

MINUTES
State Board of Community Colleges
POLICY COMMITTEE
Thursday, April 20, 2017 – 3:30 p.m.

POLICY COMMITTEE MEMBERS IN ATTENDANCE:

Ernie Pearson, Chair
Bobby Irwin
Bill McBrayer*
Lynn Raye
Jim Rose
Clark Twiddy

Other Members in Attendance:
Breedon Blackwell
Lisa Estep
Jimmie Ford

Darrell Saunders
Scott Shook
Bob Stephens*
Ann Whitford

Attended by Phone *

Absent: Todd Johnson and Janet Lowder

OTHERS IN ATTENDANCE:

Jimmie Williamson
Jennifer Haygood
Elizabeth Grovenstein
Maureen Little
Chreatha Alston

Sondra Jarvis
Bryan Jenkins
Shanté Martin
Libby Self
Mary Shuping

Dale McInnis (Richmond CC)
Linda Suggs (Gates Fnd)

WELCOME AND ETHICS STATEMENT

Mr. Pearson called the meeting to order at 3:38 pm in Dr. W. Dallas Herring State Board Room of the Caswell Building and read the Ethics Awareness and Conflict of Interest Statement and asked if there were any known conflicts. None were noted.

ROLL CALL

Bryan Jenkins took the roll of the Policy Committee members.

APPROVAL OF THE AGENDA

Mr. Pearson requested a motion to approve the April 20, 2017 agenda as presented. Agenda approved via voice vote.

APPROVAL OF THE MINUTES

Mr. Pearson requested a motion to approve the March 16, 2017 minutes. Mr. Raye made a motion to approve the minutes and Dr. Blackwell seconded the motion. It was unanimously approved by the committee.

FOR INFORMATION

SBCC Code Report – April 2017 (Attachment POL 1)

Mr. Pearson asked if there were any questions about the April SBCC Code Report.

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NEW BUSINESS

Discussion re: Settlement Agreement in *Case v. Nash Community College*

Ms. Martin provided documentation outlining the timeline of Debbie Case v. Nash Community College and the State Board of Community College. Ms. Martin shared that the State Board are often named in tort claims, however due to the board not having any relationship with the student or person filing the claim, the State Board is not a proper party. When named, the State Board is dismissed from the case.

In the case referenced, Ms. Martin had followed proper protocol to have State Board dismissed in December of 2014. In December of 2015, NCCCS received a notice asking for a settlement payment of \$49,314.51. After reviewing records, Ms. Martin attempted to contact the attorney, on the case, Mr. Walton from the Attorney General Office (AG's Office). Ms. Martin heard back from Mr. Walton in January 2016. Ms. Martin explained to Mr. Walton that there was confusion since there had not been communication about settlement discussions. Mr. Walton thought that the State Board was a proper party to the claim. Ms. Martin provided statutory information and explanation why the State Board was not a proper party. Mr. Walton acknowledged that the SBCC was not the correct entity with regard to the tort claim and stated that NCCCS would not have to pay the claim. Ms. Martin told Mr. Walton that the State Board needed to be dismissed from the case because the State Board had nothing to do with the case.

In March 2017, Mr. Walton called in reference to another case. Ms. Martin asked whether the the AG's Office had filed to have the State Board dismissed from the case. Mr. Walton stated that he did not believe that anything could be done. Unfortunately due to this, there is a public record (the Settlement Agreement) indicating the State Board settled a claim, which may serve as precedence. Ms. Martin said that there should have been no settlement agreement without the authority of the client, therefore that is not a valid settlement.

Ms. Martin spoke to Alec Peters, the Special Deputy Attorney General, to solicit advice. Because the case has been closed, there is nothing that can be done to remove the State Board from the case. The opinion was that there would not be an issue with precedence since the State Board was not an appropriate party. Ms. Martin's concern is that there is no documentation stating that the State Board was not an appropriate party.

Ms. Martin wanted to bring this to attention of the State Board. Ms. Martin recommended that a letter can be written on the behalf of the State Board to be added to the file to clarify the timeline and the lack of communication. The goal is to have a record at the Industrial Commission and the AG's Office stating that the State Board was not a part of the case, didn't know about it, and didn't authorize the settlement.

Mr. Pearson recommended that Nash Community College co-sign the letter acknowledging that they were the appropriate party in the case.

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Mr. Pearson asked if the State Board is still having to work with the same attorney. Ms. Martin stated that she has spoken to the Senior Deputy over tort claims, who has communicated to all staff to contact NCCCSS anytime the State Board is named in a case. All of the attorneys have been notified that cases with State Board are unique.

Mr. Raye made a motion authorizing Ms. Martin to write a letter clarifying the facts of the settlement in *Case v. Nash Community College* to be put on file at the Industrial Commission and the AG's Office. Mr. Rose seconded the motion and it was unanimously approved.

Chairman Shook said since the last meeting, the Presidents agreed to work with the State Board on a task force focused the rules and guidelines to the governance changes. There were discussions around contracts. Chairman Shook has selected members from the State Board to serve. At this time, Chairman Shook does not believe NCACT will officially participate, but will invite trustees that are interested.

Chairman Shook made a motion for the rules and laws guidelines to be handled by the Governance Task Force. Mr. Raye seconded the motion and it was unanimously approved.

ADJOURNMENT

Ms. Lowder motioned and Mr. Rose seconded to adjourn the meeting. The motion was adopted and the meeting adjourned at 3:39 pm.

Respectfully submitted,
Sondra Jarvis