worth of equipment for the heavy equipment program. This is a lease purchase agreement. Bond counsel has reviewed the lease agreement, and asked that the Board approve the lease agreement. The budget committee had asked for a summary of the lease financing which Dr. Hill provided to the Board. Three proposals were received with National City having the lowest rate. The college is getting trade in value for the existing equipment.

Mr. Cardaras moved, seconded by Mr. Murtha, that the lease agreement be approved.

Voting Yes: Dr. Cline, Mr. Cardaras, Dr. Geiger, Mr. Hill, Mrs. Light, Mr. Murtha, and Mr. Newlon.

Voting No: None.

RESOLUTION 2009-17

BE IT RESOLVED, by the Hocking College Board of Trustees, that the following lease agreement with National City is approved:

At a duly called meeting of the Board of Trustees of the Hocking Technology College District, held in accordance with all applicable legal requirements, including open meeting laws, on the ___ day of _____ 2009, the following resolution was introduced and adopted:

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE HOCKING TECHNOLOGY COLLEGE DISTRICT AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT WITH NATIONAL CITY COMMERCIAL CAPITAL COMPANY, LLC, AS LESSOR, AND SEPARATE LEASE SCHEDULES THERETO FOR THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT WITHIN THE TERMS HEREIN PROVIDED; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.

WHEREAS, The Hocking Technology College District (the "*Lessee*"), a body politic and corporate duly organized and existing as a political subdivision of the State of Ohio is authorized by the laws of the State of Ohio to purchase, acquire and lease certain equipment and other property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the Board of Trustees of the Lessee (the "*Board*") has determined that a true and very real need exists for the acquisition, purchase and financing of certain property consisting of excavating equipment (collectively, the "*Equipment*") on the terms herein provided; and

WHEREAS, in order to acquire such Equipment, the Lessee proposes to enter into that certain Master Equipment Lease-Purchase Agreement (the "*Master Lease*") with National City Commercial Capital Company, LLC, as lessor (the "*Lessor*"), substantially in the proposed form presented to the Board at this meeting, and separate Lease Schedules thereto substantially in the form attached to the Master Lease; and

WHEREAS, the Board deems it for the benefit of the Lessee and the efficient and effective administration thereof to enter into the Master Lease and the separate Lease Schedules relating thereto from time to time as provided in the Master Lease for the purchase, acquisition, financing and leasing of the Equipment to be therein more specifically described on the terms and conditions provided therein and herein;

NOW, THEREFORE, BE IT AND IT IS HERBY RESOLVED BY THE GOVERNING BODY OF THE LESSEE AS FOLLOWS:

Section 1. It is hereby found and determined that the terms of the Master Lease (including the form of Lease Schedule and Payment Schedule attached thereto), in the form presented to this meeting, are in the best interests of the Lessee for the acquisition, purchase, financing and leasing of the Equipment.

Section 2. The form, terms and provisions of the Master Lease (including the form of Lease Schedule and Payment Schedule attached thereto) are hereby approved in the forms presented at this meeting, with such insertions, omissions and changes as shall be approved by the President and/or Treasurer of the Lessee (the "*Authorized Officers*") executing the same, the execution of such documents being conclusive evidence of such approval. The Authorized Officers of the Lessee are each hereby authorized and directed to sign and deliver the Master Lease, each Lease Schedule thereto, each Payment Schedule relating thereto and any related exhibits attached thereto if and when required; *provided, however*, that, without

further authorization from the governing body of the Lessee, (a) the aggregate principal component of Rent Payments under all Leases entered into pursuant to the Master Lease shall not exceed \$339,480.08; (b) the maximum term under any Lease entered into pursuant to the Master Lease shall not exceed 4 years; and (c) the maximum interest rate used to determine the interest component of Rent Payments under each Lease shall not exceed the lesser of the maximum rate permitted by law or [ten percent (10%)] per annum. The Authorized Officers may sign and deliver Leases to the Lessor on behalf of the Lessee pursuant to the Master Lease on such terms and conditions as they shall determine are in the best interests of the Lessee up to the maximum aggregate principal component, maximum term and maximum interest rate provided above. The foregoing authorization shall remain in effect for a period of two years from the date hereof during which the Authorized Officers are authorized to sign and deliver Leases pursuant to the Master Lease on the terms and conditions herein provided and to be provided in each such Lease.

Section 3. The Authorized Officers and other officers and employees of the Lessee shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by the Master Lease and each Lease Schedule (including, but not limited to, the execution and delivery of the certificates contemplated therein, including appropriate arbitrage certifications) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Master Lease and each Lease Schedule.

Section 4. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. Effective Date. This Resolution shall be effective immediately upon its approval and adoption.

Section 6. Left intentionally blank

ADOPTED AND APPROVED by the Board of the Lessee this March 31, 2009.

The undersigned further certifies that the above Resolution has not been repealed or amended and remains in full force and effect and further certifies that the Master Lease (including the form of Lease Schedule and Payment Schedule attached thereto) are the same as presented at said meeting of the governing body of Lessee, excepting only such changes, insertions and omissions as shall have been approved by the officers who executed the same.

Date: March 31 2009

[SEAL.]

Cynthia Ann Barden

(Secretary/Clerk)

MEETINGS AND DATES

Mrs. Baden noted the following meetings and dates:

✱ April 8-9	Presidential Candidate Interview
✱ April 13-14	Presidential Candidate Interview
✱ April 15-16	Presidential Candidate Interview
✱ April 15	Ethics Forms Due
✱ April 17	Ethics Training - Columbus
✱ April 28	Board of Trustee Meeting - Logan

ADMINISTRATIVE REPORTS

Dr. Maxson distributed information regarding the Seniors to Sophomores program. The college is working collaboratively with Logan-Hocking High School to encourage opportunities for high school students to earn college credit prior to high school graduation. A total of 336 students (duplicated heads) are enrolled in this program. Dr. Maxson also distributed information regarding dual enrollment. A total of 1693 students (duplicated heads) are enrolled in this program.

Larry Coon noted that Lake Snowden is set to open soon. Paddleboats, kayaks, hiking trails, horse trails, and camping are all available.

Mr. Hutton said that enrollment is growing at the Logan campus. They are working on new articulation agreements with career centers in alternative energy. Stimulus package requests are being developed. Hutton noted one thing needed is signage on US Route 33 at US Route 180. Dr. Geiger suggested talking with the State Representatives. Mr. Cardaras and Mr. Murtha will work with Mr. Hutton on this.

Mr. Taylor noted that the unofficial enrollment at the Perry County campus for spring quarter is up about 6% over last spring quarter. This is only the second day of the quarter, and additional enrollments are expected. A push for the Optitioner program, the only full program offered at Perry, has resulted in a significant increase in enrollment. Taylor noted the Phi Theta Kappa club has been very active in community service projects. He also said that an aviation program is being explored for the Perry Campus.

Dr. Hull said that enrollment for spring quarter is 4594 heads, a 6.6% increase over last year. A significant increase in first time students was noted.

Dr. Smith noted that the college is collaborating with Ohio University in a WIRED grant in the digital gaming area and Second Life, funded through grant monies.

EXECUTIVE SESSION

Dr. Geiger moved, seconded by Mr. Murtha that the Board adjourn to executive session to consider the discipline of, and the investigation of complaints against, a public employee, and to conference with an attorney for the public body concerning disputes involving the public body where litigation is reasonably anticipated. Nelson Cary and Dr Larry Dukes were asked to remain.

Roll call vote.

Voting Yes: Mr. Cardaras, Dr. Cline, Dr. Geiger, Mr. Hill, Mrs. Light, Mr. Newlon, Mr. Murtha, and Mr. Willard.

Voting No: None.

RETURN TO REGULAR SESSION

Mrs. Light moved, seconded by Mr. Geiger that the Board return to regular session.


Roll call vote.

Voting Yes: Mr. Cardaras, Dr. Cline, Dr. Geiger, Mr. Hill, Mrs. Light, Mr. Newlon, Mr. Murtha, and Mr. Willard.

Voting No: None.

ADJOURN

Mr. Newlon moved that the meeting be adjourned.



Cynthia Baden
Board Secretary



Larry Willard
Board Chair