

**AMARILLO COLLEGE BOARD OF REGENTS
MINUTES OF SPECIAL BOARD MEETING
July 12, 2016**

REGENTS PRESENT: Ms. Michele Fortunato, Chair; Dr. Paul L. Proffer, Vice Chair; Mr. Daniel E. Henke, Secretary; Mr. Jay Barrett; Mr. Patrick R. Miller; Mr. Johnny Mize; Dr. Neal Nossaman; and Dr. David Woodburn

REGENTS ABSENT: Mrs. Anette J. Carlisle

CAMPUS REPRESENTATIVE: Mr. Mike Running, Representative for the Moore County Campus

CAMPUS REPRESENTATIVE ABSENT: Mr. Michael Kitten, Representative for the Hereford Campus

OTHERS PRESENT: Mr. Robert Austin, Vice President of Student Affairs; Ms. Cara Crowley, Chief of Staff; Dr. Russell Lowery-Hart, President; Mr. Steve Smith, Vice President of Business Affairs; and Mr. Mark White, Executive Vice President & General Counsel

Corporal Scott Acker – AC Police Department
Mr. Kyle Arrant – Director of Content & Technology Operations, Panhandle PBS
Officer Stephanie Birkenfeld – AC Police Department
Mr. Josh Blashill – Carter Fitness Center Supervisor
Ms. Joy Breneman – Exec. Asst., Pres's Off. and Asst. Secy. to the Board of Regents
Chief Steve Chance – AC Police Department
Mr. Craig Clifton – Instruction/Department Chair, Sports & Exercise Science
Dr. Mary L. Dodson – Professor, English
Ms. Nancy Forrest – Instructor, Reading – Representing Faculty Senate
Ms. Lisa Gray – Executive Assistant, Office of the Executive Vice President
Ms. Toni Gray – Dean of Continuing Education
Ms. Ann Hamblin – Professor, Reading
Mr. Mark Hanna – Retiree
Ms. Maureen Hood – Purchasing Specialist, Business Office
Dr. Lana Jackson – Professor/ Department Chair – First Year Experience
Ms. Patsy Lemaster – Retiree
Ms. Tricia McGuire – Instructor, Sports & Exercise Science
Ms. Margie Netherton – Professor, English
Dr. William Netherton – Professor, English
Mrs. Tiffany Oneal – Director of Operations, Continuing Education
Mr. Jim Pond – Retiree
Mr. Austin Rios – Fixed Asset Accountant, Business Office
Office Stephanie Saldana – AC Police Department
Ms. Diane Sharber – Accounting Clerk III, Business Office
Mr. Robert Stein – Amarillo Globe News
Mr. Michael Sugden – Cash Management Coordinator, Business Office
Ms. Karen Welch – Senior Content Producer – Panhandle PBS
Mr. Joe Wyatt – Communications Coordinator – College Relations

Minutes of the Amarillo College Board of Regents Special Meeting of July 12, 2016**OTHER STUDENTS AND COMMUNITY MEMBERS PRESENT:**

Bill Archinal	Whitney Grove	Robert J. Muney
Karen Archinal	John Gutierrez	Jaden Oneal
Rylee Bagwell	Sarah Hazel	Jaxton Oneal
Keziah Bussell	Anna Hogue	Jeremy Ortegon
Kenny Chambers	Cody Hudson	Steven Rueda
Renea Chambers	Bailey Jackson	Sophia Russo
Paul Crawford	Katelynn Kett	Emma Saldana
Jonathan Dowden	Bethany Manes	Nicole Jo Samaniego
Larry Eccles	Joel Martinez	Amy Smith
Ron K. Eccles	Christina McBeath	Madison Spitler
Sandra Joan Eccles	Adriene McNatt	Uriel Valenzuela
Chase Ferrell	Keely D. Muehling	Cassandra Villarreal
F.W. George, Jr.	Ray Muehling	Kevin Welch
Macayla Griego	Todd Muehling	C.J. Wilke

SPECIAL AMARILLO COLLEGE BOARD OF REGENTS MEETING**APPEALS BY FACULTY:**

The meeting was called to order by Ms. Fortunato, Chairman, at 4:05 p.m.

Chairman Fortunato noted that this was a Special Meeting of the Board of Regents and that a quorum was present. The only purpose of the meeting is to hear the separation of employment appeals of Ms. Pamela George and Mr. Trent Oneal who were present and represented by their attorneys, Mr. Michael Kim and Ms. Erica Brown. Chairman Fortunato announced that the meeting was being recorded at Mr. Kim's request.

No public comments were heard at this meeting, but comment cards were provided for written comments to be collected later in the meeting

Mr. Kim requested that he be allowed to reserve five minutes of his allotted one hour to speak after Dr. Lowery-Hart provided his statement. He then presented the case for Ms. George and Mr. Oneal. A binder with exhibits had been provided to the Board prior to the meeting. He noted that Ms. George had been tenured since 2007 and Mr. Oneal since 2008 and that tenure provides certain protective rights. He maintained that these faculty were not given due process and reviewed the DMBA section of the Board Policy Manual. He argued that the administration failed to demonstrate due diligence in attempting to find other employment for these faculty and/or provide adequate time for additional training. Additionally, he stated that he did not believe that the college had made a determination of financial exigency.

A due process hearing was held on April 14 and 15, 2016 with two days of testimony and documentation. Mr. Kim reviewed the work of the Due Process Hearing Committee noting that they took two months to come back with the recommendation not to uphold the decision for separation of employment for both faculty. Dr. Lowery-Hart overturned the hearing committee's decision. Mr. Kim reviewed selected excerpts of testimony from Mr. Jerry Moller and Mr. Lynn Thornton and read a portion of the Due Process Committee's conclusion.

Minutes of the Amarillo College Board of Regents Special Meeting of July 12, 2016

He stated that it was the belief of his clients that the administration had not provided due process and asked simply that the Board do the right thing which is to uphold the Due Process Hearing Committee's decision. He then gave his clients a few moments to address the Board.

Mr. Oneal thanked the Board for calling this special meeting to hear his appeal. He told his history with Amarillo College and noted how proud he had been to achieve tenure. He stated that he believes in Amarillo College and what it stands for. He said he was surprised to learn he was being terminated because he always has a full load of courses. He also listed the classes he is qualified to teach that are currently taught by adjunct or non-tenured faculty and included that he is certified to teach FYS (first year students) courses. He stated that he believes that the administration did not follow the requirements of DMBA, that he was not provided other employment opportunities, and was not given sufficient time to retrain. He asked the Board to reconsider his separation of employment.

Ms. George thanked everyone who has given her support, the faculty, and the Board. She stated that it was time to toot her own horn and listed her many investments in Amarillo College including supporting new initiatives, committee involvement, service to AC and the community, association with TCCTA, and 20 years of working hard to make AC great. She stated that she had received additional education to be able to teach Nutrition and also gave examples of her work with students. She saw achieving tenure as an accomplishment in her career. She asked the Board to look at the policy and determine that the Committee's decision be upheld. She stated that the Board's decision was not really about herself and Mr. Oneal but about their view of tenure.

Dr. Lowery-Hart then addressed the Board. He reiterated that Amarillo College had not raised taxes or tuition although the state has reduced funding and denied AC's request to include PHED courses in the core curriculum, and that Amarillo College has worked to find solutions to these issues. He met personally with the due process hearing committee and determined they did not find that the institution had violated the DMBA policy. He, therefore, upheld Dr. Vess' decision for separation of employment.

Mr. Kim reviewed the conclusion of the due process committee that Ms. George and Mr. Oneal be put back to work. He asked that the Board determine whether they will side with the Hearing Committee who did due diligence or with the administration who he argues did not and to determine who's decision should carry more weight.

At 5:20 p.m., Chairman Fortunato called for a closed session to consult with the college's attorney pursuant to Texas Government Code 551.071. The Board met in closed session with Mark D. White.

Open session reconvened at 6:55 p.m.

Chairman Fortunato called the meeting back to order and stated that no final action was taken or decision made in closed session, but the Board did want a resolution before the end of the meeting. She stated that this was unchartered territory for the Board, and Dr. Woodburn noted this was a difficult decision. Mr. Mize thanked Ms. George and Mr. Oneal for their service to the college. He acknowledged how difficult these decisions were as it was apparent to him that financial crisis was evident. Mr. Miller noted that there are currently two vacant positions in the college and suggested retaining these faculty in those positions. Dr. Nossaman recommends that the Board Policy Committee make reviewing these policies a priority. Dr. Proffer recognized the Due Process Committee for their hard work, and Mr. Barrett recognized Dr. Lowery-Hart for his heart through this process of tough decision-making. He commended him for taking the lead through unchartered

Minutes of the Amarillo College Board of Regents Special Meeting of July 12, 2016

waters and confirmed that he did so will full Board support. He recommends exploring the options now available to these faculty. Ms. Fortunato thanked Dr. Vess and Ms. Forrester for their work in these difficult financial situations. In light of the two new open positions, her suggestion was to ask the administration to try to find a solution that would allow these faculty to remain employed. No motion, second, or vote was made on this item.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:03 p.m.

Daniel E. Henke, Secretary