Chair Gagne called the meeting to order at 5:00 p.m.

APPROVAL OF MINUTES
On a motion by Trustee Rosa, seconded by Trustee Messina, the minutes of the August 5, 2010 meeting were approved.

OPEN DISCUSSION BETWEEN AD HOC COMMITTEE MEMBERS

At Committee Chair Gagne’s request, AVC Trainor shared information concerning, and participated in a discussion which followed, regarding similar policies at other colleges and universities, including those out of state (Illinois, Massachusetts, New Jersey, Minnesota) and within the Connecticut constituent units of higher education. Noting that the Connecticut Community College System has a policy (in place since 2000) granting authority that exceeds that which the CSUS Chancellor is afforded, AVC Trainor provided a copy of Section 2 from the Connecticut Community Colleges HR Policies for Presidents to Committee members (copy attached hereto).

AVC Trainor left the meeting at 6:00 p.m. The open discussion among members continued touching upon the following topics:

- pros and cons of employment contracts (CSUS presidents do not have employment contracts);
- differences between non-continuation vs. termination.
- need for transparency and importance of Board members being kept informed and conflict with terms of confidentiality called for in separation agreements;
- CSUS Chancellor and University Presidents’ annual evaluations (shared with Executive Committee members)
- roles and responsibilities
  - Board members’ understanding of their role and that which is delegated by the Board to the system chancellor and university presidents in terms of management authority
  - Board/Chancellor; Chancellor/Presidents; Board/Presidents.
DISCUSS AND PREPARE OUTLINE OF DRAFT REPORT (FOR REVIEW AT THURSDAY, 9/9/10 MEETING)

Discussion ensued regarding potential areas of agreement among Committee members in anticipation of development of draft report.

It was agreed that prior to the September 9 meeting, Committee Chair Gagne would contact an outside attorney seeking any thoughts regarding 10.2. Trustee Rosa indicated he wished to seek out additional comparable systems’ policies for comparison purposes.

ADJOURNMENT

The meeting adjourned at 7:13 p.m. on a motion by Trustee Gagne and seconded by Trustee Rosa.
SECTION 2 - SELECTION, APPPOINTMENT AND TERMINATION

Section 2-10 Recruitment and Selection
Recruitment and selection of presidents in the Community College System is undertaken pursuant to procedures established by the Board.

Section 2-20 Appointment Authority
Except as the Board may expressly provide by written policy, the authority to offer appointments and reappointments rests with the Board.

Section 2-30 Definition and Duration of Appointment
Appointment is an action by the Board which grants an interest in employment for a specified period of one year or less. Appointments made by the Board are subject to adequate funding and statutory limitations on the authority of the Board. Where the terms, appointment or standard appointment, are used in this section or Sections 2-40 and 2-80, they shall refer to appointments in the current position and shall not incorporate prior service with the Board.

In providing for evaluation and Board review of decisions not to reappoint as set out within these policies, the Board does not intend to grant a right to reappointment. Reappointment is at the sole discretion of the Board.

Section 2-40 Notice of Nonreappointment
A. Presidents are entitled to notice of nonreappointment in accordance with the following schedule: for the first standard appointment, the months; for the second standard appointment, six months; and for the third and subsequent standard appointment, twelve months. Notice may be issued by the Chancellor or the Board, as appropriate. Notice may be issued at any time, provided that the affected employee shall be entitled to employment for the specified notice period or, at the Board’s discretion, equivalent compensation.

B. The president may obtain Board review of a decision not to recommend renewal of his/her appointment by filing with the Board within 30 days of the notice a written statement with supporting documentation that the decision is based on an improper reason. Board review may be by the Board, a committee of the Board, or a designee of the Board. An improper reason is defined as either:

1. A reason that is arbitrary or capricious. An arbitrary or capricious reason is one which is unrelated to the education process or to working relationships within the educational institution: which is trivial; or which has insufficient basis in fact.

2. A reason that infringes upon specific constitutional or statutory rights of the individual.

Utilization of the appeal provisions specified herein does not delay the effective date of termination, if that is upheld.
Section 2-50 Separation Because of Incapacity
When a president has become physically or mentally incapable of or unfit for the efficient performance of duties of his/her position, the Chancellor may recommend to the Board that the person be separated from state service in good standing, after the president has exhausted the sick leave to which he/she is entitled. The Board may require that the president receive a physical or mental examination by competent medical professionals.

Section 2-60 Suspension
A. The Chancellor or the Board may suspend a president with pay if the individual constitutes a threat of harm to himself/herself or to others or pending investigation of conduct for which discipline may be appropriate.

B. The Chancellor or the Board may suspend a president without pay for cause as specified in Section 2-70.C below. In any given action, the affected employee shall have the right to know and respond to the reasons for suspension without pay prior to the imposition of the penalty.

Section 2-70 Dismissal
A. Dismissal is an action by the Board which terminated the appointment of a president. Dismissal is distinguished from nonrenewal, termination for special reasons, and termination for economic exigency, which are controlled by Sections 2-40, 2-80, 2-90.

B. Dismissal is to be for cause as defined below. Dismissal is affected by the Board on recommendation of the Chancellor and after opportunity for a hearing and shall be governed by the following procedure:

1. The Chancellor, or other authorized designee of the Board shall notify the president, in writing, that termination of his or her appointment is under consideration and shall give the reasons for such action. The president may respond in writing, or may respond orally at a meeting, limiting the response to the reasons cited. The written or oral response or request for appeal must be initiated within seven (7) days of the notice.

2. If after considering the response of the president, or if the president has not responded within the seven (7) day period, the initiating authority believes that there is cause for dismissal, he or she shall file written notice with the president that dismissal is recommended. Said notice shall contain the general statement of the reasons and a statement of the cause or causes.
3. Upon receipt of said notice, the president may, within ten (10) days, request in writing of the Chancellor that a hearing be granted him/her before a hearing panel designated by the Board. The question to be presented to the hearing panel is whether the recommendation to terminate the employment of the president is arbitrary, capricious, or discriminatory.

4. In any such hearing, the president may be represented by counsel at his or her own expense; a written transcript shall be kept; the president may present written or oral evidence; and admission of evidence is in the discretion of the hearing panel, subject to general considerations of relevancy and materiality. The initiating authority is required to present evidence to support his/her recommendation. The burden of persuasion rests on the complainant, to establish his/her case by a preponderance of the evidence that the recommendation was arbitrary, capricious, or discriminatory.

5. The final decision shall be made by the Board based on the written finding and conclusions of the hearing panel. The Board may direct the panel to hear additional evidence, supply additional findings, and/or clarify the basis for a conclusion.

C. Dismissal of a president, during the term of his/her appointment, may be for one or more of the following causes:

1. Incompetent or inadequate performance or responsibilities of the position.

2. Persistent neglect of these responsibilities.

3. Noncompliance with reasonable regulations or directives of the Board or of the Chancellor.

4. Conduct which impairs the effective performance of assigned responsibilities or which interferes with the work of the college or impairs the rights of students or of other staff members.

5. The use of fraud, collusion, or misrepresentation of a fact material to obtaining employment with the college and/or tenure or promotion therein.

Section 2-80 Termination or Reclassification for Special Reasons

A. Special reasons refer to (1) discontinuance and/or reduction in service programs, administrative reorganization, or other reasons associated with the allocation of institutional resources or (2) economic considerations, which shall include but not be limited to reduction or termination of funds provided by grant, contract, or the Board’s revolving funds or any reductions in state appropriations or allotments.
B. Notice of termination for special reasons shall be given by the Chancellor in accordance with the following schedule: for the first standard appointment, three months; for the second standard appointment, six months; for the third and subsequent standard appointments, twelve months. As used in this part, appointment refers to appointment with the Board in an unclassified position.

In the event that the Chancellor or the Board is considering termination of a president’s position for special reasons, the Chancellor shall inform the affected individual. For a period of thirty days thereafter, the affected individual may discuss the matter with the Chancellor, and the Personnel Committee of the Board. The discussion is limited to the organizational aspects of the contemplated action; consideration of factors particular to the individual may be raised pursuant to Section 2-80C., following notice of termination.

C. A president may obtain review of a decision to terminate for special reasons by filing with the Board within thirty (30) days of the date of the notice a written allegation with supporting documentation that the termination is based on an improper reason as defined in Section 2-40 B. Review may be by the Board, a committee of the Board, or a designee of the Board.

D. When a change in assignment and duties of a president during an appointment period involves reclassification to a lower classification, the minimum salary for full-time service in the lower classification shall be as follows: (1) in reclassification of a 12-month person to a different 12-month classification, the biweekly salary shall not be less than 80 percent of the highest biweekly salary earned as a 12-month person, and (2) in reclassification of a 12-month person to any 10-month classification, the biweekly salary payable on a 12-month basis shall not be less than 67 percent or more than 83.33 percent of the biweekly salary as a 12-month person, or the top step of the appropriate level for the new position, whichever is less.

**Section 2-90 Economic Exigency**
The Board reserves the right to terminate unclassified management personnel including presidents, for reasons of economic exigency.