

REPORT OF MINUTES

BOARD OF TRUSTEES SPECIAL MEETING

**BAY de NOC COMMUNITY COLLEGE
Catherine Bonifas Board Room (201D)
Escanaba, MI**

June 2, 2016

The meeting was called to order at 5:03 p.m. ET by Board Chair, Philip Strom.

Roll call was taken by Assistant Board Secretary, Laura Johnson.

Members Present: Tom Butch, Jim Hermans, Joy Hopkins, Philip Strom

Members Absent: Bill Lake, Tom England, Eric Lundin

Administration: Matt Barron, Laura Coleman

Faculty: Molly Campbell, Greg Cutler, Tom Warstler

Guests: Jordan Beck, *Daily Press*

Recorder: Laura Johnson, Assistant Board Secretary

Philip Strom stated the meeting was called to consider the Step Three Grievances presented by the Full Time Faculty Association on behalf of Dave McGinnis and John Mathews.

Philip informed attendees that if a vote was taken at the meeting, a unanimous vote would be required according to the Community College Act Statute 389.113 (1) which states an act is not valid unless voted by a majority vote of the members elect of the Board.

Tom Butch asked to clarify Master Agreement Sections 0205.1 A-C, Section 0102.1 and 0102.2 cited by the Faculty Association as the basis for the grievances. Molly Campbell referred him to pages 18 & 19 of the contract describing Go and No-Go Courses.

Tom Warstler was given the floor to present the Association's views of the grievances at Step Three. He extended an apology on behalf of the Full Time Faculty Association for things said and done and primarily to Matt Barron, Executive Dean of Arts, Sciences, and Academic Support, for things that were inappropriate.

Tom stated from the Association's perspective, although some of John Mathews' classes were run with low attendance, 0102.2 C6 of the Master Agreement justifies continuing a No-Go Course based on averaging academic year work load. John's averages for the year were 13 in fall and 16 in winter for all his classes which makes a case that John's loads on average were above load parameters. Enrollment in his courses were steadily increasing. The Association feels strongly that tenured faculty should be the last laid-off. John is a tenured faculty member and has been with Bay about nine years.

Although a cushion in the budget is required by HLC for continued accreditation, presumably the College may expect money back from the tax tribunal due to the recent MI Court of Appeals decision that recently overturned the dark store issue.

Molly Campbell interjected that on page 31 of the Master Agreement, Section 0205.4, the Association is questioning the rationale of the decision to lay off John Mathews and Dave McGinnis because in Section 205.1 there are other factors that could have been used in making the decision. The section states the following factors WILL be used (not may). Load and class size are nowhere on the list. It is almost impossible to lay off a tenured faculty member.

Philip Strom stated the class size analysis was used to determine which course offerings might be prioritized for reduction as a condition precedent to the evaluation of the position. It is also critical not to pay attention to the instructor name but to the courses affected.

Matt Barron confirmed this explanation. The analysis was done because of the deficit, to determine where the lowest numbers were and the circumstances prior to the reduction in force. Once those areas were identified, the factors were used to determine where the reduction in force would occur. Once the area where the reduction in force would occur was identified, the faculty in that area were looked at by comparing the factors of qualifications, experience, and past performance as stated in Section 0205.1. The other history instructor has a Ph.D., more seniority, and is qualified to teach western civilization.

Discussion was held about the courses taught by the History and Theater instructors that would be retained. Art History will be retained as a requirement for the Art & Design degree and Theater Appreciation would be offered at least once per year if a qualified and available adjunct can be found. Ethics would also be considered if a qualified instructor can be found because it was recently developed and part of Brian Black's pathway for some of the AS degrees.

Dr. Coleman stated Michigan Colleges Online (MCO) provides offerings to students which are not available at Bay. This does not help Bay's enrollment but offers opportunity to students. Matt Barron responded all of Bay's online courses are available on MCO; this is not the intention with Art History because we have a qualified full time instructor to teach it.

Molly Campbell advised Spanish and Music Appreciation courses need to be included in humanities data or it is inaccurate. They are not included because they are not required courses. They get good enrollment every semester even though they are not required.

Matt Barron responded to Philip Strom's question that students would have to choose other courses if Spanish and Music Appreciation were not offered. Music Appreciation is offered once per year. Spanish would be difficult to remove because there is need in the community based on interactions with local high schools and community requests received.

Molly Campbell inquired whether the Board considered leaving the chemistry position open and using adjuncts when we found out Jennifer Gustafson was leaving. Matt Barron responded we do not have adjuncts qualified to teach organic or general chemistry and human or essential chemistry in 2017. We can get by with fundamentals of chemistry. General chemistry is required in the AS for pre-engineers, the MSU articulation for health science, and other programs.

Molly Campbell expressed concern about not offering the philosophy course. Matt Barron responded although we could argue ethics is a preferred choice as a partner for Guided Pathways, it isn't a required course. As much as we would like to offer it, it could be replaced with another option. Molly stated we don't want to lose another instructor if courses are being offered that compete with other courses.

Tom Butch stated he is a strong advocate for humanities and suggested that humanities offerings be incorporated throughout coursework and programs where feasible. He added it is difficult to find ourselves looking at cutting positions but under the circumstances he believes the decision was made from a systematic process and is satisfied in his own mind it was not an attempt to target someone or a program. The process led to specific areas and instructors. The Board must follow contractual standards set forth which are very painful. He believes if the position cut was not held by John Mathews, it would likely have been another position just as meaningful. Looking at substitutes can lead us down another difficult path.

Dr. Coleman added although we may get \$48,000 back for the dark store issue, we just found out that we lost \$35,000 in state appropriations. Tom Butch stated legislators realized they overestimated not just this year, but next year, so we need to be cognizant of this for next year.

Philip Strom directed the meeting to the violation stated in the grievances which was that the data used was capricious and arbitrary. He asked if there was other specific information or support items to help understand why the information is considered arbitrary and capricious. Molly Campbell stated her understanding was it is the simplicity of how misleading class averages are because they were so close. Matt Barron added the data is informational statistics to show lower enrollment, not differential statistics. The data was simply used as descriptive to show where areas could be identified for improvement.

Philip Strom asked Matt Barron if there was any basis to the statement in the grievance, "Consequently, this decision will reduce humanities course offerings significantly, compromise our general education program, and threaten our accreditation". Matt stated he believed it was referring to potentially offering a course with an unqualified instructor but could not speak to it since he did not write it. HLC will require compliance of HLC qualified instructors by 2017. HLC requires institutions have a general education model and offer a certain number of courses for a program but do not require a specific number of humanities courses. As long as the College is meeting its own requirements for gen ed there is no risk in jeopardizing HLC accreditation.

Molly Campbell clarified that in losing the theater instructor, communications courses are also lost because that position had assumed communications courses with the retirement of the communications instructor. Matt Barron responded public speaking can be an alternative qualification and he hopes to find an adjunct who can teach it once per year. It is difficult to find a qualified instructor for interpersonal communications. Although he recognizes it is critical to offer communications, they are not humanities courses and fit under general ed. We need to continue to offer those courses.

Jim Hermans stated Bay still offers over a dozen humanities courses which gives our students enough choices to maintain their objectives to maintain their degrees.

Molly Campbell stated the list of humanities courses is misleading because lots of those courses are not offered and a "chunk" of courses that were taught by the history instructor will be lost.

Philip Strom provided the opportunity for additional comments. Hearing no additional comments, he referred to the grievance procedure in the Master Agreement and read the contract language that stated the procedure if the grievance is not settled at Step Three. If the alleged grievance is not settled at Step Three, the matter may be referred to arbitration by either party.

Trustees were asked what the Board's intent was in the matter of the grievances presented.

Tom Butch stated he would be uncomfortable if there were still questions remaining. Everyone should have had the opportunity to hear, have questions answered, and understand the matter throughout the meetings that addressed the matter.

Tom Butch requested permission to share his view on the matter. Philip Strom granted permission.

Tom Butch shared obviously the budget reduction has been very troubling because we have not had to take draconian action often. There was one instance in the past where it was necessary to give possible notices of layoff to all employees because we didn't know what the State would do. A point was made to have a priority for the reductions which started with physical plant, energy, etc. with personnel being last. The current reduction in force was unavoidable because 70% of the College's costs are in personnel. The Board and Administration have done things in the past that have involved other areas of campus without affecting faculty. The Board recognizes the value of instructors and many other things they bring to the table. It has been a real struggle for everyone involved. He wanted to make sure there was sound basis for the decisions made and positions were looked at first and then the people in them.

Some of the intent of the master agreement language doesn't really fit our situation here and we could re-look at this language in the next negotiations; however, it is the language we have in the current contract and we have to deal with it.

He looked at the full time faculty ratio among peer schools and Bay is right up there compared to similar smaller colleges. Other institutions have been forced to take similar action. He looked at the scope of administrative rights and the reduction in force is a management function. All decisions were made within the administrative responsibilities. He is not happy with having to make these reductions and being as broad in having to do it, and for the individuals involved, but thinks the process was done with integrity and effort to do it right and that it was not arbitrary and capricious in any way. The College has been forced into the reductions with little option.

Philip Strom commented maybe there were things that could have or should have been done earlier to lessen the impact but we cannot predict circumstances and it is a dangerous road to go down because there are so many unknowns in our current status. The Administration and Board is trying to do things that do not negatively affect the students as much as possible and the staff and instructors that have also been impacted.

Philip Strom asked the Board for their decision.

Tom Butch stated he is comfortable with management's position because of the information presented by Matt Barron in previous meetings and the conversations that occurred here. Nothing new will be known and it is good to keep the process going.

Tom Butch moved to ratify the decision to approve management's position for both grievances.

Philip Strom stated it was his preference to make individual motions to address each grievance with a roll call vote. Discussion was held.

It was motioned by Tom Butch and seconded by Joy Hopkins, with a heavy heart, to:

“Ratify the decision made with regard to the grievance for John Mathews and approve management's position and further deny the grievance presented.”

Roll Call:

Ayes: Jim Hermans, Tom Butch, Joy Hopkins, Philip Strom
Nays: None

Abstentions: None

Discussion was held about providing an opportunity to support John Mathews with a letter of recommendation or resolution to assist him with employment opportunities to recognize his years of service to the College and the impact he had on students. Tom Warstler and Matt Barron will work together toward this effort.

Motion carried unanimously.

It was motioned by Tom Butch and seconded by Joy Hopkins, with a heavy heart, to:

“Ratify the decision made with regard to the grievance for Dave McGinnis and approve management’s position and further deny the grievance presented.”

Roll Call:

Ayes: Joy Hopkins, Tom Butch, Jim Hermans, Philip Strom

Nays: None

Abstentions: None

No further discussion. Motion carried unanimously.

Philip Strom instructed Administration to prepare a written notice to the Full Time Faculty Association as outlined in the Master Agreement to allow the maximum time to them should they be interested in further steps.

Further discussion was held regarding the Board’s offer to provide letters of recommendation or recognition to any of the employees affected by the reduction in force. Philip Strom requested needs for such recognition from the Board be made if known.

There being no further business, it was moved by Jim Hermans and seconded by Joy Hopkins to:

“Adjourn the meeting.” No discussion. Motion carried unanimously. The meeting adjourned at 6:34 p.m. ET.

Laura L. Johnson
Assistant Board Secretary

Completion Date

Approval Date

Philip L. Strom
Board Chair

Approval Date