

Minutes of Regular Meeting

The Board of Trustees Kilgore Junior College District

A Regular Meeting of the Board of Trustees of Kilgore Junior College District was held Monday, April 11, 2016, beginning at 6:30 PM in the McLaurin Administration Building - 2nd Floor with the following members present:

Scott Andrews
Joe Carrington
Lon Ford
Bob Heath
Brian Nutt
Karol Pruett, Secretary
Cecelia Sanders
James Walker, Vice President
Larry Woodfin, President

I. CALL TO ORDER

A. Invocation and Pledge of Allegiance

The meeting was called to order at 6:30pm by Larry Woodfin. Brian Nutt led the invocation and Larry Woodfin led the Pledge of Allegiance to the American Flag.

II. CITIZEN COMMENTS

There were no citizen comments.

III. COLLEGE SPOTLIGHTS

A. Student Spotlight - Nicholas Gaviria

Michael Ferguson, Criminal Justice Instructor, introduced Nicholas Gaviria for the Student Spotlight.

B. Employee Spotlight - Wendy Brown

Louise Wiley, Dean of Science, Math and Health Sciences, introduced Wendy Brown for the Employee Spotlight.

C. Program Spotlight - Dual-Credit

Presenter: Terry Booker

Terry Booker, Coordinator, Dual Credit discussed the Dual Credit Program.

- **KC has had dual credit since the 1970's with 25-40 students per semester representing 1% of the college student body.**

3. Recommendation for renewal of faculty contracts as follows:

- a. Head Men's Basketball Coach and Kinesiology Instructor, based upon the approved faculty salary schedule for the period of June 1, 2016 - May 31, 2017
- b. Head Women's Basketball Coach and Kinesiology Instructor, based upon the approved faculty salary schedule for the period of June 1, 2016 - May 31, 2017

4. Recommendation of employment as follows:

- a. Professional Support Assistant, East Texas Police Academy, effective April 5, 2016

James Walker made the motion to approve the consent agenda as presented. Joe Carrington seconded the motion. The motion passed unanimously.

Personnel Agenda

**Kilgore Junior College District
Personnel Agenda
April 11, 2016**

1. Recommendation to accept employee resignation as follows:

Ms. Beverly Hodges, Professional Support Assistant – ETPA, effective March 15, 2016 after four months of service

2. Recommendation for non-renewal of employment contract as follows:

Mr. Mahesh Galal, Corrosion Instructor, effective May 31, 2016, after one year and five months of service

3. Recommendation for renewal of faculty contracts as follows:

- A. Mr. Brian Hoberecht, Head Men's Basketball Coach and Kinesiology Instructor, based upon the approved faculty salary schedule for the period of June 1, 2016 – May 31, 2017
- B. Ms. Anna Nimz, Head Women's Basketball Coach and Kinesiology Instructor, based upon the approved faculty salary schedule for the period of June 1, 2016 – May 31, 2017

4. Recommendation of employment as follows:

- A. **Name:** Ms. Jaime Council
- Position:** Professional Support Assistant
- Location:** East Texas Police Academy

Personnel Agenda cont. on next page

Personnel Agenda cont.

<u>Education:</u>	Bachelor of Arts Letourneau University Longview, Texas
	Associate of Applied Science Kilgore College Kilgore, Texas
<u>Experience:</u>	Head Start Aide Gladewater ISD Gladewater, Texas; 2006
	Administrative Assistant, ETPA Kilgore College Kilgore, Texas; 1997-2005
<u>Effective Date:</u>	April 5, 2016
<u>Salary:</u>	\$1,025.08 per pay period which is equivalent to a 12 month salary of \$24,602
Note:	Ms. Council replaces Ms. Beverly Hodges who resigned

VI. EXECUTIVE SESSION

The board did not go into Executive Session.

VII. ACTION ITEMS

- A. To consider payment of legal fees for services rendered

Scott Andrews made the motion to pay legal fees as presented. Cecelia Sanders seconded the motion. The motion passed with 8 yay votes and one nay vote by Brian Nutt.

- B. To consider approval of the 2016-2017 Student Catalog
Presenter: Dr. Mike Turpin

Karol Pruett made the motion to approve the 2016-2017 Student Catalog. Brian Nutt seconded the motion. The motion passed unanimously.

- C. To consider approval of Administration's recommendation for abatement of Kilgore Commons -
Exhibit #1

Brian Nutt, Chairman of the Property Committee, made the motion to approve Administration's recommendation for abatement of Kilgore Commons. Because the motion came from a committee, a second is not required. The motion passed unanimously.

Exhibit #1

Duane J. McNaney, CPA
Vice President of Finance and CFO
(903) 983-8107 (v)
(903) 988-7443 (f)



Memo

To: Kilgore College Board of Trustees
From: Duane J. McNaney, CPA
CC: Dr. Brenda Kays
Date: 4/4/2016
Re: Asbestos Abatement

Kilgore College received bids for asbestos abatement at Kilgore Heights Elementary, Dodgen maintenance building, and print shop on March 22, 2016. The bid included abatement at the Kilgore Heights building in preparation of demolition, the Dodgen building where tile with asbestos containing mastic started coming up due to water damage, and in the print shop area where heavy equipment used to sit on tile with asbestos containing mastic (the rest of the area was previously abated). We received bids from five contractors.

Contractor	Heights	Dodgen	Print Shop	Total
Air Quality Associates, Inc	48,103	6,254	675	55,032
ARC	150,134	13,425	4,111	167,670
Inland Environments	92,770	8,827	880	102,477
Sitek Omni	95,600	7,800	1,000	104,400
TRT Abatement	62,043	7,000	302	69,345

Administration recommends accepting the bid from Air Quality Associates, Inc. This company has done other abatements at Kilgore College that we have been satisfied with the completed product.

- D. Recommendation to approve changes to the Personnel Policies, Section 17 (Standards of Conduct: Anti-harassment Policy) with the addition of Section 17.7 (Sexual Assault Information) and Section 17.8 (Sexual Misconduct/Harassment Policy Statement)
Presenter: Karol Pruet

Karol Pruett, Executive Committee, made the motion to accept Action Item D as presented. Because the motion came from the Executive Committee of the Board a second is not required. Brian Nutt made a motion to amend Action Item D for the first sentence to read, "If you have been sexually assaulted you are encouraged to report the incident to campus authorities and to off campus police, call 911 or contact the college or local police department. You are also encouraged to discuss the matter with the Director of Human Resources and with the KC Chief of Police." Karol Pruett made a motion to accept the amendment to the original motion. Cecelia Sanders seconded the amended motion. The amended motion passed unanimously.

17.7 Sexual Assault Information

If you have been sexually assaulted by a member or members of the College community and are considering College action, you are encouraged to discuss the matter with the Director of Human Resources or the KC Chief of Police. This will allow you a chance to review the procedures should you decide to file a formal complaint. This discussion does not obligate you to pursue official action; however, the Director or KC Chief of Police may be obligated to pursue an investigation and implement remedial actions to provide for the safety of the campus community. Charges may either be filed directly by you or by KC on the basis of your written statement. Such a charge would be handled in accordance with the procedures relating to violations of the KC Personnel Policies and Procedures. Individuals could be subject to disciplinary action pending review by KC. Those found responsible for violating policies in this way could be suspended or terminated.

Pursuant to KC procedures, both the accuser and the accused are entitled to have an advisor or support person present during any meetings or hearings. In accordance with federal regulations, both the accuser and the accused will be informed of the outcome of any campus disciplinary proceeding alleging sexual assault.

17.8 Sexual Misconduct/Harassment Policy Statement

Introduction

Members of the Kilgore College community, guests and visitors have the right to be free from sexual violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The College believes in a zero tolerance policy for sexual misconduct. When an allegation of misconduct is brought to an appropriate administrator's attention, and a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

The college reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect an individual's rights and personal safety. Such measures include, but are not limited to, modification of working arrangements, suspension from work pending an investigation, and reporting the matter to the local police. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the college reserves the right to impose different sanctions, ranging from verbal warning to suspension, depending on the severity of the offense. The college will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.

Sexual Misconduct Offenses

Sexual misconduct offenses include, but are not limited to:

1. Sexual Harassment
2. Non-Consensual Sexual Contact (or attempts to commit same)
3. Non-Consensual Sexual Intercourse (or attempts to commit same)
4. Sexual Exploitation

1. Sexual Harassment

Sexual Harassment is unwelcome, sexually verbal or physical conduct that is, sufficiently severe, persistent or pervasive that it, has the effect of unreasonably interfering with, denying or limiting someone's ability to participate in or benefit from the college's educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

2. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman, which is without consent and/or by force. Sexual Contact includes: intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

3. Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is any sexual intercourse however slight, with any object, by a man or woman upon a man or a woman, which is without consent and/or by force. Intercourse includes: vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

4. Sexual Exploitation

Occurs when an individual takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to: invasion of sexual privacy; prostituting a co-worker/student; non-consensual video or audio-taping of sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); engaging in voyeurism; knowingly transmitting an STI or HIV to another student; exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; sexually-based stalking and/or bullying may also be forms of sexual exploitation

Additional Applicable Definitions

1. Consent

Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- In order to give effective consent, one must be of legal age.

2. Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent (“Have sex with me or I’ll hit you. Okay, don’t hit me, I’ll do what you want.”).

3. Coercion

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

4. Incapacitation

Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).

- Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>
- Use of alcohol or other drugs will never function as a defense to a violation of this policy.

NOTE: There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Sanction Statement

1. Any employee found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from reprimand to termination, depending on the severity of the incident, and taking into account any previous campus conduct code violations.
2. Any employee found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse (where intercourse has occurred) will likely face a recommended sanction of termination.
3. Any employee found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from reprimand to termination, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

VIII. ADMINISTRATIVE DISCUSSION ITEMS

A. Budget Reports

Presenter: Duane McNaney

Duane McNaney was available to answer any questions.

- B. Public Funds Investment Act Quarterly Investment Report
Presenter: Duane McNaney

Duane McNaney was available to answer any questions.

- C. Texas Presbyterian Fund Quarterly Investment Report
Presenter: Duane McNaney

Duane McNaney was available to answer any questions.

IX. READING OF BOARD OF TRUSTEES BY-LAWS AMENDMENT

- A. First reading of an amendment to the Board of Trustees' By-Laws
Presenter: Karol Pruett

Karol Pruett read a proposed amendment to the Board of Trustees' By-Laws. The By-Laws require that a proposed amendment must be read at a board meeting and voted on at the next meeting. The proposed amendment is to the committee structure. The Executive Committee will remain the same.

- a. **Executive Committee – composed of the officers of the Board of Trustees. Meets regularly with the College President and other staff as needed to review Board agenda items and to facilitate planning, coordination, and communication with the entire Board.**
- b. **Investment, Finance & Audit Committee – will advise the College's Board of Trustees with regard to:**
 - any amendments or revisions of the College's investment policy
 - an investment strategy for the transition of investments
 - account balances and strategic budgetary advice
 - structure and findings of internal and external audits
- c. **Policy & Personnel Committee – will advise the College's Board of Trustees with regard to:**
 - proposed policy
 - amendments or revisions to current College policy
 - amendments or revisions to Board Bylaws and Procedure Manual
 - personnel issues
- d. **Property & Facilities Committee – will advise the College's Board of Trustees with regard to:**
 - available and current real estate, property and facility needs
 - future direction for property and facilities
 - strategic facilities planning
- e. **Student Success Committee – will advise the College's Board of Trustees with regard to:**
 - student success initiatives
 - data related to student success
 - *Achieving the Dream* and *Texas Completes* initiatives
 - institutional annual and strategic planning
- f. **Other committees may be formed as needed.**

X. BOARD MEMBER COMMENTS

- A. East Texas Police Academy Graduation
Presenter: James Walker

Mr. Walker attended the ETPA graduation. He stated they do a tremendous job.

- B. Kilgore College Choir Concert
Presenter: James Walker

Mr. Walker attended the KC Choir Concert. He stated that Dr. Taylor and the choir put on a very good concert.

- C. Economic Impact of the Region XIV Crossover Softball Tournament, February 28, 2016
Presenter: James Walker

Mr. Walker attended the Softball Tournament. He stated that Coach Messina had said 150 players attended the tournament. The tournament brought dollars to Longview by way of hotel rooms and over 3,000 meals.

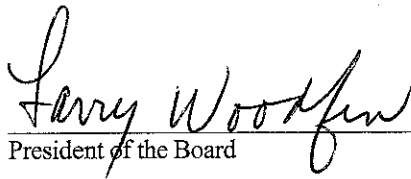
XI. ADJOURNMENT

Larry Woodfin adjourned the meeting at 7:48pm.

Respectfully submitted,



Nancy Law, Recording Secretary
Kilgore College Board of Trustees



President of the Board



Secretary of the Board