



**HOCKING COLLEGE
BOARD OF TRUSTEES MEETING**

REVISED AGENDA

**Tuesday, September 27, 2011
5:00 P.M.
The Inn at Hocking College**

- **Call to Order** Vice Chairman Starner
- **Roll Call** Trustee Sherburne
- **Approval of Minutes** Vice Chairman Starner
 - 1) August 23, 2011 Regular Meeting
 - 2) September 14, 2011 Special Meeting
- **Election of Officers** Vice Chairman Starner
 - 1) Chair
 - 2) Vice Chair
 - 3) Secretary
 - 4) Treasurer
- **Executive Session**
- **Academic and Student Affairs Committee Report and Action** Trustee Light, Chair
 - Enrollment Report Dr. Weiland, Liaison
 - Approval of Academic Calendar
- **Personnel Committee Report and Action** Trustee Sherburne, Chair
 - Resolution: Hiring Freeze Exemption Request Mr. Sanders, Liaison
- **Budget Committee Report** Ms. Fetty, Liaison
 - Review Financial Reports
- **Facilities Committee Report** Trustee Starner, Chair
 - Dr. Short, Liaison
- **Interim President's Report** Dr. Jacalyn Osborne
- **Chairman's Report** Vice Chairman Starner
- **Old Business** Vice Chairman Starner
- **New Business** Vice Chairman Starner
 - Date of Next Meeting: October 25, 2011
- **Adjournment** Vice Chairman Starner

September 27, 2011

The Regular meeting of the Hocking College Board of Trustees was held Tuesday, September 27, 2011, at the Inn at Hocking College, Nelsonville, Ohio.

Administrators attending: Dr. Jacalyn Osborne, Interim President; Dr. Molly Weiland, Provost and Vice President of Academic and Student Affairs; Gina Fetty, Vice President of Financial Services; Dr. Myriah Short, Vice President of Administrative Services; Larry Coon, Dean, School of Natural Resources; Neil Hinton, Dean, School of Engineering, Business, and Computer Information and Dean, Logan Campus; Tom Lambrecht, Dean, McClenaghan Institute for Hospitality Training; Laurel Ransom, Dean, School of Arts and Sciences; Chuck Taylor, Dean, Perry Campus; Susan White, Dean, School of Public Safety Services; Laura Alloway, Director of Marketing and Public Relations; and John Sanders, Director of Human Resources.

Additional attendees: Members of faculty; staff; and Rebecca Albers, Chief, Education Section, Office of the Attorney General; and media.

CALL TO ORDER

Vice Chairman Starner called the meeting to order at 5:00 P.M.

ROLL CALL

Trustee Sherburne, Board Secretary, called the roll:

Board members present: Trustee Brooks, Trustee Budzik, Trustee Light, Trustee Newlon, Trustee Sherburne, Vice Chairman Starner, Trustee Taulbee, Trustee Troxel, and Trustee Tucker.

Board members absent: None.

Members present constitute quorum: Yes.

APPROVAL OF MINUTES

Trustee Light moved, seconded by Trustee Brooks, to approve the Minutes of the August 23, 2011 Regular Meeting of the Board of Trustees.

Voting Yes: Trustees Light, Brooks, Newlon, and Troxel.

Voting No: None

Abstain: Trustees Budzik, Sherburne, Taulbee, Tucker, and Vice Chairman Starner.

Trustee Taulbee moved, seconded by Trustee Newlon, to approve the Minutes of the September 14, 2011 Special Meeting of the Board of Trustees.

Voting Yes: Trustees Taulbee, Newlon, Brooks, Budzik, Light, Newlon Tucker, and Vice Chairman Starner.

Abstain: Trustee Sherburne.

ELECTION OF BOARD OFFICERS:

Vice Chairman Starner called on Trustee Light, Chair of the Nominating Committee, to present the nominees for this year's officers of the Board. Trustee Light stood at the podium and opened with a brief history of the nominating process, and then followed with the committee's recommendations: for Chair, Vice Chairman Starner; and for Vice Chair, Trustee Sherburne. Discussion followed with brief highlights of the proceeding as follows:

- Trustee Brooks asked Attorney Albers to advise if the Nominating Committee was required to publically announce their meeting. Attorney Albers responded in the affirmative, indicating that the committee did not comply with the requirements of The Ohio Open Meetings Act. When questioned again by Trustee Brooks regarding the nomination process, Attorney Albers stated that the Board should accept nominations from the members during this open session, because the activities of the Nominating Committee were negated.

- Trustee Light thanked Trustee Sherburne for an email she sent to Board members emphasizing the importance of unity, and she pointed out Vice Chairman Starner's qualifications for the chair position based on his years of experience as a Hocking College Board member and officer.

- Trustee Tucker voiced concern that the nominating process was not in accordance with Robert's Rules of Order and questioned Trustee Sherburne's attendance record.

- Trustee Sherburne announced that she wanted her name withdrawn from nomination.

- Trustee Newlon questioned Trustee Tucker's employment under Trustee Brooks at Rocky Brands.

- Trustee Brooks commented that based on his business experience, he would be qualified to serve as Board Chairman. He also stated that it was evident the Caucus of School Board Presidents had chosen to make an unprecedented change in Board leadership.

• Vice Chairman Starner stated that his decision to volunteer his personal time on the Board is driven by a desire to serve students.

After no further comments, Trustee Tucker placed in nomination Trustee Brooks for Chair; seconded by Trustee Budzik.

Vice Chairman Starner asked Trustee Sherburne to conduct a roll call vote:

Voting Yes for Starner: Trustee Light, Trustee Newlon, Trustee Sherburne, and Vice Chairman Starner.

Voting No: Trustee Brooks, Trustee Budzik, Trustee Taulbee, Trustee Troxel, and Trustee Tucker.

Based on the votes cast, Trustee Brooks was elected Board Chair.

Trustee Brooks placed in nomination Trustee Tucker for Vice Chair; seconded by Trustee Budzik.

Trustee Sherburne placed in nomination Trustee Light for Vice Chair; seconded by Trustee Newlon.

On a roll call vote:

Voting Yes for Tucker: Trustee Brooks, Trustee Budzik, Trustee Taulbee, Trustee Troxel and Trustee Tucker.

Voting No: Trustee Newlon, Trustee Sherburne, and Vice Chair Starner.

Abstain: Trustee Light.

Based on the votes cast, Trustee Tucker was elected Board Vice Chair.

Trustee Light stated that the Bylaws do not require a Trustee of the Board to serve as Secretary. The current Board Recording Secretary, Nancy Vandeman, was then appointed Board Secretary by Vice Chair Starner.

For Board Treasurer, Trustee Newlon placed in nomination Vice President of Financial Services, Gina Fetty; seconded by Trustee Brooks. The Board confirmed her appointment by a unanimous vote.

Trustee Starner turned the meeting over to Trustee Brooks as the newly elected Chair of the Board of Trustees.

EXECUTIVE SESSION

(No session required this month.)

ACADEMIC AND STUDENT AFFAIRS AND PROVOST REPORT

Trustee Light deferred to Committee Liaison, Dr. Weiland, for presentation of the September 27, 2011 enrollment data, (Addendum 1). Dr. Weiland stated that both the Headcount and the Eligible FTE are down; and, with few exceptions, this is the trend both state and nationwide due to the economy. Fall quarter classes started today, and registration closes this Friday.

Dr. Weiland asked Trustee Light to present the resolution concerning the academic calendar. Following the reading of Resolution 2012-10, Trustee Light moved, seconded by Trustee Taulbee, to adopt the 2012-13 Academic Calendar. The motion carried unanimously.

RESOLUTION 2012-10

BE IT RESOLVED by the Hocking College Board of Trustees that the following calendar be approved for:

HOCKING COLLEGE 2012-2013 Semester Calendar

Summer Transition 2012 (June 18 – August 9) 8 Week Session

June 18 (Monday)	All Classes Begin
July 4 (Wednesday)	Holiday: Independence Day
July 6 (Friday)	15 th Day of the All Summer Session (and Summer Session I)
August 10 (Friday)	Last Day of Classes

*Summer Session I 2012 (June 18 – July 13) 4 Week Session

June 27 (Monday)	All Classes Begin
July 4 (Wednesday)	Holiday – Independence Day
July 6 (Friday)	15 th Day of the Term for Summer Session I (and All Summer Session)
July 13 (Friday)	Summer Session I Ends

*Summer Session II 2012 (July 16 – August 10) 4 Week Session

July 16 (Monday)	Summer Session II Begins
August 3 (Friday)	15 th Day of the Term for Summer Session II (only)
August 10 (Friday)	Summer Session II Ends

Fall Semester 2012 (August 27 – December 14) 15 Week Session plus Holidays

August 20-24 (Monday-Friday)	Fall Start Week for Faculty and Staff
August 24 (Friday)	Focus on Success Course Meets – All new students are required to attend.
August 27 (Monday)	All Classes Begin
September 3 (Monday)	Holiday: Labor Day
September 10 (Monday)	15 th Day of the Term
October 10 (Wednesday)	All Employee Learning Day (no day classes; evening classes will be held)
November 12 (Monday)	Holiday: Veterans Day
November 29 & 30 (Thursday, Friday)	Holiday: Thanksgiving
December 14 (Friday)	Last Day of Classes
December 25 (Tuesday)	Holiday: Christmas

Spring Semester 2013 (January 7 – May 1) 15 Week Session plus Holidays

January 1 (Tuesday)	Holiday: New Year's Day
January 7 (Monday)	All Classes Begin
January 14 (Monday)	Holiday: Martin Luther King Day
January 21 (Monday)	15 th Day of Term
February 20 (Wednesday)	All Employee Learning Day (no day classes; evening classes will be held)
March 4-8 (Monday-Friday)	Spring Break
March 29 (Friday)	Holiday: Good Friday
May 1 (Wednesday)	Last Day of Classes
May 5 (Sunday)	Commencement

PERSONNEL COMMITTEE REPORT

Committee Liaison, Mr. Sanders, explained the hiring freeze exemption and the request for the Board's permission to fill for the position. Trustee Sherburne, Chairman of the Personnel Committee, read the resolution and moved, seconded by Trustee Budzik, to adopt the resolution exempting the previously budgeted position from the hiring freeze. Trustee Troxel questioned the reason for Board approval if the position already exists in the budget. Mr. Sanders explained that the approval is required in accordance with the *Presidential Guidelines*. Chairman Brooks called for the vote, which was carried unanimously.

**RESOLUTION 2012-11
Hiring Freeze Exemption Request**

WHEREAS, the College is committed to prudent financial management while providing the services necessary to maintain the core mission of the College, and

WHEREAS, the Board of Trustees implemented a hiring freeze in June 2010, and

WHEREAS, the College has a budgeted position, which have been recently vacated, or will soon be vacated, and is seeking an exemption for the position from the hiring freeze,

THEREFORE, BE IT RESOLVED by the Hocking College Board of Trustees that this resolution hereby authorizes the College to proceed with hiring a replacement for the following budgeted position deemed necessary to support the core mission of the College:

Coordinator of Academic Scheduling and Special Project Manager for the Associate Provost.

BUDGET COMMITTEE REPORT

Committee Liaison, Ms. Fetty, stated that the external auditors were on site for four days. They will return again in November 2011 and provide their report by December 31, 2011. She stated that the Budget Report for August 2011 indicates low activity; and consequently, the Board will receive a copy of the August budget together with the September 2011 report. Ms. Fetty also briefly mentioned the importance of providing an opportunity for Board members to receive budget training.

FACILITIES COMMITTEE REPORT

(No formal report this month.)

INTERIM PRESIDENT'S REPORT

Dr. Osborne opened her remarks by welcoming guests to the evening's Board meeting. She announced the Higher Learning Commission (HLC) preliminary visit last week by Committee Chair, Ms. Susan Minnick, and asked Dr. Weiland to share additional information about her visit. Dr. Weiland reported that five Trustees attended the two meetings, one scheduled at the Logan campus and the other at the main campus. Dr. Weiland reported that the HLC Chair was concerned about Board governance training; and cited the availability of materials and models from organizations such as the Association of Community College Trustees (ACCT) and Ohio Association of Community Colleges (OACC). Ms. Minnick also stated the importance of the Board engaging in a presidential search. Ms. Minnick will return November 7–9, 2011 with the full

HLC committee accreditation team. Dr. Osborne added that the HLC committee has scheduled the evening of November 7, 2011 with the Board of Trustees. In preparation for the accreditation visit, Dr. Osborne encouraged the Board to seek information from ACCT, OACC, and the Attorney General's Office, and to plan to discuss their findings at the next Board meeting. This action would demonstrate to the HLC committee that the Board is actively working together.

Dr. Osborne announced that the Board would have an audience with Chancellor Jim Petro on October 4, 2011 from 4:00–4:30 P.M. at the Inn. She then handed a portfolio containing a letter to the College from Senator Rob Portman regarding the Staff Sergeant Curtis Oakes Memorial Garden dedication honoring past, present, and future veterans held this past Saturday, September 24, 2011 on the main campus.

CHAIRMAN'S REPORT

Chairman Brooks commented on the beautiful appearance of the campus grounds and thanked Andy Freeman, Ron Mash, Myriah Short, and Keven Martin for their efforts in both planning and physical labor.

Chairman Brooks followed with a thank you to Dr. Osborne for her continued service as Interim President. He then addressed the audience about the difficult times the College has endured; the inconsistency in leadership, and the financial challenges and expenses incurred in the changing of the presidency over the past several years. He followed with a pledge to ensure that the Board and College will work together.

Trustee Newlon then referred to a letter that he expected to receive shortly from the Ohio Ethics Commission exonerating him from charges of ethics violation and commented that the letter stated that no further investigation would be forthcoming. Trustee Newlon stated that he will have the letter made available once when he receives it.

OLD BUSINESS

None.

NEW BUSINESS

Trustee Tucker read a document dated September 27, 2011 written by the Attorney General's Office:

Dated: September 27, 2011

WHEREAS, the position of President of Hocking College is currently being filled on an interim basis, and the Board wishes to appoint a full-time President; and

WHEREAS, the Board of Trustees wishes to employ Dr. Ron Erickson as its full-time President; and

WHEREAS, Dr. Erickson has expressed to trustees his desire to return to Hocking College as its full time President; and

WHEREAS, the Board wishes to waive its right to enforce any provisions within an agreement entered into with Dr. Erickson on or about July 20, 2011 that would impede the Board's ability to now employ Dr. Erickson as President or would impede Dr. Erickson's ability to accept the position of President of Hocking College (it being fully understood that the remainder of the July 20, 2011 agreement will remain in force unless and until it is amended, revoked, changed or modified in accordance with its terms);

NOW, THEREFORE, the Board agrees to employ Dr. Erickson as its full-time President, effective at 12:01 a.m. on Wednesday, September 28, 2011, initially on an at-will basis, but with the understanding that the Board Chairman will negotiate an employment contract with Dr. Erickson that will govern the terms and conditions of his employment as full-time President;

AND, the Board agrees to terminate the employment of Dr. Jacalyn Osborne as Interim President of Hocking College, effective at 12:01 a.m. on Wednesday, September 28, 2011, but to continue to provide compensation and fringe benefits to Dr. Osborne pursuant to the terms of her employment agreement.

Trustee Tucker moved, seconded by Trustee Budzik to adopt the document in resolution format terminating the employment of the current Interim President, Dr. Jacalyn Osborne, effective 12:01 A.M. on Wednesday, September 28, 2011, and employing Dr. Ron Erickson as full-time President effective 12:01 A.M. on Wednesday, September 28, 2011. Discussion followed with brief highlights of the proceeding as follows:

- Several of the Trustees objected to the clause stating that Dr. Erickson had expressed "to trustees" his desire to return, and questioned whether that would be in violation of his termination agreement or imply an improper meeting with certain trustees. Trustee Brooks replied that the dialogue, as contained in the document, was between the Attorney General's Office and Dr. Erickson's attorney. Chairman Brooks agreed to strike the wording from the document.

- Trustee Newlon then read a letter from the Ohio Ethics Commission dated September 22, 2011 that introduces a possible conflict of interest involving Chairman Brook's housing accommodations for Dr. Erickson, (Addendum 2). He

also challenged Chairman Brooks to abstain from voting since there may be an issue of conflict of interest.

- Chairman Brooks countered with an explanation that the offer to rent his wife's property to Dr. Erickson on a temporary basis of three to six months was a gesture to welcome the new president to Hocking College. He commented that community colleges typically do not offer a residence to the incoming president. Chairman Brooks also pointed out that he was not a member of the Board of Trustees at that time, and still believes that he is not currently in violation of a conflict of interest. He does, however, agree to cooperate with any ethics review.

- Trustee Sherburne suggested that the Board conduct a presidential search and table the document/resolution in view of a potential ethics violation. Trustee Light also voiced support of not rushing any decision to hire a new president without time for proper consideration.

- Trustee Taulbee then expressed his personal disagreement with any ethics violation concerning Dr. Erickson's housing arrangement.

- Trustee Starner suggested that the Board follow the Higher Learning Commission's recommendation to survey students and faculty before moving forward. Trustee Starner also expressed concern that Chairman Brooks may have held meetings to discuss the return of Dr. Erickson in violation of the Ohio Open Meetings Act.

- Chairman Brooks denied any such meeting. He then pointed out that the College and community participated in a thorough search for a president over two and a half years ago, and they concluded that Dr. Erickson was the candidate of choice.

- Trustee Starner also stated that he felt it necessary to have a written statement of agreement from either Dr. Erickson or his attorney prior to voting on the resolution.

- Attorney Albers publically responded that it would not be necessary to have a written statement in order to employ Dr. Erickson as President.

- Trustee Troxel asked for an explanation of the "at will" language in the document. Attorney Albers responded that the President will be working without a contract, or in an "at will" capacity, until such time that a formal contract is negotiated and signed by all parties involved. Trustee Troxel then questioned the President's retirement package and salary as a new hire.

- Chairman Brooks responded that Dr. Erickson had been prepaid through his contract ending June 30, 2012, and he would not be paid double.

- As a safe-guard, Trustee Taulbee proposed that the wording "subject to approval of the Board of Trustees" be added to paragraph five that states the Board Chairman will negotiate the employment contract with Dr. Erickson.

- Trustee Starner again questioned Chairman Brooks on the development of the negotiations for the return of Dr. Erickson. Chairman Brooks stated that he met with the Attorney General's Office and the Chancellor for advisement. In response to Trustee Starner's question, Attorney Albers publically stated that she would perform the same type of work if she was approached by any trustee on this Board.

- After further discussion, Trustee Taulbee then proposed that the wording “to trustees” be struck from paragraph two.

- Interim President Dr. Jacalyn Osborne then voiced objection to the final paragraph citing she has never been “terminated from employment” in her entire career. Trustee Taulbee responded with a proposal to strike the last paragraph from the document.

- After final debate, Chairman Brooks asked Nancy Vandeman, Board Secretary, to read aloud the amended document/resolution prior to the Board’s vote. At the completion of the reading, Trustee Taulbee moved, seconded by Trustee Troxel, the adoption of the following resolution:

On a roll call vote:

Voting Yes: Trustee Taulbee, Trustee Troxel, Trustee Budzik, Trustee Tucker and Chairman Brooks.

Voting No: Trustee Light, Trustee Newlon, Trustee Sherburne and Trustee Starnier.

The motion was carried.

RESOLUTION 2012-12

Dated: September 27, 2011

WHEREAS, the position of President of Hocking College is currently being filled on an interim basis, and the Board wishes to appoint a full-time President; and

WHEREAS, the Board of Trustees wishes to employ Dr. Ron Erickson as its full-time President; and

WHEREAS, Dr. Erickson has expressed his desire to return to Hocking College as its full time President; and

WHEREAS, the Board wishes to waive its right to enforce any provisions within an agreement entered into with Dr. Erickson on or about July 20, 2011 that would impede the Board’s ability to now employ Dr. Erickson as President or would impede Dr. Erickson’s ability to accept the position of President of Hocking College (it being fully understood that the remainder of the July 20, 2011 agreement will remain in force unless and until it is amended, revoked, changed or modified in accordance with its terms);

NOW, THEREFORE, the Board agrees to employ Dr. Erickson as its full-time President, effective at 12:01 a.m. on Wednesday, September 28, 2011, initially on an at-will basis, but with the understanding that the Board Chairman will negotiate an employment contract with Dr. Erickson that will govern the terms

and conditions of his employment as full-time President; subject to the approval of the Board of Trustees.

ADJOURNMENT

Chairman Brooks reminded Trustees about the Chancellor's visit on October 4. There being no further business, Trustee Taulbee moved that the meeting be adjourned at 6:40 P.M.

Trustee Brooks, Chairman

Nancy Vandeman, Board
Secretary

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