

**MINUTES**  
**District Board of Trustees**  
**Tallahassee Community College**  
**444 Appleyard Drive**  
**Tallahassee, FL 32304-2815**  
**October 19, 2009**  
**Board Workshop – 2:30 pm**  
**Business Meeting – 4:00 pm**

Chair Moore called the District Board of Trustees workshop and business meeting to order at approximately 2:30 pm.

**Members Present:** Chair Moore, Trustees Hebrock, Lamb, Messersmith, DeFoor and Callen.

**Absent:** Trustee Moon

**Via phone:** None

**Others Present:** President Bill Law, Lee Kitchen, Sally Search, Marge Banocy-Payne, Frank Brown, Monte Finkelstein, Lois Ewen, Chip Singletary, Judy Bentley, Susie Hall, Kalista Bell, Ashlynn Feely, Alexis Williams, Barbara Sloan, EE Eunice, Jerry Schilling, Teresa Smith, Robin Johnston, Sheri Rowland, Bill Campman, John Norris, Tony Stallworth, Rick Frazier, Ben Alonzo, Maria Rodriguez-Cintron, Brandie Faulkner, Braze Brickwedel, Jon Berryman, Raksha Patel, Amy Bentley, Robert Fleischmann, Brian Kupfer, Patrick McDermott, Renee Maples, April White, Shawna Smith, Steve Panton, Karinda Barrett, Darren Mosan, Valerie Bahl, Ryan Jones, Rhett Coleman and Lenda Kling

**COMMENTS**

**Board Chair** – Chair Moore asked everyone to stand for a moment of silence and the pledge of allegiance.

**Board Members** – Trustee Hebrock indicated we admire our athletic program participants. Trustee Lamb concurred on the athletic program. He also stated the FPSI facility, where our last meeting was held, is beautiful.

**President** – Dr. Law indicated Mr. Murdaugh was currently hosting his conference and, as of a week ago, he had 300 people registered. He provided an amended agenda reflecting additional items to be addressed at this meeting and indicating we are doing a great deal of work with the Department of Transportation.

## **BOARD WORKSHOP**

### **Tuition Policy Plan**

Dr. Law indicated that everyone here is very happy that we have managed tuition to the benefit of students and the joint benefit of the college. The reality is that as times are getting tougher, the badge of honor of being the lowest cost community college is getting in the way of being a really good community college.

The Board asked him to bring back a plan that would move our tuition to the mid-range of the community colleges over a period of time. Step one of our process would be to calibrate the target tuition rate. We found the median of the tuition and fees within the Florida College System (FCS) at \$79.94, while we are currently at \$70.75.

The legislature sets a standard fee for community college fees – colleges must then be no more than 15% above that. We don't know what the legislature will do each year, but we expect it to be between 5-8% each year. To make up the \$9 deficit, we are looking at a 5% increase plus \$3 each fall which would get our tuition within mid-range in three years.

We handled our tuition projections based upon no enrollment growth, since we do not control growth – only tuition. The whole dollar amount, in addition to the legislative percentage tuition increase, is necessary to catch-up and would be determined by the amount the legislature indicated would be the increase.

The final recommendation would be to let tuition rise by \$8.50, comprised of whatever the legislature determines is the percentage plus a dollar figure necessary to reach that total. Looking at the big revenue picture, we have about 6% of the budget in stimulus or non-recurring revenue that must be replaced and must do something to support decisions already made.

Trustee Messersmith asked about the grant we had just received and if it could be used for distance learning. Dr. Law indicated that grant was primarily for PTLEA, although we would see some benefit from it. Trustee Hebrock asked about the stimulus funds. Dr. Law indicated this was general fund money, not guaranteed and only an estimate.

Chair Moore asked if we raised tuition 5% plus \$4, would we reach our point of diminishing return. Dr. Law indicated there was a point at which students would pull back, but no one really knew what that figure was. Trustee Hebrock felt that we had more students now, especially non-traditional students, due to the economy and they would more than likely leave when jobs became available.

Chair Moore felt we had taxed our faculty and resources for so long, that if an additional \$0.50 would not have a negative impact she would like us to go to \$9.00 more. Trustee Hebrock agreed if it would help us avoid layoffs or furloughs, we should proceed with whatever additional tuition increase we can implement that will not impact student enrollment.

Dr. Law indicated we are not at a point where a decision must be made today, since we have already made a decision for January 2010. Trustee Hebrock stressed we needed to make a decision as early as possible, so that students enrolling for fall 2010 were aware of the increase. Dr. Law indicated he would like to hear a little more information from the legislature; however we should be able to proceed before students begin enrolling in March.

Trustee Callen indicated the high school students were much more informed of what TCC has to offer. She feels potential students should know in advance so they can plan, but not so much time that they procrastinate. For many students due to grades, money and economy; this is the primary option available.

Trustee Hebrock felt we could set a tuition rate increase without being disrespectful to the legislature since our adjustment would be based upon two components. Trustee Messersmith agreed that if we set the increase it should not be offensive to the legislature, since the figure is not based solely upon the legislature decision.

Trustee Callen liked the idea of being a leader in the process. She felt it would be comforting to faculty and staff, as well as, informative to students. Chair Moore indicated if we placed the item on the November agenda we could always move it to the January agenda, if we were not yet in a position to make this decision.

Dr. Law indicated in November we could discuss anything else we knew and he would like to see us make a decision in January. Trustee Hebrock indicated our November meeting was prior to the November Committee Meetings, so in January we would have information from the November and December Committee Meetings.

Dr. Law indicated we could possibly save \$300,000-\$500,000 a year just by replacing retirement buy-out employees. Chair Moore indicated we would discuss additional information in November with a target for decision in January, but no later than February.

Dr. Law indicated that tomorrow we go live with our new student portal. Bill Campman indicated that in 2007 we launched the portal where students use one login to gain access to their email, registration, finances, on-line learning courses and other information via this portal. We are now adding an additional dashboard display that is tied directly into their Individual Learning Plan.

### **Individual Learning Plans (ILP)**

Dr. Rowland indicated that we are moving forward with an enhanced learning plan that is more interactive and helpful to students. She indicated that students who have a plan and goal tend to be more successful.

Alerts to possible issues are displayed on the front page dashboard, including connections with additional information available for corrective action. This front page will assist with announcements and information in one location, without having to maneuver to other locations.

This portal will also allow us to capture additional information from the student so we can evaluate various needs. Trustee Hebrock asked about access for dual enrolled students and Dr. Rowland indicated they have the same access as other students. Chair Moore asked if this portal access was available the first day of enrollment. Dr. Rowland indicated it would be available to them the day after they apply.

She indicated we were building in orientation, first semester advising and other key points so they can move forward. We will link to the Universities application sites based upon the student learning plan. Trustee Hebrock asked if there were any advertisements on the page and was informed there were not.

Trustee Messersmith asked if the student could go in and select another major to see what the requirements would be for that major. Dr. Rowland indicated the student could take this action and that we would walk through the information from a student prospective. Dr. Law indicated another feature would be for the student to manage their schedule through this portal.

Trustee Hebrock asked if this information was public record or if we had any limitations on how the information could be used. Dr. Rowland indicated we do fall under the Family Education and Privacy Act. Trustee Hebrock inquired if the TCC Foundation could use the information. Dr. Rowland indicated we could use the information internally but we were limited to what we provided outside (such as basic directory information).

The system plan uses the student's career choices and goals captured via open answers or drop down menus. A survey captures other information that may impact their interests or success; such as hours they work, hobbies, etc. based upon their individual career choice.

Mr. Campman indicated the portal is real time for the student and follows the enrollment and graduation rules currently required. If a student drops out of a course, the portal will generate a warning about future courses.

Trustee Hebrock asked if the Guidance Counselors at the high schools work with students who are dual enrolled. Dr. Rowland indicated the answer was yes and we also have liaisons that travel to all the high schools to meet with those students.

Trustee Callen said bravo, indicating the program was very impressive. Dr. Law feels we now have a tool that gives us a strategic edge and needs to be part of our marketing. Over and above the marketing value, every student he speaks with will more than likely in their lifetime determine their own financial management and health plans. We hope this tool will help us address issues in real time and aid us with keeping students here.

Dr. Rowland showed the summary page of information that displays for students and advisors. This synopsis includes what the student planned, completed, grades, etc. This will assist the student and the advisor in making future decisions.

Mr. Campman indicated we had two of our graphic students do the work for the graphics on this site. Trustee Hebrock verified this was not an off-the-shelf program. Mr. Campman indicated the work was all done by our programmers who started the coding in March of 2009. Trustee DeFoor asked if we could copyright this and Dr. Law indicated we had already done so. We realize it has some value in the marketplace and have taken steps to safeguard it.

Trustee Hebrock indicated if students do not use the resource, it would be of little benefit to us. He thinks we may wish to use some sort of incentive for students who use this tool, if the students do not start using it right away.

Chair Moore concluded the workshop with her congratulations on a job well done with the portal.

## **BUSINESS MEETING**

Chair Moore called the Board meeting to order at approximately 4:08 pm.

## **COMMENTS**

**Chair** – Chair Moore indicated she thought we had some guests today.

**Board Members** – None

**President** – Dr. Law introduced the first year faculty cohort and work together as a group for the first year to share common understandings and development. The group was accompanied by the supporting staff of the Center for Teaching Excellence. The new faculty and staff individually introduced themselves.

## **APPROVAL OF MINUTES**

Chair Moore asked if there were any changes and requested a motion to approve the minutes of the September 21, 2009 Workshop and Board Meeting.

**MOTION:** Trustee Messersmith

**SECOND:** Trustee Lamb

Motion passed unanimously.

## **INFORMATION AND NEWS ITEMS**

Susie Hall introduced one news clip for a mentorship program and an advertisement for PTLEA.

## **UNFINISHED BUSINESS**

None

## **PUBLIC COMMENT OR PRESENTATIONS**

None

## **NEW BUSINESS**

### **Approval of Consent Agenda**

Chair Moore asked if there were any comments or requests for the Consent Agenda.

Trustee Hebrock asked to make a comment, but did not wish to pull hire anything. He indicated the process used for attorney bills was exactly what he wanted and thanked Mr. Mabile.

**MOTION:** Trustee Lamb

**SECOND:** Trustee Messersmith

Motion passed unanimously.

### **Administrative Services**

#### Construction Status Report (Information)

The new parking lot is in use and the old asphalt is being stripped out. We made a slight modification downstairs that includes a television and touch screen computer for additional information. Anticipate a January opening for the Advanced Manufacturing Training.

#### September Fund Analysis (Information)

We provide fund summaries of all funds to the Board. Fund 1 is general operating budget, Fund 2 is restricted (contracts and grants), Fund 3 is auxiliary accounts, etc. The majority of the amount in Fund 7 is the money for the Ghazvini Center.

Trustee Hebrock asked which of the funds typically cycle through to zero. Dr. Smith indicated student loans in Fund 4, as well as, Funds 5 and 6. Trustee Hebrock asked if we got more funds from the legislature than needed for a building, where do the additional funds go. Dr. Smith indicated it was Fund 7.

Trustee Lamb asked if we had received all the funds for the Ghazvini Center. Tony Stallworth indicated we had gotten all funds for the parking lot, Surgeons Drive and building, but were hoping to get additional funding for furniture.

Trustee Hebrock inquired about the funds that would be impacted when money was received from the Foundation. VP Johnston indicated the applicable fund would be determined by the type of projects or programs being funding.

#### Quarterly Fund Summaries and Classifications (Information)

With 25% of the year gone, we have only spent 24% of the budget. Personnel costs are at 22% with most of the hiring done. We appear to be tracking well on budget and will continue to keep you apprised.

Ghazvini Center for Healthcare Education Sales Tax Savings Program – Purchase Order Submittal #1 (Action)

Dr. Law indicated one of the ways we lowered costs was for the college to be the purchaser and avoid sales tax. Trustee Messersmith asked for further clarification on what the board was being asked to approve. Dr. Law explained the college could save the sales tax by purchasing the materials.

Tony Stallworth indicated we automatically build into the budget our sales tax savings and then take the funds back from the construction manager. This item is before the Board today because our current policy requires us to bring all change orders to the board.

**MOTION:** Trustee Messersmith

**SECOND:** Trustee Lamb

Motion passed unanimously.

Trustee Hebrock made a motion that the President be vested with the authority to approve future change orders for the avoidance of sales tax. Chair Moore verified with Mr. Mabile there was any legal concern with the motion. Chair Moore verified with President Law that he had no concerns.

**MOTION:** Trustee Hebrock

**SECOND:** Trustee DeFoor

Motion passed unanimously.

Clery Act Campus Crime Statistics 2008-09 (Information)

All colleges in America must provide an annual report and this becomes very highly publicized information. We are very proud of the work we do and have already internally audited the numbers presented.

Federal Stimulus Funds (Information)

We are trying to keep everyone up-to-date with the funds coming to us. With the guidance from the state Department of Education, we have decided the way to best describe the way we are using these funds is to keep the doors open for students by adding adjunct sections. Without these funds we would be limiting access to enrollment.

Recommendation for Bookstore Service Contract Extension (Action)

Dr. Law indicated we are at a window where we can exercise a one year extension. There is no one in higher education that does not have an interest in this cost factor. Next fall there is a new process based upon the Higher Education Opportunity Act where we have to link through to our registration system the cost of textbooks.

You cannot open trade journals today without finding information on the use of electronic books. Follett has a product they will rollout next year in reference to electronic books.

Trustee Hebrock indicated he was pleased when we went to Follett since they had a website that could be accessed for TCC purchases. He asked if there was anything in the contract that would prevent an outside vendor to sell our TCC items.

**MOTION:** Trustee Messersmith  
**SECOND:** Trustee Lamb  
Motion passed unanimously.

Budget Amendment #1 (Action)

Dr. Law indicated this was to reflect some funds for bills that are carried forward from the previous year. This year we will provide this information and make the necessary budget amendments in real time, not just once a year if needed as we have done previously.

**MOTION:** Trustee Hebrock  
**SECOND:** Trustee Lamb  
Motion passed unanimously.

Recommendation for Media Buyer Services (Action)

This is a Department of Transportation bid renewal for their traffic safety grant with a budget of \$1,000,000. Trustee Messersmith asked about the advertising commission and was informed seven vendors gave us their best price. If they are discounting, then it is behind the scenes.

**MOTION:** Trustee Lamb  
**SECOND:** Trustee Messersmith  
Motion passed unanimously.

Grants and Contracts – TCC as Provider

Dr. Law indicated this is an additional item to the agenda, which came to us from another provider.

**MOTION:** Trustee Hebrock  
**SECOND:** Trustee Callen  
Motion passed unanimously.

Amendment to Policy 6Hx27:03-04

Dr. Law indicated we are \$11,500,000 in approximately twenty-six grants with the Department of Transportation. The Department is working in real time and in an effort to be more responsive, he would like to accept more responsibility for execution of contracts up to \$250,000 and bring to the Board for subsequent approval.



**MOTION:** Trustee DeFoor  
**SECOND:** Trustee Callen  
Motion passed unanimously.

### **TCC Foundation**

#### TCC Foundation Update (Information)

VP Johnston indicated the Campaign for TCC just concluded and thanked everyone for a good campaign although final numbers are not yet available. Chair Moore encouraged Trustees to become a President's Club member or talk to Robin about how you can support the Foundation in other ways.

#### TCC Foundation – Quarterly Financial Update (Information)

VP Johnston indicated he would be happy to entertain any questions about the information provided. No further discussion occurred.

### **Personnel Action Appeal (Action)**

Dr. Law introduced Gary Crawford who had requested to come to the Board. Per Board Policy, Dr. Law explained an employee who is terminated has a right to present to the board upon their request. After presentations, the Board will vote to uphold the termination or for further review.

In discussion with Mr. Mabile for structure, Dr. Law will speak first for 10 minutes and then Mr. Crawford has 10 minutes to present his case. Renae Tolson will act as timekeeper, giving each speaker a two minute warning. Chair Moore indicated at the end of the 10 minutes speakers would be allowed to finish their current sentence. After both presentations, the Trustees may ask any questions.

Dr. Law provided a summary of the document he had prepared for the Board, stating Mr. Crawford had held the position of Assistant Controller. Mr. Crawford's termination for performance issues in June was ratified by the Board at the last meeting.

There were many documented meetings with Mr. Crawford prior to the termination, including reassignments of responsibilities that would allow Mr. Crawford more time for his duties. An OPS employee familiar with the student accounting system was assigned to Mr. Crawford, however without notification to management the employee was sent back to their home department.

A performance improvement plan was developed and delivered to Mr. Crawford on April 21<sup>st</sup>. The plan documented our expectations and how we would allow him to document his performance, which Mr. Crawford chose not to sign and subsequently did not comply with the plan, as documented.

There was concern about the understanding Mr. Crawford had of the college accounting basis and completion of bank reconciliations. After Mr. Crawford's dismissal, we found evidence of

online surfing, including pornographic websites, and a folder in his office which contained both cash and checks dated in February. Other areas of the college needing his assistance expressed concern about Mr. Crawford. We requested a staffing proposal to address Mr. Crawford's concern, however none was provided by Mr. Crawford.

When Dr. Law met with him, Mr. Crawford focused his dialogue solely on his claim that he was working multiple positions. Dr. Law offered him the opportunity to resign, however Mr. Crawford rejected that offer. We worked closely with Mr. Mabile for months throughout this process with how to handle an employee at this level.

Mr. Mabile and Dr. Law met independently, without other staff with who Mr. Crawford worked, to discuss the merits of what was being asked of Mr. Crawford. Dr. Law stated that Mr. Crawford indicated he was dismissed due to age and gender bias, subsequently filing with the Florida Commission on Human Relations.

Mr. Crawford thanked the Board members for the opportunity to speak with them and indicated this was a nice piece of fiction presented. He said he had worked for the state for 27 years, citing various positions and presentations with the Department of Children and Families and Florida State University.

He feels that with all his previous experience, it is not likely that his performance changed as described after 1 year 3 months at TCC stating he had received nothing but above standard and outstanding evaluations throughout his career.

He indicated his first assignment at TCC was to complete twelve months of bank reconciliations, which he completed between his date of hire of March 17<sup>th</sup> and before end of year closeout in June. He stated that our system was not user friendly and our IT department indicated it took a year to learn.

Mr. Crawford said Dr. Law told him he was not a good fit for TCC. He indicated that may be so because he questioned why a staff member was moved to another office when funds were available, why Foundation was paying for TCC staff salaries, why financial aid refunds are going back to students and not to the donors and the Personnel Director who said his staff was causing payroll problems.

He indicated his performance evaluation came one week after Lori Smith was hired as the new Controller. He said he was doing Alan Sand's job, Amy's responsibilities (such as bank reconciliations) and Terry Pendelton's responsibilities for two months while she was on medical leave; stating he was the only one in the Business Office, although in 1996 there were five people in the office.

Mr. Crawford said Alan left because his requests for additional staff were ignored. He indicated he was doing everything to keep the office afloat and was very shocked with the poor

performance evaluation. He feels Dr. Smith does not listen to her own line managers and if you get on her list, she begins to discriminate against you.

Everything you have done here in the college is commendable, but all of that is run through the business office and done by your administrative staff. He implored the Board to review the responses to the Florida Commission. TCC did not address that the IT office turned everything back to baseline and put hundreds of students in his office asking why their accounts were messed up, nor the 1098Ts and 1042Ts they had to address.

He indicated that Dr. Smith is good at saying anyone not happy here should get off the bus and that our vacancies showed people were getting off the bus, for good reason. He said there were facts they should look at and the people doing the work are not happy. He questioned qualifications for employees in the HR Director and Controller positions.

He stated it would have been nice to have had an earlier copy of the letter provided at this meeting and felt he had become the brunt of discriminatory processes. He refuted the comment about the movement of funds without substantiating journal entries. Mr. Crawford indicated he did not sign the Performance Plan because it was all subjective, saying he had been with the state long enough to see the writing on the wall.

He stated he questioned the reference to the pornographic materials on his computer indicating that if TCC had a method to identify pornographic materials on people's computers, the information would have been in his termination paperwork. He further questioned anything that may have been found after he was gone.

Chair Moore thanked Mr. Crawford and indicated the Trustees could ask questions. Trustee DeFoor asked if Mr. Crawford's assertion was that any pornography on his computer was put there after he left. Mr. Crawford answered that people were getting on computers in the evenings and one of his staff had pornography on her computer.

Trustee DeFoor said that was not his question and asked again if Mr. Crawford was asserting that any pornography on his computer was put there after he last touched it. Mr. Crawford responded that he was making that assertion, although he went to some "swimsuit" sites. Trustee DeFoor indicated that fortunately for Mr. Crawford and the College, the information should be fairly easy to ascertain for case purposes.

Trustee Lamb indicated that Dr. Law is the administrator and it is Dr. Law's signature that hires the employees. He indicated the Board Members do not interview employees or hire them. Dr. Law makes these decisions, he does not know the employees because they are Dr. Law's employee and Dr. Law is his employee; stating he supports the recommendation from Dr. Law.

Trustee Hebrock indicated he feels the same way Trustee Lamb feels, indicating the day the Board addresses personnel issues should be the day they decide whether to keep Dr. Law. He

does feel it would be prudent that we hear something from our legal counsel and if there is a pending lawsuit.

Mr. Mabile indicated there is now pending before the Florida Commission of Human Relations a charge of discrimination brought by Mr. Crawford. Trustee Hebrock asked if that charge was at the level they would be in Executive Session to discuss. Mr. Mabile indicated it was not a matter for Executive Session at this time.

**MOTION:** Trustee Lamb  
**SECOND:** Trustee DeFoor  
Motion passed unanimously.

#### **PRESIDENT'S REPORT**

Dr. Law would like to move the April Board meeting to Monday, April 26, 2010. Chair Moore indicated that should not be a problem.

#### **FUTURE AGENDA ITEMS**

None

#### **NEXT MEETING DATE**

November 16, 2009

#### **ADJOURMENT**

Meeting adjourned at approximately 5:13 pm.

Minutes approved at regular meeting of the District Board of Trustees on November 16, 2009.

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**Karen B. Moore**  
Chair

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**William D. Law, Jr.**  
President