



**MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT  
GOVERNING BOARD  
SEPTEMBER 28, 2010**

**MINUTES**

An executive session and regular meeting of the Maricopa County Community College District Governing Board was scheduled to be held at 5:30 p.m. at the District Support Services Center, 2411 West 14th Street, Tempe, Arizona, pursuant to A.R.S. §38-431.02, notice having been duly given.

**PRESENT**

**GOVERNING BOARD**

Randolph Lumm, President  
Jerry Walker, Secretary  
Don Campbell, Member  
Debra Pearson, Member

Note: District 1 - Vacant

**ADMINISTRATION**

Rufus Glasper  
Maria Harper-Marinick  
Debra Thompson  
George Kahkedjian  
Steve Helfgot  
Josh Mackey for Phil Randolph  
Anna Solley  
Lee Combs  
Paul Dale  
Shouan Pan  
Joyce Elsner  
Ernie Lara  
Gene Giovannini  
Todd Simmons for Chris Bustamante  
Linda Lujan  
Jan Gehler  
Velvie Green

**CALL TO ORDER**

The regular meeting was called to order at 6:39 p.m.

**EXECUTIVE  
SESSION**

The executive session was called to order at 5:30 p.m.

**PLEDGE OF  
ALLEGIANCE**

The assembly pledged their allegiance to the United States of America led by Governing Board Member Debra Pearson.

**CLASS  
ACKNOWLEDGEMENTS**

There were no classes present.

**CITIZEN'S INTERIM**

Two citizens came forward.

Spencer Morgan, former MCC Associated Student Government Leader, came forward to speak about the newly formed Conference of Arizona Student Leaders, an Arizona Students' Association. He thanked the Board and Chancellor and all others who provided support for the conference held September 26 in Flagstaff, Arizona. He indicated that 150 students from 120 educational institutions had attended and that the highlight and crown jewel had been the All Arizona Student Summit. Mr. Morgan read a resolution which had been passed and was meant to strengthen the state-wide student voice (Copy of resolution included with these minutes.)

A second citizen by the name of Stephen Montoya came forward on behalf of Rio employee, Benjamin Hardy. Mr. Montoya, an attorney, had been hired to represent Mr. Hardy on his dismissal as an employee of Rio Salado College. He stated that Mr. Hardy had been an employee for eight years and had made a very serious mistake in his employment. It had been reported that he had a small amount of marijuana in his car and when his car was searched by Tempe Police Department it was discovered that he had approximately 13 grams in his car even though he had the marijuana in his car, he had not smoked any marijuana. He was arrested and he plead guilty to the charges. He was given a drug test and in fact as he tried to explain to the college authorities and to the Tempe police department that even though he had the marijuana in his car, and he accepted responsibility for that, he had not smoked any marijuana. The test from the task drug detection lab came back negative for every drug which included amphetamines, cocaine, opiates and NTHC, a component of marijuana. Mr. Hardy has worked for the college eight years. He made a mistake. He doesn't pretend that it wasn't a very serious one. He doesn't have a record of discipline. He admits he should be disciplined for the mistake we are talking about tonight. He just is asking the Board to exercise its discretion to not to terminate his employment with the college. As the Board knows, it is within their discretion to impose a lesser penalty and to give this man a second chance. Mr. Montoya stated he believed everyone is entitled to a second chance and he has never had a first chance, and he believed that if he were to be given a second chance, he would validate their expression of faith in him. He has never done anything wrong before. Lord knows, the evidence is overwhelming that he would never make this mistake again. Mr. Montoya said Mr. Hardy's supervisor, Arnold Gross, was present this evening and had him stand. Mr. Montoya said he interviewed Mr. Gross on the telephone yesterday, who told him Mr. Hardy is one of the hardest working custodians he has. He works his hide off literally for the college every day, he's an extremely hard worker, that he's extremely contrite, and that he would never make this mistake again. There is no evidence that he was using any type of illicit drug on campus or off campus.

When he was tested, he came out clean. He accepts responsibility and knows he should be punished for this. The Board was asked to exercise their discretion to mitigate the punishment. They suggested a 90-day suspension without pay. Mr. Hardy has already been on a five month administrative leave. Perhaps it could be made a five month unpaid suspension. He could also be put on probation for two years or a last chance agreement with immediate termination if found to be in violation of the District's rules in that two year probationary period. During that two year probationary period he would be subject to random drug testing at his own expense even though he has already been drug tested and he has come out clean. This young man made a mistake and was asking and begging the Board to give him a second chance. Mr. Montoya indicated he was old enough to know that a second chance can be transformative to the person who gets but also to other individuals because sometimes if you have been shown mercy, you will display mercy to others. Tonight if you have mercy on this young man, you will set an example that he will follow and he will have mercy on others in the course of his life. We are not asking that he not to be punished as we have already indicated. I have already made clear that he would accept non-trivial, very severe punishment, a five month suspension without pay, probation, termination if he ever violates the rules again, random drug testing at his own expense, or other punishment that your imagination can devise short of termination. The economy is tough out there as you know.

Governing Board Member Debra Pearson asked Mr. Hardy what his primary first language was, to which Mr. Hardy responded English. Mrs. Pearson responded that there was no reason why he couldn't have understood the questions that were asked of him and why he lied. Mr. Hardy responded that some of it was true and Mr. Montoya explained that there were some things in his background that were relevant. He has a learning disability. He doesn't have any education. Mrs. Pearson asked if he had understood the questions the police had asked him about what he had in his possession and if it was his or not. Mr. Hardy responded yes and that he stated they were his to protect his girlfriend from punishment. He knew it was in his possession from the night before. It was in his car and this violated the law and he took the punishment for that.

**BOARD MEMBER**  
**REPORTS**

Governing Board Member Debra Pearson indicated she was proud to announce that a former SPPF student, Albert Ojeda, had been invited to attend a White House Summit and would be speaking about his experiences at Estrella Mountain Community College. She also announced that 2010-11 SPPF students were in attendance this evening and asked that they be acknowledged as they were in training to be our future leaders. She expressed appreciation to the Faculty Association

for the outstanding, commendable presentation made last Tuesday evening at the strategic conversation. She asked them for forgiveness for the way they were treated, ignored, and insulted over the last two years and they have shown incredible integrity to do what is right. If the Board would only have asked the right questions a couple of years ago.

Governing Board President Randolph Lumm remarked that he has attended Univision Radio's 40 Hispanic Leaders Under 40 Awards Luncheon on September 22. Two employees, Sandra Mendoza from GWC and Lily Antonini from MCTV, were acknowledged for their accomplishments. He also attended the Hispanic Leadership Forum Dinner during which a \$5,000 check was presented to EMC. He also thanked the Workforce Development team who provided information at the recent work study session on the challenges of providing training for new jobs in our community.

**CHANCELLOR'S  
REPORT**

Chancellor Gasper announced that Dr. Anna Solley, President of Phoenix College had recently been honored with the Victoria Foundation first annual Arizona Higher Education Award. This award named in honor of Dr. Loui Olivas was presented to Dr. Solley for her efforts in championing the recruiting and degree completion of Latino students.

The Chancellor then provided the following update the 21<sup>st</sup> Century Maricopa Initiative:

“Maricopa administration, faculty, and staff have continued to work collaboratively and diligently to review the recommendations and to plan the implementation of strategies. About 350 people are participating in the work teams to review the recommendations and plan for implementation. Thank you to all who have dedicated so much time and energy to this initiative in addition to their regular jobs. As of 9/28/10, the work teams have completed 75% of the planning phase and 25% of the implementation phase. A total of 59 efficiency and effectiveness reviews have been brought to the Board between January and September. 9 additional reviews are submitted today, 3 of those will be presented tonight and the remaining reviews are summarized in a written report that I've provided to the Board. The 3 items that will be presented are

- Human Resources governance
- Outsourcing of facilities maintenance
- Information technology staffing

Our findings and potential savings have been presented to the Governing Board. After thorough review of each of the recommendations, we have concluded that the savings as estimated and recommended by the consultants do not exist and/or if implemented as suggested may not be in the best interest of the district. Even though in many cases we did not find the savings as indicated by the consultants, we have found ways to become more

efficient and effective moving forward.”

Dr. Josh Mackey, Acting Interim Vice Chancellor for HR, made a presentation on the Human Resources Governance Structure. Vice Chancellor for Business Services Debra Thompson provided an analysis of outsourcing costs in comparison to greater use of temporaries and made the recommendation that the District continue the use of district personnel at a projected rate of 60% board approved employees and 40% temporary employees. Lastly, Vice Chancellor of Information Technology George Kahkedjian provided information on the staffing levels for the Information Technology Division. The information he provided was based on benchmarking against peers and an inventory of applications and services. The conclusion had been reached that MCCCCD costs and staffing levels were lower than peers and there would be further analysis of application and services to identify potential savings.

Mrs. Pearson remarked that the institution should have a 1-5-10 year plan projection so that we have a further looking scope rather than a reactionary system. Mr. Walker expressed appreciation for the work that has been done and would encourage IT to look at different standards by other institutions not spoken to. The Chancellor responded that what we are trying to stress in comparing ourselves to peers is to address what the consultant compared us to. What we are trying to do is compare ourselves to comparable institutions. We now have grasp of IT costs for this system. What type of IT should we form in this system so that we have a baseline as we become more effective and efficient? Come back with both student services and IT costs and centralize some of those costs. Now we can come back with lower costs. Our work is not done. As we disband our work teams, we will implement in agreement with our Board.

In closing, the Chancellor thanked the Vice Chancellors, the college presidents, and all of the members of the work teams for their thorough review of all the 21<sup>st</sup> Century Maricopa items.

**SECRETARY’S  
REPORT**

There was no report.

**STUDENT LIFE  
REPORTS**

The following employees and students from Scottsdale Community College came forward to provide updates on their accomplishments thus far this school year:

Jorge Rodriguez, Interim Student Life Director, introduced a video regarding Leadershape activities that had taken place over the summer.

Joseph Juliano, SCC Student, was the spokesperson for Leadershape. He spoke about how Leadershape had affected everyone as they learned more about themselves and others, as well as how to develop leadership

skills. He commented that Leadershape was a factor in helping community colleges stand out.

Kendra Rightsell, SCC Student, acknowledged the approximate 20 students present this evening who were participating in the Student Life Group at Scottsdale. She mentioned that many were new to the group and others were returning students. She thanked members of the Board and their college president for having Student Life Offices at each campus.

**FACULTY REPORT**

Faculty Executive Council President Harold Cranswick provided the following comments:

“President Lumm, members of the Governing Board, Chancellor Glasper, members of CEC, and guests.

First and foremost, the Faculty Association wanted to express our appreciation to all of you who were able to attend the Strategic Conversation sponsored by the Faculty Association last Tuesday. For those of you who were unable to attend the conversation focused on Faculty Involvement in Policy Governance. The first half covered a little background on the three pillars of the professoriate -- academic freedom, peer review and shared governance and was followed by further explanation of the levels of faculty involvement. This presentation was followed by a breakout session during which the groups were asked to evaluate different scenarios and determine the level of faculty involvement that described the scenario. The point of the exercise was to encourage everyone to consider the appropriate circumstances and desirability of faculty involvement under a Policy Governance framework.

The audience was encouraged to consider a partnership level of involvement as the default position for shared governance. Having faculty participate at the level of a partnership was the starting point for the second half of the presentation that focused on Interest Based Negotiation. Using IBN, the Faculty and Board Meet and Confer Teams approach the process from the standpoint of working together to find resolutions to important issues facing the District instead of taking an adversarial approach as was done in the past. The IBN approach is critically different from the past because it focuses on issues rather than demands; it requires the participants to work together to gather data, to brainstorm ideas and to discuss possible solutions rather than simply respond to demands. Ultimately, IBN provides a better chance of finding workable solutions to the most pressing issues facing our District rather than leaving them to languish on the bargaining table.

To date, Eddie and I have made this presentation to the faculty at eight of the colleges, to CEC and to you. Many people have commented on these

ideas and their applicability not just to faculty but to the culture of MCCD in general. In fact, we have received nothing but positive feedback so far and we are now at a point where we are planning for the future. We have some ideas but the members of FEC would like to invite your comments with respect to what you might see as the next steps in this effort to work together on the important issues facing the District.”

**EMPLOYEE GROUP  
REPORTS**

Michael Powell, President of the Adjunct Faculty Association, provided the following report:

“President Lumm, Governing Board members, Chancellor Glasper, members of the CEC, and District staff. This report is an update on Adjunct Faculty Association activities.

First, I want to publically thank Vice Chancellor Phil Randolph and the various staff members he brought together for working with AFA representatives to examine the question “When is an Adjunct an Employee?” The efforts to review logistical, operational, ethical, and legal questions concerning adjuncts when they are seen as faculty who happen to work part-time is greatly appreciated. We are encouraged that we are moving beyond the current view that adjuncts are part-time employees who happen to teach. For further information please refer to the Adjunct Faculty Association webpage.

The Adjunct Faculty Association in conjunction with MCLI will be offering a workshop on Saturday, November 6 from Noon – 5 p.m. titled Globalization: the Impact on Teaching and Learning at the Community College. This will be a different type of program. We will have a speaker give an opening address framing the issues, then break into three tabletop facilitated sessions. The first session will examine personal perspectives that faculty have of globalization. The second session will be the impact on teaching globalization has had. The third session will look at learning outcomes across disciplines for students. Each table top will have a facilitator that will guide each 45 minute session with a 3-4 questions. The conversation will be recorded, with insights and conclusions reached throughout the afternoon. After the workshop is complete a report will be produced of the findings and possible recommendations the workshop generated and will be distributed to all faculty members across the District for use accordingly. We will also provide the report to Executive Leadership at all 10 Colleges and the District. I am a firm believer in distributing knowledge and this will be an experiment in looking how conferences and workshops can be more productive in getting information to those that are unable to attend. Whatever lessons we learn we will apply at our annual Spring Conference.

Over the next 60 days we will be generating a few 3-5 question surveys for adjuncts to respond to in order to gauge adjunct interest and views in District issues and teaching and learning issues. We will utilize those findings to better fulfill our service purposes on behalf of adjunct faculty.

Finally, we will also be looking at Adjunct Faculty Professional Growth funds. Currently the District is providing approximately \$132,000 this fiscal year. We are working with MCLI to tweak the process to encourage active use of the funds. I will also be encouraging how we can get the information one person learned from these endeavors to be accessed by all adjuncts.

The AFA Board appreciates the opportunity to contribute to the educational and governance objectives of the District. On behalf of the AFA and the nearly 6,000 adjunct faculty we support, thank you for your support. “

Cheryl Caldwell, President of the M&O Crafts Employee Group, provided the following remarks:

"President Lumm, Members of the Board, Chancellor Glasper, Members of the CEC, and others present.

I would like to take this time to introduce myself. My name is Cheryl Caldwell and I am the incoming president for the M&O Employee Group. I am a groundskeeper and work at MCC-RM. This is Cynthia Scott and she is our new secretary. Cindy is a custodian and works at SCC. Carl Blevins is our vice-president and he is a groundskeeper at Gateway.

It is the charge of the M&O executive council to support and represent all M&O employees. With that as our main goal, it is also our charge to require "service excellence" from each and every one who is a board-approved employee of MCCC. We cannot overemphasize the importance of having M&O personnel on each campus dedicated to its success.

Student success is not just about teaching and learning. It is about having a welcoming campus that that is neat and clean. It is about being "first-responders" when students arrive to provide directions or welcome-back smiles, laughs, and encouragement. It is about doing 110% to get the job done.

Thank you for your time and we look for to working with you in the near future."

**VICE CHANCELLOR  
REPORTS**

Vice Chancellor Dr. Steve Helfgot, President and Chief Executive Officer of the Maricopa Community Colleges Foundation, provided information pertaining to the 2011 Heroes of Education Tribute Dinner kick-off reception to be held October 6, 2010 at 5:30 p.m. at Morton's Steakhouse in Phoenix. The 2011 Heroes of Education

Honoree, Ronnie Lopez, Chairman of Phoenix International Consultants, Inc. would be introduced to everyone. Mr. Lopez has expressed that it is his goal to surpass the \$1 million mark for scholarships given through the Maricopa Community Colleges Foundation.

**COLLEGE REPORTS**

Scottsdale Community College President Dr. Jan Gehler indicated it was her pleasure to introduce Film School Professor Roz who had with the help of students created a marketing film conveying how special Scottsdale Community College was. Professor Roz aired the film and had four students come forward to speak about their experiences doing this.

South Mountain Community College President Dr. Joyce Elsner came forward to speak on the Vice President Emeritus Distinction Designation for Dr. Kay Martens. She called forward retired President Dr. John Cordova and retired Vice President Dr. Ken Roberts who offered tributes to Dr. Martens' many accomplishments. Dr. Martens expressed appreciation for the many opportunities afforded her during her 27 years with the Maricopa Community College District.

Phoenix College President Dr. Anna Solley provided the following reports: NCCHC (National Community College Hispanic Council): NCCHC is the premier organization for Hispanic leadership development in community colleges and their mission is to increase the number of successful Hispanic leaders in America's community colleges through leadership development. She and Vice Chancellor Dr. Maria Harper-Marinick serve as board members. NCCHC is recognized throughout the nation for two signature leadership activities – the Leadership Symposium and the Fellows Program. The Leadership Symposium was held in Miami, Florida this past week and seven Maricopa employees were selected as part of the 20 fellows selected. They were: Yira Brimage, Monica Castaneda, Dr. Terry Leyba Ruiz, Anna Lopez, Dr. Rey Rivera, Rose Rojas, and Rebecca Valenzuela. A report and video was also provided by Frank Luna from PC's Alumni Relations Office regarding 90<sup>th</sup> Anniversary Celebration.

Dr. Shouan Pan, President of Mesa Community College, informed the audience that it had been announced this week about an award of \$12 million by the Ages Foundation to four cities to help increase postsecondary credential completion rates in America. The Bill and Melinda Gates Foundation's postsecondary success strategy has an ambitious national goal of doubling the number of low-income young adults who earn postsecondary degree or certificates with value in the marketplace by the time they reach age 26. The CLIP Program is one of the success strategies. Overall it is a four-year \$20 million project funded by the Gates Foundation and managed by the National League of Cities. During the past 9 months MCC has worked hard with the Mesa

Public Schools and city offices to conduct assessment of current strengths and weaknesses of educational delivery system, use of theory of change to design a process and strategies to double postsecondary certificate and degree completion rates for under-served youths in Mesa. It was announced on Monday that Mesa had been one of the four cities selected for this award. Dr. Pan expressed appreciation to the Chancellor, Executive Vice Chancellor Dr. Harper-Marinick and his staff at MCC for their leadership, support, and hard work on this initiative.

**AADGB REPORT**

Governing Board Member Jerry Walker, AADGB Representative, reported that AADGB had met on September 16 in Prescott Valley at the Yavapai-NAU Campus. Discussions were held regarding a proposed website for AADGB, a proposed state board meant to serve as a coordinating committee which would provide direction, and an essential needs list. This project is in a data gathering phase at this time. The group also had a report from their Finance Committee.

**LEGISLATIVE  
UPDATE**

There was no legislative report this evening.

**AWARDS AND  
RECOGNITIONS**

GCC President Dr. Velvie Green approached the podium to present Dr. Carnella Hardin, Faculty Business & Information Technology with Faculty Emeritus recognition. During her for 31 years at MCCC and GCC she was instrumental in creating and building the Small Business Certificate Program district wide. She also organized and coordinated with the Arizona State Prison system for the SBS certificate to be offered at the prison site, which produced several classes of graduates. She was a champion of students in that she was one of the first instructors to convert to soft cover books to save students money.

**APPROVAL OF THE  
ORDER OF THE  
AGENDA**

President Lumm requested a motion to approve the agenda.

**MOTION NO. 9737**

**MOTION**

Board Member Jerry Walker made a motion for approval of the order of the Agenda. Board Member Debra Pearson seconded. Motion approved 4-0 (District 1 Board Seat Vacant).

**APPROVAL OF  
CONSENT AGENDA**

President Lumm requested approval of the Consent Agenda. Board Member Debra Pearson requested the removal of the name of Benjamin Hardy from Item V.C.4, Separations.

The following items were included on the Consent Agenda:

**A.1 APPROVAL OF THE MINUTES OF THE AUGUST 24, 2010  
REGULAR GOVERNING BOARD MEETING, THE AUGUST 27 &  
28, 2010 GOVERNING BOARD RETREAT, AND THE  
SEPTEMBER 14, 2010 GOVERNING BOARD WORK SESSION**

**B.1. APPROVAL OF VICE PRESIDENT EMERITUS DISTINCTION - SOUTH MOUNTAIN COMMUNITY COLLEGE** – award Emeritus Distinction to Dr. Kathryn Martens, Vice President Student Affairs.

**B.2. APPROVAL OF FACULTY EMERITUS DISTINCTION - GLENDALE COMMUNITY COLLEGE** – award Faculty Emeritus Distinction to Dr. Carnella Hardin, Faculty Business & Information Technology

**B.3. APPROVAL OF FACULTY EMERITUS DISTINCTION GLENDALE COMMUNITY COLLEGE** – award Faculty Emeritus Distinction to Mr. Patrick Haas, Faculty, English

**C.1. CONSIDERATION OF EMPLOYMENTS** - approve the following personnel actions as proposed. Budget approvals have been granted and are on file for the recommended personnel actions in this item.

**C.2. CONSIDERATION OF SPECIALLY FUNDED EMPLOYMENTS** - approve the following personnel actions as proposed. Budget approvals have been granted and are on file for the recommended personnel actions in this item.

**C.3. CONSIDERATION OF SHORT TERM EMPLOYMENTS** - approve the following personnel actions as proposed. Budget approvals have been granted and are on file for the recommended personnel actions in this item.

THE NAME OF  
BENJAMIN HARDY  
REMOVED FROM  
ITEM V.C.4  
THE REMAINDER OF  
THIS ITEM WAS  
APPROVED AS PART  
OF THE CONSENT  
AGENDA

**C.4. CONSIDERATION OF SEPARATIONS** - approve the following personnel actions as proposed. Budget approvals have been granted and are on file for the recommended personnel actions in this item. (**The Name Of Benjamin Hardy Removed From Item V.C.4 The Remainder Of This Item Was Approved As Part Of The Consent Agenda**)

**D.1. APPROVAL OF STUDENT SUPPORT SERVICES PROGRAM PHOENIX COLLEGE** – accept an award for year one of funding from the U.S. Department of Education in the amount of \$289,503.00 to Phoenix College for the Student Support Services Program. Year one project funding will be for the period September 1, 2010 through August 31, 2011.

**D.2. APPROVAL OF NATIONAL SCIENCE FOUNDATION, ADVANCED TECHNOLOGICAL EDUCATION (ATE) GRANT “HIGH TECH WORKFORCE INITIATIVE (HTWI) 2.0 – EXTERNSHIP DRIVEN TALENT DEVELOPMENT”** – approve

accept a grant from the National Science Foundation for a total of \$899,122. The grant request period is from August 15, 2010 – July 31, 2013. The first year's funding of \$299,929 will be used to hire appropriate staff and commence the initial faculty development, curriculum development and outreach. The second and third year's funding is contingent on the availability of funds and the progress of the project.

**D.3. APPROVAL OF DECLARATION OF CURRICULAR AND INSTRUCTIONAL ALIGNMENT TO THE ARIZONA STATE STANDARDS FOR TEACHER PREPARATION CHARTER HIGH SCHOOL AT PHOENIX COLLEGE** – approve and sign the Declaration of Curricular and Instructional Alignment to the Arizona Academic Standards on behalf of Teacher Preparation High School.

**D.4. APPROVAL OF DEPARTMENT OF EDUCATION TITLE V – STRENGTHENING HISPANIC INSTITUTIONS GRANT AWARD FOR ESTRELLA MOUNTAIN COMMUNITY COLLEGE** – accept Year 3 (October 1, 2010 and expires September 30, 2011) of a \$2.8 million Department of Education Title V - Strengthening Hispanic Institutions Grant award for Estrella Mountain Community College. The award is comprised of \$2.8 million in federal money distributed over the next five years, with a funding date that began on October 1, 2008 and expires on October 1, 2013. The \$2.8 million allocation includes a \$375,000 non-federal endowment match. To fully maximize this match, the college must raise a minimum of \$75,000 a year, over the next five years. By fully maximizing the endowment match opportunity, the actual value of the project will total approximately \$3.2 million, of which 88% is federally funded and 12% from non-federal sources.

**D.5. APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN ESTRELLA MOUNTAIN COMMUNITY COLLEGE'S CISCO REGIONAL NETWORKING ACADEMY PROGRAM AND AGUA FRIA UNION HIGH SCHOOL DISTRICT NO. 216** – approve an Intergovernmental Agreement between the Maricopa County Community College District and Agua Fria Union High School District No. 216 to continue the Cisco Regional Academy Program at Estrella Mountain Community College.

**D.6. APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN ESTRELLA MOUNTAIN COMMUNITY COLLEGE'S CISCO REGIONAL NETWORKING ACADEMY PROGRAM AND CIBECUE COMMUNITY SCHOOL** – approve an Intergovernmental Agreement between the Maricopa County Community College District and the Cibecue Community School to continue the Cisco Regional Academy Program at Estrella Mountain Community College.

**D.7. APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN ESTRELLA MOUNTAIN COMMUNITY COLLEGE'S CISCO REGIONAL NETWORKING ACADEMY PROGRAM AND GLENDALE UNION HIGH SCHOOL DISTRICT**

– approve an Intergovernmental Agreement between the Maricopa County Community College District and the Glendale Union High School District to continue the Cisco Regional Academy Program at Estrella Mountain Community College.

**D.8. APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN ESTRELLA MOUNTAIN COMMUNITY COLLEGE'S CISCO REGIONAL NETWORKING ACADEMY PROGRAM AND NOGALES UNIFIED SCHOOL DISTRICT #1**

– approve an Intergovernmental Agreement between the Maricopa County Community College District and the Nogales Unified School District #1 to continue the Cisco Regional Academy Program at Estrella Mountain Community College.

**D.9. APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN ESTRELLA MOUNTAIN COMMUNITY COLLEGE'S CISCO REGIONAL NETWORKING ACADEMY PROGRAM AND PARADISE VALLEY UNIFIED SCHOOL DISTRICT NO. 69**

– approve an Intergovernmental Agreement between the Maricopa County Community College District and the Paradise Valley Unified School District No. 69 to continue the Cisco Regional Academy Program at Estrella Mountain Community College.

**D.10. APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN ESTRELLA MOUNTAIN COMMUNITY COLLEGE'S CISCO REGIONAL NETWORKING ACADEMY PROGRAM AND PEORIA UNIFIED SCHOOL DISTRICT #11**

– approve an Intergovernmental Agreement between the Maricopa County Community College District and the Peoria Unified School District #11 to continue the Cisco Regional Academy Program at Estrella Mountain Community College.

**D.11. APPROVAL OF IGNITE TOBACCO PREVENTION PROGRAM**

– accept the Intergovernmental Agreement (IGA) between the Maricopa County Community College District (MCCCD) and the Maricopa County Department of Public Health, Maricopa County Tobacco Use Prevention Program (MACTUPP) in the amount of \$16,000 for IGNITE Program tobacco prevention activities. The IGA will conclude on May 1, 2011.

**D.12. APPROVAL OF U.S. DEPARTMENT OF EDUCATION TITLE V GRANT – PHOENIX COLLEGE**

– accept the awards for Year Three of a five-year grant from the United States Department of Education awarded to Phoenix College for the Title V, Developing

Hispanic-Serving Institutions Program. The grant fiscal year is from October 1 – September 30. Year Three (10/1/2010 – 9/30/2011) \$526,638.00

**D.13. APPROVAL OF PROJECT DEGREE - PHOENIX COLLEGE** – approve Project DEgree. Funding in the amount of \$187,500 provided by the Gateway to College National Network will support this project. The goal is to provide students requiring developmental education with intensive individualized academic using a learning community model in order to improve retention and persistence. The grant period is September, 2010 through December, 2012.

**D.14. APPROVAL OF EAST VALLEY VETERANS EDUCATION CENTER GRANT AWARD** – accept an award for a FIPSE grant from the U.S. Department of Education (USDOE) in the amount of \$300,000 to Maricopa County Community College District (MCCCD) on behalf of Rio Salado College which will serve as the host college and operate the East Valley Veterans Education Center (EVVEC). This project will commence 09/01/2010 on and conclude on 08/31/2011.

**E.1. APPROVAL OF LEASE AGREEMENT WITH THE ARIZONA BOARD OF REGENTS FOR AND ON BEHALF OF ARIZONA STATE UNIVERSITY** – approve an office space lease with Arizona State University for ASU to maintain an office at Glendale Community College from September 1, 2010 through June 30, 2011 with the one-year renewal terms beginning on July 1 and ending on June 30.

**E.2. APPROVAL OF LEASE AGREEMENT BETWEEN THE ARIZONA BOARD OF REGENTS ON BEHALF OF NORTHERN ARIZONA UNIVERSITY AND GATEWAY COMMUNITY COLLEGE** – approve a Lease Agreement between the Arizona Board of Regents on behalf of Northern Arizona University and GateWay Community College.

**E.3. APPROVAL OF APPROVAL OF INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE GOVERNOR’S OFFICE OF ECONOMIC RECOVERY AND THE MARICOPA COMMUNITY COLLEGE DISTRICT** – approve this intergovernmental agreement, which will facilitate the release of \$174,148.33 for those items contained in the Maricopa Community College District Request for Reimbursement of Pre Award Costs which has been reviewed and approved by GOER. The IGA also will provide for the release of additional Recovery act funds that may be provided through FY2010-11.

**E.4. APPROVAL OF EASEMENT FOR NEW SIDEWALK TO CITY OF SURPRISE, ARIZONA FOR RIO SALADO COLLEGE SUN CITIES LIFELONG LEARNING CENTER** – grant an easement to the City of Surprise to install and maintain a small section of new

sidewalk along Smokey Drive at Rio Salado College Sun Cities Lifelong Learning Center. Also included is a request for a Temporary Construction Easement to the City to allow construction of the sidewalk.

**E.5. APPROVAL OF PROPOSED FEE CHANGES** – approve the varied fee changes detailed on the attached. These changes relate to both common fees and course fees at several colleges across the District, detailed by college.

**E.6. APPROVAL OF TEACHER PREPARATION CHARTER HIGH SCHOOL SUBMISSION OF ANNUAL FINANCIAL REPORT TO THE ARIZONA DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2009-2010** – approve the 2009-2010 Annual Financial Report for Teacher Preparation Charter High School for submission to the Arizona Department of Education.

**E.7. APPROVAL OF GATEWAY EARLY COLLEGE HIGH SCHOOL SUBMISSION OF ANNUAL FINANCIAL REPORT TO THE ARIZONA DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2009-2010** – approve the 2009-2010 Annual Financial Report for GateWay Early College High School for submission to the Arizona Department of Education.

**E.8. APPROVAL OF 2010-11 DISTRICT WORKERS' COMPENSATION INSURANCE PROGRAM RENEWAL** – approve the renewal of our workers' compensation insurance policies and guaranty bond per the attached schedule for the period of October 1, 2010 to October 1, 2011.

**F.1. APPROVAL OF SIS RELEASE 9 UPGRADE PLANNING PHASE** – approve the expenditure of \$248,000 for planning and scoping the upgrade of the Student Information System (SIS). A second project request will be made for the implementation phase of the upgrade. The Information Technology Council (ITC) reviewed and approved this project at the July 19, 2010 meeting.

**F.2. APPROVAL OF GRANTS MANAGEMENT MODULE – COLLEGE FINANCIAL SYSTEM – AMENDED** – approve an additional expenditure of \$72,000 for the implementation of the Grants Management module for the College Financial System (CFS). The original budget request was approved at the December 8, 2009 Governing Board Meeting in the amount of \$364,600. The amended total for the purchase and implementation of the Grants module is \$436,600.

**MOTION NO. 9738**

Board Member Debra Pearson moved for approval of the Consent Agenda as amended with the request to remove the name of Benjamin Hardy from Action Item V.C.4 (HR Separations) on the Consent

**MOTION**

Agenda. Board Member Don Campbell seconded. Motion approved 4-0 (Vacancy in District 1).

**Discussion:** Governing Board Member Debra Pearson commented that a couple of years ago she warned there was going to come a time when we would be asked to forgive and that the Board could not hold themselves to a different standard than they asked of others. The Board would be forced to make a difficult decision based on standards they were unable or incapable of holding themselves to. The Board is being begged for forgiveness and it needs to be applied equally. Need to be consistent to standards. We have been asked to forgive again, but not one of our own but someone who has come before us asking for the same privilege we gave to ourselves. She therefore made the motion that the Board offer the same opportunity for forgiveness and ask that this employee use this experience as an educational experience to be shared with our students for the mistake that he has made and that he be required to teach and speak about his impetuosity and that he teach and talk to students about making decisions and be allowed to show his remorse by speaking and teaching about the consequences of his actions and making bad decisions.

General Counsel Lee Combs provided clarification that at this point we were asking for the item to be removed from the consent item and that it be considered after the approval of the Consent Agenda and then this be considered as to what sanctions would be considered. asked for clarification about changing the punishment. Mrs. Pearson requested that the item be removed from the Consent Agenda and considered separately at tonight's meeting. Mr. Combs indicated that the different sanctions could be discussed. Mrs. Pearson indicated that she would be asking for last chance for Mr. Hardy, however, there would be a requirement for additional speaking or educational speaking or student teaching as to poor decision making just as we offered one of our own after breaking law.

Mr. Lumm asked if Mrs. Pearson was making a motion for last chance, educational speaking or student teaching as to poor decision making. Mrs. Pearson responded: Last chance, to speak and demonstrate poor choices. Board President Randolph Lumm remarked that bringing drugs on campus was very serious and is very concerned about that and he takes this very seriously since he might have been working under the influence. Mrs. Pearson said he had not been smoking and Mr. Lumm remarked that it might have been on that day. Board Member Jerry Walker commented he agreed with Mrs. Pearson that we should show some leniency and make sure that there were consequences associated with illegal drugs and command substantial penalty. In lieu of termination, he recommended at least a five months' suspension without pay.

**C.4. CONSIDERATION OF THE SEPARATION OF BENJAMIN HARDY** - approve the termination of Benjamin Hardy from Rio Salado College.

Mr. Combs advised that as a result of this name being removed from the Action Item V.C.4 on the Consent Agenda, it would be a separate active item requiring action.

Mrs. Pearson had moved that the name of Benjamin Hardy be removed from the action item and that that the Board needed to be consistent and not contradict our past actions of one of our own and breaking the law and not hold others to a different standard. Give that forgiveness and that the Board offer a last chance opportunity with drug testing be required at employee's expense every two months because it stays in your system two months. Mrs. Pearson says that if the Board did not suspend one of its own or anything of that nature, the Board needed to be very careful that when people come before them, it is very inappropriate to sit there and place any other type of judgment, penalties or motions to create any other type of different standard. We need to connect the behaviors. Mr. Lumm indicated that if you bring drugs on campus and you are an employee, you are fired. That is a standard. Mrs. Pearson moved that Benjamin Hardy be given a last chance and if he found guilty of any other offense that he be immediately terminated, and be required to pay for own drug testing (on a weekly basis) as long as he remains employed and five months' suspension without pay. Board Member Jerry Walker seconded. Clarification from Board Chair Randolph Lumm to Board Assistant Gloria Smith: Weekly testing for first six months and then monthly for last six months at employee's own expense and then discontinue. Five months' unpaid suspension beginning immediately.

Mr. Combs asked the Board wished to hear from the organization's attorney, Mr. Richard Galvan. Mr. Galvan commented that Mr. Montoya's comments were characterized more about what he didn't tell the Board about this case than what he did tell them about this case. Mr. Galvan had in his hands a list of the exhibits presented at the hearing (Mr. Galvan provided copies to Board Members of what he would talk about). In that packet of information there was a letter from HR and notice of intent to dismiss signed by Ms. Honzay who was the acting Vice Chancellor at that time on the case against Mr. Hardy. The information talks about having the possession of marijuana on the campus and then the report by the Safety Director at Rio where the incident occurred, followed by the Tempe Police report. Mr. Galvan first wanted to add that he was not merely talking about marijuana that was discovered but drug paraphernalia (pipe) used to smoke that. Mr. Hardy, when he was first being interrogated by the

Director of Rio's Safety Office, first denied that he had any pot in his car and that he agreed that they go and search it. If you take a look at the report the report of Wednesday, May 26, 2010, at 1:55 p.m. states information had just been received who had just observed the suspect Benjamin Hardy in his vehicle smoking dope from a pipe. The supervisor reviewed this and requested that the police be called. The suspect indicated that his pipe was at home and he had not been smoking. As task report was taken but a task report was not part of what was to be discussed at the hearing. Mr. Lumm asked if it had been requested? The task report noted that the vehicle was parked in a northwest space. It was noted that the suspect grabbed a baggy and a silver item which was placed on the floor. It had been requested that these items be handed over and contents emptied. Not only did he have possession of marijuana and paraphernalia but he lied about it and again lied about when the police department came out he admitted substance was his and pipe used for smoking marijuana. Initially being deceptive when speaking to College Safety. At hearing Mr. Hardy took position that girlfriend had left this in his car. She did not appear at the hearing. First time this was heard. Inconsistent with statements he made to the Tempe Police department that it was his marijuana and pipe. Now asked for last chance. What does that mean? Dog has one free bite. We have zero tolerance because of all the problems, forgiveness to board member. Offering forgiveness to fellow board member is irrelevant with all due respect because we are speaking about board policy that is addressed to the employees that work here at the District. If we allow him to have a last chance, offering opportunity others who smoke until they get caught. Bad precedent to have. Test took place on August 26. Incident occurred in April. Four months later he would not have drug in his test results. Dealing with person who has been deceptive throughout this whole process and sending the wrong message to employees in giving him a last chance.

**MOTION**

**MOTION NO. 9739**

Roll Call Vote regarding action of Benjamin Hardy with last chance and if he is found guilty of any other offense that he be immediately terminated, and that he be required to pay for own drug testing (on a weekly basis for first six months and monthly for the following six months as long as he remains employed) and five months' suspension without pay beginning immediately. Motion approved 3-1 (Vacancy in District 1).

Jerry Walker – aye  
Randolph Lumm – no  
Don Campbell – aye  
Debra Pearson - aye

**VIA.1 APPROVAL OF CONTRACT AWARD FOR THE**

**REPLACEMENT OF FILTRATION MATERIALS IN THE WATER TREATMENT FACILITY AT SCOTTSDALE COMMUNITY COLLEGE** - approve a contract with Severn Trent Services for the replacement of filtration materials in the water treatment facility at Scottsdale Community College. This contract is in an amount not to exceed \$250,000.00 and is in effect through June 30, 2011.

**MOTION**

**MOTION No. 9740**

Board President Randolph Lumm moved for approval of Action Item VI.A.1. Board Member Debra Pearson seconded. Motion approved 4-0 (Vacancy in District 1).

**VI.A.2 APPROVAL OF CONTRACT AWARD FOR A NEW INCUBATOR FACILITY AT GATEWAY COMMUNITY COLLEGE** – award a contract in the amount of Two Million Nine Hundred Eighty-Thousand and no/100ths Dollars (\$2,980,000.00) to Core Construction for the construction of a new Incubator Facility at GateWay Community College.

**MOTION**

**MOTION No. 9741**

Board Member Dr. Don Campbell moved for approval of Action Item VI.A.2. Board Member Debra Pearson seconded. Motion approved 4-0 (Vacancy in District 1).

**VI.A.3 APPROVAL OF CONCEPTUAL APPROVAL FOR THE REMODELING OF 1715 WEST NORTHERN AVE, PHOENIX AZ - RIO SALADO COLLEGE** – provide Conceptual Approval for the second phase of Rio @ Northern remodeling at the Rio Salado College location, 1715 West Northern Avenue in Phoenix.

**MOTION**

**MOTION No. 9742**

Board Member Dr. Don Campbell moved for approval of Action Item VI.A.3. Board Member Debra Pearson seconded. Motion approved 4-0 (Vacancy in District 1).

**INFORMATION  
ITEM**

**VII. INFORMATION ITEM**

**A. MARICOPA GOVERNANCE REVIEW**

Three members of the Governing Board and the Chancellor met for a two-day retreat on August 27<sup>th</sup> and 28<sup>th</sup> in order to discuss principles of good governance, help define the proper role of the Board and individual Board members, and review the existing policies of the Maricopa Community College District as well as the current method for evaluating the Chancellor. The District first adopted the John Carver Policy Governance model in 1996 and over the years made modifications. The purpose of the retreat was to introduce to new board members and acquaint staff with the basic principles of Policy Governance in order for the MCCCCD to identify and implement

additional good governance principles. Bill Charney, principal of Charney Associates, who has experience in board leadership and governance education consulted and facilitated the discussion. The first day focused on the following: review of Board member responses to a pre-retreat survey, a comprehensive overview of governance principles for Board effectiveness, and a review of concepts and principles that clarify the collective and individual responsibilities of the Board and the relationship between the Board and staff. The second day of the retreat included discussion on Board Outcomes, planning next steps for policy changes, discussion of Board conduct and discussion of the Chancellor Evaluation Tool and methodology for the review of executive performance. Next Steps: In order to carry through on the momentum of ideas shared at the retreat, the immediate next steps involve outlining a plan and timeline that will include:

- Review and rewrite of the existing Outcomes (ENDS) and Executive Duties and Responsibilities (MANAGEMENT LIMITATIONS). This shall include review and affirmation of the Vision, Mission and Values utilizing the feedback gathered from the five Community Policy Forums.
- Revise Chancellor evaluation tool to reflect revised ENDS and LIMITATIONS. The Chancellor will be evaluated based on whether the ENDS have been achieved and whether the Chancellor stayed within the LIMITATIONS established by the Board to achieve the ENDS. Include as part of monitoring schedules reports such as annual indicator report, financial condition reports and 21<sup>st</sup> Century Maricopa reports.
- Per Board direction at the retreat, continue to utilize consultant services to accomplish this plan.

Discussion and Board Consent:

President Lumm explained that we want to move to enhance Maricopa Governance by having defined goals and look at measurement items within set governance goals, strategies and measurements as well as looking at end results. He stated that when the Board sets their goals, that they define what measurements they are going to look at, did they get these reports at the governing board meetings, and look at the end results and hopefully this will keep up from micromanaging and getting the information we still want. We are looking at our goals and how we define them and we need to reword some of them so that they are measurable so that we can different statistics and data on the goals and determine if the goals were met. We want to work with the consultant so that he can assist us shape these goals and in the future we can talk more about these goals. Chancellor Glasper responded that one significant piece is that once the policies have been reviewed whether by a consultant or internal that the review of those policies

**MONITORING  
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will help us establish those ends, the outcomes that the Board would like to see achieved and then the Chancellor will help us establish the means by which to get there and then the determination of those means on a monthly basis and annual basis and this will serve as a baseline and matrix for the Chancellor's evaluation and the evaluation of the Chancellor's Executive Council. Mrs. Pearson commented that she feels this could be done in-house as there are many experts in this area, particularly Teresa Toney and Mr. Combs. This is one of the areas we are already paying for. Dr. Glasper commented that we have skilled personnel to review our own policies; however we are trying to make them clearer. This is making this a number one priority in relationship to other things we have to do. At the retreat we had a discussion that Mr. Charney could do work over five-day period and then return this to us and we could put it into an appropriate format necessary then develop the matrix and move it ahead to the Board. Mrs. Pearson asked Mr. Combs how many days it would require him to do this? Mr. Combs responded that his in-box was very critical and he would have to defer other projects to do this if that is what the Board expects. Mr. Combs indicated that consultant brought objectivity and was very capable. The presentation that he made was very impressive and his services were fairly low cost and he could quickly make expert editing to make them more effective. Mr. Lumm commented that we could save money by bringing Mr. Charney to do this and we could save staff a lot of time and money and Mr. Charney has done this many times. Agreed with Mrs. Pearson that we should do more things in-house and supports that concept. The Chancellor asked that the Board go one step further since time is running out. He stated that an action plan was given to Board, along with a series of questions. The Chancellor has indicated that the Board was offering it approval to work with Mr. Charney and wanted to if this was case because his availability is short and he is not available to do this until November which pushes us to complete the matrix in December. This then meant that his evaluation cycle would change from having twelve months to nine months and now it would be six months and if we delayed any further, it would be even less. It was Mrs. Pearson's opinion that this should be assigned to Lee Combs to do before next meeting.

Consensus of the Board: Board Member Jerry Walker moved to contract with Bill Charney. Board Member Debra Pearson suggested having Teresa Toney and Lee Combs re-do policies. Board Members Dr. Don Campbell and Randolph Lumm moved to go forward with consultant.

**FURTHER COMMENT FROM BOARD PRESIDENT LUMM:**

Mr. Lumm requested asked the Vice Chancellor of Information Technology George Kahkedjian that because of the additional item on the agenda pertaining to SIS that he survey the staff to see who can work on

SIS to bring the IT Division current and that we can discontinue going out for contracts.

**VII. MONITORING REPORTS**

**(A)**

**BUDGET ANALYSIS REPORT SUMMARY**  
**FUND 1 – GENERAL UNRESTRICTED FUND**  
**FOR THE ONE MONTH ENDED JULY 31, 2010**

Expenditure analysis indicates 11.6% of the budget has been expended this year as compared to 12.3% expended at this same point in time last year. 45.7% of the budget remains unexpended or unencumbered compared to 43.6% in the prior year. Revenue analysis indicates that \$75.8M of the budget has been recognized. The projected fund balance will increase by ~\$2.1 million this fiscal year and the projected ending fund balance for June 2011 is \$133.7M.

**NEXT BOARD MEETING**

President Lumm announced that the next meeting was scheduled for October 12, 2010 at 5:30 p.m. This meeting would be held at the GCC Public Safety Academy and would be an information session on Fire and Policy Training Programs.

**ADJOURNMENT**

The meeting adjourned at 9:00 p.m.

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Jerry D. Walker  
Governing Board Secretary