



**MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD
SEPTEMBER 27, 2011**

MINUTES

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

PRESENT

GOVERNING BOARD

Randolph Lumm, President
Doyle Burke, Secretary
Don Campbell, Member
Dana Saar, Member
Debra Pearson, Member

ADMINISTRATION

Rufus Glasper
Maria Harper-Marinick
Debra Thompson
George Kahkedjian
Steve Helfgot
Nikki Jackson
Anna Solley
Lee Combs
Paul Dale
Shouan Pan
Shari Olson
Ernie Lara
Janet Langley for Gene Giovannini
Chris Bustamante
Linda Lujan
Jan Gehler
Irene Kovala

CALL TO ORDER The regular meeting was called to order at 6:30 p.m.

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

**PLEDGE OF
ALLEGIANCE** The assembly pledged their allegiance to the United States of America led by Governing Board Member Don Campbell.

**CLASS
ACKNOWLEDGEMENTS** There were no classes present.

SUBSTITUTIONS There was one substitute this evening.

CITIZEN'S INTERIM The following individuals came forward during Citizens Interim:

Although twenty-four individuals signed up to speak in favor of the proposed change to the Non-Discrimination Policy, only two people were allowed to speak. They were Reverend Brad Wilson and Madelaine Adelman. Sharon Slater, an individual opposed to the change also spoke. Their remarks are listed below. Two other citizens, Silverio Garcia and Sandra Ortega spoke on the issue of meetings not being translated for non-English-speaking individuals.

Reverend Brad Wishon provided the following comments:

“Greetings President Lumm, members of the Governing Board, Chancellor Glasper, CEC, and audience members, I am Reverent Brad Wishon, Vice President of No Longer Silent: Clergy for Justice, a local organization of Christian Clergy advocating for the full inclusion of Lesbian, Gay, Bi-sexual, and Transgender Individuals in Church and Society. I realize you face an enormous task this evening and I congratulate you on the willingness to wrestle with challenging social issues. I want to specifically call your attention to the Ethic by which I and all Christians are called to live. Jesus, when addressing those who were not perceived as in the mainstream of his society, made it clear that every person’s concern must always be for “the least of these.” Meaning, those who do not fit into the majority categories of the social structure of the day. I’ve read through much of the statements that were made or previously submitted as purported Christian perspective in the issue of Gender Identity, and I am here to tell you that voice does not represent the Christian tradition faithfully. Family Watch International is an organization that has dedicated its resources to shoring up discrimination in the guise of protecting marriage, family and children. I stand before you today to say the Transgender students and children need your protection – especially from misguided organizations that use outdated and refuted science to support what is simply their own bias and prejudice. It should be noted that Family Watch International continues to list Ugandan pastor Martin Ssempe as their Africa Coordinator, though they recently said the association had ended. Yet in January of this year they brought him to Phoenix for the Global Family Public Forum. It should be noted with abhorrence that this pastor is one of the primary proponents of the “Kill the Homosexuals Bill” in the Ugandan Parliament. Those who have submitted to you that they speak on the basis of Christian morality are either misrepresenting Christian moral ethics, or they are ignorant of the Christian tradition going all the way back to Jesus Christ. We as Christians are never allowed to pass judgment on any other person. We are never allowed to diminish another human being – to the point that Jesus says to call someone a fool endangers our souls. Rather, as Christians, we are called to the

utmost respect for people, especially for those people society deems “abnormal” or inappropriate. And while the overwhelming majority of the psychiatric and psychological community has determined that there is nothing “abnormal” about transgender individuals, societal stigma still keeps them marginalized and open to violence both physical and psychological. You have in your hands tonight the opportunity to end that violence for a portion of your student and employee population. In the document submitted to this Board by Family Watch International, they twice attempted to defend segregation by asserting that Transgender individuals deserve to be discriminated against because they supposedly suffer from a mental disorder. That same argument was made to support segregated facilities to preserve racial purity, and it is as spurious now as it was then. The US Supreme Court has settled the issue: “Separate is inherently unequal.” The truth is this is a tactic of bullies. It is used to diminish someone who is perceived as odd or different, and classified erroneously as mentally ill. The true abnormality is that we are here discussing whether protecting people from discrimination is the right thing to do. Tonight, you can do this simple act that lives up to that human ideal Jesus called for: “...when you do it to one of the least of these, you have done it to me.” For when you stand for the equal protection of your Transgender students and employees, you live out the best and highest of what human potential can be. And, you send a signal that will resonate throughout the community: bullying, by policy or by practice, is not acceptable in the Maricopa Community College System. Thank you for your time.

Madelaine Adelman, an associate professor at Arizona State University and also a member of the national board of directors of the Gay, Lesbian and Straight Education Network, spoke in favor of the policy amendment and mentioned that most K-12 districts as well as ASU already include gender identity in their anti-discrimination policies. She stated that the pipeline which comes from K-12 works better when their policies target discrimination. Students feel safer and want to continue their education to community colleges and ASU which already has a policy in place. People under these policies feel safer. When they experience stigma, they will not be able to continue working. They will feel stigma disparities. She stated that continuity for the care of student and employees was being sought.

Suhail Rahim, President of Mesa Community College’s Associated Student Organization, stated that their students have diligently on the topic of gender identity and brought this issue to the student body. Earlier this week they sponsored a forum which included a discussion by Christine Hall, Teresa Toney, Lori Girshick, and a representative from Family Watch International. Two board

members, Dana Saar and Doyle Burke, were in attendance. He stated that a resolution had been passed earlier in the day proposing that general identify should be added. Regardless of the outcome, the group proposed having more diversity training, as well as dialogues on this topic. They also encouraged the continued construction of unisex facilities on all campuses.

Note: Mr. Wayne Nogajewski had registered to speak regarding his employment dismissal, however, did not approach the podium.

Silverio Garcia came forward and spoke to the Board in Spanish. He stated that he had been studying the Budget Reports and had read that the Maricopa organization receives federal funds and therefore the organization is under Title VI of the Civil Rights Bill of 1964. The organization is under the Federal Government in different respects. He stated that as he looked at the agenda for tonight's meeting, he noted that it was all in English. (Mr. Lumm interrupted and asked if he needed an interpreter and Mr. Garcia responded that he was going to speak in Spanish and that he had three minutes to do so.) He stated that because the agenda was in only in English, the Board was in violation of the law, specifically Title VI. The Board this evening was discussing discrimination policies and this was evidence that the Board was violating the law and not doing anything about this. When the Board begins its meetings, there are no announcements regarding people that might not be able to speak English and have never done this which is in violation of Title VI. The District has ten colleges and two skill centers, however, questioned where the other languages were that should be here. Non-English speakers cannot attend because the organization is discriminating against the community. The undocumented students' parents could not attend because of this discrimination. The organization does not want these people here and this is a great discrimination. Expect to hear something in the future. He plans to bring people forward.

Sharon Slater, President of Family Watch International, a non-profit organization that takes their positions on social science data and research and although they are based in Gilbert, Arizona, their work is done primarily at the United Nations and other countries around the world. She stated that one of their areas of is in sexuality issues and since many of their staff have children that will go or have gone to school in the community colleges, they decided back in 2008 was going to get involved in this issue. Their group was invited back in 2008 to participate on a panel in opposition to the change in non-discrimination policies. On that panel there was a state legislator, a teacher, a student and an expert social scientist and all of them spoke against this policy. Once again they are present on this same policy and their opinion is not based on hate,

homophobia or those kinds of things. They care very much about the people that would be affected by this policy whether it is or is not passed. They understand that gender identity disorder is a very difficult thing and something that they struggle with. They understand that the campuses have to do extra things to help accommodate the needs of people in this difficult trial of their life. They applaud the students' suggestion to construct gender-neutral bathrooms and they think this is a wonderful solution. They feel the suggestion to add gender identity to the policy will not solve the problem nor do they think it is intended just to solve the problem for people who have gender identity disorder because the definition that was put forward in the proposal is very controversial. It says that gender identity is not something you are born with. It is a perception you have of yourself and it would protect the expression and behavior of one's gender identity and it does not limit the behavior and who it would apply to whatsoever. This policy could be abused by someone, for example a male who wishes to portray themselves as a female could have a right to use the bathrooms, showers and lockers of the opposite sex creating a difficult situation for other students. They condemn any kind of harassment, threat or violence against anyone based on their sexual orientation or gender identity. They believe that the current policies in place at the District mandates that the Chancellor should ensure that the current environment is free of harassment, free of intimidation, free of any type of behavior which the proponents of this policy are trying to stop. Also, the disability policy of this District could also be used to protect people who are gender identity disorder, a known disability, and people have sought other remedies or venues under those policies as well. They believe that in two places people who are experiencing gender identity disorder are already covered. The current policy is adequate and this new proposal could create other issues which she did not have to address but was sure the Board had received their communication. They have had over 550 members that have e-mailed in to the Board opposing this, in addition to the Alliance Defense Fund, United Families International, the Center for Arizona Policy are against this policy. The request was made that the Board not vote on this policy or not include gender identity in the non-discrimination policies.

**BOARD MEMBER
REPORTS**

Board Member Dana thanked Estrella Mountain Community College for hosting the grand opening of the new Buckeye facility. He visited the facility when first purchased and he stated that everyone had done an excellent job in remodeling the structure.

President Lumm expressed appreciation for taking over an old building in Buckeye. It was his understanding that 13% of students at EMC are from Buckeye and that 200 students are already registered at this new facility. He commented that he had also attended the Grand Opening of

the SMC Community Library which will now be available to members of the public.

Dr. Campbell indicated that he would be bringing a group of children he works with to the new library at SMC. He stated he had also attended the grand opening of the Buckeye facility and was impressed to see cotton still growing in fields where he once picked cotton.

**CHANCELLOR'S
REPORT**

Chancellor Glasper requested that members of the Student Public Policy Forum stand and be acknowledged. This group consists of 16-20 students that come from the ten colleges and work throughout the semester to better understand the policy-making environment. The group travels to Washington D.C. where they join other students from around the country in a leadership development program.

The Chancellor also provided an update on the State of Arizona Lumina Program Getting Ahead Project which has been able to develop different pathways to NAU and ASU. They have identified 125 programs that articulate from the Maricopa Community College District to ASU. Members of this group have visited with seventeen state legislators and have talked to them about a phase-in program on performance-based funding which would move away from state funding being based simply on enrollment to a system where funding is earned or lost based on each institution's effectiveness and efficiency at meeting approved performance goals based on outcomes and metrics based on retention and completion. Still working with state legislature on a jobs plan and asking legislators and the governor to consider community colleges as a training institution for companies seeking to relocate to Arizona.

**SECRETARY'S
REPORT**

There was no report.

**STUDENT LIFE
REPORTS**

SMC Student Karla Perez came forward to speak about her experiences at the Leadershape Institute held this summer. Karla commented that she was extremely nervous going to this week-long event, however by the end of the week she had met students from the various campuses. Students learned that integrity needs to be the number one trait of leaders regardless of individuals who may want to disregard this. She expressed appreciation for the opportunity to participate in this leadership retreat.

The following members of the SCC Student Leadership organization came forward to introduce themselves:

Jessica Combs
Kendi Nordstrom
Charlotte Hurley
Miriam Villanueva
Bella Hibbs
Jordyn Hibbs

Brian Calaway
Jessica Keophilavanh
Kira Levesque
Max Alfaro
Nada Djidic
Ryan Heath
Sany Agustan
Gamze Celik
Taylor Track
Alex Pena
Joseph Mascort
Rob Schrier

Jessica Combs, Organization Chair, stated that the group was proud to be a part of the fifty different projects they hosted such as Make A Difference Day working with the Arizona Welfare League Collection Drive. She expressed appreciation for the opportunity to come and speak before the Governing Board.

FACULTY REPORT

Faculty Association President Eddie Genna read a resolution passed by the Maricopa Community College Faculty Association which stated:

WHEREAS the Maricopa Community Colleges are committed to the institutional values of Community, Honesty and Integrity, Inclusiveness, and Learning (Governing Board Policy 4.1 – Governing Values);

WHEREAS invidious discrimination is inimical
To our institutional values;

WHEREAS transgendered persons throughout society (including the students, staff, and faculty of the Maricopa Community College District) face invidious discrimination on a daily basis;

WHEREAS failing to take reasonable and economical steps to offer policy protection to our transgendered community is an abdication of our institutional values;

WHEREAS offering policy protection to our transgendered community expresses our collective concern for the particular adverse health, well---being, and learning conditions this community faces; and

WHEREAS Arizona State University and the University of Arizona have had in place policies designed to prevent invidious discrimination on the basis of gender identity and expression

BE IT RESOLVED that the Maricopa Community Colleges Faculty

Association supports the inclusion of Gender Identity as a protected group in the MCCCCD Non-Discrimination Policies.

Adopted by the Faculty Executive Council of the Maricopa

**EMPLOYEE GROUP
REPORTS**

Phil Jalowiec, President-Elect of the Adjunct Faculty Association, provided the following remarks:

“To President Lumm, Governing Board members, The Chancellor, CEC members and District Executive staff

I’ve had the privilege of being able to watch Executive Vice-Chancellor Dr. Maria Harper-Marinick’s compelling presentation on the facts behind and the challenges of the Student Completion Agenda and her passionate support for Student Success as she has spoken to Adjunct Faculty orientations meetings throughout the District.

Many Adjunct Faculty are so moved by her presentation they want to know how they can contribute more to make a difference to Student Success. They want to know what they can do differently now to move forward the Student Completion Agenda.

The Adjunct Faculty Fall Conference will be held on Saturday, October 29th at Paradise Valley Community College. The conference has been expanded to allow Adjunct Faculty answer their questions about how to move forward and to identify and examine specific opportunities to begin making a difference today.

Dr. Harper-Marinick will serve as the conference’s morning’s key note speaker and will provide the context and provide insights on how as educators, Adjunct Faculty can contribute to make this district-wide initiative a success. There will be related learning opportunities which will be followed by peer-to-peer discipline dialogs. A key objective of these dialogs is to document the ideas that are generated and share them among the attendees, other Adjunct Faculty and as appropriate within the District.

This Adjunct Faculty Conference is made possible through the continued support of MCLI and is co-sponsored by the Adjunct Faculty Association.

For additional details on the conference go to
<http://mcli.maricopa.edu/node/1505>“

Lori Girshick, Past President of Equality Maricopa, and Dale Heuser, Current President, came forward to speak on behalf of the Non-Discrimination Policy Amendments that would be voted on later on the agenda. Ms. Girshick provided the following comments:

“Good evening President Lumm, members of the Governing Board, Chancellor Glasper, members of the CEC, and audience members. My name is Dr. Lori Girshick, past president of Equality Maricopa, sociologist at Chandler-Gilbert Community College, and author of *Transgender Voices: Beyond Women and Men*. Next to me is Dale Heuser, current president of Equality Maricopa.

Equality Maricopa has put forward the proposal to add “gender identity” into our nondiscrimination policy and we fully support this change.

I have been fortunate to hear the life stories of probably hundreds of transgender people. I understand because of them that the challenges they face--the fears, insecurities or depression they might grapple with—are due not to some problem with *them* but due to the society they are in. Our culture continues to give messages that transgender people are not acceptable as the human beings they are. No one knows better than these folks themselves how they feel or how they identify. Yet, some people and groups in our culture insist they do not. Rigid ideas of gender roles and gender presentation based on outdated tradition and sometimes narrow-minded perspectives are in opposition of a changing culture and world. I say “rigid” ideas of gender because a significant number of people do not fit into these gender boxes. There have always been transgender individuals in every historical time period, but today we have a political and social environment where transgender individuals are increasingly visible, as they should be.

The American Medical Association, the American Psychological Association, the World Professional Association for Transgender Health, the National Association of Social Workers, and the European Court of Human Rights—to name a few—and have all passed resolutions in their bodies to protect transgender rights. In early 2010, gender identity was included as a protected class for federal employees. The National Collegiate Athletic Association two weeks ago announced that transgender student athletes can compete in the gender they identify as if they have been on hormone therapy for one year.

If our District passes this proposal, we will send a powerful message that transgender people and their families are acknowledged, welcomed, and affirmed by us. You are welcome in our classrooms and in our workplace. We will send a clear message that narrow-minded limitations and judgments on who people are, the very essence of their identities, are wrong and that transgender individuals deserve our full and unqualified support.

We have a classic civil rights struggle playing out before us. I am requesting that members of the Governing Board demonstrate the leadership to protect transgender students and employees to assist in their process as they live their authentic identities and protect them against the fear of change, and the fear-mongering of conservative views.

There is a tidal wave of change occurring all over this country regarding transgender acknowledgment and protection. This is happening because it is the right thing to do. As awareness has spread about the challenges—whether hate crimes, harassment, discrimination, or embarrassment—and

as individuals and bodies in leadership positions have learned about the issues, these leaders have united to reflect the culture's core values of equality, respect, justice, and democracy. Identity groups are added to nondiscrimination policies because they are denied the rights encoded in these values. Maricopa County Community Colleges tonight has the opportunity to be on the right side of fairness and positive social change. I ask that you vote YES on this proposal."

**VICE CHANCELLOR
REPORTS**

Vice Chancellor Dr. Steve Helfgot invited members of the Board to the Heroes of Education Kick-Off Reception scheduled for Thursday, October 6 starting at 5:30 p.m. The reception will be held at Morton's located at 2501 East Camelback in Phoenix. The 2012 Hero is slated to be Lisa Budinger, President and CEO, Arizona College Scholarship Association.

COLLEGE REPORTS

Rio Salado College President, Dr. Chris Bustamante provided the following brief update relative to the recent attention and publicity it has received from the Lumina Foundation and to inform the Board about some of the projects they are working on with the Bill and Melinda Gates Foundation aimed at improving higher education.

Dr. Bustamante commented that Board Members should have received a copy of the Lumina Foundation's most recent edition of its national FOCUS Magazine which featured Rio in a cover story titled: "Flexing the faculty – When these few education 60,000, productivity rules!" He added that the latest number actually indicate that Rio educated almost 70,000 students last year. The cover story focuses on Rio's high quality, low-cost, and innovative model that is scalable and productive in meeting the needs of non-traditional students. The story is also featured on the foundation's website that includes a three-minutes video that Lumina produced about Rio and also two of their reports that profile Rio within them. The first report is titled, Four Steps to Finishing First in Higher Education, and the second is titled, Winning by Degrees. The latter was written and researched by McKinsey and Company consultants who named Rio in their report as one of eight highly productive and cost-efficient higher education institutions in the U.S. Rio was also featured in a Gates funded report that was recently released titled, "Beating the Odds" and profiles Rio in the Innovative Model category. Some more good news announced the day before by the Department of Labor is that Rio will receive approximately \$2.8 million to participate in a national consortium of seven colleges to expand and improve each consortium member's ability to deliver quality education and training programs. The consortium will receive approximately \$20M in total over a four year period.

Dr. Vernon Smith, Vice President for Academic Affairs at Rio, provided a brief report on their Gates-funded initiatives. His report covered the following points:

Rio's use of Predictive Analytics to

- Identify students' risk factors
- Faculty and Student Support Services facilitate interventions
- Increase student success

Predictive Analytic Research (PAR) Framework is used by institutions such as APU, Colorado Community College System, Rio Salado College, University of Hawaii, University of Illinois, and the University of Phoenix to help identify data points that helps students be successful. Rio is also participating on a Metrics Project which helps identify the real measures of student success.

AADGB REPORT

Governing Board Member Doyle Burke reported the AADGB will meet on Friday, September 30, in Flagstaff. He indicated that the agenda included a discussion regarding baccalaureate degrees at the community college level. The group is also scheduled to meet with legislators representing northern Arizona.

ASBA REPORT

There was no report.

**LEGISLATIVE
UPDATE**

Patricia Hill, Director of State and Local Government Relations, provided the following legislative report:

At its September 13, 2011, State Legislative Initiatives Discussion, the Board discussed a number of issues related to the Maricopa Community College District Legislative Program. This discussion was the first step in Maricopa's Legislative Development, Analysis and Implementation Process. The purpose of tonight's report is to put the issues raised by the Board in an overall policy context as we move through our legislative development process. The next step in the process, identifying potential legislative proposals for the 2011 legislative session, is underway, and, per the process, the Board will receive an update on our legislative program in October.

During the discussion at the Study Session the following topics of potential interest were identified by the Board:

Dual Enrollment Funding
Outcomes Based Funding/Performance Funding
Workforce Development
Bachelor's Degrees for Community Colleges
Expenditure Limit Legislation
Welfare Recipients Required to Pursue Community College Education
Student Success
Health and Welfare of Students (e.g., gun bills)
Protect the Base Funding Level

Most of these issues previously have been under consideration by the Arizona Legislature. Maricopa may have initiated a legislative proposal to address the issue or a member of the Legislature may have advanced the issue.

When these and other issues of interest arise during the legislative session, the Maricopa Legislative Team has employed four Strategic Directions that provide broad policy guidance based on overarching district goals so that the Team can respond quickly and protect Maricopa's interests in a constantly changing environment. These Strategic Directions have evolved over time, based on Board input and the Chancellor's direction on key district issues. Our practice of using broad Strategic Directions is consistent with the approach used by both public and private entities that seek to influence the Legislature on a regular basis and on a variety of issues. The four Strategic Directions are to:

- #1 Oppose intrusions on local control.
- #2 Protect existing funding sources.
- #3 Identify opportunities to secure new funding sources.
- #4 Promote legislation that enhances student success.

To demonstrate how these Strategic Directions would provide guidance on the topics discussed by the Board, the Legislative Team placed these issues under the Strategic Direction that logically apply. Maricopa's position would depend upon the ramifications of a specific proposal.

#1 Oppose intrusions on local control. Health and Welfare for Students (e.g., gun bills)

#2 Protect existing funding sources.

Dual Enrollment Funding

Protect the Base

Identify opportunities to secure new funding sources.

Workforce Development

Expenditure Limit Legislation

#4 Promote legislation that enhances student success.

Bachelor's Degrees for Community Colleges

Welfare Recipients Required to Pursue Community College Education

Outcome Based Funding/Performance Based Funding

This is the first in a series of Legislative Updates that will keep the Board apprised of the progression of our internal process. As previously mentioned, we will back at the October meeting to provide an update on the status of our legislative program.

Thank you and I will be happy to try to answer any questions.

**AWARDS AND
RECOGNITIONS**

There were no awards or recognitions.

APPROVAL OF THE ORDER OF THE AGENDA President Lumm requested a motion to approve the order of the agenda.

MOTION **MOTION No. 9858**
Board Member Doyle Burke made a motion for approval of the order of the Agenda. Board Member Dr. Don Campbell seconded. Motion approved 5-0.

APPROVAL OF CONSENT AGENDA President Lumm asked if any Board Member wished to remove any action items. Items V.C.1 and V.D.1 which were removed for discussion and individual approval by Board Member Debra Pearson.

MOTION **MOTION No. 9859**
Governing Board Member Debra Pearson moved for removal of Action Items V.C.1 and V.D.1 for discussion and individual approval. Board Member Dana Saar seconded. Motion approved 5-0.

President Lumm requested a motion for the approval of the remaining Consent Agenda action items.

The following items were included on the Consent Agenda:

A.1. APPROVAL OF MINUTES - approve the minutes of the August 23, 2011 Regular Board Meeting and the August 27, 2011 Governing Board Retreat

B.1. APPROVAL OF EMERITUS DISTINCTION – MESA COMMUNITY COLLEGE - award Emeritus Distinction to Susan McAleavey for her meritorious contributions to the students of the Maricopa County Community College District (MCCCD).

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

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

C.4. CONSIDERATION OF SEPARATIONS - approve the following personnel actions as proposed. Budget approvals have been granted and are on file for the recommended personnel actions in this item.

D.2. APPROVAL OF EMCC TITLE V GRANT - accept Year 4

(October 1, 2011 and expires September 30, 2012) of a \$2.8 million U.S. Department of Education Title V – Strengthening Hispanic Institutions Grant award (PR/Award No. P031S080118) for Estrella Mountain Community College. The award comprises of \$2.8 million in federal money distributed over the next five years, with the funding date scheduled to begin on October 1, 2008 and expiring on October 1, 2013. The \$2.8 million allocation includes a \$375,000 non-federal endowment match. To fully maximize this match, the college must raise a minimum of \$75,000 a year, over the next five years. By fully maximizing the endowment match opportunity, the actual value of the project will total approximately \$3.2 million, of which 88% is federally funded and 12% from non-federal sources.

D.3. APPROVAL OF DECLARATION OF CURRICULAR AND INSTRUCTIONAL ALIGNMENT TO THE ARIZONA STATE STANDARDS FOR GATEWAY EARLY COLLEGE HIGH SCHOOL - approve and sign the Declaration of Curricular and Instructional Alignment to the Arizona Academic Standards on behalf of GateWay Early College High School.

D.4. APPROVAL OF INTERGOVERNMENTAL AGREEMENTS FOR DUAL ENROLLMENT WITH PUBLIC SCHOOL DISTRICTS - authorize entry into Intergovernmental Agreements (IGA's) on behalf of its colleges with the public school district listed below for their dual enrollment programs.

The Leona Group

D.5. APPROVAL OF INTERGOVERNMENTAL AGREEMENTS FOR DUAL ENROLLMENT WITH PUBLIC SCHOOL DISTRICTS - authorize entry into Intergovernmental Agreements (IGA's) on behalf of its colleges with the public school district listed below for their dual enrollment programs.

Western Maricopa Education Center (West-MEC)

D.6. APPROVAL OF U.S. DEPARTMENT OF EDUCATION FOR UPWARD BOUND PROGRAM AT SOUTH MOUNTAIN COMMUNITY COLLEGE - accept the U.S. Department of Education grant award in the amount of \$242,248 for the Upward Bound program at South Mountain Community College. Funds were awarded for a one-time grant award extension due to the delay in the Upward Bound competition from FY2011 to 2012. The amount reflects a 3.1% budget cut.

D.7. APPROVAL OF U.S. DEPARTMENT OF EDUCATION TITLE V: DEVELOPING HISPANIC-SERVING INSTITUTIONS PROGRAM – GATEWAY COMMUNITY COLLEGE - approve

Year 3 of the U.S. Department of Education grant awarded to GateWay Community College, in the amount of \$571,418.00 for funding period October 1, 2011 – September 30, 2012, for the Title V project entitled: Student Success: Starting Strong and Staying on Track.

D.8. APPROVAL OF IGNITE TOBACCO PREVENTION

PROGRAM - approve the amendment to the Intergovernmental Agreement (IGA) between the Maricopa County Community College District (MCCCD) and the Maricopa County Department of Public Health, Maricopa County Tobacco Use Prevention Program (MACTUPP). The amendment includes an additional \$16,000 to continue the program for July 1, 2011 through May 1, 2012.

D.9. APPROVAL OF DECLARATION OF CURRICULAR AND INSTRUCTIONAL ALIGNMENT TO THE ARIZONA STATE STANDARDS FOR PHOENIX COLLEGE PREPARATORY

ACADEMY - approve and sign the Declaration of Curricular and Instructional Alignment to the Arizona Academic Standards on behalf of Phoenix College Preparatory Academy

D.10. APPROVAL OF U.S. DEPARTMENT OF EDUCATION STUDENT SUPPORT SERVICES TRIO GRANT AT SOUTH MOUNTAIN COMMUNITY COLLEGE

- accept the U.S. Department of Education grant award in the amount of \$231,103 for the Student Support Services TRIO program at South Mountain Community College. Funds were awarded for year two of a five-year SSS-TRIO grant, beginning 9/1/2010 and ending 8/31/2015. The amount reflects a 3.1% budget cut.

D.11. APPROVAL OF DEPARTMENT OF EDUCATION CYCLE 3-YEAR 5 GRANT AWARD FOR THE UPWARD BOUND

PROGRAM AT GATEWAY COMMUNITY COLLEGE - accept and approve the U.S. Department of Education cycle 3, year 5 grant award in the amount of \$242,250 for the Upward Bound program at GateWay Community College. The Upward Bound Grant Award Notification from the Department of Education is included with this Action Item.

D.12. APPROVAL OF U.S. DEPARTMENT OF EDUCATION GRANT AWARD FOR STUDENT SUPPORT SERVICES PROGRAM AT GATEWAY COMMUNITY COLLEGE

- accept and approve the U.S. Department of Education grant award funding in the amount of \$230,139 for the Student Support Services (SSS) program at GateWay Community College. The period of funding is 09/01/2011 through 08/31/2012. The year to year grant funding is expected for a total of 5 year(s).

D.13. APPROVAL OF COLLABORATIVE RESEARCH: A TWO-

YEAR COLLEGE/FOUR-YEAR UNIVERSITY PARTNERSHIP TO TRANSFORM CHEMISTRY AND BIOTECHNOLOGY CURRICULA USING FT-NMR - accept an award for a grant from the National Science Foundation (NSF) in the amount of \$197,629 to Glendale Community College for the “Collaborative Research: A Two-Year College/Four-year University Partnership to Transform Chemistry and Biotechnology Curricula using FT-NMR” project. This project will commence on September 1, 2011 and conclude on August 31, 2014.

E.1 APPROVAL OF APPROVAL OF 2011-12 DISTRICT WORKERS’ COMPENSATION INSURANCE RENEWAL - approve the renewal of our workers’ compensation insurance policies per the attached schedule for the period of October 1, 2011 to October 1, 2012.

E.2. APPROVAL OF GATEWAY EARLY COLLEGE HIGH SCHOOL SUBMISSION OF ANNUAL FINANCIAL REPORT TO THE ARIZONA DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2010-2011 - approve the 2010-2011 Annual Financial Report for GateWay Early College High School for submission to the Arizona Department of Education.

E.3. APPROVAL OF PHOENIX COLLEGE PREPARATORY ACADEMY SUBMISSION OF ANNUAL FINANCIAL REPORT TO THE ARIZONA DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2010-2011 - approve the 2010-2011 Annual Financial Report for Teacher Preparation Charter High School for submission to the Arizona Department of Education.

E.4. APPROVAL OF PROPOSED FEE CHANGES- approve the varied fee changes detailed on the attached. These changes relate to a special fee change at the Southwest Skill Center for Custom Workforce Training, and for course fees at colleges across the district, detailed by college.

E.5 APPROVAL OF UTILITY EASEMENT TO ARIZONA PUBLIC SERVICE (APS) AT THE MARICOPA SKILL CENTER OF GATEWAY COMMUNITY COLLEGE - grant a utility easement to the Arizona Public Service Co. to install and maintain electrical service for the Maricopa Skill Center expansion and renovation

E.6. APPROVAL OF UTILITY EASEMENT FOR A WATERLINE TO THE CITY OF TEMPE RIO SALADO COLLEGE SOUTHERN AND PRICE ROAD LOCATION - grant an easement to the City of Tempe to allow the installation and maintenance of water facilities at the Southern and Price location of Rio Salado College

E.7 APPROVAL OF EASEMENTS FOR BACKFLOW

PREVENTERS TO THE CITY OF MESA - MESA COMMUNITY COLLEGE - grant two easements to the City of Mesa to replace existing backflow preventers at Mesa Community College.

E.8. APPROVAL OF JOB ORDER CONTRACT (JOC) AWARD TO REMODEL F BUILDING FOR A TEMPORARY CAFETERIA AT PHOENIX COLLEGE - award a contract in the amount of Two Hundred Ninety-Eight Thousand Six Hundred Thirty-One and no/100ths Dollars (\$298,631.00) to S.D. Crane Builders, Inc. to remodel a portion of the F Building at Phoenix College into a temporary cafeteria

MOTION

MOTION No. 9860

Governing Board Member Dana Saar moved for approval of the Consent Agenda with the exception of Items V.C.1 and V.D.1 which were removed for discussion and individual approval by Board Member Debra Pearson. Board Member Debra Pearson seconded. Motion approved 5-0.

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

DISCUSSION: Mrs. Pearson questioned why Board Members were no longer receiving new employment justifications as had been requested. Vice Chancellor Nikki Jackson responded that she would like to revisit what information is required. Mrs. Pearson responded that she was interested in knowing why a new employment was being requested.

MOTION

MOTION No. 9861

Governing Board Member Debra Pearson moved for approval of Action Item V.C.1 as recommended. Board Member Don Campbell seconded. Motion approved 5-0.

D.1. APPROVAL OF PROPOSED CURRICULUM - the curriculum proposal attached has been processed through all procedures established by the Maricopa County Community Colleges. It is recommended that the proposal be approved as submitted.

DISCUSSION: Mrs. Pearson remarked that she was interested in receiving more information on the courses being approved. She felt that short explanations as indicated on this course was patronizing. Dr. Glasper advised that he and Dr. Harper-Marinick would get together with Mrs. Pearson as to what information she was interested in receiving.

MOTION

MOTION No. 9862

Governing Board Member Debra Pearson moved for approval of Action Item V.D.1 as recommended. Board Member Dana Saar seconded. Motion approved 5-0.

VI. CONSIDERATION OF NON-CONSENT ACTION ITEMS

A. CHANCELLOR

1. APPROVAL OF NON-DISCRIMINATION POLICIES - amend the existing Non-Discrimination Policy of the Maricopa County Community College District (MCCCD) to include gender identity to the list of protected groups that are named in the MCCCD Non-Discrimination Policy, which also encompasses several related equal employment opportunity policies. This would include, but not be limited to amending the following items:

- Maricopa EEO Policy [Administrative Regulation 5.1.1]
- EEO Policy Statement [Administrative Regulation 5.1.3]
- Notice of Americans with Disabilities Act [Administrative Regulation 5.1.7]
- Maricopa's Sexual Harassment Policy for Employees and Students [Administrative Regulation 5.1.8]
- College Environment Non-discrimination Policy Statement [Administrative Regulation 2.4.2]
- College Environment Equal Opportunity Statement [Administrative Regulation 2.4.3]

Amendments would also be made to the corresponding discrimination complaint procedures and forms used by employees and students to submit formal internal complaints. An example of an amendment to the protected group listing is as follows:

*"It is the policy of Maricopa to promote equal employment opportunities through a positive continuing program. This means that Maricopa will not discriminate, nor tolerate discrimination, against any applicant or employee because of race, color, religion, gender, sexual orientation, **GENDER IDENTITY**, national origin (including document abuse), citizenship status, age, disability, veteran status or genetic information. Additionally, it is the policy of Maricopa to provide an environment for each Maricopa job applicant and employee that is free from sexual harassment, as well as harassment and intimidation on account of an individual's race, color, religion, gender, sexual orientation, national origin, citizenship status, age, disability, veteran status or genetic information."*

DISCUSSION: Board Member Debra Pearson expressed frustration as she listened to people recommending that this action item be passed. She was offended that an academic institution should not be

able to expect more when we talk about hate crimes that they are most hated and most discriminated. She is writing a book about single fathers and how they are discriminated against and they are fighting an up-hill battle. Question is when does the list stop? We do not tolerate this type of discrimination. Really resents the low level of academic approach that "we are not trying to force ourselves into your homes." Reverse harassment. Need to step back and look at way the language is written. Need to grow up and just start enforcing what is in place

Dr. Campbell commented that when he thought back to a number of years ago when different people would not have been here today because of segregation, that would have eliminated many people. He questioned when we were going to find out we are not perfect? We are human beings who make mistakes and need to try to correct.

MOTION

MOTION NO. 9863

Governing Board Member Doyle Burke moved for approval of Action Item VI.A.1 as recommended. Board President Randolph Lumm seconded. Roll Call Vote Taken.

Pearson: No

Campbell: Yes

Burke: Yes

Saar: No, the District needs to enforce current discrimination policies.

Challenges Equality Maricopa to give affected students a place to feel safe and a conduit to the District for any discriminatory issues. I'm afraid these changes will cause more problems than they'll solve.

Lumm: Yes

Motion approved 3-2 (Pearson & Saar – nay).

B. BUSINESS SERVICES

1. APPROVAL OF CONSTRUCTION CONTRACT AWARD FOR FILM PROGRAM EQUIPMENT STORAGE AND CLASSROOM FACILITY AT SCOTTSDALE COMMUNITY COLLEGE - approve a contract award in the amount of One Million Two Hundred Seventy-Nine Thousand, Nine Hundred Sixty-Nine and 00/100ths Dollars (\$1,279,969.00) to Danson Construction LLC for construction of the new Film Program Storage & Classroom Building at Scottsdale Community College

MOTION

MOTION NO. 9864

Governing Board Member Debra Pearson moved for approval of Action Item VI.B.1 as recommended. Board Member Don Campbell seconded. Motion approved 5-0.

C. INFORMATION TECHNOLOGY SERVICES

1. APPROVAL OF LEARNING MANAGEMENT SYSTEM

RFP AWARD - approve the RFP award for the district-wide Learning Management System (LMS) to Instructure, Inc. for the implementation of the Canvas LMS. This system is a replacement for the current Blackboard/WebCT Learning Management Systems.

DISCUSSION: Mr. Kahkedjian requested that the Governing Board approve the RFP award for the district-wide Learning Management System (LMS) to Instructure, Inc. for the implementation of the Canvas LMS. This system is a replacement for the current Blackboard/WebCT Learning Management Systems. President Lumm asked if the Board was passing this in a phased-in process with a test at one college for a replacement of the entire Blackboard program, having identified MCC to be the first institution? Governing Board Member Debra Pearson stated she would like to have actual cost for this and had concerns about making a transition to a company that had so few employees. Chancellor Glasper responded that this recommendation was not for us to address Rio Learn but to address eight other colleges that have Blackboard and WebCT in a phased-in way. Mrs. Pearson was concerned that the Board look at this in steps. Would like to add an amendment that after the Mesa Community College phase, that a report be submitted. Mr. Kahkedjian stated that the RFP reflected pricing based on number of users. Chancellor Glasper indicated that the justification reflected a negotiated price and a phased-in approach. The RFP cannot represent one proposal. Support the RFP with renegotiation. Motion that will be passed is for MCC – other colleges cannot be guaranteed. Rio Learn cannot replicate at other colleges. We need to find one product that can serve all ten colleges. Mr. Burke stated he assumed that the recommendation was made because faculty were looking at different products. Ten or twelve people suggested this vendor. Faculty were included in this decision.

MOTION

MOTION NO. 9865

Governing Board Member Doyle Burke moved for approval of the Amendment to Action Item VI.C.1 that the approval was to implement at Mesa Community College and a report would be submitted before going to other colleges. Board Member Randolph Lumm seconded. Motion approved 4-1 (Saar – no).

MOTION

MOTION NO. 9866

Governing Board Member Doyle Burke moved for approval of Action Item VI.C.1 with an amendment that the approval was to implement at Mesa Community College and a report would be submitted before going to other colleges. Board Member Randolph Lumm seconded. Motion approved 5-0.

2. APPROVAL OF FINANCIAL AID OPTIMIZATION AND

SUSTAINABILITY PROJECT - approve a contract for PeopleSoft consulting support for the Financial Aid Optimization and Sustainability project in the amount of \$735,760

DISCUSSION: President Lumm requested an accounting of total funding costs for the Financial Aid/Student Information System. He wanted to know what has been spent and what will be the total cost.

MOTION

MOTION No. 9867

Governing Board Member Dana Saar moved for approval of Action Item VI.C.2 as recommended. Board Member Debra Pearson seconded. Motion approved 5-0.

**MONITORING
REPORT**

VII. MONITORING REPORTS

**A. BUDGET ANALYSIS REPORT SUMMARY
FUND 1 – GENERAL UNRESTRICTED FUND
FOR THE TWO MONTHS ENDED AUGUST 31, 2011**

Expenditure analysis indicates 11.2% of the budget has been expended this year as compared to 11.6% expended at this same point in time last year. 46.8% of the budget remains unexpended or unencumbered compared to 45.7% in the prior year. Revenue analysis indicates that 23.1% of the budget has been recognized as compared to 21.6% in the prior year. The projected fund balance will decrease by ~\$9.4 million this fiscal year and the projected ending fund balance for June 2012 is \$140.4M.

**NEXT BOARD
MEETINGS**

President Lumm announced the following future meetings:

October 18, 2011 5:30 p.m.
HLC Session – Estrella Mountain Community College

October 25, 2011 6:30 p.m.
Regular Board Meeting

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Doyle W. Burke
Governing Board Secretary