

SPECIAL BOARD MEETING MINUTES
District Board of Trustees
Tallahassee Community College
444 Appleyard Drive
Tallahassee, FL 32304
Thursday, September 1, 2016
9:30 am - Business Meeting

The Special September 2016 District Board of Trustees meeting was called to order by Chair Pople at approximately 9:33 a.m.

Members Present: Chair Pople, Trustees Callaway, Kilpatrick, Lamb, Moore and Vaughn.

Absent: Trustee Messersmith

Via phone: None

Others Present: President Murdaugh, Craig Knox, Barbara Wills, Audrey Mathews, Al Moran, Byron Dobson, Feleccia Moore-Davis and Lenda Kling.

President Murdaugh thanked the Trustees for being at the special meeting, indicating the policy requires we act within a certain timeframe. He said there will be a series of issues that will result in motions and votes, asking Board Attorney Craig Knox to lead us through the process.

Esq. Knox stated the President has recommended the dismissal of two (2) faculty members, based upon violation of TCC policy. He indicated a notice of recommendation was sent to them and they requested a hearing within the guidelines of TCC Policy 05-16. He said that today per that policy, the Board would have to set a date/time/place of hearing and appoint a hearing examiner.

He shared the hearing examiner could be one the Trustees, the whole Board or the Board could appoint an independent person who has experience and can provide a fair, impartial hearing. He stated that the hearing cannot be held any sooner than fifteen (15) work days from today. He said the Board may want to give the hearing examiner the discretion to reschedule the hearing to a mutually acceptable time for all parties.

Esq. Knox indicated per the policy the President has the opportunity to request the Board appoint an attorney for him, since the Board attorney must serve as a legal and technical advisor to the hearing examiner. He stated the hearing will be conducted very similar to a trial, with each side presenting opening statements. He said next the President's representative would present witnesses and documentary evidence, with the faculty member representatives having the opportunity to cross examine witnesses. He stated then the faculty members representatives will present, with cross examination by the President's representative.

He shared at the end of the presentations; each side would be allowed to make closing statements. He said each side may submit recommendations to the hearing examiner, who will look at the findings and facts, then issue a hearing order. He stated the entire hearing must be recorded, recommending this be done by a court reporter.

Esq. Knox indicated that upon completion of the hearing the entire Board will be given all the information and the Board must make a final vote within thirty (30) days for dismissal, non-

dismissal or another recommendation. He shared the faculty member will then have thirty (30) days to appeal to the Florida First District Court of Appeals.

Trustee Kilpatrick inquired if the hearing is open to the public, with Esq. Knox responding in the affirmative but indicating Florida Laws prohibits us from producing any records in reference to disciplinary proceedings or hearings. He read from TCC Policy 05-16, "No public statements to news gathering agencies or otherwise as to cases pending before or concluded by the Board or hearing examiner shall be made by any member thereof or by any party to the hearing."

Esq. Knox indicated the President is recommending Nikki Clark, former circuit and court of appeals judge with no connection to TCC, as the hearing examiner. He said the President has also requested Robert Sniffen, labor and employment lawyer, as his attorney for the hearing. He recommended we set two (2) hearing dates – one (1) for each faculty member.

Trustee Kilpatrick confirmed Nikki Clark has agreed to serve as hearing examiner, with Trustee Moore saying she was glad neither of the individuals were directly related to TCC. Trustee Callaway stated Nikki Clark has an outstanding record, with credibility and integrity.

A motion was made to appoint or engage Nikki Clark as hearing officer and Robert Sniffen as attorney for the President.

MOTION: Trustee Moore
SECOND: Trustee Lamb
Motion passed unanimously.

A motion was made to recommend the dates Monday, September 26th & Wednesday, September 28th both at 3:00 p.m. in the Capital Center, with the discretion for the hearing officer to adjust as necessary.

MOTION: Trustee Kilpatrick
SECOND: Trustee Moore
Motion passed unanimously.

Esq. Knox recommended the Trustees not attend the hearing, since the Board will have to review all the evidence from the hearing. He stated the policy requires a written notice go out today to the hearing examiner announcing her appointment and to each faculty member, their representatives and the President's representative in reference to the date/time/location of the hearing. He said the policy did not require the signature of any specific member of the Board for this notice, indicating the President could sign as Secretary of the Board.

ADJOURNMENT

Meeting adjourned at approximately 9:46 a.m.

Minutes approved at regular meeting of the District Board of Trustees on September 19, 2016.

Randy Pople
Chair

Jim Murdaugh, Ph.D.
President