

Jackson College Board of Trustees Fall Planning Session

Fall Planning Session



October 18, 2022 08:00 AM

Agenda Topic	Presenter	Page
Agenda		1
Entry Protocol		3
Robert's Rules of Order for Small Boards Guide		4
1. Call to Order & Pledge of Allegiance (8:00am)		6
2. Comments of the Chair & Overview of the Day (8:02am)		7
3. Ownership Linkage (8:05am)		8
3.1 Public Comments (limit of 5 minutes per person)		8
4. Context Setting - Our Changing Landscape (8:10am)		9
5. Principal Points of Review & Discussion (8:15am)		10
5.1 BSN Partnership		10
5.2 MI Reconnect		11
5.3 Capital Outlay & Capital Grant		12
5.4 State Tuition Grants		13
5.5 Community College Funding Formula		19
5.6 Upcoming Master Planning Projects		20
5.7 Strategic Agenda Development		21
6. College Program Features		26
6.1 Potter Center Fire & Restoration (8:45am)	Jason Valente	
6.2 Dual Enrollment (9:00am)	Jeremy Frew	

6.3	CEP Changes (9:15am)	Dr. Todd Butler
6.4	RSJ Prototype (9:30am)	Kelly Crum
6.5	Mental Health (9:45am)	Cindy Allen

BREAK (10:00am)

7.	Other Board Items (10:15am)	27
7.1	Board Consideration: Annual Trustee Events Invitations	27
7.2	Policy Governance Practice Review	30
7.3	Spring Planning Session & ACCT Support	81
7.4	Holiday Event Planning	85
7.5	Ribbon Cutting - STEAM Factory	86
7.6	Ribbon Cutting - Baseball / Softball	87
7.7	Board Items...	88
8.	Mr. John Willis: History of Jackson (11:00am)	89
9.	Plus / Delta (11:45am)	90
10.	Adjourn* (12:00pm)	91

(*) Indicates a roll-call item

Jackson College COVID-19 Protocol – 8.8.22



Campus Arrival:

- Emmons Road Entrance has been reopened

Testing, Vaccinations & Illness:

- Continue to test 3-5 days after travel or large gatherings (note: The Health Clinic has the Pfizer booster available, appointment needed)

Classrooms & Campus Spaces

- Masks are encouraged in larger spaces (e.g., fieldhouse, community rooms, Music Hall etc.).
- Masks may be required in certain areas such as Health Clinic, specific work spaces and full capacity classrooms. *Signs will be posted.*
- *We also highly encourage you to keep a mask on you at all times, should the spaces you visit necessitate the usage of one*

As a matter of College Policy, at all times, all students, employees and visitors are required to remain off campus if they are exhibiting any level of illness, whether or not they believe it to be COVID-19.



Roberts Rule of Order for Small Assemblies

Board of Trustees
Jackson College, MI

Parliamentary procedure is a set of rules for conducting orderly meetings of the Board of Trustees that accomplish goals fairly. Excerpts from Robert's Rules of Order Newly Revised – 12th Ed. (RONR), includes provisions for small assemblies (i.e., a grouping of 12 or fewer members). These rules apply to the Board committees as well.

I. General Principles:

RONR provides that Board of Trustees meetings are not to be conducted with the formality of a large assembly, but some general principles apply. Namely:

1. A quorum must be present for business to be conducted.
2. All Trustees have equal rights, privileges and obligations.
3. No person should speak until recognized by the chairperson.
4. Personal remarks or sidebar discussions during debate are out of order.
5. Only one question at a time may be considered.
6. Only one person may have the floor at any one time.
7. Trustees have a right to know what the pending question is and to have it restated prior to a vote being taken.
8. Full and free discussion of every main motion is a basic right.
9. A majority decides a question except when basic rights of members are involved or a rule provides otherwise.
10. Silence gives consent. Those who do not vote allow the decision to be made by those who do vote.
11. The chair should always remain impartial.

II. Unique Components to Small Assemblies:

These rules/exceptions are called the *Rules of Order for Small Assemblies*. However, the following RONR modifications to the Rules for small assemblies are notable and must be adhered to:

1. Members are not required to obtain the floor before speaking or making a motion, which can be done while seated. The chairperson merely recognizes the person.
2. Motions need not be seconded, although the chair should repeat the motion so that the meeting knows what is being talked about and before there is a vote, the proposed resolution should be repeated by the chair unless the resolution is clear. (A long motion should be in writing to assist the chair.)

3. There is no limit on the number of times that a person can speak, although in boards and committees it is not proper for a member to speak if a person who has not spoken wishes to be recognized. It is never proper to interrupt.
4. Informal discussion on a topic is permitted, even though no motion is pending. (It is required, however, to stick to the agenda.)
5. When a proposal is perfectly clear to the assembly, a vote can be taken without a motion having been made, but the chair is responsible for expressing the resolution before it is put to a vote.
6. The chair need not rise while putting questions to a vote.
7. The chair can participate in the discussion and unless there is a rule or custom of the board or committee to the contrary, can make motions and vote.
8. In order to have the benefit of the committee's or board's matured judgment, no motions to close or limit debate (such as "calling the question") are permitted.

III. Amendments:

A "motion to amend" can accomplish one or more of the following: 1) Inserting new language; 2) Striking language; and 3) Striking language in favor of adding new language.

Any motion can be amended by a subsequent motion. If the person who made the original motion consent to the amendment, the amendment is then deemed to be "friendly" amendment and it does not require additional support from another person; additionally, the matter is not subject to debate. If an amendment is not deemed friendly, it does require a person to second the amendment. Such a motion must then be debated and voted upon, before the debate resumes on the original motion.

A person wishing to make an amendment cannot interrupt another speaker. The chair should allow full discussion of the amendment (being careful to restrict debate to the amendment, not the original motion) and should then have a vote taken on the amendment only, making sure the board members know they are voting on the amendment, but not on the original motion.

If the amendment is defeated, another amendment may be proposed, or discussion will proceed on the original motion.

If the amendment carries, the meeting does not necessarily vote immediately on the "motion as amended." Because the discussion of the principle of the original motion was not permitted during debate on the amendment, there may be members who want to speak now on the issue raised in the original motion.

BOARD OF TRUSTEES FALL PLANNING SESSION
Action & Information Report
Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:

1.0 Call to Order & Pledge of Allegiance of the United States

BOARD POLICY: GOVERNANCE PROCESS: GP-13 Special Rules of Order

Description:

Board Chairperson Crist will call all Trustees to Order in preparation for the Board Meeting, followed by a recitation of the Pledge of Allegiance:

"I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all".

Resource Impact:

None

Requested Board Action:

Come to order, stand, and recite the Pledge of Allegiance to the United States.

Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION
Action & Information Report
Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:
2.0 Comments of the Chair & Overview of the Day <u>BOARD POLICY:</u> GOVERNANCE PROCESS: GP-01 Governing Style
Description:
At the top of the Board's Fall Planning Session, please receive comments from the Chairperson regarding the overview of this session.
Resource Impact:
None
Requested Board Action:
Receive comments from the Chairperson.
Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION

Action & Information Report

Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:

3.0 Ownership Linkage

3.1 Public Comments (limit of 5 minutes per person)

BOARD POLICY: GOVERNANCE PROCESS: GP-11 Board Linkage with Ownership

Description:

This item is placed on the agenda for any citizen to provide comments to the Board of Trustees. This agenda item represents the only period during the Board Meeting wherein persons may address the Board directly. Public comments are limited to five (5) minutes, unless a significant number of people plan to speak, and, in that instance, the Board Chair may limit a person's comments to less than five (5) minutes.

The Chairperson may offer the following statement prior to persons offering comment:

"When addressing the Board, speakers are asked be respectful and civil. Should speakers, who wish to address the Board on matters of an individual, personnel or student nature, are requested to first present such matters to the appropriate College department, in advance of presenting them to the Board."

Be advised that, as an on-going practice, the Board does not respond in this Board Meeting setting when the matter presented concerns personnel, student issues, or matters that are being addressed through the established grievance or legal processes, or otherwise are a subject of review by the Board of Trustees".

Resource Impact:

None

Requested Board Action:

Receive comments from persons wishing to address the Board.

Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION

Action & Information Report

Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:

4.0 Context Setting – Our Changing Landscape

BOARD POLICY: EXECUTIVE LIMITATIONS: EL-08 Communication & Support to the Board

Description:

I will present to you the context for the principal points of review and discussion during this planning session. Topics include:

- 5.1 BSN Partnership
- 5.2 MI Reconnect
- 5.3 Capital Outlay & Capital Grant
- 5.4 State Tuition Grants
- 5.5 Community College Funding Formula
- 5.6. Upcoming Master Planning Projects
- 5.7 Strategic Agenda Development

Resource Impact:

None

Requested Board Action:

Review this context setting.

Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION
Action & Information Report
Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:
5.0 Principal Points of Review & Discussion 5.1 BSN Partnership <u>BOARD POLICY:</u> EXECUTIVE LIMITATIONS: EL-08 Communication & Support to the Board
Description:
I and a small team have had two formal meetings with Wayne State University's academic leadership in consideration of a BSN partnership. A third meeting is being scheduled for late November / early December.
Resource Impact:
None
Requested Board Action:
None
Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION

Action & Information Report

Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:

5.0 Principal Points of Review & Discussion:

5.2 MI Reconnect

BOARD POLICY: EXECUTIVE LIMITATIONS: EL-08 Communication & Support to the Board

Description:

Michigan Reconnect (Reconnect) is a last-dollar scholarship program that pays for you to attend your in-district community college tuition-free or offers a large tuition discount if you attend an out-of-district community college. Students can use the scholarship to complete an associate degree or a Pell-eligible skill certificate program. To be eligible, students must:

- Be at least 25 years old when you apply
- Have lived in Michigan for a year or more
- Have a high school diploma or equivalent
- Have not yet completed a college degree (associate or bachelor's)

A number of potential changes are in the offing, which I will review with the Board.

Resource Impact:

None

Requested Board Action:

Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION
Action & Information Report
 Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:	
5.0	Principal Points of Review & Discussion
5.3	Capital Outlay & Capital Grant
	<u>BOARD POLICY:</u> EXECUTIVE LIMITATIONS: EL-08 Communication & Support to the Board
Description:	
<p>The \$250MM capital outlay program that Senate Bill no. 78 will provide will be essential for much needed improvements at institutions across the state, including our planned renovations to the STEM building on Jackson College's Central Campus. This remodel is at the heart of Jackson College's mission and will provide students with educational opportunities in high-demand instructional programmatic areas designed to lead them to completing a career-based credential.</p> <p>The renovations to this STEM building will have a profound impact on the Jackson community. Prioritizing our student's STEM education will help to future-proof their opportunities going forward as they will be prepared for careers in high demand and expanding industries that will be vital in supporting our State's economic growth.</p> <p>I'll further review our planning and the timeline during the retreat.</p>	
Resource Impact:	
None	
Requested Board Action:	
Receive update on Capital Outlay & Capital Grant.	
Action Taken:	

BOARD OF TRUSTEES FALL PLANNING SESSION
Action & Information Report
 Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:
5.0 Principal Points of Review & Discussion 5.4 State Tuition Grants <u>BOARD POLICY:</u> EXECUTIVE LIMITATIONS: EL-08 Communication & Support to the Board
Description:
I will review a number of tuition opportunities for our students in light of the State's new budget. A copy of these programs is attached.
Resource Impact:
None
Requested Board Action:
Receive update on Michigan Tuition Grants.
Action Taken:



FY2023 Budget Summary

This document summarizes the State of Michigan's Fiscal Year 2023 budget. The full budget is contained within two large omnibus bills – Public Act 144 of 2022 (SB 845) and Public Act 166 of 2022 (HB 5783). SB 845 was signed by the Governor on July 14, 2022, at Mott Community College, and contains budget items related to K-12 education, community colleges, and universities. HB5783 was signed by the Governor on July 20, 2022 and includes the budgets to most state agencies, including the Department of Labor and Economic Opportunity. The FY23 budget totals \$76 billion, including a general fund total of \$15.2 billion and a school aid budget totaling \$17.5 billion.

OPERATIONS

Community College Operations Increase

The FY23 budget which begins on October 1, 2022 includes a 5.0% increase to community college operation grants (\$16.2M SAF) distributed through the existing funding formula.

- This is a net increase of a 4.0% increase because the budget removes the 1% one-time (\$13M SAF) increase from the FY22 budget.
- Projected net increases for individual community colleges range from 2.6% to 5.8%, which also includes any adjustments MI Indian Tuition Waiver (MITW) payments.
- The total appropriation for Michigan's community colleges operations plus MITW for FY23 is \$341,224,400, up from \$328,583,400 in FY2022.

Funding Formula Task Force

The budget calls for a new task force to be formed by September 15, 2022 to review, evaluate, discuss, and make recommendations regarding community college operations funding, with a focus on addressing disparities and ensuring that funding levels are equitable across tuition, state support, and local tax revenue.

The task force must consist of four specific legislators (Representatives Frederick and Steckloff, and Senators LaSata and Irwin), the President of MCCA, and three representatives of community colleges that represent colleges of various size and geographic diversity.

The task force will review whether the current performance metrics used for the formula are the most appropriate and reliable indicators available and determine the most efficient methodology for connecting state funding to performance. The task force will also suggest methodology concerning equitable and appropriate funding levels to community colleges.

The task force must publish a report with findings and recommendations by December 15, 2022.

MCCA FY2023 Budget Summary

SPECIAL PROJECTS

Associate Degree in Nursing (ADN) to Bachelor of Science in Nursing (BSN) Completion Grant Program

The FY23 budget includes \$56M (federal) for the Michigan ADN→BSN Completion Grant program. The program will be administered by the Michigan Department of Labor and Economic Opportunity (LEO).

The program allows students who have attained an Associate Degree in Nursing (ADN) to complete a Bachelor of Science in Nursing (BSN) on a community college campus in partnership with a public university or not-for-profit independent college. Each community college will be eligible for a minimum of \$2M for this project. The funding may be utilized to support any costs related to the program and is designed to be flexible. All funds should be expended by September 30, 2026.

To be eligible, a community college must have:

- A signed agreement with a four-year institution, that aligns with the framework developed by the workgroup
- Strategic input and engagement from local health care employers and local workforce development agency

MCCA staff will provide additional guidance and support to community colleges in the coming months.

Community College Academic Catch-Up Program

The FY23 budget includes \$10M (federal) for the Community College Academic Catch-Up Program. Funds will flow through MCCA, and then be distributed to each college interested in participating. Grants are designed to support each community college's efforts to combat learning loss among recent high school graduates who experienced interruptions to in-person learning due to the Covid-19 pandemic. The maximum grant size for any one college is \$1M. MCCA will be responsible for establishing an application process for colleges to receive funding. Colleges must do all of the following to be eligible to receive funds:

- Submit an application
- Offer a summer educational program focused on English and math to incoming college students, and make this program free of charge to the student
- Enroll students that complete the program in college-level and/or co-requisite courses in English and math
- Provide necessary transportation, supplies, and technology to students
- Provide in-person and online instructional options
- Provide individualized support for career exploration, admission, and financial aid
- Provide support for student basic needs (i.e. food assistance) during the program

MCCA will follow up with community colleges on the next steps for applying for this funding.

Corrections

The budget allocates \$5M to the MCCA to establish a grant program for assistance with corrections officer postsecondary education. The grant will pay for up to 15 college credits for current corrections officers and new hires that have not completed college coursework required for employment with the department of corrections. MCCA staff will provide additional guidance and support to community colleges in the coming months.

MCCA FY2023 Budget Summary

FINANCIAL AID

Michigan Reconnect

The FY23 budget includes \$55 million (GF/GP) to continue funding Michigan Reconnect, a last-dollar financial aid program that provides a tuition-free pathway to an Associate degree for Michiganders that are 25 or older.

Michigan Reconnect Short-Term Training Grants

The FY23 budget includes \$6M (federal) for grants to support short-term training programs. The intent of these funds is to align with the proposed federal “short-term Pell grant” amendment. Additional legislation may be needed to authorize these funds. Individuals that are 21 or older would be eligible for these grants.

Michigan Achievement Scholarship

The FY23 budget appropriates \$250,000,000 (GF/GP) into a postsecondary scholarship fund. The fund will be administered by the Michigan Department of Treasury. However, the legislature and Governor’s Office did not reach agreement on the eligibility criteria or size of these grants. The legislature must introduce and pass legislation to establish all requirements related to the program that is effective by September 30, 2023. Therefore, it is likely that this scholarship will target students in the high school graduating class of 2023 and beyond.

Changes to Existing Student Scholarship Programs

- The budget removes the annual and semester credit limit for the Tuition Incentive Program
- The maximum size of the Michigan Competitive Scholarship will increase from \$1,000 to \$1,500

Michigan Indian Tuition Waiver

The budget includes reimbursements to colleges to fully fund the Michigan Indian Tuition Waiver. These payments are rolled into each college’s operational grant. Notably, MITW reimbursement is down \$306,500 from the year before, likely due to declines in enrollment among eligible students.

MCCA FY2023 Budget Summary

BOILERPLATE

Tuition Restraint

The budget includes boilerplate language that the college must not increase its tuition and fee rates for in-district students for the 2022-23 academic year by 5.0% or \$226, whichever is greater. “Fees” include those that are authorized by the Board that is paid by more than ½ of all in-district students at least once during their enrollment. Colleges that exceed this gap may not be awarded performance funding or be eligible to receive state funding for a capital outlay project for the next two years.

CLEP

Community colleges must demonstrate acceptance of CLEP opportunities by developing and implementing policies and procedures for the awarding of academic credit through CLEP examinations. Colleges must make their policies for CLEP publicly available on the college’s website. If a college requires scores above those recommended by ACE, the college must submit data and justifications for this decision to the state by February 1, 2023. MCCA staff will provide additional guidance and support to community colleges in the coming months.

Accelerated Degree Completion Pathway

Community colleges must provide enrolled students information on accelerated degree completion pathways and options within the first semester of enrollment, and publicly post this information on the community college’s website by October 1, 2022. Colleges without accelerated degree completion pathways should create new opportunities for enrolled students (e.g. credit for prior learning). MCCA staff will provide additional guidance and support to community colleges in the coming months.

Prior Learning Assessment for Military/Veterans

Colleges must provide CLEP opportunities to veterans, active members of the military, National Guard, or military reserves within the first semester of enrollment. Additionally, colleges should inform members of the military (active duty, reserve, or veteran) that they may receive academic credit for training received in the military. MCCA staff will provide additional guidance and support to community colleges in the coming months.

Mandatory Covid-19 Vaccine Policy

If a community college establishes a mandatory Covid-19 vaccine policy, it must provide certain exemptions for students and employees. Community colleges must submit a written report regarding any mandatory vaccine policy to the legislature and budget office, including information on the number of students/employees who requested an exemption and were granted an exemption. MCCA staff will provide additional guidance and support to community colleges in the coming months.

MCCA FY2023 Budget Summary

MISCELLANEOUS

Sixty by 30 Goal

Notably, the legislature codified Michigan's Sixty by 30 goal within the budget. It is now a shared goal inclusive of the Governor and legislature, to ensure that 60% of Michigan residents achieve a postsecondary credential, high-quality industry certification, associate degree, or bachelor's degree by the year 2030.

Dual Enrollment – Credit Acceptance by State Universities

Universities must not consider any of the following criteria when determining whether credits earned outside the university by a student count toward a degree or certificate program offered by the university:

- Whether the credits were earned in a dual enrollment program that counted the credits toward high school graduation requirements
- Whether the credits were earned in a course that was delivered at a high school, at a community college, or at another location
- Whether the credits were earned in a course that was delivered online, in-person, or hybrid
- Whether other students enrolled in the course were enrolled in high school

MCCA staff will provide additional guidance and support to community colleges in the coming months.

Michigan Center for Adult College Success

The budget provides \$9.2M (federal) to create and operate the Michigan Center for Adult Student Success, which will be housed within TalentFirst (formerly known as Talent 2025). The Center will focus on research, support models, and best practices related to postsecondary enrollment and completion for adult students. This proposal was championed by a nonprofit called Diploma Equity Project, founded by Doug Ross. Some of this funding should be utilized as subgrants to colleges to fund systems and interventions that have been shown to increase adult completion rates.

ADDITIONAL RESOURCES

Additional information about [legislative advocacy](#), [bills to watch](#), [legislative briefs](#), and the [latest news](#) are available on the MCCA website along with resources from the [Senate Fiscal Agency](#) and [House Fiscal Agency](#).

Contact

Brandy Johnson
President
Michigan Community College Association
602.502.1618
bjohnson@mcca.org
www.mcca.org

BOARD OF TRUSTEES FALL PLANNING SESSION
Action & Information Report
Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:
5.0 Principal Points of Review & Discussion 5.5 Community College Funding Formula <u>BOARD POLICY:</u> EXECUTIVE LIMITATIONS: EL-08 Communication & Support to the Board
Description:
<ul style="list-style-type: none">• <u>State of Michigan's Fiscal Year 2023 Budget Summary</u>• <u>https://www.senate.michigan.gov/sfa/departments/highlightsheet/hiccl_web.pdf</u>• <u>The Community College Funding Formula: A Look At It's Components</u>
Resource Impact:
None
Requested Board Action:
Review update on the Community College Funding Formula.
Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION
Action & Information Report
Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:
5.0 Principal Points of Review & Discussion 5.6 Upcoming Master Planning Projects <u>BOARD POLICY:</u> EXECUTIVE LIMITATIONS: EL-08 Communication & Support to the Board
Description:
Master Planning Projects for FY '23, and their current status, will be reviewed at this point on the agenda.
Resource Impact:
None
Requested Board Action:
Receive update on upcoming Master Planning Projects.
Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION
Action & Information Report
 Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:
5.0 Principal Points of Review & Discussion 5.7 Strategic Agenda Development <u>BOARD POLICY:</u> EXECUTIVE LIMITATIONS: EL-03 Planning
Description:
<p>The Leadership Council and I held a multi-hour meeting on October 17th to define the strategic ENDS goals and their Q1 status. Attached is our new Strategic Agenda format which we will populate thusly.</p> <p>I will further review our planned development during this point on the agenda.</p>
Resource Impact:
None
Requested Board Action:
Receive update on Strategic Agenda development.
Action Taken:



Achieving the Dream Strategic Plan
Fiscal Year 2023

Together we inspire and transform lives. – Jackson College Mission



BHAG	90/80/70 – Fall-Winter Persistence/Fall-Fall Persistence/Graduation Rate by 01.01.28	
Policy Governance ENDS	Residents of Jackson County and non-chartered Counties have learning opportunities that prepare them to be successful global citizens and contribute to community vitality at a cost that demonstrates wise and sustainable stewardship of resources.	
Higher Learning Commission Criteria for Accreditation	<ol style="list-style-type: none"> Mission: Jackson College's mission is clear and articulated publicly; it guides the College's operations; Integrity: Jackson College acts with integrity: Our conduct is both ethical and responsible; Teaching and Learning: Jackson College provides quality education, wherever and however our offerings are delivered; Teaching and Learning: Jackson College demonstrates responsibility for the quality of our educational programs, learning environments, and support services, and we evaluate their effectiveness for student learning through processes designed to promote continuous improvement; and Institutional Effectiveness: Jackson College's resources, structures, and processes are sufficient to fulfill our mission, improve the quality of our educational offerings, as well as to respond to future challenges and opportunities. 	
	ENDS Policy Statement(s):	Strategic Agenda Goals:
ENDS 1	1.0 An increasing number of students complete degrees and obtain industry recognized credentials of value in the workplace.	•
	1.1. Graduates have the credentials that lead to employment that provides family sustainable wages.	•
Q1 STATUS:	•	



Achieving the Dream Strategic Plan
Fiscal Year 2023

Together we inspire and transform lives. – Jackson College Mission



	ENDS Policy Statement(s):	Strategic Agenda Goals:
ENDS 2	2.0 Students seeking to transfer to baccalaureate granting institutions have the requisite qualifications, skills and abilities for success at those institutions.	•
	2.1.Current and prospective students have accurate information about transfer agreements and opportunities.	•
Q1 STATUS:	•	
ENDS 3	3.0 Diverse populations of students experience learning and academic success responsive to their unique whole student needs.	•
	3.1.Educational opportunities exist for those that might not otherwise have them.	•
	3.2.Students have access to learning and academic support consistent with current technology and research.	•
	3.3.Students have ancillary support that meet their unique needs.	•
Q1 STATUS:	•	



Achieving the Dream Strategic Plan
Fiscal Year 2023

Together we inspire and transform lives. – Jackson College Mission



	ENDS Policy Statement(s):	Strategic Agenda Goals:
ENDS 4	4.0 Students develop life and workplace skills.	•
	4.1.Students experience significant gains in their critical thinking, problem solving and written communication skills.	•
	4.2.Students have opportunities to develop leadership skills.	•
Q1 STATUS:	•	
ENDS 5	5.0 Economic and social well-being of the region is enhanced.	•
	5.1.Employers have properly qualified people available to meet their needs.	•
	5.2.Employers have avenues for employee training.	•
	5.3.The region has enhanced capacity for entrepreneurial innovation.	•
	5.4.The region has accessible resources that support civic engagement, community health and well-being, and reduced crime.	•
Q1 STATUS:	•	



Achieving the Dream Strategic Plan
Fiscal Year 2023

Together we inspire and transform lives. – Jackson College Mission



	ENDS Policy Statement(s):	Strategic Agenda Goals:
ENDS 6	6.0 Residents have accessible resources to improve their quality of life.	•
	6.1.Lifelong learning opportunities are available to residents.	•
	6.2.Residents have resources for social, cultural, arts and wellness experiences.	•
Q1 STATUS:	•	

BOARD OF TRUSTEES FALL PLANNING SESSION

Action & Information Report

Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:

- 6.0 College Program Features
 - 6.1 Jason Valente – Potter Center Fire & Restoration
 - 6.2 Jeremy Frew – Dual Enrollment
 - 6.3 Todd Butler – CEP Changes
 - 6.4 Kelly Crum – RSJ Prototype
 - 6.5 Cindy Allen – Mental Health

BOARD POLICY: EXECUTIVE LIMITATIONS: EL-08 Communication & Support to the Board

Description:

Members of the Leadership Council will present to the Board a feature of their respective programs.

Resource Impact:

None

Requested Board Action:

Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION

Action & Information Report

Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:

7.0 Other Board Items

7.1 Board Consideration: Annual Trustee Events Invitations

BOARD POLICY: GOVERNANCE PROCESS: GP-03 Board Planning Cycle and Agenda

Description:

Attached you will find a listing of the events that the Trustees are invited to annually. This time has been set aside to consider what events the Trustees might like to attend (or not attend) in the coming year.

Resource Impact:

Consider event attendance.

Requested Board Action:

Action Taken:

Jackson College Board of Trustees

Annual Event Commitments

January:

- 2nd Monday - Regular Board of Trustees Meeting (all Trustees)
- MLK Day – Annual JC-MLK Meeting

February:

- 2nd Monday - Regular Board of Trustees Meeting (all Trustees)
- ACCT National Legislative Summit
- Jackson Area Chamber of Commerce Annual Dinner

March:

- 2nd Monday - Regular Board of Trustees Meeting (all Trustees)
- Sportsman's Banquet
- JC Board of Trustees Spring Planning Session (date varies March-April)
- ACCT Governance Leadership Institute
- MCCA Board of Directors Spring Meeting (Chair only)

April:

- 2nd Monday - Regular Board of Trustees Meeting (all Trustees)
- JC Nursing Pinning Ceremony (all Trustees)
- JC Kente Celebration (all Trustees)
- HFHS Pink Ball
- JC Commencement (all Trustees)
- JC Board of Trustees Spring Planning Session (date varies March-April)
- JC Crockett Dinner (all Trustees)

May:

- 2nd Monday - Regular Board of Trustees Meeting (all Trustees)

June:

- 2nd Monday - Regular Board of Trustees Meeting (all Trustees)

- JC Board of Trustees Summer Retreat (date varies June-July)
- Govern for Impact Annual Conference (Chair only)

July:

- MCCA Summer Conference (all Trustees)

August:

- 2nd Monday - Regular Board of Trustees Meeting (all Trustees)
- ACCT Governance Leadership Institute for New Trustees (Chair/New Trustees only)

September:

- 2nd Monday - Regular Board of Trustees Meeting (all Trustees)
- Jackson Community Foundation Annual Dinner
- JC Board of Trustees Fall Planning Session (date varies Sept-Nov)
- MCCA Board of Directors Fall Meeting (Chair only)

October:

- 2nd Monday - Regular Board of Trustees Meeting (all Trustees)
- JC Foundation Oktoberfest / Feast for Knowledge
- Harold White Awards Breakfast
- NAACP Freedom Fund Banquet
- JC Board of Trustees Fall Planning Session (date varies Sept-Nov)
- JC Jets Golf Outing
- ACCT Leadership Congress

November:

- 2nd Monday - Regular Board of Trustees Meeting (all Trustees)
- JC Athletics Reverse Raffle
- JC Board of Trustees Fall Planning Session (date varies Sept-Nov)

December:

- Jackson Symphony Guild Annual Holiday Ball

BOARD OF TRUSTEES FALL PLANNING SESSION
Action & Information Report
Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:
7.0 Other Board Items 7.2 Policy Governance Practice Review <u>BOARD POLICY:</u> GOVERNANCE PROCESS: GP-13 Special Rules of Order
Description:
This time has been set aside to review any policy governance practices and/or have the Board consider a policy governance case study.
Resource Impact:
None
Requested Board Action:
Review / exercise policy governance practices.
Action Taken:

From: Brandy Johnson <bjohnson@mcca.org>

Date: Monday, October 10, 2022 at 7:24 PM

To: Phelan Daniel J <PhelanDanielJ@jccmi.edu>, Russ Kavalhuna <rkavalhuna@hfcc.edu>, Stacy Young <stacy.young@montcalm.edu>, Don MacMaster <macmastd@alpenacc.edu>, John Selmon <John.Selmon@muskegoncc.edu>, dawndelucakzoo@gmail.com <dawndelucakzoo@gmail.com>, Jonathan Byrd <byrdj@kellogg.edu>, Stephanie Walden <slwalden@4baymills.com>, Sherry Wyman <sherryw@westshorebank.com>, dmort4298@comcast.net <dmort4298@comcast.net>

Subject: OMA Bill up in committee

[External Email]

Good evening,

On Thursday morning, the House Rules and Competitiveness Committee will hear [HB 6423](#) (sponsored by Representative Calley). The bill makes a number of amendments to the current Open Meetings Act, most of which are meant to provide greater clarity and make technical changes. It does not amend anything related to remote participation/voting in meetings.

Attached is a grid that shows all of the changes, along with some notes in the far right column re: legislative intent.

I don't think any of these changes are particularly controversial, but I certainly wanted to bring your attention to the bill because I think it will move during lame duck. We don't need to necessarily take a position, but please let me know if any of these changes could bring heartburn to your Boards of Trustees.

Thanks so much,

Brandy

Brandy Johnson

President

Michigan Community College Association

602.502.1618 (cell)

bjohnson@mcca.org

Original Section Number	Revised Section Number	Original Text
261(1)	261(1)	This act shall be known and may be cited as the "Open meetings act".
261(2)	261(2)	This act shall supersede all local charter provisions, ordinances, or resolutions which relate to requirements for meetings of local public bodies to be open to the public.
261(3)	261(3)	After the effective date of this act, nothing in this act shall prohibit a public body from adopting an ordinance, resolution, rule, or charter provision which would require a greater degree of openness relative to meetings of public bodies than the standards provided for in this act.
262(c)	262(1)	"Closed session" means a meeting or part of a meeting of a public body that is closed to the public.
262(d)	262(2)	"Decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.
	262(3)	
262(b)	262(4)	"Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy, or any meeting of the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.

262(5)

"Public body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the lease agreement; or the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.

262(a)

262(6)

262(6)(i)

262(6)(ii)

262(6)(iii)

All meetings of a public body must be open to the public and must be held in a place available to the general public. All persons must be permitted to attend any meeting except as otherwise provided in this act. The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right does not depend on the prior approval of the public body. However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting. For a meeting of a public body held in person before April 1, 2021, the public body shall do both of the following:

263(1)

263(1)

263(1)(a)		<p>To the extent feasible under the circumstances, ensure adherence to social distancing and mitigation measures recommended by the Centers for Disease Control and Prevention for purposes of preventing the spread of COVID-19, including the measure that an individual remain at least 6 feet from anyone from outside the individual's household.</p>
263(1)(b)		<p>Adopt heightened standards of facility cleaning and disinfection to limit participant exposure to COVID-19, as well as protocols to clean and disinfect in the event of a positive COVID-19 case in the public body's meeting place.</p>
263(2)	263(2)	<p>All decisions of a public body must be made at a meeting open to the public. For purposes of any meeting subject to this section, except a meeting of any state legislative body at which a formal vote is taken, the public body shall, subject to section 3a, any member of the public body due to military duty, a medical condition, or a statewide or local state of emergency or state of disaster declared pursuant to law or charter or local ordinance by the governor or a local official, governing body, or chief administrative officer that would risk the personal health or safety of members of the public or the public body if the meeting were held in person: establish the following procedures to accommodate the absence of</p>

		<p>(a) Procedures by which the absent member may participate in, and vote on, business before the public body, including, but not limited to, procedures that provide for both of the following:</p> <p>(i) Two-way communication.</p> <p>(ii) For each member of the public body attending the meeting remotely, a public announcement at the outset of the meeting by that member, to be included in the meeting minutes, that the member is in fact attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must further identify specifically the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely.</p> <p>(b) Procedures by which the public is provided notice of the absence of the member and information about how to contact that member sufficiently in advance of a meeting of the public body to provide input on any business that will come before the public body.</p>
263(2)(a)-(b)		
		All deliberations of a public body constituting a quorum of its members must take place at a meeting open to the public except as provided in this section and sections 7 and 8.
263(3)		
		A person must not be required as a condition of attendance at a meeting of a public body to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance.
263(4)	263(3)	
	263(4)	
		A person must be permitted to address a meeting of a public body under rules established and recorded by the public body. The legislature or a house of the legislature may provide by rule that the right to address may be limited to prescribed times at hearings and committee meetings only.
263(5)	263(5)	
		A person must not be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.
263(6)	263(6)	

263(7)	263(7)	This act does not apply to the following public bodies, but only when deliberating the merits of a case:
	263(7)(a)	(a) The Michigan compensation appellate commission operating as described in either of the following: (i) Section 274 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.274. (ii) Section 34 of the Michigan employment security act, 1936 (Ex Sess) PA 1, 421.34.
263(7)(a)	263(7)(a)(i)	
263(7)(b)	263(7)(a)(ii)	The state tenure commission created in section 1 of article VII of 1937 (Ex Sess) PA 4, MCL 38.131, when acting as a board of review from the decision of a controlling board.
263(7)(c)	263(7)(a)(iii)	The employment relations commission or an arbitrator or arbitration panel created or appointed under 1939 PA 176, MCL 423.1 to 423.30.
263(7)(d)	263(7)(a)(iv)	The Michigan public service commission created under 1939 PA 3, MCL 460.1 to 460.11.
263(8)	263(7)(b)	This act does not apply to an association of insurers created under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, or other association or facility formed under that act as a nonprofit organization of insurer members.
263(9)	263(7)(c)	This act does not apply to a committee of a public body that adopts a nonpolicymaking resolution of tribute or memorial, if the resolution is not adopted at a meeting.
263(10)		This act does not apply to a meeting that is a social or chance gathering or conference not designed to avoid this act.

		<p>This act does not apply to the Michigan veterans' trust fund board of trustees or a county or district committee created under 1946 (1st Ex Sess) PA 9, MCL 35.602 to 35.610, when the board of trustees or county or district committee is deliberating the merits of an emergent need. A decision of the board of trustees or county or district committee made under this subsection must be reconsidered by the board or committee at its next regular or special meeting consistent with the requirements of this act. "Emergent need" means a situation that the board of trustees, by rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate action.</p>
263(11)	263(7)(d)	
		<p>(12) As used in subsection (2):</p> <p>(a) "Formal vote" means a vote on a bill, amendment, resolution, motion, proposal, recommendation, or any other measure on which a vote by members of a state legislative body is required and by which the state legislative body effectuates or formulates public policy.</p> <p>(b) "Medical condition" means an illness, injury, disability, or other health-related condition.</p>
263(12)		
263(a)		
264(a)	264(a)	<p>A public notice shall always contain the name of the public body to which the notice applies, its telephone number if one exists, and its address.</p>
264(b)	264(b)	<p>A public notice for a public body shall always be posted at its principal office and any other locations considered appropriate by the public body. Cable television may also be utilized for purposes of posting public notice.</p>
	264(c)	

264(c)	264(d)	<p>If a public body is a part of a state department, part of the legislative or judicial branch of state government, part of an institution of higher education, or part of a political subdivision or school district, a public notice shall also be posted in the respective principal office of the state department, the institution of higher education, clerk of the house of representatives, secretary of the state senate, clerk of the supreme court, or political subdivision or school district.</p>
264(d)	264(e)	<p>If a public body does not have a principal office, the required public notice for a local public body shall be posted in the office of the county clerk in which the public body serves and the required public notice for a state public body shall be posted in the office of the secretary of state.</p>
	264(g)	
	264(h)	
265(1)	265(1)	<p>A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.</p>
265(2)	265(2)	<p>For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.</p>
265(3)	265(3)	<p>If there is a change in the schedule of regular meetings of a public body, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.</p>

265(4)

265(4)

Except as provided in this subsection or in subsection (6), for a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting in a prominent and conspicuous place at both the public body's principal office and, if the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, on a portion of the website that is fully accessible to the public. The public notice on the website shall be included on either the homepage or on a separate webpage dedicated to public notices for nonregularly scheduled public meetings and accessible via a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those nonregularly scheduled public meetings. The requirement of 18-hour notice does not apply to special meetings of subcommittees of a public body or conference committees of the state legislature. A conference committee shall give a 6-hour notice. A second conference committee shall give a 1-hour notice. Notice of a conference committee meeting shall include written notice to each member of the conference committee and the majority and minority leader of each house indicating time and place of the meeting.

		<p>...meeting of a public body, that is recessed for more than 18 hours shall be reconvened only after public notice that is equivalent to that required under subsection (4) has been posted. If either house of the state legislature is adjourned or recessed for less than 18 hours, the notice provisions of subsection (4) are not applicable. Nothing in this section bars a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat. However, if a public body holds an emergency public meeting that does not comply with the 18-hour posted notice requirement, it shall make paper copies of the public notice for the emergency meeting available to the public at that meeting. The notice shall include an explanation of the reasons that the public body cannot comply with the 18-hour posted notice requirement. The explanation shall be specific to the circumstances that necessitated the emergency public meeting, and the use of generalized explanations such as "an imminent threat to the health of the public" or "a danger to public welfare and safety" does not meet the explanation requirements of this subsection. If the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, it shall post the public notice of the emergency meeting and its explanation on its website in the manner described for an internet posting in subsection (4). Within 48 hours after the</p>
265(5)	265(5)	

		<p>A meeting of a public body may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the public body. For a meeting of a public body that is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than 2 days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice shall be at the bottom of the display advertisement, set off in a conspicuous manner, and include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".</p>
265(6)	265(6)	
265(5)	265a	

265(5)	265a(1)(a)-(b)	Nothing in this section bars a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat.
265(5)	265a(2)(a)-(b)	However, if a public body holds an emergency public meeting that does not comply with the 18-hour posted notice requirement, it shall make paper copies of the public notice for the emergency meeting available to the public at that meeting.
265(5)	265a(3)	The notice shall include an explanation of the reasons that the public body cannot comply with the 18-hour posted notice requirement. The explanation shall be specific to the circumstances that necessitated the emergency public meeting, and the use of generalized explanations such as "an imminent threat to the health of the public" or "a danger to public welfare and safety" does not meet the explanation requirements of this subsection.
265(5)	265a(3)	Within 48 hours after the emergency public meeting, the public body shall send official correspondence to the board of county commissioners of the county in which the public body is principally located, informing the commission that an emergency public meeting with less than 18 hours' public notice has taken place. The correspondence shall also include the public notice of the meeting with explanation and shall be sent by either the United States postal service or electronic mail.
265(5)	265a (4)	Compliance with the notice requirements for emergency meetings in this subsection does not create, and shall not be construed to create, a legal basis or defense for failure to comply with other provisions of this act and does not relieve the public body from the duty to comply with any provision of this act.

		(1) Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the reasonable estimated cost for printing and postage of such notices, a public body shall send to the requesting party by first class mail a copy of any notice required to be posted pursuant to section 5(2) to (5).
266(1)	266	(2) Upon written request, a public body, at the same time a public notice of a meeting is posted pursuant to section 5, shall provide a copy of the public notice of that meeting to any newspaper published in the state and to any radio and television station located in the state, free of charge.
267(1)	267(1)	A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.
267(2)	267(2)	A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.
	267(3)	
268(1)	268(1)	Except as otherwise provided in subsection (2), a public body may meet in a closed session only for the following purposes:
268(1)(a)	268(1)(a)	To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named individual requests a closed hearing. An individual requesting a closed hearing may rescind the request at any time, in which case the matter at issue must be considered after the rescission only in open sessions.

268(1)(b)	268(1)(b)	To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.
268(1)(c)	268(1)(c)	
268(1)(d)	268(1)(d)	To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
268(1)(e)	268(1)(e)	To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.
268(1)(f)	268(1)(f)	To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office must be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).
268(1)(g)		Partisan caucuses of members of the state legislature.
268(1)(h)	268(1)(g)	To consider material exempt from discussion or disclosure by state or federal statute.
268(1)(i)	268(1)(h)	For a compliance conference conducted under section 16231 of the public health code, 1978 PA 368, MCL 333.16231, before a complaint is issued.

268(1)(j)	268(1)(i)	<p>In the process of searching for and selecting a president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate if the particular process of searching for and selecting a president of an institution of higher education meets all of the following requirements:</p>
268(1)(j)(i)	268(1)(i)(i)	<p>The search committee in the process, appointed by the governing board, consists of at least 1 student of the institution, 1 faculty member of the institution, 1 administrator of the institution, 1 alumnus of the institution, and 1 representative of the general public. The search committee also may include 1 or more members of the governing board of the institution, but the number does not constitute a quorum of the governing board. However, the search committee must not be constituted in such a way that any 1 of the groups described in this subparagraph constitutes a majority of the search committee.</p> <p>After the search committee recommends the 5 final candidates, the governing board does not take a vote on a final selection for the president until at least 30 days after the 5 final candidates have been publicly identified by the search committee.</p>
268(1)(j)(ii)	268(1)(i)(ii)	<p>The deliberations and vote of the governing board of the institution on selecting the president take place in an open session of the governing board.</p>
268(1)(j)(iii)	268(1)(i)(iii)	
268(1)(k)	268(1)(j)	<p>For a school board to consider security planning to address existing threats or prevent potential threats to the safety of the students and staff. As used in this subdivision, "school board" means any of the following:</p>
268(1)(k)(i)	268(1)(j)(i)	<p>That term as defined in section 3 of the revised school code, 1976 PA 451, MCL 380.3.</p>
268(1)(k)(ii)	268(1)(j)(ii)	<p>An intermediate school board as that term is defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.</p>
268(1)(k)(iii)	268(1)(j)(iii)	<p>A board of directors of a public school academy as described in section 502 of the revised school code, 1976 PA 451, MCL 380.502.</p>
268(1)(k)(iv)	268(1)(j)(iv)	<p>The local governing board of a public community or junior college as described in section 7 of article VIII of the state constitution of 1963.</p>

268(1)(l)	268(1)(k)	<p>For a county veteran services committee to interview a veteran or a veteran's spouse or dependent regarding that individual's application for benefits or financial assistance and discuss that individual's application for benefits or financial assistance, if the applicant requests a closed hearing. This subdivision does not apply to a county veteran services committee voting on whether to grant or deny an individual's application for benefits or financial assistance. As used in this subdivision, "county veteran services committee" means a committee created by a county board of commissioners under section 1 of 1953 PA 192, MCL 35.621, or a soldiers' relief commission created under section 2 of 1899 PA 214, MCL 35.22.</p> <p>This act does not permit the independent citizens redistricting commission to meet in closed session for any purpose. As used in this subsection, "independent citizens redistricting commission" means the independent citizens redistricting commission for state legislative and congressional districts created in section 6 of article IV of the state constitution of 1963.</p>
268(2)	268(2)	
	268(3)	
269(1) (sentences 1 and 2)	269(1)	<p>Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting.</p>
269(1) (sentences 3, 4, and 5)	269(2)	<p>The public body shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The public body shall make corrected minutes available at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.</p>
269(2) (first sentence)	269(3)	<p>Minutes are public records open to public inspection, and a public body shall make the minutes available at the address designated on posted public notices pursuant to section 4.</p>
269(3) (first sentence)	269(3)(a)	<p>A public body shall make proposed minutes available for public inspection within 8 business days after the meeting to which the minutes refer.</p>
269(3) (second sentence)	269(3)(b)	<p>The public body shall make approved minutes available for public inspection within 5 business days after the meeting at which the minutes are approved by the public body.</p>

269(2) (second sentence)	269(3)(c)	<p>The public body shall make copies of the minutes available to the public at the reasonable estimated cost for printing and copying.</p>
269(4)	269(4)	<p>A public body shall not include in or with its minutes any personally identifiable information that, if released, would prevent the public body from complying with section 444 of subpart 4 of part C of the general education provisions act, 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.</p>
269a(1)	269a	<p>(1) Every meeting of a public body that is a state licensing board, state commission panel, or state rule-making board, except a meeting or part of a meeting held in closed session, must be recorded in a manner that allows for the capture of sound, including, without limitation, in any of the following formats:</p> <ul style="list-style-type: none"> (a) A sound-only recording. (b) A video recording with sound and picture. (c) A digital or analog broadcast capable of being recorded. <p>(2) A recording required under subsection (1) must be maintained for a minimum of 1 year from the date of the meeting in a format that can be reproduced upon a request under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.</p>
270(1)	270(1)	<p>Decisions of a public body shall be presumed to have been adopted in compliance with the requirements of this act. The attorney general, the prosecuting attorney of the county in which the public body serves, or any person may commence a civil action in the circuit court to challenge the validity of a decision of a public body made in violation of this act.</p>
270(2)	270(2)	<p>A decision made by a public body may be invalidated if the public body has not complied with the requirements of section 3(1), (2), and (3) in making the decision or if failure to give notice in accordance with section 5 has interfered with substantial compliance with section 3(1), (2), and (3) and the court finds that the noncompliance or failure has impaired the rights of the public under this act.</p>

270(3)	270(3)	The circuit court shall not have jurisdiction to invalidate a decision of a public body for a violation of this act unless an action is commenced pursuant to this section within the following specified period of time:
270(3)(a)	270(3)(a)	Within 60 days after the approved minutes are made available to the public by the public body except as otherwise provided in subdivision (b).
270(3)(b)	270(3)(b)	If the decision involves the approval of contracts, the receipt or acceptance of bids, the making of assessments, the procedures pertaining to the issuance of bonds or other evidences of indebtedness, or the submission of a borrowing proposal to the electors, within 30 days after the approved minutes are made available to the public pursuant to that decision.
270(4)	270(4)	Venue for an action under this section shall be any county in which a local public body serves or, if the decision of a state public body is at issue, in Ingham county.
270(5)	270(5)	In any case where an action has been initiated to invalidate a decision of a public body on the ground that it was not taken in conformity with the requirements of this act, the public body may, without being deemed to make any admission contrary to its interest, reenact the disputed decision in conformity with this act. A decision reenacted in this manner shall be effective from the date of reenactment and shall not be declared invalid by reason of a deficiency in the procedure used for its initial enactment.

	270(6)		If a public body is not complying with this act, the attorney general, prosecuting attorney of the county in which the public body serves, or a person may commence a civil action to compel compliance or to enjoin further noncompliance with this act.
271(1)	271(1)		
			An action for injunctive relief against a local public body shall be commenced in the circuit court, and venue is proper in any county in which the public body serves. An action for an injunction against a state public body shall be commenced in the circuit court and venue is proper in any county in which the public body has its principal office, or in Ingham county. If a person commences an action for injunctive relief, that person shall not be required to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.
271(2) (sentences 1 and 2)	271(2)		
271(2) (sentence 3)	271(3)		
271(3)	271(4)		An action for mandamus against a public body under this act shall be commenced in the court of appeals.
			If a public body is not complying with this act, and a person commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further noncompliance with the act and succeeds in obtaining relief in the action, the person shall recover court costs and actual attorney fees for the action.
271(4)	271(5)		

	271(6)	
272(1)	272(1)	A public official who intentionally violates this act is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.
272(2)	272(2)	A public official who is convicted of intentionally violating a provision of this act for a second time within the same term shall be guilty of a misdemeanor and shall be fined not more than \$2,000.00, or imprisoned for not more than 1 year, or both.
273(1)	273(1)	272(3) A public official who intentionally violates this act shall be personally liable in a civil action for actual and exemplary damages of not more than \$500.00 total, plus court costs and actual attorney fees to a person or group of persons bringing the action. Not more than 1 action under this section shall be brought against a public official for a single meeting.
273(2)	273(2)	An action under this section shall be commenced within 180 days after the date of the violation which gives rise to the cause of action.
273(3)	273(3)	An action for damages under this section may be joined with an action for injunctive or exemplary relief under section 11.

273a

273a

If the governing board of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963 violates this act with respect to the process of selecting a president of the institution at any time after the recommendation of final candidates to the governing board, as described in section 8(j), the institution is responsible for the payment of a civil fine of not more than \$500,000.00. This civil fine is in addition to any other remedy or penalty under this act. To the extent possible, any payment of fines imposed under this section shall be paid from funds allocated by the institution of higher education to pay for the travel and expenses of the members of the governing board.

Amended Text	Notes
<p>This act may be cited as the "open meetings act".</p> <p>This act supersedes all local charter provisions, ordinances, or resolutions that relate to requirements for meetings of local public bodies to be open to the public.</p>	<p>Stylistic update</p> <p>Stylistic update</p>
<p>A public body may adopt an ordinance, resolution, rule, or charter provision requiring more openness than this act requires.</p>	<p>Stylistic update for clarity</p>
<p>"Closed session" means a meeting or part of a meeting closed to the public. A quorum deliberating by email, text message, or other electronic communication during an open meeting is considered a closed session.</p>	<p>Reorganized for alphabetical order; renumbered to subsection (1); extraneous prepositional phrase deleted; addition of clarification on electronic communication per OMA Handbook, p. 9.</p>
<p>"Decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.</p>	<p>Reorganized for alphabetical order; renumbered to subsection (2)</p>
<p>"Deliberation" means the act of carefully considering issues and options before making a decision or taking some action.</p>	<p>Addition of "deliberation" definition from Black's Law Dictionary--also accepted by caselaw</p>
<p>"Meeting" means the formal or informal convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy, or any meeting of the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.</p>	<p>Reorganized for alphabetical order; renumbered to subsection (4); added "formal or informal" per Booth Newspapers's points about no "round-the-horn" processes. Booth Newspapers, Inc, 444 Mich at 229 ("any alleged distinction between the [public body's] consensus building and a determination or action, as advanced in the OMA's definition of 'decision,' is a distinction without a difference.").</p>
<p>Meeting does not include a social, professional, or chance gathering not designed to avoid this act. For example, meeting does not include addressing a civic organization, listening to neighborhood concerns, or observing demonstrations; nor does it include attending a workshop, training, seminar, informational gathering, or professional conference if the event is designed to convey information about areas of interest common to all event participants.</p>	<p>Second paragraph is added clarifications of what a meeting is <i>not</i> , from OMA Handbook nn 33-39</p>

"Online" means on a portion of the public body's website that is fully accessible to the public, such as a homepage or separate webpage dedicated to public notices or minutes.

Addition of "online" definition, drawn mostly from Sec 263(4).

"Public body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the lease agreement; or the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o. Public body does not include any of the following:

Reorganized for alphabetical order; renumbered to subsection (6)

A committee or subcommittee that is merely advisory and is capable only of making recommendations concerning the exercise of governmental authority.

Addition from the OMA Handbook, nn 40-41

A single individual.

Addition from Herald Co. v. City of Bay City and the OMA Handbook, nn 5-6

A private, nonprofit corporation.

Addition from Herald Co. v. City of Bay City and the OMA Handbook, nn 5-6

All meetings of a public body must be open to the public and must be held in a place available to the general public.

First sentence unchanged; sentences 2-5 moved to subsections (3) and (4) of this section; sentence 6 stricken because the relevant date has passed

Stricken because the relevant date has passed

Stricken because the relevant date has passed

All decisions of a public body must be made at an open session of a meeting.

First sentence rephrased for clarity; rest of paragraph stricken because 263a is being substantially revised.

Stricken because it applies only to 263a, which is being substantially revised.

Incorporated into subsection (2) of this section.

All persons have the right to attend any meeting except as otherwise provided in this act. That right may not be conditioned on a person providing their name or other information or satisfying any other requirement.

Renumbered to subsection (3); added sentences 2 and 4 from subsection (1); stylistic update throughout

A person's right to attend a meeting includes the right to record or to broadcast live without prior approval the proceedings of a public body at a public meeting. However, a public body may establish reasonable rules governing recording or broadcasting to minimize the possibility of disrupting the meeting.

Added new subsection (4) composed of sentences 3 and 5 from subsection (1); stylistic update throughout.

A person has the right to address a meeting under rules duly adopted and recorded by the public body. These rules may not be applied to deny a person the right to address the public body, such as by limiting all public comment to an hour.

Stylistic update; "duly adopted and" implements OMA Handbook n 69, and the new second sentence implements n 70.

A person must not be excluded from a meeting except for a breach of the peace committed at the meeting or for a threat of criminal violence against a member of the public body.

Extraneous words stricken for clarity; addition of threat of criminal violence exception

	The old subsections (7), (8), (9), (10), and (11) outlined several exceptions to the OMA. These were combined into a single subsection with subdivisions addressing particulars in the old subsections.
This act does not apply to:	The old subsection (7) is becoming the new subdivision (7)(a). New subdivision (a) added from language in subsection (7); stylistic update for clarity
The following public bodies when they deliberate the merits of a case:	
(i) The Michigan compensation appellate commission operating as described in either of the following:	
(1) Section 274 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.274.	
(2) Section 34 of the Michigan employment security act, 1936 (Ex Sess) PA 1, 421.34.	Renumbered to subparagraph (i) and subsubparagraphs (2) and (3)
The state tenure commission created in section 1 of article VII of 1937 (Ex Sess) PA 4, MCL 38.131, when acting as a board of review from the decision of a controlling board.	Renumbered to subparagraph (ii)
The employment relations commission or an arbitrator or arbitration panel created or appointed under 1939 PA 176, MCL 423.1 to 423.30.	Renumbered to subparagraph (iii)
The Michigan public service commission created under 1939 PA 3, MCL 460.1 to 460.11.	Renumbered to subparagraph (iv)
An association of insurers created under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, or other association or facility formed under that act as a nonprofit organization of insurer members.	Renumbered to subdivision (b); removed phrase included in subsection (7)
A committee of a public body that adopts a nonpolicymaking resolution of tribute or memorial if the resolution is not adopted at a meeting.	Renumbered to subdivision (c); removed phrase included in subsection (7)
	Incorporated into Sec 262(2)

The Michigan veterans' trust fund board of trustees or a county or district committee created under 1946 (1st Ex Sess) PA 9, MCL 35.602 to 35.610, when the board of trustees or county or district committee is deliberating the merits of an emergent need. "Emergent need" means a situation that the board of trustees, by rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate action. The board of trustees must reconsider an emergent need decision at its next meeting.

Renumbered to subdivision (d); removed phrase included in the original subsection (7); stylistic update for clarity.

A public notice must contain the applicable public body's name, telephone number, address, website, and email address.

Removed as related language was removed from subsection (2)
No changes due to other ongoing work regarding this section

Stylistic update for clarity

A public body shall post its public notices in its principal office, online, and anywhere else considered appropriate.

Stylistic update for clarity. Also included a new requirement that bodies post notices online.

A public body that is part of the legislative branch of state government shall post its public notices in the Capitol.

Information removed from original 264(c) and made into new subsection; stylistic update for clarity

A public body that is part of the judicial branch of state government shall post its public notices in the Hall of Justice.	Renumbered to subsection (d); information regarding legislative branch separated to new subsection 264(c); stylistic update for clarity
A local public body that does not have a principal office shall post its public notices in the office of the county clerk in the county where the local public body serves.	Renumbered to subsection (e); distinguished between a local and state public body; stylistic change
A state public body that does not have a principal office shall post its public notices in the office of the secretary of state. A public notice must be accessible to the public until the meeting that is the subject of the notice is completed or canceled. A public body may hold a meeting only if a person designated by the public body gives public notice as provided in this section.	Section added to distinguish state public body Section added implementing Handbook, n 11, citing OAG, 1979-1980, No 5724, p 840 (June 20, 1980). Stylistic update for clarity
Within 10 days after a public body's first meeting in a new calendar year or fiscal year, it must post a public notice stating the dates, times, and places of its regular meetings.	Stylistic update for clarity
If a public body changes its regular meeting schedule, within 3 days after the meeting at which the change is made, it shall post a public notice stating the new dates, times, and places of its regular meetings.	Stylistic update for clarity

If a public body reschedules a regular meeting or holds a special meeting, at least 18 hours before the meeting, it must post a public notice stating the date, time, and place of the meeting. This requirement does not apply to special meetings of subcommittees of a public body or conference committees of the state legislature.

Sentences 1-3 are condensed and simplified. All of the requirements about how to post and posting online are now covered by general notice requirements and the definition of "online."

Sentences 4-6 are deleted because making such rules belongs to the sole discretion of the House.

A meeting that is recessed for more than 36 hours may be reconvened only after public notice under subsection (4) has been posted.

Stylistic update for clarity; everything but the first two sentences has been moved to the new section 265a.

A meeting may take place in a residential dwelling only if a nonresidential building within the boundary of the local governmental unit or school system is unavailable without cost to the public body. If a public body meets in a residential dwelling, at least 2 days before the meeting, it shall post a public notice online and anywhere else considered appropriate stating the date, time, and place of the meeting. That public notice must include the following language: "This meeting is open to all members of the public under Michigan's open meetings act.".
Emergency Meeting Requirements

Stylistic update for clarity
New section taken from Sec 265(5)

(1) A public body may hold an emergency meeting only if both of the following apply:

(a) There is a severe and imminent threat to the health, safety, or welfare of the public.

(b) Two thirds of the members serving on the public body decide that delay would be detrimental to efforts to lessen or respond to the threat. Turned sentence three from the original Sec 265(5) into a two part test.

(2) If a public body holds an emergency meeting that does not comply with the 18-hour posted notice requirement under section 5, it shall do both of the following:

(a) Make paper copies of the public notice for the emergency meeting available to the public at that meeting.

(b) Before the emergency meeting, post the public notice online.

Turned sentences four and seven from the original Sec 265(5) into a two part test and made online posting mandatory.

The public notice must explain the specific circumstances that prevent the public body from complying with the 18-hour posted notice requirement under section 5. Generalized explanations such as "an imminent threat to the health of the public" or "a danger to public welfare and safety" do not satisfy this specificity requirement.

Stylistic update to sentences five and six from the original Sec 265(5).

Within 48 hours after any emergency meeting, the public body shall transmit to the board of county commissioners of the county in which the public body is principally located the public notice of that emergency meeting.

Stylistic update to sentences eight and nine from the original Sec 265(5).

Compliance with the notice requirements for emergency meetings in this subsection does not create, and must not be construed to create, a legal basis or defense for failure to comply with other provisions of this act and does not relieve the public body from the duty to comply with any provision of this act.

Tenth sentence from 265(5)

A public body shall provide a copy of a public notice to any media outlet in this state that submits a written request. The public body shall provide that copy free of charge and at the same time the public notice is posted.

Consolidated Sec 266(1)-(2) into a single subsection. Instead of limiting the media outlets to strictly TV and newspaper, we expanded the language to include all forms of media, and we eliminated the ability for public bodies to charge for printing (everyone should be emailing now--especially in response to such a request).

A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

Not amended

During the closed session, the public body's clerk or designated secretary shall take separate minutes that comply with section 9(1). These minutes must be retained by the clerk, are not available to the public, and may be disclosed only if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the meeting at which the closed session was approved.

Stylistic update for clarity

A majority vote of the members elected or appointed and serving is required to leave a closed session.

Subsection added per OMA Handbook nn 11-12

Except as otherwise provided in subsection (2), a public body may meet in a closed session only for the following reasons:

Stylistic update

To consider the dismissal, suspension, or discipline of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of an employee, public officer, staff member, or individual agent, if the named individual requests a closed session. An individual requesting a closed session may rescind the request at any time, after which the matter must be considered in open sessions.

Stylistic update for clarity

To consider the dismissal, suspension, or discipline of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending. A public body considering such dismissal, suspension, or discipline must meet in closed session unless the student or the student's parent or guardian requests an open session. An individual requesting an open session may rescind the request at any time, after which the matter must be considered in closed sessions.

For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

Created a new default that students' issues will be handled in closed session unless they or an authority requests otherwise. Also, a stylistic update for clarity; the final sentence was carried down from subsection (a) (and inverted).

Not amended

To consider selling, purchasing, or leasing real property. Once the public body obtains an option to purchase or lease that real property, it must consider the matter in open session. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

Stylistic update for clarity and added "selling" at request of stakeholders

Not amended

To review an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office must be held in an open session pursuant to this act. This subdivision does not apply to a public office described in subdivision (i).

Stylistic update for clarity
Moved to Sec 268(3)

To consider material exempt from discussion or disclosure by state or federal statute.

Renumbered to subdivision (g); otherwise not amended

For a compliance conference conducted under section 16231 of the public health code, 1978 PA 368, MCL 333.16231, before a complaint is issued.

Renumbered to subdivision (h); otherwise not amended

In the process of searching for and selecting a president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate, if the particular process meets the following requirements:	Renumbered to subdivision (i); stylistic update for clarity
The search committee in the process, appointed by the governing board, consists of at least 1 student of the institution, 1 faculty member of the institution, 1 administrator of the institution, 1 alumnus of the institution, and 1 representative of the general public. The search committee also may include 1 or more members of the governing board of the institution, but may not include a quorum of the governing board. None of the groups described in this subparagraph may constitute a majority of the search committee.	Renumbered to subparagraph (i); stylistic update for clarity
After the search committee recommends the 5 final candidates, the governing board may not take a vote on a final selection for the president until at least 30 days after the search committee publicly identifies those candidates.	Renumbered to subparagraph (ii); stylistic update for clarity
The deliberations and vote of the governing board on selecting the president must take place in open session.	Renumbered to subparagraph (iii); stylistic update for clarity
For a school board to consider security planning to address existing threats or prevent potential threats to the safety of the students or staff. As used in this subdivision, "school board" means any of the following: That term as defined in section 3 of the revised school code, 1976 PA 451, MCL 380.3. An intermediate school board as that term is defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4. A board of directors of a public school academy as described in section 502 of the revised school code, 1976 PA 451, MCL 380.502. The local governing board of a public community or junior college as described in section 7 of article VIII of the state constitution of 1963.	Renumbered to subdivision (j); stylistic change Renumbered to subparagraph (i); no otherwise amended Renumbered to subparagraph (ii); no otherwise amended Renumbered to subparagraph (iii); no otherwise amended Renumbered to subparagraph (iv); no otherwise amended

For a county veteran services committee to interview a veteran or a veteran's spouse or dependent regarding that individual's application for benefits or financial assistance and to discuss that individual's application, if the applicant requests a closed session. This subdivision does not apply to a county veteran services committee voting on whether to grant or deny such an application. As used in this subdivision, "county veteran services committee" means a committee created by a county board of commissioners under section 1 of 1953 PA 192, MCL 35.621, or a soldiers' relief commission created under section 2 of 1899 PA 214, MCL 35.22.

Renumbered to subdivision (k); stylistic update for clarity

This act does not permit the independent citizens redistricting commission to meet in closed session for any reason. As used in this subsection, "independent citizens redistricting commission" means the independent citizens redistricting commission for state legislative and congressional districts created in section 6 of article IV of the state constitution of 1963.

Not amended

Partisan caucuses of the state legislature may meet in closed session for any reason.

Subsection moved from 268(1)(g)

Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, decisions, actions, roll call votes, and the purpose or purposes for which a closed session is held.

Subsection (1) split into subsections (1) and (2); stylistic update for clarity; added "actions" at the request of a stakeholder.

The public body shall correct a meeting's minutes at its next meeting. The public body shall make corrected minutes available by the meeting following the correction. The corrected minutes must show both the original entry and the correction.

Subsection added to break up information in original subsection (1); stylistic update for clarity.

Minutes are public records open to public inspection. A public body shall therefore comply with all of the following:

New subsection that consolidates the old subsections (2) and (3)

A public body must make proposed minutes available for public inspection at its principal office and online within 8 business days after the meeting to which the minutes refer. The public body must make approved minutes available for public inspection at its principal office and online within 5 business days after the meeting at which the minutes are approved.

Stylistic update for clarity

Stylistic update for clarity

The public body may recoup reasonable printing and copying costs when providing physical copies of minutes. Subdivision added from original subsection (2); stylistic update for clarity

A public body must not include in or with its minutes any personally identifiable information that, if released, would prevent the public body from complying with section 444 of subpart 4 of part C of the general education provisions act, 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974. Not amended

A public body that is a state licensing board, state commission panel, or state rule-making board shall retain an audio or audio-and-video recording of every open session for at least 1 year from the date of the meeting in a format that can be reproduced upon a request under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. Consolidated subsections into one section 269a and simplified for clarity.

The attorney general, the prosecuting attorney of the county in which the public body serves, or any person may sue in a circuit court to challenge a decision made under this act. A court shall presume that a public body's decisions were adopted in compliance with this act. Stylistic update for clarity.

(2) A public body's decision may be invalidated if both of the following apply:

(a) The public body does either of the following
(i) Makes a decision that does not comply with section 3(1) and (2).

(ii) Fails to give notice in accordance with section 5 and that failure interferes with substantial compliance with section 3(1) and (2).

(b) The court finds that the noncompliance or failure has impaired the rights of the public under this act. Subsection divided into a several part test and stylistically updated.

A person must sue under this act within the following time frames:

Within 30 days after the approved minutes are made publicly available if the decision involves approving contracts, receiving or accepting bids, making assessments, adopting or amending procedures for issuing bonds or other evidences of indebtedness, or submitting a borrowing proposal to the electors.

Stylistic update for clarity. The subdivisions are swapped because it is easier to flow from the specific case to a general catchall provisions starting with the phrase "In all other cases."

The old subdivision (b) rearranged and edited for clarity.

In all other cases, within 60 days after the approved minutes are made publicly available.

A lawsuit filed under this section against a local public body must be filed in the circuit court of a county in which that public body serves or, when against a state public body, the court of claims.

The old subdivision (a) rearranged and edited for clarity.

Stylistic update

If a lawsuit is filed under subsection (1), the public body may reenact the disputed decision in compliance with this act. A reenacted decision is effective from the date of reenactment. A court may not declare a reenactment invalid because of a deficiency in the initial enactment, nor may it treat the reenactment as an admission contrary to the public body's interest.

Stylistic update for clarity

<p>If the court finds that a lawsuit filed under this section was frivolous, the court must award to the prevailing party reasonable costs and attorney fees. "Frivolous" and "prevailing party" mean those terms as defined in the revised judicature act of 1961, 1961 PA 236, MCL 600.2591.</p>	<p>This addition is suggested by Let the Sunshine in, or Else: An Examination of the Teeth of State and Federal Open Meetings and Open Records Laws. 15 Comm. L. & Policy 265 (2010). Pennsylvania passed such a law in 2009 allowing the public body to recover attorney fees where the plaintiff brings the action frivolously or to harass the government body. See 65 PA. Stat. Ann. §67.1304(b). DE also has such a law. Same as Section 271(6).</p>
<p>If a public body is not complying with this act, the attorney general, prosecuting attorney of the county in which the public body serves, or any person may sue to compel compliance or to enjoin further noncompliance with this act.</p>	<p>Stylistic update for clarity</p>
<p>A lawsuit filed under subsection (1) against a local public body must be filed in the circuit court of a county in which that public body serves or, when against a state public body, the court of claims.</p>	<p>Sentences 1 and 2 consolidated for clarity and simplicity.</p>
<p>A person suing under subsection (1) must not be required to post security as a condition for obtaining injunctive relief.</p>	<p>New subsection, and the original sentence 3 of subsection (2) is updated for style and clarity.</p>
<p>A lawsuit seeking mandamus relief against a public body under this act must be filed in the court of appeals.</p>	<p>Renumbered to subsection (4); stylistic update for clarity</p>
<p>If a person suing under subsections (1) or (4) prevails, the court must award that person reasonable costs and attorney fees.</p>	<p>Renumbered to subsection 5; stylistic update for clarity; the "shall recover" was changed to a "the court must award" and "actual attorney fees" was changed to "reasonable" attorney fees.</p>

<p>If the court finds that a lawsuit filed under this section was frivolous, the court must award to the prevailing party reasonable costs and attorney fees. "Frivolous" and "prevailing party" mean those terms as defined in the revised judicature act of 1961, 1961 PA 236, MCL 600.2591.</p>	<p>This addition is suggested by Let the Sunshine in, or Else: An Examination of the Teeth of State and Federal Open Meetings and Open Records Laws. 15 Comm. L. & Policy 265 (2010). Pennsylvania passed such a law in 2009 allowing the public body to recover attorney fees where the plaintiff brings the action frivolously or to harass the government body. See 65 PA. Stat. Ann. §67.1304(b). DE also has such a law. Same as Section 270(6). Rephrased to clarify that <i>any</i> member of a public body--not just a "public official," whatever that is--can be fined for violating the act; number updated to account for inflation; stylistic update for clarity.</p>
<p>A member of a public body who intentionally violates this act is guilty of a misdemeanor punishable by a fine of not more than \$5,000.00.</p>	
<p>member of a public body who is convicted of intentionally violating a provision of this act for a second time within the same term is guilty of a misdemeanor and may be fined not more than \$10,000.00, or imprisoned for not more than 1 year, or both.</p>	<p>Same "public official" clarification as subsection (1); number updated to account for inflation</p>
<p>A court may not use the rule of lenity to interpret this act.</p>	<p>Added to reflect current caselaw. See <i>People v. Whitney</i>.</p>
<p>A member of a public body who intentionally violates this act may be personally liable in a civil action for actual and exemplary damages of not more than \$2,500.00 total, plus reasonable costs and attorney fees.</p>	<p>Same "public official" clarification as subsection (1); number updated to account for inflation; stylistic updates for clarity</p>
<p>A person may bring only 1 lawsuit under this section for a single meeting. A lawsuit under this section must be filed within 180 days after the date of the alleged violation.</p>	<p>Stylistic updates for clarity</p>
<p>A lawsuit under this section may be joined with a lawsuit under section 11.</p>	<p>Stylistic updates for clarity</p>

If the governing board of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963 violates section 8(1)(i), the institution shall pay a civil fine of not more than \$500,000.00. This civil fine is in addition to any other remedy or penalty under this act. To the extent possible, the institution shall pay the fines imposed under this section from funds allocated to pay for the travel and expenses of the members of the governing board.

Removed unnecessary explanatory sentence; stylistic updates for clarity

Case Study 1: Transformational Change

Context:

Benton Community College is a single campus, comprehensive community college located in a suburban area in the Pacific Northwest. The college serves two counties, one in which the land grant university is located, which tends to be more liberal and prosperous and one more rural, poor and conservative. The college serves about 15,000 students and has close relationships with the university. There is a growing Latinx population and the college will soon be able to apply to be a Hispanic Serving Institution. (HSI)

The former president served for 25 years. The college has been relatively stable and, especially toward the end of his tenure, the president was reluctant to make some changes that needed to be made. On his retirement the Vice President of Academic Affairs was appointed as interim president for a year. During her tenure as interim president, she began to look at data and discovered that students of color were a full 10% behind white students in both leading and lagging indicators. She recognized the need for change to address this issue. She began to have conversations with faculty and staff regarding the need to review processes and practice. She experienced some resistance but continued to quietly raise up the data and engage in conversations about it. She had only been at the college for 18 months. In the state, BCC was known as an innovative leader, especially in pedagogy and service to students, so she felt confident that faculty would come around and changes could be made.

Meanwhile, the board of trustees was conducting a national search for the new president. The interim president had shared the data with the board and they were appalled at the equity gaps. Many of the trustees believed that under the former president, the college had become a bit complacent and was "resting on its laurels." One of the trustees was very active in the Association of Community College Trustees and had attended Governance Student Success Institutes which teach boards about their role in student success and the questions they should be asking. This trustee was pushing hard to select a president that would be a change agent and aggressively lead the transformation to be a more culturally relevant, student-ready college. The interim president was a finalist for the position. Some board members had heard some murmurings from faculty that she would not be the right person for the job. The board selected as their new president the Vice President of Academic Affairs from a neighboring college.

In the intervening time between the selection of the president and his first day on the job, the state dramatically reduced funding for the college. Due to declining enrollments and continued disinvestment in community colleges in the state, the college had spent down its healthy reserves and were below the amount required by policy and sound accounting practices. This additional reduction meant that the college had a gap of roughly 10% of the budget.

When the new president arrived the board charged him with transforming the college. The board gave general direction to the president expecting budget reductions to balance the budget, improvements in the performance measures such as improved graduation and transfer rates, and improved outreach to the Latinx population. The board made it clear that they expected some of the student success best practices to be implemented. The board expected that the college be returned to its former glory!

The president is now six months into his tenure. He has spent a great deal of time listening and building relationships. Based on the will of the board and advice from the former interim president, who believes

IonaSkyeConsulting ©

2022 ACCT Governance Leadership Institute, Washington, DC

that the college is ready to make substantive changes, the president developed a plan to achieve the goals including increasing faculty productivity, selective program reductions, enrollment increases and revenue generating activities and repurposing resources to fund student success initiatives.

He unveils his plan at spring convocation and presents it to the board that same day. The board approves the plan unanimously. There is an immediate outcry. The faculty and classified professional unions are opposed to lay-offs and are resisting productivity measures. Faculty and staff begin to show up at board meetings and raise concerns that there has been no process and poor communication. One of the board members whose spouse is a faculty member privately shares with the board and president that the faculty are considering a vote of "no confidence" in the president. Some board members are nervous. They did not sign on for conflict; they long for the good old days when board meetings lasted less than two hours and no one showed up. Individual trustees begin to privately share concerns with the president and tell him what he should be doing. The VP of Academic Affairs seems to be less engaged.

Questions to consider:

1. What are the factors of board governance to be considered?
2. What, if any, action should the trustees take?
3. How should the board respond if the "no confidence" vote by college staff takes place?
4. What expectations would the board have for the president?

Case Study 2 What is Islam?

Columbia Community College is a comprehensive community college in a metropolitan area serving 25,000 students. The college has a deep commitment to Diversity, Equity and Inclusion, evidenced by a Strategic Equity Plan which is resourced and moving forward, a diversity class degree requirement, a policy framework that requires review with an equity-minded lens, and professional development focused on inclusive excellence particularly in teaching and learning.

The college offers about 400 credit-free continuing education classes each term. Different subject matter areas are staffed by Program Coordinators who have a lot of flexibility to be creative and tap not only topics that are relevant, but also instructors from the local community.

The president has been at the college for over 20 years and has served as president for 13 years. She is very connected to the college, its faculty and staff, and the broader community. She has excellent relations with local media and makes herself available to them whenever possible, including providing her cell phone number so they can access her when necessary.

She received a call from the local television network about a class that was being offered in about six weeks called, "What is Islam?" It was being taught by a local person. The president did not know the instructor, but something seemed familiar about his name. It appeared that the instructor had contacted the media to try to get the word out and generate enrollment in the class. Since the college offers so many continuing education courses, the president was not familiar with the class and offered to connect the reporter with someone the following day.

As the president thought about the class overnight she began to wonder if the class belonged as a continuing education class or whether the topic would benefit from the expertise of the tenured faculty in religion and ethics. She also was wracking her brain to figure out why the instructor's name was so familiar.

The following morning the President was hosting the nine Native American tribes of Oregon for a celebration and dedication of the opening of college's Native American Longhouse. The college had a large number of Native students and built the Longhouse to provide a sense of place for these students. Just prior to the event, the President alerted the Vice President of Academic Affairs about the class and asked her to have a quick huddle with the Continuing Education Dean and Program Coordinator to find out more and then respond to the reporter.

The Vice President's inquiry resulted in discovering that the instructor was part of an anti-Semitic and Islamophobic group in the community. He had no academic background in Islam and in fact was a part-time student at the college pursuing an Associate's degree. He was associated with a group called Pacifica Forum, which was started with good intentions regarding peace and justice by a local university professor but had devolved to include Holocaust deniers; it was listed as a hate group by the Southern Poverty Law Center. The Program Coordinator admitted that he had not followed the protocol for approving continuing

education instructors. In reviewing class enrollment, it was found that no one had registered for the class at that point. The Vice President concluded that the class should be cancelled and that she would ask the Religion and Ethics faculty to work on a community class that was grounded in academic knowledge. The instructor was notified that the class would not be offered. The Vice President communicated this decision to the President just as the Longhouse celebration concluded.

When the President returned to her office, she found an email that had been sent during the Longhouse event from the Council on American Islamic Relations (CAIR), a Muslim civil rights and advocacy group. CAIR demanded that the class be withdrawn and published the demand on the wire so it was broadcast nationally. The President felt that the timing was terrible as it looked like the college had cancelled the class in response to the demand rather than voluntarily assessing the class and making the decision. She called the state representative for CAIR and explained the situation. He was grateful about the decision but was not willing to retract the demand that was made.

The following Monday, the President was out of state presenting at a leadership program when her phone began to ring non-stop. She found 26 voice mails from staff and the local and national media that had arrived within the past hour. The gist of the calls was about the college withdrawing the class, succumbing to the demands of CAIR, and infringing on the instructor's First Amendment rights. She immediately organized a call with key college leaders and college legal counsel. She had the feeling this was going to escalate so she called a colleague who worked in public relations to help identify a crisis management consultant.

On Wednesday, the Board of Trustees would be meeting and there was concern that the instructor and his colleagues from the Pacifica Forum would show up and create a media circus. There was also concern that the local Muslim community would show up and there would be the possibility of conflict between the two groups. The President knew that she and the team needed to take some immediate actions.

Questions to Consider:

1. What is the next set of actions the president should take?
2. What action, if any, should the board take?
3. Did the college err in canceling the class? Why? Why not?
4. How should the college message about its decision?
5. Who should the college enlist to assist? Internal? External?
6. What is the best outcome that can be achieved given this is now a national story?

Case Study 3 Faculty Contact

The faculty organization has developed a new methodology for compensation for both full time and adjunct faculty. It is claimed the proposal is expense neutral and the intent is to modernize the plan. You are contacted through a phone call by the president of the faculty organization to attend the organization's next meeting. The faculty senate president states the purpose of your attendance is to educate you on the plan and you will not be put in the position of expressing an opinion or make any immediate decision. The faculty president states it's important you hear directly from the faculty as part of your role as a trustee.

- What are the factors of board governance to be considered in this case study?
- How do you respond to the faculty senate president in the phone call?
- Do you accept the invitation?
- What are the considerations?

Case Study 4 Individual Trustee Request for Information

A new president was hired six months prior to you joining the Board. This is her first presidency. You have attended several board meetings since your term began. As a former faculty member of the college you feel the information presented at board meetings is inadequate. You contact the president and request specific reports on such items as compensation of individual staff members, details on vendor payments for certain consultants, travel costs for all vice presidents and deans, and the complete applications of all candidates that applied for a recently hired dean position. You also, have made a number of calls to the business vice president asking about the college's finances. You have made several requests to the business vice president for information to be sent to you. The president, being new, is eager to please board members and wants to maintain excellent relations.

- What are the factors of board governance to be considered in this case study?
- What action, if any, should the president take regarding this board member?
- Are the actions of the board member proper?
- What is the role of the other board members, if any, in relation to this board member?

Case Study 5 New Board Member

Mr. Gary Woodard was appointed by the County Superintendent to fill in a vacant trustee seat for a large community college district Board. The trustees in the county are normally elected for 4-year terms in this state, and Mr. Woodard was appointed to complete a term that had 2 years remaining. Mr. Woodard assumed the trustee role with a great deal of enthusiasm and energy.

Mr. Woodard devoted a lot of time to visiting all college campuses in the district, including several un-announced visits because he wanted to find out how the colleges were really serving the taxpayers. In addition, Mr. Woodard read through the district Strategic Plan and Annual Reports of the previous years. He requested a meeting with the District Chancellor 3 months after his appointment.

At this meeting, Mr. Woodard told the chancellor that he was very concerned with his findings from his campus and his reading of district documents. Specifically, he expressed serious concerns with the performance of one of the college presidents who, he discovered, was a lesbian in the closet. Further, he recommended to the chancellor that the district should consider removing words like "diversity," "global," and "ethnicity" from all district documents because many of his constituents had written him to protest the fact that tax dollars were being spent on programs that did not serve community values well.

The district chancellor listened but declined to make any comment. The chancellor informed Mr. Woodard that he would consult with the Board Chair and engage the whole Board in a serious discussion about the concerns he had raised. Mr. Woodard was very disappointed with the chancellor's response.

Discussion Questions

1. Has Mr. Woodard acted appropriately in his role as a trustee? If so, in what ways? If not, how?
2. How should the chair and chancellor work together to address the issues raised by Mr. Woodard?

Case Study 6 Demonstrations on Campus Policy

As we all know, our country is highly divided. In response to some very high-profile cases, this campus saw weekly demonstrations in support of Black Lives Matter. All the demonstrations were peaceful but as time went on, they got larger and larger. The President received a request from a White Nationalist Group to hold a demonstration on campus. The President, fearing violence, denied the request. A very conservative Trustee heard about the denial and, at an open board meeting, requested to see the Policy on demonstrations on campus. The President could not produce it. He cited the AAUP's resolution on Academic Freedom and the First Amendment as the operating principles for demonstrations, but he thought that the safety of the students and staff superseded these policies. The discussion at the Board meeting got heated. The Chair was able to calm the meeting by assuring the people present that the existing policy will be reviewed. The Chair of the Board ordered the President to present a College Policy on Demonstrations on Campus at the next Board meeting for a vote.

- What governance issues should be considered?
- Who should the President consult in crafting the policy?
- What should be considered to keep students and employees safe?

Case Study 2: Ethics and the Community College Trustee

A college trustee recently sent an email to the college president complaining that an acquaintance/friend did not get a job interview for a position he applied for at the school. In the same e-mail the trustee complained that the college did not do enough outreach to specific minority groups for hiring. The trustee told the president that the search should be halted, and the new search should ensure efforts were made to improve outreach.

The President felt that the trustee was using his position to address a personnel matter. However, the issue of not reaching out to a broader population when hiring was a matter of concern for president and the board.

The president brought the matter to the attention of the board chair. The board chair met with the trustee to discuss the ethics around his email.

1. What issues does this present to the board?
2. What else should the chair do to address the larger concern the trustee raised?

Ethics Case Study 3

The student newspaper reports that two years before an employee accused the president of touching her inappropriately. At the time, the employee confronted the president and he apologized for standing too close and assured her it would never happen again. Since that time, the two have worked professionally together. However, the employee maintained a diary referencing the incident which she turned over to student reporters. The report has been picked up by the local newspaper.

The President has been there for 16 years and has grown the college, the endowment and stature of the college nationally. He is widely respected as an innovative leader. The board has been in place for most of his tenure and they have a great relationship, playing golf together and socializing outside of college events.

- What are the issues and as a board what immediate action should you take?

Case Study 4 Individual Trustee Request for Information

A new president was hired six months prior to you joining the Board. This is her first presidency. You have attended several board meetings since your term began. As a former faculty member of the college you feel the information presented at board meetings is inadequate. You contact the president and request specific reports on such items as compensation of individual staff members, details on vendor payments for certain consultants, travel costs for all vice presidents and deans, and the complete applications of all candidates that applied for a recently hired dean position. You also, have made a number of calls to the business vice president asking about the college's finances. You have made several requests to the business vice president for information to be sent to you. The president, being new, is eager to please board members and wants to maintain excellent relations.

- What are the factors of board governance to be considered in this case study?
- What action, if any, should the president take regarding this board member?
- Are the actions of the board member proper?
- What is the role of the other board members, if any, in relation to this board member?

BOARD OF TRUSTEES FALL PLANNING SESSION**Action & Information Report**

Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:

7.0 Other Board Items
 7.3 Spring Planning Session & ACCT Support

BOARD POLICY: GOVERNANCE PROCESS: GP-03 Board Planning Cycle and Agenda

Description:

Jackson College has been awarded a Complimentary Board Retreat or Workshop by ACCT. You are entitled to a one-day retreat on a mutually agreed upon date no later than Friday, June 30, 2023.

Retreat Format:

The complimentary retreat will be a one-day session of up to six hours. If an institution desires a second day for the retreat, all costs associated with the second retreat day will be the responsibility of the institution. The retreat will be facilitated by an ACCT Consultant selected by ACCT. Potential topics to be covered include:

- The proper role and responsibilities of the Board, Board Members, and the Administration (including Board Officers)
- The policy role of the Board
- The Board's fiduciary responsibilities (beyond fiscal)
- Ethical governance and conflicts of interest
- The Board's role in the accreditation process
- The Board's role in the strategic planning process
- The Board's role in advocacy
- Open public meeting requirements and privacy laws
- Board processes, e.g., the role of the chair, communication protocols, crisis management
- Effective meetings, e.g., Robert's Rules of Order, Parliamentary Procedure
- Positive board relationships; supporting a positive board-CEO relationship; CEO evaluation and board self-assessment
- Trends in community college governance; the board of the future

Resource Impact:

None

Requested Board Action:

Consider when and how to engage this opportunity.



The Voice of Community College Leaders

Dear Daniel and John,

Congratulations on being selected as one of the winners for a Complimentary Board Retreat or Workshop.

ACCT is the only national organization that provides retreats and workshops tailored exclusively to the needs of community college boards. For decades, the association's customized services have helped trustees effectively carry out their responsibilities in an increasingly complex higher-education landscape.

You are entitled to a one-day retreat on a mutually agreed upon date no later than Friday, June 30, 2023.

The college will still be responsible for the Consultant's travel expenses and any shipping expenses. Please see the attached Complimentary Retreat Terms and Conditions for further information.

Next steps include:

- An ACCT staff member will work directly with your professional board liaison to begin planning for the retreat.
- ACCT will prepare a contract for your signature.
- Once the ACCT Consultant is selected, they will begin working with the president and board chair (or designee) to start developing the agenda.
- ACCT Consultants (with the Chair's approval) will reach out to each member of the board via phone or email to solicit their input.

As soon as possible please connect with Colleen Allen, Director, Retreat and Evaluations, and Maureen Ndoto, Board Assessment Associate, at boardservices@acct.org to begin planning. They will be your ACCT contacts for this program.

We look forward to serving you and your board.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jee Hang Lee".

Jee Hang Lee, President & CEO

A handwritten signature in blue ink, appearing to read "Robin Matross Helms".

Robin Matross Helms, Vice President,
Membership & Educational Services

Attached: Terms and Conditions



ACCT Complimentary Retreat Terms and Conditions

General Eligibility

ACCT complimentary retreats are available only to Voting Members of ACCT in good standing. Complimentary retreats are not available to institutions with any members serving on the ACCT Board of Directors at the time of application. Institutions are eligible for only one complimentary retreat.

Application Process

Institutions interested in receiving a complimentary retreat must:

- Submit an application form with support from the institution's Board Chair and/or College CEO by August 15, 2022 (for complimentary retreats provided through June 30, 2023).
- Indicate on the application form potential board governance topics of interest for a retreat. Please note: Topics of interest will not be a factor in the selection of institutions for complimentary retreats.

The invitation to submit an application for a complimentary board retreat shall not be deemed to constitute an offer by ACCT and shall not be binding upon ACCT or the institution until an agreement for a retreat is executed and delivered by both parties.

ACCT reserves the right to modify the terms for complimentary retreats, reject an application for any reason at ACCT's sole discretion, withdraw this invitation before or after submission of applications, or decide not to provide any complimentary retreats in response to this invitation.

Selection Process

25 institutions meeting the general eligibility criteria described in these Terms and Conditions will be selected to receive a complimentary retreat for each year of the complimentary retreat program (3 years total). At least 20 of the institutions selected each year will be chosen via a lottery system drawing from applications received from eligible institutions.

Institutions will be required to enter by August 15, 2022 for the 2022-23 drawing; by August 15, 2023 for the 2023-24 drawing; and by August 15, 2024 for the 2024-25 drawing. Entries from the prior year will not be automatically entered into the next year's drawing. Any institution may be the recipient of only one complimentary board retreat or workshop.

Retreat Format

The complimentary retreat will be a one-day session of up to six hours. If an institution desires a second day for the retreat, all costs associated with the second retreat day will be the responsibility of the institution. The retreat will be facilitated by an ACCT Consultant selected by ACCT. Potential topics to be covered include:

- The proper role and responsibilities of the Board, Board Members, and the Administration (including Board Officers)
- The policy role of the Board
- The Board's fiduciary responsibilities (beyond fiscal)
- Ethical governance and conflicts of interest
- The Board's role in the accreditation process
- The Board's role in the strategic planning process
- The Board's role in advocacy
- Open public meeting requirements and privacy laws



- Board processes, e.g., the role of the chair, communication protocols, crisis management
- Effective meetings, e.g., Robert's Rules of Order, Parliamentary Procedure
- Positive board relationships; supporting a positive board-CEO relationship; CEO evaluation and board self-assessment
- Trends in community college governance; the board of the future

Retreat Scheduling and Cancellation

An institution selected for a complimentary retreat must schedule and hold the retreat on a mutually agreed upon date by June 30, 2023. If an institution should need to cancel and reschedule the retreat, written notice of cancellation must be provided to ACCT at least 15 days in advance of the scheduled retreat. The rescheduled retreat must be held by June 30, 2023, and the institution will be responsible for any expenses incurred by ACCT prior to notice of cancellation.

Additional Expenses

The institution will be responsible for all consultant travel expenses and shipping expenses associated with the complimentary retreat.

Virtual Retreats

An institution may elect to hold their complimentary retreat virtually. Institutions selected for a complimentary retreat should notify ACCT of their intention to hold a virtual retreat at the time the complimentary retreat is awarded. If an institution decides to hold a virtual retreat more than 30 days after the complimentary retreat is awarded, the institution will be responsible for any prepaid travel expenses incurred by ACCT prior to receipt of notice.

Confidentiality

ACCT will not disclose any confidential, nonpublic information without the consent of the institution's Governing Board. All retreat data and materials are prepared for the College CEO and the Governing Board and are not for public distribution by ACCT without the consent of the institution.

Intellectual Property

Institution understands that the content of any written materials produced by ACCT as an independent contractor pursuant to the retreat agreement between the parties, excepting assessment instruments, general report formats, and other evaluative methods or protocols, shall be deemed to have been made or developed by ACCT solely for the benefit of the institution, and will be considered "work made for hire" under United States copyright law and shall be owned by the institution.

Assessment instruments, general report formats, and other evaluative methods or protocols used or provided by ACCT are the intellectual property of ACCT and are not to be reproduced, distributed, or transmitted in any form or by any means without the consent of ACCT.

Force Majeure

The performance by either party of a complimentary retreat agreement is subject to any emergency making it illegal or impossible to hold the retreat, including, without limitation, acts of God, war, acts of terrorism, government regulations, disaster, pandemic, strikes or threat of strikes (except that neither party may terminate the retreat agreement for situations involving that party's own employees), civil disorder, or curtailment of transportation facilities. The retreat agreement may be terminated in whole or in part without liability for any of the above reasons by written notice from one party to the other.

BOARD OF TRUSTEES FALL PLANNING SESSION
Action & Information Report
Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:
7.0 Other Board Items 7.4 Holiday Event Planning <u>BOARD POLICY:</u> GOVERNANCE PROCESS: GP-03 Board Planning Cycle and Agenda
Description:
Would the Board like to consider the annual holiday event logistics, perhaps once again at the Wickwire House?
Resource Impact:
None
Requested Board Action:
Consider Holiday event logistics.
Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION

Action & Information Report

Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:

7.0 Other Board Items
7.5 Ribbon Cutting – STEAM Factory

BOARD POLICY: EXECUTIVE LIMITATIONS: EL-08 Communication & Support to the Board

Description:

Here I will provide a status on the STEAM factory completion and a possible ribbon cutting ceremony.

Resource Impact:

None

Requested Board Action:

Review status.

Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION

Action & Information Report

Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:

7.0 Other Board Items
7.6 Ribbon Cutting – Baseball / Softball

BOARD POLICY: EXECUTIVE LIMITATIONS: EL-08 Communication & Support to the Board

Description:

Here I will provide status of the baseball / softball field completion and a possible ribbon cutting ceremony.

Resource Impact:

None

Requested Board Action:

Receive status.

Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION

Action & Information Report

Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:

7.0 Other Board Items
7.7 Board Items...

BOARD POLICY: EXECUTIVE LIMITATIONS: EL-08 Communication & Support to the Board

Description:

This time has been set aside for general discussion of the Board.

Resource Impact:

None

Requested Board Action:

General discussion.

Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION

Action & Information Report

Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:

8.0 Mr. John Willis: History of Jackson

BOARD POLICY: EXECUTIVE LIMITATIONS: EL-08 Communication & Support to the Board

Description:

At the request of the Board, Mr. John Willis (Chief Equity Office, City of Jackson) will present on the history of Jackson.

Resource Impact:

None

Requested Board Action:

Receive presentation.

Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION
Action & Information Report
 Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:
9.0 Plus / Delta <u>BOARD POLICY:</u> GOVERNANCE PROCESS: GP-01 Governing Style
Description:
This item on the agenda provides the Board the opportunity to give the Board Chairman and the President feedback on the quality of the content provided during this Board Meeting. We would appreciate receiving suggestions wherein you would like to see changes made to future Board Meetings.
Resource Impact:
None
Requested Board Action:
Consideration of areas for meeting content improvement
Action Taken:

BOARD OF TRUSTEES FALL PLANNING SESSION
Action & Information Report
Board Meeting Date: October 18, 2022



TO: Jackson College Board of Trustees
FROM: Dr. Daniel J. Phelan, President & CEO

Subject to be Discussed and Policy Reference:
10.0 Adjourn * <u>BOARD POLICY:</u> GOVERNANCE PROCESS: GP-13 Special Rules of Order
Description:
Board action is required to adjourn the meeting.
Resource Impact:
None
Requested Board Action:
Meeting Adjournment
Action Taken: