

**Minutes of Board of Education Meeting  
November 22, 2017 6:00 p.m.  
Albany Campus, Boardroom**

***Board of Education members in attendance***

Jim Merryman (*Chair*), Barry Broadbent (Vice Chair), Dick Running, Keith Frome, Randy Camp, Shelly Garrett

***Staff and Representatives in attendance***

Greg Hamann, Ann Buchele, Bruce Clemetsen, Dave Henderson, Debby Zeller (*Classified*), Diane Hunsaker, (*Part-Time Faculty*), Cindy Falk (*Faculty*), Brian Ixthluahic (*Student Leadership*), Amanda Kliever

Guest: Jessica Henson, Legal Counsel

**The regular meeting was called to order at 6:00pm,**

**CHANGES TO THE AGENDA** – None

**CITIZEN COMMENTS** – Tracy Krebs from Lebanon came to express his concerns about the artwork displayed in North Santiam Hall. After reading the proposed Board Policies and Administrative Rules noted in the agenda, he urged the Board to reject sections A and B of Board Policy 4050 and retain sections C and D.

Richard Gibbs from Philomath, also a faculty member in Health and Human Performance. He came to talk about the newly proposed Administrative Rule 1055-01. He started by complimenting Lynne Cox for the work she's done on it. He has some concerns, however. He would like a broader community approach to implementing time, place, and manner rules. He doesn't feel it should be left to one person, the VP of Student Affairs, or designee. In Board Policy 4050, to him, the word "controversial" in paragraph E is divisive. He doesn't feel it promotes our mission or values and would like inclusiveness to be the focus. Lastly, while he is offended by the art hanging in North Santiam Hall, he supports the rights of the artist. While he is comfortable expressing his offense, he worries about the students and staff who are not comfortable doing so. He has asked that in the future, potentially offensive art be displayed in a clearly designated area.

Sean Morrison, wanted to share two perspectives regarding the same issue as the other citizens, one as a parent, one as a business leader. His first concern is as a parent. He asked the Board to remember that many students are not 18 and over. Many younger children are here for things like driver's education, tractor safety, etc. His second concern is as a business leader in Human Resources. In private industry, if art like what is displayed in North Santiam Hall was sent to his business, the person that sent it would be fired, as well as any managers who knew about it and neglected to stop it. He is surprised that with all of the sexual harassment cases being brought to light, that this would be tolerated in this environment. While he respects the right to express ourselves in a variety of ways, he feels like there is a responsibility to our students and children to set them up for success. If they are taught that things like this are OK, when they come into the workforce and share things like that and end up getting fired over it, he feels that is sad.

Doug Crook, from Albany came to talk about the same subject. He thanked the Board for being here and doing what they do. He has served on K-12 school boards in the past, so understands what they do. He is concerned that Board Policy 1055 will get away from the Board. One person/department will have control over what is

displayed and feels they could lose their ability to keep their pulse on what's going on. He supports that LBCC promotes expressing ourselves but wants to make sure it's not harmful to anyone.

Karelia Stetz-Waters, from Albany thanked the Board and community members for attending. She is speaking in favor of the Free Expression policy. As a romance writer, when she considers whether something is pornographic or not, she has two criteria. Is it thought-provoking and does it have artistic merit? She sees both of those things in the art display in North Santiam Hall. She feels if this work is classified as pornography, we should consider works by daVinci and Michelangelo and many other great artists as pornography. While she's not a fan of the artwork, she is very much in favor of keeping the doors open to this type of freedom of expression. If we don't, she said, we are left with hotel art, blurry images of lilies. Our students are not entering a world of blurry images of lilies. We live in a challenging and graphic world, they need to be prepared to think critically about material that is challenging. She also believes that as a Christian, that we should teach our students that their faith is strong enough, that they lose nothing by studying something that they disagree with or don't like.

Chair Merryman thanked everyone for sharing their feedback.

#### **INTRODUCTIONS** – None

**CHAIR COMMENTS** – Chair Merryman reviewed the proposed dates for the Board Retreat, August 11 or 15. We are trying to schedule a guest speaker, so need to get it on the calendar. It was decided that August 11 would work best for everyone.

Some changes were made to committee assignments. We currently have three Board of Education members on the Foundation Board, Ms. Modrell was willing to come off the Foundation, leaving Mr. Camp and Dr. Frome. With that change, she will work with Ms. Garrett on the OCCA Board.

#### **GENERATIVE ACTIVITY**

Scott Rolen and Lynne Cox presented the findings from the recent 16-17 Department of Education and Civil Rights Audit. Mr. Rolen started by sharing some context to tie the report to the Board's contributions over the years. Specifically, their work around the principles of equity and attainment. In 2012, the college adopted a strategic goal of "equity", or "completion for all". Then again, in 2015, the Board of Education approved Board Policy 1005 with a reworded mission statement, putting greater emphasis on the principle of equity. At that same time, the Board approved Board Policy 1010, a reworded college values statement, again emphasizing the principles of opportunity and inclusiveness.

The Department of Education/Office of Civil Rights ensures equity in access to education and educational services and programs to all institutions who receive Federal Carl Perkins Act funding, which we receive for our Career Technical Programs. They are charged with determining how well we ensure equity for protected classes, are compliant to ensure we do not promote bias or stereotypes and remain accessible to persons with disabilities.

This was our routine audit, which happens about every 10 years. There was a team that visited for about a week, talking to both staff and students.

The report we received was great! We had no violations and one commendation. The commendation was for Center for Accessibility Center's manager, Carol Raymundo, as well as the college as a whole for how well we

serve and accommodate students with disabilities. They did offer some suggestions for improvements including some facility upgrades, many of which are already in the current campus upgrade plans, some language updates in documents and our website, current job descriptions for Title Coordinators (Mr. Rolan and Ms. Cox), information on how a complaint is filed and investigated, and staff training and education.

In the last 10 years, LBCC has no complaints alleging we are not an equitable institution, something Ms. Cox is very proud of LBCC for.

Mr. Rolan has asked the Board to “stay the course”. Continue in your role as a policy Board, plotting leadership with an “equity lens”, making sure we are keeping every demographic in mind when passing Board Policies. We are already on the right course with this. The other way the Board can help is to continue to their work in tying budgets to our strategic goals of the college. This will keep equity and attainment at the top of the list, where it belongs.

## **STRATEGIC ACTIVITY**

### 1) Board Representative Reports

**ACCT** – Chair Merryman reported on the great things going on in the nation and how they relate to LBCC.

**OCCA** – Mr. Camp and Mr. Running attended the OCCA Annual Meeting at the Salishan at the beginning of November. Mr. Camp reported there were some great speakers and an overwhelming amount of data was presented. Compared to other schools, he feels like we’re in pretty good shape. Mr. Running added Sara Goldrick-Rabb was great and offered some really interesting ideas. Mr. Camp thought we have already talked about many of the ideas presented, just in a different context, such as total affordability versus tuition only.

**Foundation** – Mr. Camp said it was a good meeting with a lot of information. It was also Mr. Stowell’s last Foundation Board meeting, his replacement has some big shoes to fill! Many successes over the last year are:

- Record amount of scholarship money given to students, \$360,000
- Fundraising and investment returns, over the \$8m mark
- Foundation endowment to support areas of greatest need is over \$1m for the first time ever

**Revenue Innovations** – Mr. Running reported that the committee hasn’t met since the last Board meeting, but he had talked to Mr. Henderson to get some information on what other community colleges are doing to raise funds. Food services was the most common among those who responded. Chemeketa is writing their own textbooks. He will try to get the group together before the next Board meeting.

### 2) Campus Representative Reports

- a) **SLC**, Brian Ixthluahic – The Civil Discourse Club had their first debate and the subject was the controversial art in North Santiam Hall. He thought it was an authentic representation of what people are talking about. It was an interesting and moving debate. President Hamann added the Civil Discourse Club is a new club formed by Communications Faculty, Mark Urista and students Brandon Calhoun, Anthony Lusardi, Brent Cardenas, Steven Olson, Hannah King, and Moriah Rivera. He thought it was a good opportunity for students to learn to talk with each other when they feel strongly about issues they may not agree on.

- b) **Faculty**, Cindy Falk – Added that the volleyball team finished 4<sup>th</sup> this year. A few athletes received conference honors and Coach Jayme Frazier had the opportunity to coach the all-star team. She also wanted to add that as Faculty Association President, she has heard both faculty and students respond both positively and negatively about the art. Some feel they absolutely cannot voice their opinions and others are very excited about the opportunity to have these discussions. Dr. Frome asked for clarification, are there are people who don't feel comfortable expressing their opinions even with all of the policies of freedom of expression? He asked her to provide an example, to which she declined. She felt providing an example may indicate the identity of who those people might be. Chair Merryman asked if those people might feel persecuted if they spoke up and she confirmed that was the feeling. Mr. Ixthluahic added that during the Civil Discourse Club debate, one of the debaters said many people are uncomfortable speaking up about this out of fear of being labeled “homophobic”. That is one reason people may not be willing to voice their opinions, their intentions are misconstrued.
- c) **Classified**, Debby Zeller – Added that the Thanksgiving Food Drive is complete and we handed out 157 full food boxes, 36 of them even included a turkey. This number is down from last year when we prepared 200 boxes.
- d) **Part-Time Faculty**, Diane Hunsaker for Miranda Dudzik – Had nothing to add to Ms. Dudnik's' report. Dr. Frome asked both Ms. Hunsaker and Ms. Zeller if their groups have received the same type of feedback as Ms. Falk and Mr. Ixthluahic reported. Neither have received the same feedback.

#### **FIDUCIARY ACTIVITY**

- 1) Consent Agenda – **Mr. Running moved to approve the Consent Agenda. Mr. Broadbent seconded. Motion to approve the Consent Agenda passed unanimously. (6,0)**
- 2) Audit Presentation, Mr. Running - A copy of the audit report was given to each Board member at the beginning of the meeting. It is a clean audit, nothing wrong with it from an accounting standpoint. Jess Jacobs wanted to be sure to credit Elaine Robinson, Director of Financial Aid and her team. Financial Aid has an incredible amount of regulations to comply with and she came out of the audit perfectly. **Mr. Running moved to accept RES 09-18, Accepting the Audit. Mr. Camp seconded. Motion to approve RES 09-18, Accepting the Audit passed unanimously. (6,0)**
- 3) RES 07-18, Appropriations Between Expenditures. Mr. Henderson explained when the budget was approved earlier in the year, some funds were budgeted contingent upon the prospect of part-time faculty and management compensation decisions. Those decisions have been made and now the funds are being moved. There is no increase in funding. **Mr. Broadbent moved to approve RES 07-18, Appropriations Between Expenditures. Mr. Running seconded. RES 17-18, Appropriations Between Expenditures passed unanimously. (6,0)**
- 4) RES 08-18, Distance Learning Completion Conference. Mr. Henderson explained that the Higher Education Coordinating Commission has funds budgeted for a school to host a distance learning conference. The HECC has asked LBCC to be the host, this resolution is the funding for that conference and needs Board approval. **Mr. Broadbent moved to approve RES 08-18, Distance Learning Completion Conference. Dr. Frome seconded. RES 08-18, Distance Learning Completion Conference passed unanimously. (6,0)**
- 5) RES 11-18, StEPP Grant. Mr. Henderson explained this is a grant through the Department of Health and Human Services to support our expectant and parenting population. **Mr. Broadbent moved to approve RES**

**11-18, StEPP Grant. Dr. Frome seconded. Motion to approve RES 11-18, StEPP Grant passed unanimously. (6,0)**

6) Board Policies

a) 1055 – Freedom of Expression. President Hamann wanted to offer some context and background of how we came to writing this policy. Last year, we received some letters, along with other colleges and universities, that prompted us to look at our current policies and rules to make sure we weren't leaving ourselves open to legal issues. Free speech is typically a problem on college campuses that don't have clear and consistent policies. He doesn't want LBCC to be one of those schools. We have a responsibility to establish consistent and coherent policies about how freedom of speech is expressed on this campus. In order to accomplish that, existing Board Policies and Administrative Rules were revised, some eliminated, and aligned into one Board Policy. These new and revised policies and rules allow us to manage "how" we do free speech by establishing time, place, and manner. Freedom of Expression matters to us, it matters to how we learn. We are not adding or subtracting from what the laws say, we are simply owning it.

Dr. Frome handed out amended copies of Board Policy 1055 and Board Policy 4050 along with a letter explaining the suggested changes. **Dr. Frome moved to accept Board Policy 1055 with the revisions he proposed. Mr. Camp seconded.** There was much discussion and it was determined that the revisions Dr. Frome suggested, do not belong in Board Policy 1055, rather they might better fit within Board Policy 4050, Academic Freedom. **Motion to accept Board Policy 1055 with the revisions Dr. Frome proposed did not carry. (1,5) Yes vote was from Dr. Frome.**

**Mr. Broadbent moved to approve Board Policy 1055 as proposed in the agenda. Mr. Running seconded. The motion to approved Board Policy 1055 as proposed in the agenda passed unanimously. (6,0)**

b) 4050 – Academic Freedom and Responsibility. This is the first reading of Board Policy 4050 – Academic Freedom. Dr. Clemetsen let the Board know that College Council has seen this policy one time, at the November 9 meeting. Academic Affairs Council has made a couple of suggestions and will review it again at their January meeting. It will then go back to College Council before coming back to the Board of Education. He will take Board feedback to Academic Affairs Council and College Council. The following suggestions were made by the Board:

- Chair Merryman clarified Dr. Frome's suggestion: to include the paragraph he originally added to Board Policy 1055 be added to Board Policy 4050.
- Mr. Camp suggested the word "controversial" be replaced with "all" in the first sentence of paragraph E. The word all covers controversy and it addresses the citizens comments.
- Mr. Camp also suggested removing the last sentence of the policy. He thought the first phrase covers what they need and is concerned with the definition of the word "attacked".

Mr. Broadbent thought the last paragraph went off into the weeds and went into Administrative Rule territory. He feels the Board should administer the Academic Freedom policy in accordance with all state and federal statutes. He is not sure why we'd pick one statute and call it out in a policy, so we could include a statement that we administer our policies in compliance with all statutes. Legal counsel present at the meeting agreed that the inclusion of the ORS in general is a good way to incorporate all of the statutes.

Ms. Garrett suggested having a diverse group of people (faculty, staff, students, public) would help us be sensitive to things we may not have thought about before. President Hamann explained that would

put academic freedom under subjection, which does not support our commitment to faculty's academic freedom.

President Hamann asked Art Faculty and Art Department Chair, Renee McKitterick to offer some additional points to the discussion. She pointed out that faculty wants to have these discussions. When choosing art to display on campus, content is not censored and because of that, some incredible things have happened on campus this term. Students are actively engaging in civil discourse, that is an educational win. There are currently four other areas using that art in their classes to have conversations that wouldn't have come up otherwise. They are interested in the conversations and the discourse. The committee that chose the art stands by their choice because it holds artistic merit and educational value.

Ms. Garrett agrees with everything Ms. McKitterick said, yet she still struggles with it. She appreciates the artistic work put into the piece, but then thinks about what is going on in our world today with all of the sexual harassment, and she worries we are exposing young people to inappropriate situations, and she wants to remain sensitive to that.

Dr. Frome is still concerned that those who don't want to be exposed to the work, don't have a choice, and asked the question, do they have academic freedom to not see it? Ms. McKitterick explained the art faculty agreed that they don't want to force students to see it if they don't want to, so the art has been moved to a hallway that a student can avoid walking past the art. It was discovered that some of the warnings may have been removed. Katie Winder, Dean of Arts, Social Systems, and Humanities said she has had to replace signs several times.

Chair Merryman recapped the Board's requests made earlier, and add the ability to somehow control the location of art that may be seen as controversial, and incorporating language that addresses ORS. The Board members all agreed to those suggestions.

Ms. Garrett wanted to add that she appreciated people sharing their thoughts, and how that provoked Chair Merryman's thoughts on this. She also appreciated how quickly President Hamann and Chair Merryman communicated to the Board when they first found out about the art being on campus.

Mr. Running added that as soon as a location is designated for controversial material, an important statement on what the art is about is being made. He doesn't feel that is fair to administration to have to determine what is displayable and what's not. He was astounded by the medium used. He had never seen that before.

- c) 4045 – The Study of Controversial Issues and
- d) 7020 – Co-Curricular Speakers. Dr. Clemetsen explained that these can't be deleted until all of the other pieces are in place. A team is working on writing an Administrative Rule (1055-01) to support Board Policy 1055 and it incorporates some components of Board Policy 7020. Once College Council approves Administrative Rule 1055-01, the Board will be asked to delete Board Policies 7020 and 4045.

Chair Merryman commented that this has been a great conversation. The artwork has brought about a great deal of discussion to campus.

Dr. Frome's last comment was he wondered if President Hamann's presence on College Council is making it difficult for people to speak out. President Hamann thought it to be more of a matter of self-censorship. This is what we're working to address. We are working to overcome the cultural bias that seems to define higher education. Our goal is to have a variety of perspectives on campus and to create a place where people feel safe expressing their viewpoints and for us to talk about those differences.

7) Introduction of the Third Set of 6000 Series Board Policies

Mr. Rolan asked the Board to review this third set between now and January.

- 8) [2018-19 Academic Term Calendar](#). Dr. Sally Widenmann explained that the calendar looks a little different than what they are used to seeing. There is information that is not yet on this calendar, but it does not impact the Board's role, which is to approve the term start and end dates, which are noted on this term calendar.

**Mr. Broadbent moved to approve the 2018-19 Academic Term Calendar. Mr. Running seconded. Motion to approve the 2018-19 Academic Term Calendar was approved unanimously. (6,0)**

9) Administrative Reports

a) **President's Report** – Nothing to add

b) **Advancement** – Mr. Stowell wanted to wish everyone a Happy Thanksgiving and said he is grateful for all of the Board. Dr. Frome thanked him for all of the good work he's done for the college.

c) **Academic Affairs and Workforce Development** – Nothing to add

d) **Student Affairs** – Dr. Clemetsen reported he had two meeting last week with community partners. They are very enthusiastic in their belief that there is value in students completing their degrees so less people will be dependent on public assistance. Very positive meetings.

e) **Finance and Operations** – Nothing to add. President Hamann thanked Mr. Henderson for the progress being made on the Benton Center project.

**Adjourned to Executive Session at 8:05pm**

**Returned to Regular Session at 8:21pm**

**Mr. Broadbent motioned to increase President Hamann's salary to \$220,000 for the 2017-18 fiscal period. Mr. Camp seconded. Motion to increase President Hamann's salary to \$220,000 for the 2017-18 fiscal period passed unanimously. (6,0)**

**BOARD COMMENTS** - None

**Adjourned Regular Session at 8:24PM**