



North Idaho College

Board of Trustees Meeting

January 18, 2023

Edminster Student Union Building

Connect via Zoom: <https://nic.zoom.us/j/85759887396> or by phone: (669) 900-6833 Webinar ID: 857 5988 7396

***Mission statement:** North Idaho College meets the diverse educational needs of students, employers, and the northern Idaho communities it serves through a commitment to student success, educational excellence, community engagement, and lifelong learning.*

This meeting is a business meeting of the Board Trustees and the NIC Administration. The board will take comment on agenda items from members of the public in person at the meeting, and comment will be **sharply** limited to two minutes per person. Multiple sign-up sheets will be provided in the meeting room with the desire to accommodate all who sign-up before the 6:00 p.m. open-session convening. No prior requests for public comment will be accepted as public comment sign-up except what is designated on the in-person sign-up sheets. Individuals interested in communicating with the board outside the meeting may send an email to board@nic.edu.

AGENDA

6:00 p.m. Lake Coeur d'Alene Room	
Convene/Call to Order/Verification of Quorum	Gregory McKenzie
Pledge of Allegiance	
Public Comment	Gregory McKenzie

CONSTITUENT REPORTS

ASNIC	Damian Maxwell
Faculty Assembly	Ben Tschida
Staff Assembly	Keri Simonet
Senate	Neil Doyle

INTERIM PRESIDENT'S REPORT	Greg South
-----------------------------------	------------

CONSENT AGENDA	Gregory McKenzie
-----------------------	------------------

Action for Approval of Meeting Minutes for December 21, 2022

UNFINISHED BUSINESS

Action: Review/Approve Meeting Minutes for December 5, 2022, December 8, 2022, December 10, 2022	Greg McKenzie
--	---------------

NEW BUSINESS

Action: Motion for Interim President to Evaluate ASNIC Representation on Board of Trustees	Greg McKenzie
--	---------------


INFORMATION ITEMS

Accreditation Update	Steve Kurtz
Enrollment Update	Steve Kurtz

REMARKS FOR THE GOOD OF THE ORDER*

ADJOURN

* Remarks are subject to NIC Policy 2.01.03. Copies are available from the President's Office.



North Idaho College
BOARD OF TRUSTEES MEETING
Edminster Student Union Building
December 5, 2022
MINUTES

CALL TO ORDER AND VERIFICATION OF QUORUM

Trustee Todd Banducci convened the meeting at 6:00 p.m. and verified that a quorum was present. He next welcomed attendees and led them in the Pledge of Allegiance.

ATTENDANCE

Trustees: Todd Banducci
Brad Corkill
Greg McKenzie
Mike Waggoner
Tarie Zimmerman

Also present: Nick Swayne, President
Sarah Garcia, VP Finance and Business Affairs
Lloyd Duman, Interim Provost
Laura Rumpler, Chief Communications and Government Relations Officer

SPECIAL BUSINESS

Canvass of Trustee Election

VP Sarah Garcia canvassed results of the November 8, 2022 trustee election:

For NIC Trustee Zone 1, Tarie Zimmerman received 28,353 votes and Ronald Hartman received 26,608 votes.

For NIC Trustee Zone 2, Diana Sheridan received 27,220 votes and Brad Corkill received 27,662 votes.

For NIC Trustee Zone 5, Mike Waggoner received 29,162 votes and Pete Broschet received 25,240 votes.

There was no discussion.

Election of Officers and External Liaison Appointments

Trustee Banducci requested nominations for the position of board chair. Trustee McKenzie commented on Trustee Banducci's previous service as board chair and he nominated Trustee Banducci to for the position of chair. The nomination was seconded. Trustee Zimmerman nominated Trustee Corkill for the position of chair. The nomination was seconded. There were no other nominations, and the nomination for Trustee Banducci carried with three in favor and two opposed.

Trustee Banducci made some remarks then rescinded the vote electing him as chair and he nominated Trustee McKenzie to serve as board chair. The nomination was seconded and carried with three votes in favor. At this time, Trustee McKenzie was seated as chair and continued the meeting.

PUBLIC COMMENT

Teresa Borrenpohl commented on the topic of accreditation resolution

Michael McGovern commented on assigning duties to trustees

Randy Neal commented on the topic of accreditation

Howard Kuhns commented on trustee emeritus

Tim Plass commented on the topic of the financial audit

At this time, Chair McKenzie returned to the topic of officer elections and external liaison appointments and requested a motion to fill the position of vice chair. Trustee Banducci nominated Trustee Waggoner for the position of vice chair. The nomination was seconded. There were no other nominations and the nomination for Trustee Waggoner carried with three votes in favor.

Trustee Banducci nominated Trustee Corkill for the position of secretary/treasurer. The nomination was seconded. There were no other nominations and the nomination for Trustee Corkill carried with four votes in favor.

Trustee Banducci nominated Chair McKenzie to serve as the board liaison to the NIC Foundation Board. The nomination was seconded. There were no other nominations and the nomination for Chair McKenzie carried with four votes in favor.

Trustee Banducci nominated Trustee Waggoner to serve on the KTEC Board. The nomination was seconded. There were no other nominations and the nomination for Trustee Waggoner carried with four votes in favor.

Trustee Waggoner nominated Trustee Banducci to serve as board liaison to the NIC Booster Club. The nomination was seconded. There were no other nominations and the nomination for Trustee Banducci carried with four votes in favor.

CELEBRATING SUCCESS

Regional Outreach Center Manager Christine Callison presented information about NIC at Sandpoint, including the move to consolidate the Center into one location at the Pine Street Annex in Sandpoint. She also shared information about the services they provide the communities of the northern counties.

CONSTITUENT REPORTS

ASNIC

ASNIC President Damian Maxwell reported on student activities, including their participation in the recent open house event, the submission of a proposal for outdoor seating to the NIC Foundation Grant program, and their recent attendance at a national conference. He discussed some of the activities for the student events board.

Faculty Assembly

Chair Ben Tschida opened by welcoming new trustees and thanking outgoing trustees. He reported that during their last meeting, faculty conducted a second reading of their assembly bylaws. He also shared that Dr. Swayne visited for a discussion of the faculty evaluation procedure. He recognized Joe Jacoby, chair of the Communication and Fine Arts Division, for recently receiving the Governor's Award in the Arts.

Staff Assembly

Chair Keri Simonet reported that during their November 10 meeting, staff were visited by Dr. Swayne and other guests. She shared that during the meeting, staff introduced new employees and recognized the November employee of the Month, Phillippe Valle, associate professor of Graphic Design.

Senate

Chair Neil Doyle reported that during their November meeting, Senate conducted a first reading of revisions to the mediation policy and procedure.

PRESIDENT'S REPORT

Dr. Swayne began by reading, aloud, the college's mission statement and he shared the current goal of increasing enrollment to 5,000 students by fall 2023. He welcomed new trustees and

recognized Sarah Garcia for her selection as vice president for finance and business. He shared that candidates for the open position for vice president of instruction/student affairs would visit campus this week and he recognized Joe Jacoby for his recent Governor's Award in the Arts. He reported on athletic teams' successes, commented on the upcoming graduation for the first class of the dental hygiene program, and he discussed activities leading up to finals week and the holidays.

Chair McKenzie took this opportunity to share some remarks and continued with the meeting.

CONSENT AGENDA

The consent agenda was approved without objection.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Financial Audit

VP Garcia introduced Barry Weber, from the auditing firm of Eide Bailly. Mr. Weber presented the fiscal audit for the year ending June 30, 2022, reporting a clean audit and no findings.

The board tabled the matter of accepting the audit until the next meeting to allow for new trustees to have more opportunity to review the report.

POST Detention Academy Student Fee

Tracy Robnett, division chair for Career and Technical Programs, presented information for the recently approved POST detention academy, including the related student fee of \$710 to cover the cost of course supplies.

Chair McKenzie expressed his interest in knowing if the Foundation would be able to assist students in programs with higher student fees.

Trustee Banducci made a motion to approve the POST Detention Academy student fee of \$710 per student. The motion was seconded and carried unanimously.

Legal Counsel Services

Chair McKenzie commented on practices of the previous college attorney. Trustee Banducci distributed to trustees and President Swayne, a written resolution to review related to legal counsel. Following review and discussion, Trustee Banducci commented that the proposal addresses the matters of accepting the resignation of Mr. Lyons, addressing the current vacancy, putting a competent attorney in place, requesting the former counsel provide the new attorney with the information that is needed in a timely manner to continue serving the college without interruption. He then made a motion to adopt Resolution 2022-03. The motion was seconded and following additional discussion, carried with three in favor and two opposed.

At this time, Trustee Banducci requested that signatures for the resolution and the fee schedule for Mr. Macomber's services. Dr. Swayne expressed his interest in conferring with his legal counsel prior to signing the fee schedule.

Trustee Banducci made a motion that pending President Swayne following the direct verbal order he has been given by the board of trustees to sign the appropriate fee agreement, that Mr. Macomber become the attorney of the board until such time he becomes the attorney for the entire college, per the resolution. The motion was seconded and following discussion, carried with three in favor and two opposed.

Trustees' Paths to Saving Accreditation, Resolutions

Trustee Banducci distributed a written resolution for trustees and President Swayne to review and following a brief period, made a motion to approve Resolution 2202-04. The motion was seconded and following discussion, carried with three in favor and two opposed.

Amend Previous Minutes

Chair McKenzie made a motion for the board clerk to meet with him and community member Ron Hartman to propose a correction to the minutes. The motion was seconded and following discussion, carried with three in favor and two opposed.

Discuss Upcoming Agenda Topics

Dr. Swayne commented on the matter of filling the VP position in light of the resolution. Trustee Banducci commented on pausing on hiring. He also proposed campus security as an agenda item. A brief discussion of campus security took place. Chair McKenzie proposed an executive session for this topic and the topic of cyber security, and he requested and received consensus from the trustees to go into executive session at the next meeting.

Chair McKenzie requested options for board training and asked that a calendar of professional service contracts be posted online. Trustee Banducci requested that the RFP for legal counsel be shared with Mr. Macomber.

New Trustee Onboarding

Chair McKenzie asked that he be included in an upcoming onboarding session.

Change the Date for December 19, 2022 Board Meeting


Trustees discussed options for moving the next regular meeting date. Following some discussion, trustees agreed to leave the meeting on December 19.

REMARKS FOR THE GOOD OF THE ORDER

Chair McKenzie commented on the upcoming Night at the Library event.

There were no further remarks, and the meeting was adjourned at 8:45 p.m.

Respectfully Submitted,
Shannon Goodrich, Board Clerk

**North Idaho College**
BOARD OF TRUSTEES SPECIAL MEETING
Edminster Student Union Building
December 8, 2022
MINUTES

Chair Greg McKenzie called the meeting to order at 6:54 p.m. and verified a quorum was present. Trustee Banducci made a motion to go into executive session under Idaho Code § 74--206(1)(a)(d) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need; and to consider records that are exempt from public disclosure under Idaho Code § 74-206(1). The motion was seconded and roll call vote was taken as follows:

Todd Banducci	aye
Greg McKenzie	aye
Mike Waggoner	aye
Tarie Zimmerman	aye

At 10:04 p.m. the meeting was recessed.

CALL TO ORDER AND VERIFICATION OF QUORUM

Chair McKenzie reconvened the meeting at 10:09 p.m. and verified that a quorum was present. He next welcomed attendees and led them in the Pledge of Allegiance.

ATTENDANCE

Trustees: Todd Banducci
Greg McKenzie
Mike Waggoner
Tarie Zimmerman

Also present: Nick Swayne, President
Sarah Garcia, VP Finance and Business Affairs
Lloyd Duman, Interim Provost
Laura Rumpler, Chief Communications and Government Relations Officer

At this time, Trustee Banducci made a motion to amend the agenda to add an item for discussion and action for legal counsel briefing/concerns/issues and board responses. He stated reason for the amendment is due to critical timing and high importance for legal counsel to share information. The motion was seconded. Following discussion, the motion to amend the agenda, carried with three votes in favor.

Provost Hiring

Trustee Banducci commented about the board interviews with the three vice presidential candidates. No action was taken.

Security Topics

Chair McKenzie commented that the board had been briefed on this topic and trustees are actively interested in security at NIC. No action was taken.

Cyber Incident

Chair McKenzie commented that the board had been briefed on this topic. No action was taken.

Board Resolutions

A discussion took place regarding the resolutions the board adopted during the December 5 meeting. Trustee Zimmerman made a motion for the board to begin the process to search for qualified legal counsel. There was no second on the motion. The motion failed.

Legal Counsel/Concerns/Issues and Board Responses


Trustee Banducci commented briefly on a client/attorney communication the board received from legal counsel Art Macomber. Mr. Macomber provide information on his legal background, his selection as legal counsel by the board, and his attempts to reach out to former counsel Marc Lyons for files related to North Idaho College. He commented on potential violations of open meeting law related to hiring President Swayne and a correction that was made to the president's contract. He recommended that the board place President Swayne on administrative leave, at full pay, while he conducts an investigation.

Trustee Banducci made a motion to place President Swayne on immediate administrative leave at the conclusion of this meeting to allow legal counsel and the board chair the time to investigate things that have arisen, of concern, that impeded accreditation success. The motion was seconded and following discussion, carried with three in favor.

Trustee Banducci made a motion for the board chair and board counsel to contact Dr. Michael Sebaaly and see if he would be interested in becoming acting president while President Swayne is on administrative leave. The board chair and board counsel have the authority to negotiate a contract for acting president/board consultant and bring it back to the board. The motion was seconded and following discussion, carried with three in favor.

The meeting was adjourned at 11:05 p.m.

Respectfully Submitted,
Shannon Goodrich, Board Clerk

**North Idaho College**
BOARD OF TRUSTEES SPECIAL MEETING
Edminster Student Union Building
December 10, 2022
MINUTES

CALL TO ORDER AND VERIFICATION OF QUORUM

Chair McKenzie convened the meeting at 3:06 p.m. and verified that a quorum was present. He next welcomed attendees and led them in the Pledge of Allegiance.

ATTENDANCE

Trustees: Todd Banducci
 Greg McKenzie
 Mike Waggoner
 Tarie Zimmerman

Also present: Sarah Garcia, VP Finance and Business Affairs
 Laura Rumpler, Chief Communications and Government Relations Officer

At this time, Trustee Zimmerman made a motion for the board to allow public comment. There was no second on the motion and the motion failed.

At this time, the Chair recessed the meeting. The meeting was reconvened at 3:20 p.m.

President's Contract

Chair McKenzie read, aloud, the communication he sent to Dr. Michael Sebaaly, following the board's motion made December 8. He also read, aloud, Dr. Sebaaly's response to the communication, in which he declined the offer of the position of acting president.

At this time, a fire alarm was set off and the meeting recessed. The meeting was reconvened at 3:50 p.m.

Chair McKenzie shared that the college is currently under the co-leadership of VP of Finance Sarah Garcia and Interim Provost Lloyd Duman. He thanked them for coming forward to lead.

Trustee Zimmerman made a motion to return Dr. Swayne to his position as president. There was no second on the motion and the motion failed.

Trustee Banducci commented on the requirement under accreditation for the college to have leadership. He asked legal counsel to distribute to trustees, under client/attorney privilege, a resume for trustees to review. He reviewed, aloud, the individual's credentials. He made a motion to have legal counsel and the board chair reach out to the individual regarding interest in the position of acting president, negotiate a contract and report back to the board for approval at a special meeting Tuesday night.

At 4:19 p.m., the meeting was recessed. The meeting was reconvened at 4:27 p.m.

Trustee Banducci restated his motion. The motion was seconded.

Trustee Zimmerman made an amended motion to change the position to interim president. The amendment was seconded and carried with three in favor and one opposed. Following discussion, the main motion carried with three in favor and one opposed.

Board of Trustee Support

Trustee Waggoner presented a proposal for the board to work with unpaid volunteers to assist with gathering, analyzing, and interpreting data for the board to support its duties. A discussion ensued and Trustee Waggoner made a motion have the board develop a policy on unpaid volunteers and report back to the board. The motion was seconded and carried with three in favor and one abstention.

Chain of Command

Chair McKenzie made a motion to direct the NIC Administration to prepare a written plan or policy to formally delineate the chain of command at times when the president is absent and bring the plan back to the board as soon as reasonably possible. The motion was seconded and following discussion, carried with three in favor and one abstention.

Military Drive Rental Properties

Trustee McKenzie commented that he would like the board to discuss the future plans of the Military Drive properties before rental agreements are signed. A discussion ensued and no action was taken.

The meeting was recessed at 5:15 p.m. the meeting reconvened at 5:25 p.m.

Chair McKenzie proposed moving the December 19, 2022 meeting of the board of trustees to December 15, 2022.

Trustee Banducci made a motion to amend the agenda to add the topic of rescheduling the December 19 meeting. The reason for amending the agenda was so the board can move forward to fill the leadership position at the college in a time critical manner. The motion to amend was seconded and carried with three votes in favor and one abstention.


At this time, a fire alarm was set off and the meeting recessed. The meeting was reconvened at 5:45 p.m.

Chair McKenzie made a motion to move the December 19, 2022 meeting to December 15, 2022. The motion was seconded and following discussion, carried with three in favor and one opposed.

At this time, Mr. Macomber read, aloud, a statement of rebuttal to a recent article in the Coeur d'Alene Press.

The meeting was adjourned at 6:01 p.m.

Respectfully Submitted,
Shannon Goodrich, Board Clerk

**North Idaho College**
BOARD OF TRUSTEES MEETING
Boswell Hall Schuler Performing Arts Center
December 21, 2022
MINUTES

CALL TO ORDER AND VERIFICATION OF QUORUM

Chair Greg McKenzie convened the meeting at 6:01 p.m. and verified that a quorum was present. He next welcomed attendees and led them in the Pledge of Allegiance.

ATTENDANCE

Trustees: Todd Banducci
 Brad Corkill
 Greg McKenzie
 Mike Waggoner
 Tarie Zimmerman

Also present: Art Macomber, College Attorney
 Sarah Garcia, VP Finance and Business Affairs
 Lloyd Duman, Interim Provost

Chair McKenzie made a motion to go into executive session under Idaho Code § 74--206(1)(d) and (f) to consider records that are exempt from public disclosure under Idaho Code § 74-206(1), and to communicate with legal counsel regarding pending/imminently-likely litigation. The motion was seconded and roll call vote was taken as follows:

Todd Banducci	aye
Brad Corkill	no
Greg McKenzie	aye
Tarie Zimmerman	no
Mike Waggoner	aye

Academic Freedom of the Board

Trustee Waggoner expressed that he thinks it's very important for trustees to have academic freedom where everybody gets to openly, and from a secure standpoint, talk about what they believe in and how they want to run their lives

PUBLIC COMMENT

Alex Elliott commented on the president's contract
Julie Hoffmeyer commented on accreditation
Doug Miller commented on the athletics conference
Bill Green commented on civility
Tom Torgerson commented on the president
Caylee Neal commented on the future of the college
Brian Seguin commented on the president's contract
Randy Neal commented on the president's contract
Mark Sipe commented on curing past actions
Robert Shepler commented on accreditation
Caryn Shepler commented on accreditation
Dylan Shepler commented on accreditation
Keshia Berglin commented on accreditation
Mike Gridley commented on agenda classes

Gary Williams commented accreditation
Michael Barnes commented legal counsel hiring
Summer Bushnell commented on accreditation
Erin Ferraro commented accreditation
Tom Greene commented on accreditation and resolutions
Rob Robinson commented on accreditation and the athletic conference
Chad Rekasie commented on accreditation review
Howard Kuhns commented on the last meeting
Joseph Prado commented on the state of NIC
Vince James commented on the state of NIC

CONSTITUENT REPORTS

ASNIC

ASNIC President Damian Maxwell read, aloud, a student resolution regarding a vote of no confidence in the board of trustees and he provided a personal perspective as a student.

Faculty Assembly

Chair Ben Tschida, read, aloud, a faculty resolution reaffirming faculty's previous resolutions of no confidence in the board of trustees presented October 26, 2021, February 2, 2022, and March 18, 2022.

Staff Assembly

Chair Keri Simonet read, aloud, a resolution by Staff Assembly regarding a vote of no confidence in the board of trustees.

Senate

Chair Neil Doyle reported that during their November meeting, Senate reviewed and approved revisions to the policies and procedures for conflict resolution and alternate work schedules. He next read, aloud, a resolution from College Senate regarding the board's suspension of college policies.

COLLEGE CO-LEADERSHIP REPORT

VP Sarah Garcia declined the opportunity to report in order to allow the board to move forward with the agenda.

CONSENT AGENDA

Chair McKenzie removed the meeting minutes from the consent agenda and motioned to table them. The remainder of the consent agenda containing the financial audit for the year ending June 30, 2022 was approved without objection.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Board of Trustees Support – Board Assistant

A discussion took place about the board refraining from behaviors that circumvent the president and college policy and procedure and its need for assistance in updating board governance policies. No action was taken.

Board of Trustees Support – Board Governance Consultant

A discussion took place related to retaining the services of a consultant to assist the board with matters of governance. Trustees discussed qualifications of Dr. Thomas Alsbury asked the administration to work to schedule board training with ACCT or AGB. No action was taken.

Accreditation Review

Chair McKenzie commented on current requirements outlined by NWCCU and the requirement for the college to respond by January 4, 2023.

Discussion and vote regarding curing of possible open meeting violation at Dec 5, 2022 Board Meeting regarding Resolution 2022-03

Chair McKenzie commented on requirements of open meeting law and noticing and posting meeting agendas. He motioned for the board to recognize that a probable violation of the open meeting laws under Idaho code section 74-204 subsection 4 happened on December 5 by the suspension, on that date, of policy 7.01.04 and by the passage of resolution 2022-03 and after that by the acceptance of the resignation of Lyons O'Dowd PLLC and by the hiring of the Law Office of Arthur B. Macomber and that this board considers those actions null and void. The motion was seconded and following discussion, roll call vote was taken as follows:

Trustee Zimmerman aye
Trustee Corkill aye
Trustee McKenzie aye
Trustee Waggoner aye
Trustee Banducci aye

Resolution / Acquisition of Legal Services

Chair McKenzie made a motion for the board to pass resolution 2022-03 titled Fulfilling the Spirit of NIC policy and New Legal Counsel, accept the resignation of Lyons O'Dowd effective November 25 and that NIC hire the Law Office of Arthur B. Macomber to be the NIC attorney with a retroactive acceptance from December 5, 2022 of his work and fee agreement for a time period controlled by the president and an RFP be issued and completed within the year. The motion was seconded.

Trustee Corkill made an amended motion to split the motion in two and have two separate votes, one to accept the resignation of Lyons O'Dowd and one concerning the hiring of Arthur Macomber. The motion was seconded and following discussion, failed with Trustees Zimmerman and Corkill voting in favor and Trustees Banducci, Waggoner and McKenzie voting against.

The main motion, carried with Trustees Waggoner, Banducci and McKenzie voting in favor and Trustees Corkill and Zimmerman voting against.

Discussion and vote regarding curing of possible open meeting violation at Dec 05, 2022 Board Meeting regarding Resolution 2022-04

Chair McKenzie made a motion for the board recognize that a probable violation of the open meeting laws, under Idaho Code Section 74-204, Subsection 4, happened on December 5. That the board acknowledge the violation by the passage of resolution 2022-04, and the motion to delay hiring into the president's cabinet without the suspension of applicable parts of policy 2.02.01 related to hiring, and that this board cure that violation and declare these actions null and void. The motion was seconded, and following discussion, roll call vote was taken as follows:

Trustee Zimmerman aye
Trustee Corkill aye
Trustee McKenzie aye
Trustee Waggoner aye
Trustee Banducci aye

Resolution / Implementation of President's Cabinet Hiring Freeze

Chair McKenzie commented on the accreditation requirement to permit the president to fill all vacant senior administration positions immediately. No action was taken.

Discussion and Vote regarding curing of possible open meeting violation at Dec 08, 2022 Board Meeting re: action taken regarding Dr. Sebaaly without declaring an emergency

Chair McKenzie made a motion for the board to acknowledge the violation of the open meeting laws under Idaho Code Section 74-204, Subsection 4 happened on December 8 by the passage of a motion to have the college's attorney and Chair McKenzie contact former President Sebaaly to see whether he could consider becoming acting president of NIC for an unknown amount of time, and that this board cure that violation and declare those actions null and void. The motion was seconded and following discussion, roll call vote was taken as follows:

Trustee Zimmerman aye
Trustee Corkill aye
Trustee McKenzie aye
Trustee Waggoner aye
Trustee Banducci aye

Discussion and vote regarding curing of possible open meeting violation at Dec 08, 2022 Board meeting re: action taken regarding Dr. Swayne on amended agenda item without declaring an emergency

Chair McKenzie made a motion for the board to acknowledge the violation of the open meeting law under Idaho Code Section 74204, Subsection 4 happened on December 8 by the passage of a motion to put President Swayne on protective administrative leave to facilitate investigations into his employment contract without the suspension of applicable parts of policy 20201 related to presidential authority, and that this board cure that violation and declare those actions null and void. The motion was seconded and following discussion, roll call vote was taken as follows:

Trustee Zimmerman aye
Trustee Corkill aye
Trustee McKenzie aye
Trustee Waggoner aye
Trustee Banducci aye

President's Contract - Swayne Administrative Leave

Chair McKenzie made a motion for the board place Dr. Swayne on administrative leave, effective immediately, to protect him from charges of interference with the college's attorney's investigation into President Swayne's employment contract, which investigations are to be immediately implemented with NIC co-lead assistance. And the college attorney shall send a letter to Dr. Swayne regarding conditions of such leave. After those investigations, the college attorneys shall issue an attorney-client privilege report for the board's consideration. The motion was seconded and following discussion roll call vote was taken as follows:

Trustee Zimmerman no
Trustee Corkill no
Trustee McKenzie aye
Trustee Waggoner aye
Trustee Banducci aye

Swayne Lawsuit

Mr. Macomber commented on the status of the lawsuit filed by Dr. Swayne. No action was taken.

Interim President Selection and Contract

Chair McKenzie commented that the attorney negotiated with an interim president and he motioned for the board accept the negotiated contract of Dr. South for the interim president position as defined in the contract. The motion was seconded and following discussion, roll call vote was taken as follows:

Trustee Zimmerman no
Trustee Corkill no
Trustee McKenzie aye
Trustee Waggoner aye
Trustee Banducci aye

Waiving of Attorney-Client Privilege for Previous Documents

A discussion took place regarding documents protected by attorney-client privilege. Chair McKenzie made a motion for the board to work with the CEO in conjunction with legal counsel with a recommendation concerning the two documents as a partial response from the board to the votes of no confidence. The motion was seconded and following additional discussion, the motion carried with Trustees McKenzie, Waggoner, and Banducci voting in favor and Trustees Corkill and Zimmerman abstaining.

Censure(s)

Chair McKenzie apologized for his mistakes and foul language at prior board meetings and he pledged to hold himself and the board to a high standard of respect and professionalism.

Idaho Attorney General Open Meeting Law Training

Chair McKenzie made a motion to direct the CEO to coordinate training from the AG's office as soon as the AG's office's times and priorities permits. The motion was seconded and following discussion, roll call vote was taken as follows:

Trustee Zimmerman aye
Trustee Corkill aye
Trustee McKenzie aye
Trustee Waggoner aye
Trustee Banducci aye

NIC's Athletic Sports – Conference Change

Chair McKenzie made a motion that the board thinks it's advantageous for the college to go back to the NJCAA for athletics, and directs the president to assess if this is feasible and reasonable and in the best interest of the college. And if his recommendation is to move back to NJCAA, then no further board action is needed to support this direction. The motion was seconded and following discussion, roll call vote was taken as follows:

Trustee Zimmerman no
Trustee Corkill abstain
Trustee McKenzie aye
Trustee Waggoner aye
Trustee Banducci aye

NIC's Athletic Sports – Add Women's Wrestling

Trustee Banducci made a motion for the president to review, consider, and make a recommendation regarding adding women's wrestling for the 2023-2024 season. And the board is willing to open the budget to support an athletic improvement. The motion was seconded. Following discussion, Trustee Corkill made an amended motion to strike the words "And the board is willing to open the budget to support an athletic improvement." The amendment was seconded and failed with Trustees Corkill and Zimmerman voting in favor and Trustees Banducci and McKenzie voting against, and Trustee Waggoner abstaining. The main motion carried with Trustees Waggoner, Banducci and McKenzie voting in favor and Trustees Corkill and Zimmerman voting against.

NIC's Athletic Sports – Coaches: Hiring(s) & Pay

Trustee Banducci made motion for the president to review, consider, and make a recommendation regarding the whole athletic department. And the board is willing to open the budget to supporting athletic improvement. The motion was seconded and following discussion, roll call vote was taken as follows:

Trustee Zimmerman	nay
Trustee Corkill	nay
Trustee McKenzie	aye
Trustee Waggoner	nay
Trustee Banducci	aye

Chair McKenzie made a motion for the president to review, consider, and make a recommendation regarding the whole athletic department. And the board is willing to open the budget to support an athletic improvement. And this request shall not interfere with the accreditation response and shall be only viewed as a tool to better the institution as a low-priority request. The motion was seconded and roll call vote was taken as follows:

Trustee Zimmerman	aye
Trustee Corkill	aye
Trustee McKenzie	aye
Trustee Waggoner	aye
Trustee Banducci	aye

REMARKS FOR THE GOOD OF THE ORDER

There were no remarks.

The meeting was adjourned at 9:40 p.m.

Respectfully Submitted,
Shannon Goodrich, Board Clerk