

**NORTHWEST COLLEGE BOARD OF TRUSTEES  
MINUTES OF REGULAR MEETING**

September 14, 2020

**MEMBERS PRESENT:** President MR. DUSTY SPOMER; Vice President/Secretary DR. MARK WURZEL; Treasurer MR. LUKE ANDERSON (joined the meeting at 4:48 pm via Zoom); and Trustees MS. CAROLYN DANKO, MR. JOHN HOUSEL, MR. BOB NEWSOME, and DR. LARRY TODD.

**MEMBERS ABSENT:**

**OTHERS PRESENT:** DR. STEFANI HICSWA, President; DR. GERRY GIRAUD, Vice President for Academic Affairs; MR. DEE HAVIG, Interim Vice President for Student Services; MS. LISA WATSON, Vice President for Administrative Services and Finance; MS. JILL ANDERSON; MS. ADRIANA ARISMENDI; DR. BOB BECKER; MS. LESLIE BIGHAM; MR. BRAD BOWEN; MR. DEAN BRUCE; MS. JENNIFER CANNIZZARO; DR. JENNIFER DARE; MR. DUSTIN DICKS; DR. TRISTAN EGGENER; MS. KAREN ELTON; MS. AMANDA ENRIQUEZ; MR. DAVE ERICKSON; MS. KIM FLETCHER; MS. CHRISTI GREAHAM; MR. MICHAEL GUNDLACH; DR. RACHEL HANAN; MS. JOANN HEIMER; MR. JASON HORTON; DR. JEANNIE HUNT; MR. GRADY HUTCHERSON; MS. CINDY JACOBS; DR. WALT JATKOWSKI; MS. JENNIFER LITTERER-TREVIÑO; MS. KELLY MCARDLE; MS. AMY MCKINNEY; MS. NANCY MILLER; MR. DICK NELSON; MR. CORY OSTERMILLER; MR. DENNIS QUILLEN; MS. LAURA RILEY; MS. ELISE ROBILARD; MR. BALTAZAR RODRIGUEZ; MS. JOEL SAUERS; MS. EMILY SCHULTZ; MR. LUCAS SHAW; MS. LISA SMITH; MR. RON SNIFFIN; MS. KAREN SOLOMON; MS. HALEY SORENSON; MR. GREG THOMAS; MR. OSCAR TREVIÑO; MS. AMANDA TURNER; MS. SHELBY WETZEL; MR. KEVIN KILLOUGH, *Powell Tribune*; and MS. DIANA GWYNN, Executive Secretary to the President and Board of Trustees.

**CALL TO ORDER:** The regular meeting of the Northwest College Board of Trustees was called to order on Monday, September 14, 2020 at 3:02 p.m.in the Yellowstone Conference Center.

**A APPROVE THE AGENDA:** **A motion was made by Trustee Danko and seconded by Trustee Wurzel to approve the agenda. Motion carried.**

**STUDY SESSION:** Board President Spomer expressed his appreciation to the representatives from the various constituent groups for being present and providing feedback from their respective constituency groups on the proposed revisions to policies 2140 Board Policy Development and 3800 Faculty Employment Policies. He then invited each representative to take 10 minutes to address the Board.

Vice President Giraud gave a brief overview of the policy revision process for policies 2140 and 3800. He noted that after several hours of discussion in FEPRC, the vice presidents determined that further discussion would not be productive and consensus could not be reached on two key points: (1) creating a single policy review committee for all Board policies and (2) removing the designation of faculty policies as a faculty employment contract. VP Giraud then made the following points:

- Policy 3800 limits the authority of the Board of Trustees; it prohibits the Board from acting on its own volition in regard to faculty policy.
- Policy 3800 binds the Board of Trustees to a faculty employment contract and makes the faculty a special class of employees
- The proposed changes arguably enhance the shared governance process by

creating an opportunity for all members of the institution to review and provide input for all policy decisions.

- In order to face the difficult challenges ahead, decisions must be made from the perspective of the institution as a whole and implemented expeditiously. The proposed revisions facilitate this.

Dr. Rachel Hanan, Faculty Senate President, noted that she began teaching at NWC in 2011 and initially found many of the policies, committees, and procedures confusing. She understands the desire to streamline the policy process, but encouraged the Board to consider different ways of revising policies 2140 and 3800 to achieve that goal. She then made the following points:

- Though policy 3800 does not explicitly indicate that the Board may take action on faculty employment policies, the faculty are well aware that the Board makes final determinations on employment policies.
- The faculty believe it is not only legal but ethical to abide by the policies pertinent to the contracts which employees sign.
- FEPRC was initially created because the Handbook Committee spent so much time working on policies specific to faculty. It is comprised of seven individuals, three of which are faculty.
- It is more efficient and a better use of time to have separate committees;
- FEPRC allows for robust conversations. By having more people working on policy, it is more likely issues will be identified.
- Though the FEPRC process might not be fast, it builds consensus and produces quality policies.
- The proposed revisions change the representation to only one per constituent group, so reduce shared governance.

Nancy Gilmore, Classified Staff Representative, explained that the Classified Staff Executive Committee provided Classified Staff members with copies of the proposed policy revisions and other pertinent information including information on shared governance. She then shared the following results of a survey sent to Classified Staff regarding the policy changes:

- 43.75% of Classified Staff voted in favor of the proposed changes to Board Policy 2140
- 18.75% of Classified Staff voted against the proposed changes to Board Policy 2140
- 37.50% of Classified Staff abstained from sharing their opinion on the changes to Board Policy 2140
- 43.75% of Classified Staff voted in favor of the proposed changes to Board Policy 3800
- 12.50% of Classified Staff voted against the proposed changes to Board Policy 3800
- 43.75% of C-Staff abstained from sharing their opinion on the changes to Board Policy 3800

Dr. Greg Thomas, Professional Staff President, explained that the Professional

Staff is largest constituency group on campus and are represented in all areas of campus. He then shared these points:

- The college only functions with the active participation of all constituency groups. Professional Staff believe in and support a process in which all constituency groups are represented in the conversations that craft the college's recommendations to the Board of Trustees in the development of policy.
- It makes sense to have the people who will implement and execute the policies on a day-to-day basis involved in creating and maintaining the policies.
- The revised policy 2140 seems to acknowledge two universal truths: (1) the Board of Trustees makes policy, and (2) the Board of Trustees will be at its' policy-making best when it is well-informed.
- The Shared Governance and Decision-Making Guide states: "*Shared governance is the expectation for the campus community to be involved in the decision-making process. Further, it is the obligation of decision-makers to consult and inform members of the campus community in the process; likewise all employees are responsible for contributing in the process. Shared governance carries with it the unselfish obligation of working for the greatest good for the most people.*"
- The proposed policy review committee seems to fit the definition of shared governance better than the current process.
- Two concerns include: (1) reviewing all policies seems like a lot of work for those selected to serve on the committee, and (2) the number of voices involved in policy making decisions would be decreased.
  - Those who serve in constituency groups and on committees are generally there by choice and happy to serve and do the work necessary.
  - The concern that the number of voices would be decreased is erroneous as two constituency groups would now be represented in a way not previously done, and none of the constituency groups would lose their place at the table.
- Professional Staff agree that the diversity of voices being heard is important.
- 79% of Professional Staff responded to a survey, with 79% of those who participated, voting in support policy 2140.

Trustee Todd requested clarification on the amount of work done by FEPRC. In response, Rachel Hanan explained that within the last two years, there has been an extreme amount of work. Vice President Giraud clarified that the committee met once a year for the first six years that he was at NWC. The committee itself could not initiate policy revisions, proposals had to come from some other college committee. The administration and the deans began reviewing policies for updates and revisions. Vice President Giraud would then present the proposals to FEPRC.

Trustees Newsome thanked the constituent group representatives for taking time to speak to the Board.

Dr. Hanan reported that the faculty were unanimous in their opposition to

revisions to policies 2140 and 3800.

Board President Spomer asked Dr. Hanan if the faculty are under the impression that shared governance cannot happen under the new policy. Dr. Hanan responded that the faculty believe that the revisions will reduce shared governance.

Board President Spomer requested clarification on the organization Dr. Hanan had referenced in her previous remarks. She explained that the organization is AAUP and the consensus is that having a faculty committee working on faculty policies is best practice.

Trustee Danko asked Dr. Hanan if the faculty feel their influence has been reduced. Dr. Hanan responded that having only one spokesperson is different than having multiple representatives and that the proposed revisions reduce the number of faculty representatives.

In response to a question about contracts vs. at-will employees, Vice President Giraud responded that under Wyoming state law all employees are at-will, but that all faculty, professional staff, and classified staff sign contracts.

Ms. Gilmore reported that she has been a member of EPRC for the last 4-5 years, and though feels it is a responsibility, the conversations in the committee are really good. She recommended the revisions to policy 2140 as a good move for the college.

Dr. Hanan agreed that the robust conversations between constituency groups are productive, but feels there is a better solution for that procedure than the one being presented.

Dr. Thomas concurred with Ms. Gilmore's and Dr. Hanan's thoughts and reiterated that the best possible solution has all voices represented for all policy decisions.

**MISSION MOMENT:**

Upon invitation from President Hicswa, the new employees hired within the last year introduced themselves to the Board.

**A CONSENT AGENDA:**

**A motion was made by Trustee Wurzel and seconded by Trustee Todd to approve the consent agenda.**

President Hicswa responded to questions on the check register and other reports

**Motion carried and the consent agenda, including the minutes of the August 6, 2020 special meeting/focus group, the August 10, 2020 regular meeting, and the September 1, 2020 special town hall meeting, was approved.**

**DISCUSSION/  
INFORMATIONAL ITEMS:**

COVID Update

President Hicswa expressed how pleased she has been with how well the fall reopening went. She noted that faculty and staff went above and beyond to help students to prepare for the semester, and that the reopening has been beyond her expectations.

President Hicswa reminded Trustees that the college opened under operating condition 2B with lecture classes being held primarily via Zoom, but with some classes and labs being held live. She noted that this has reduced the risk of

exposure, reduced building density, and has allowed NWC to manage the required cleaning.

She then explained that so far there have been two reported COVID cases, one of which is still active. The college is following the protocols in place to manage the cases.

President Hicswa reported that NWC has received \$3.2M in CARES Act funding from the State of Wyoming. These funds have been divided into five different “buckets” as approved by the General Attorney’s office. The utilization requirements are very restrictive, and the funds need to be spent by December 31, 2020. NWC has been diligent in applying for all CARES Act monies for which the college is eligible and will use the funds to the best of its’ ability.

In response to a question, and at President Hicswa’s invitation, Vice President Watson clarified the information relating to the descriptions for the CARES Act funding request priorities.

President Hicswa explained that face-to-face instruction will conclude the week before the Thanksgiving Break and all classes will transition to Zoom for the completion of the semester. Planning for spring semester will begin soon. She also explained that she is denying requests for events and activities that would bring large groups of people to campus which would increase risk of exposure and necessitate additional cleaning.

In response to a question regarding the spending of CARES Act money, and at President Hicswa’s invitation, Vice President Watson explained that much of the funding has been earmarked for projects and needs identified at the time the original request was submitted and that her office is working through the process of procuring the items and services outlined in the initial request.

#### PACE Survey Results

Institutional Researcher Lisa Smith, presented a summary of the results of the employee satisfaction/PACE Climate Survey for Community Colleges. She explained that this survey was administered in March 2020 and that 157 of 253 employees completed the survey, which is the same response rate as the 2018 survey. She noted that the PACE survey includes four climate factors: Institutional Structure, Supervisory Relationships, Teamwork, and Student Focus.

Ms. Smith explained that the overall results yielded a mean score of 3.753 on a five-point scale ranging from “1–Very dissatisfied” to “5–Very satisfied.” Professional staff rated the campus climate the highest, followed by classified staff, then part-time faculty, then full-time faculty. She reviewed questions for which the NWC responses were both higher and lower than the comparison groups.

Ms. Smith pointed out that the survey administrator categorized the additional comments provided by employees as favorable or unfavorable and grouped them by climate factor. The greatest number of comments fell within the Institutional Structure climate factor. She then reviewed graphs showing the level of satisfaction for each individual question.

Trustee Todd inquired about the availability of the qualitative data report and the raw data in a spreadsheet format. President Hicswa responded that the information would be provided to him.

Big Horn Basin High School  
Report

In a response to a question regarding the item “I am paid fairly for my work,” Ms. Smith explained that 41% were very satisfied/satisfied; 25% were neither satisfied nor dissatisfied, and 34% were very dissatisfied/dissatisfied; however, this level of satisfaction was significantly higher than in the 2018 survey.

Institutional Researcher Lisa Smith presented the Big Horn Basin High School Report, which is an annual summary of student enrollment, retention, and performance for students from NWC’s service area high schools who enrolled at NWC the year following high school graduation. The report shows:

- On average from 2017-2019, 519 students graduated from Big Horn Basin high schools, with 157 of those attending NWC (30%).
- Of the 157 students who enrolled at NWC, 102 students (20%) had taken concurrent or dual enrolled classes.
- BHB high school graduates who were concurrent or dual enrolled in high school tended to have both a higher high school GPA and first-semester NWC GPA than students who were not concurrent or dual enrolled.
- In Fall 2019, 25% of full-time students placed into developmental writing, while 55% of NWC first-time students placed into developmental math.
- Both NWC first-time students and BHB graduates attending NWC tend to be retained at the college at a higher rate than the Wyoming community college average.
- BHB high school graduates tend to have a higher NWC graduation rate than the average first-time, full-time student. Those who have been dual or concurrent enrolled having the highest rate.

President Hicswa noted that the percentage of Cody High School graduates who enrolled at NWC increased to 34% in 2019. She also noted that COVID will have an impact on this data in future years’ reports.

**CITIZENS’ OPEN FORUM:**

The Citizens’ Open Forum convened at 5:10 p.m.

Jeannie Hunt addressed the Board regarding her concerns about the proposed revisions to policies 2140 and 3800. She stated her views of the impact of the proposed revisions, as follows: the changes impact shared governance and reduce voices; the current policies do not change the Board’s ability to govern via policy; the proposed revisions do not change the timeline for policy; there has never been contract negotiations between the Board and faculty; the pathway for policy revisions remains the same as the current policies; these changes reduce shared governance; and making changes to policies that change how faculty and staff feel about their environment may negatively impact students.

The Citizen’s Open Forum adjourned at 5:16 p.m.

**A UNFINISHED BUSINESS:**

Residence Life Master Plan

**A motion was made by Trustee Wurzel and seconded by Trustee Anderson to approve the Residence Life Master Plan as presented.**

In response to a question from Trustee Housel about the work previously done by MOA Architecture, Board President Spomer explained that the Board received an analysis from Scion, a MOA subcontractor, at their August 2018 meeting, but the Board chose not to accept the report. He noted that the data that was brought forward from Scion is incorporated in the current plan from

Hord Coplan Macht.

Trustee Housel expressed his opposition to the plan. He voiced concern over the inclusion of gender-neutral bathrooms in the plan and that declining enrollment numbers seemed to be driving the plan. He questioned the amount estimated for the Cody Hall repairs stating that he did not think the damage was as bad as outlined in the plan. He recommended that the cost of an appraisal for Trapper Village West be included in the plan. He then suggested that all residential units be permanently transitioned from double occupancy to single occupancy, in response to the current COVID situation, and that any decisions on the Residence Life Master Plan should be postponed until the pandemic is over.

Trustee Danko voiced her concern about the costs associated with delaying approval of the current plan.

Trustee Todd pointed out that the plan includes an ongoing maintenance schedule, which he sees as a very positive component.

Trustee Newsome acknowledged that this decision is a weighty one. He expressed his concern about the declining occupancy in Trapper Village West. He noted that a second opinion on the Cody Hall damage may be warranted.

Trustee Wurzel did not recommend waiting until the pandemic is over, as there is no way to know for sure when that will be. He pointed out that there are no hopeful signs of enrollment increasing, and with the pandemic it could potentially decrease because students can complete a majority of courses online. He noted that the Board has been wrestling with this housing dilemma for a long time and though he does not see this as a perfect plan, it is time to move forward.

Trustee Anderson explained that he likes that this plan gives the Board options with many more decisions to make. He recommended not waiting on this plan because it gives the Board direction. He noted that this plan is a good first step in right-sizing student housing.

Trustee Danko noted that the College does not have a need for so much student housing. She has received reports that students are enjoying online classes, so the number of students living on campus may decrease.

Board President Spomer expressed that this plan is simply a master plan, but does not make decisions about specific projects. He proposed adding language to the plan which would prevent the plan from binding a future Board to specific decisions. He suggested adding a condition that makes it clear that any divestment, acquisition, purchase, conversion, expenditure, etc. must be approved by the current Board and that the plan must be reviewed periodically. He noted that currently the college has double the capacity as students, which is not a good position for an institution in a financial crisis. He concurred that looking forward there is no indication of enrollment improving, and that at some point the Board has to make decisions to guide the college.

Trustee Danko reminded the Board of the timeline included in the plan which allows for time to make future decisions.

**Trustee Wurzel amended his motion to include: (1) a mandatory review of the plan every two years; (2) to add wording to the plan that any divestment, acquisition, destruction, purchase, conversion, expenditure, etc. must be approved by the current Board; and (3) to add wording which**

**states that the plan is a long-term guiding document, not a plan of action, looking forward for a number of years to match housing capabilities with demand. Trustee Anderson seconded the amended motion.**

**Motion carried, with Trustee Housel voting in opposition.**

Trustee Spomer requested that the amended motion with the three caveats be recorded within the Residence Life Master Plan.

## **A NEW BUSINESS:**

Recommended Policy Revisions:  
2140 Board Policy Development  
3800 Faculty Employment  
Policies

Trustee Wurzel reported that the Board Policy and Student Success Committee was unanimous that for policy 2140 Board Policy Development the first, second, and third paragraphs must be included in the Board Policy Manual. He explained that it is both the responsibility and the obligation of the Board to actively make policy to help the college run better and which is fair to all employees. The Board is obligated to have preeminence in that.

**A motion was made by Trustee Wurzel and seconded by Trustee Todd to split the recommended policy 2140 Board Policy Development – to approve the first three paragraphs of that policy, and to table the portion underneath procedure in policy 2140 as well as the revisions to policy 3800 Faculty Employment Policies, with the following condition: that President Hicswa works with the interested or effected parties to have three mechanisms included in what comes back before the Board:**

- **that the future mechanism to develop policies includes all employee groups**
- **that it is back before the Board no later than January, and**
- **that there is a mechanism in it that it cannot delay getting policies done.**

Board President Spomer reported that he solicited an opinion from the college's legal counsel on the matter of setting policy and how policy is removed. He noted that he would consent to having attorney-client privilege removed and the communication with the attorney read into record, if there was consensus by the Board.

Trustee Housel noted that Board President Spomer had sent an email to all Trustees, after soliciting the legal opinion without Board authority, and that the email could become subject to the Freedom of Information Act. He recommended disclosing any and all communication and attachments.

Board President Spomer responded that the college's legal counsel was informed of his intent to send the communication via email to all Trustees and that it was covered under attorney-client privilege.

No motion was forthcoming, so attorney-client privilege remained in effect.

Trustee Wurzel explained that it was the intention of the Board Policy and Student Success Committee to hold a future work session with the constituent groups to further dialogue about these policy revisions. He noted that the Board Policy and Student Success Committee finds it very credible that the Classified Staff and Professional Staff are looking forward to full participation in all future policy, but also recognizes the faculty opposition to the proposed revisions. He is hopeful the Board can find a better solution.

Trustee Wurzel then clarified the third caveat point that "the procedure does not delay policy." He noted that the current procedure can delay faculty policy because of the steps to get through the FEPRC process before getting to the



Board Policy and Student Success Committee. The Board can accept the proposed changes from FEPRC, but if they want to make changes, it has to go back through the process again, even if the changes are amenable to faculty. Trustee Wurzel explained this is an example of what the committee meant by its charge to set up the system so policy is not delayed.

Trustee Todd reported that the Board Policy and Student Success Committee members were very much concerned that the faculty were unanimous in their opposition to the revisions. He noted that there is time to build more consensus and there is room for more voices.

Trustee Danko concurred that one of the things that is bothersome to faculty is the reduction of the number of faculty voices from three in FEPRC to one in the proposed committee. She suggested that the Board may get a fairer assessment if there were more voices.

**Trustee Wurzel further clarified his motion stating that the first three paragraphs of the proposed revisions to policy 2140 would entirely replace the current first four paragraphs in policy 2140. Motion carried.**

Course/Lab Fee Proposals

President Hicswa presented proposals for changes to multiple course/lab fees and recommended approval as presented.

**A motion was made by Trustee Danko and seconded by Trustee Newsome to approve the course/lab fee proposals as presented. Motion carried.**

**FUTURE AGENDA ITEMS &  
FOLLOW-UP ON CITIZENS'  
OPEN FORUM TOPICS:**

Policy revisions to 2140 and 3800  
Cody Lease

**ANNOUNCEMENTS:**

Board Retreat, September 22, 2020, 8:30 a.m., Thomas the Apostle Center  
ACCT Leadership Congress, October 5-8, 2020, Online  
WCCC Meeting, October 8, 2020, Powell/Zoom  
Next meeting, October 12, 2020, 4:00 p.m., Yellowstone Building

**A ADJOURNMENT:**

**The meeting was adjourned at 6:37 p.m.**

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MARK WURZEL, Vice President/Secretary

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Date