

I. CALL TO ORDER REGULAR SESSION

On Tuesday, March 24, 2009, at 7:00 p.m. Chairperson Nicholas Talvacchia called the meeting to order.

II. STATEMENT OF ADEQUATE NOTICE

In compliance with the "Open Public Meetings Act" of the state of New Jersey, adequate notice of this regular meeting of the Atlantic Cape Community College Board of Trustees were e-mailed and posted at "J" Building main campus; the Charles D. Worthington Atlantic City Campus, the Cape May County Campus and copies were e-mailed to the clerks of Atlantic and Cape May counties and the clerks of the Board of Chosen Freeholders of Atlantic and Cape May counties on February 13, 2009.

III. FLAG SALUTE

Chairperson Talvacchia asked everyone to rise and salute the flag. Everyone rose, saluted the flag and recited the Pledge of Allegiance.

IV. ROLL CALL

Lynn G. Baumgardner
Robert J. Boyer
Dr. Elizabeth A. Dworsky
David A. Evans
Andrew W. Melchiorre
Donald J. Parker
Eric Reynolds
Nicholas F. Talvacchia, Esquire
Maria Ivette Torres
Helen W. Walsh

College Personnel

Dr. Peter Mora
Kathy Corbalis
Dr. Patricia Gentile
Douglas Hedges
Dr. Richard Perniciaro
Bobby Royal
Terry Sampson
Cathie Skinner, CPA
Dr. Art Wexler
Brittany Williams
BettyAnn Inloes Hines
Louis J. Greco, Esquire

Others in Attendance:

Jane Lugo, Atlantic Co. Treasurer & CFO
Diane D'Amico, The Press of Atlantic City
Judge Robert J. Switzer, Beacons by the Sea
Visiting Professor
Daniel Thoren, ACCC Employee
Thomas Innocente, ACCC Employee
Leslie Bradley, ACCC Student
Sean Fenton, ACCC Student
Sal Palzer, ACCC Student
Mallory Menchel, ACCC Student
Nick Ganaway, ACCC Employee

V. CALL TO ORDER EXECUTIVE SESSION

Chairperson Talvacchia announced that the executive session would be held at the end of the meeting.

VI. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS

None

VII. CALL TO ORDER REGULAR SESSION

Chairperson Talvacchia announced there would be a change in the order of the agenda to allow for Dr. Mora to present a President's Report item.

Dr. Mora stated that he would present his first item which is a report by the Honorable Robert J. Switzer, Beacons by the Sea Visiting Professor and a local municipal court judge. Dr. Mora introduced Dean Wexler to speak about the program and the current Beacons Professor.

Dean Wexler said that this is the second year of the successful Beacons by the Sea Visiting Professor Program and this year was the Business Studies Department's turn to recommend a professor. Through the efforts of Professors Daniel Thoren and Thomas Innocente, Judge Switzer, a respected municipal judge with legal expertise in the fields of shoplifting and drunk driving, was selected as the current Beacons professor. He noted that four of Judge Switzer's students came to tonight's meeting.

Professor Thoren said that there was a consensus in the department to have Judge Switzer as the Beacons professor. He mentioned that on April 21 from 12:30 p.m. to 2 p.m. Judge Switzer will lead a panel discussion on the Repercussions of Drunk Driving. He announced that Judge Switzer has agreed to become a part-time faculty member after he finishes his term as Beacons professor.

Judge Switzer stated that it was a pleasure and privilege to be teaching the students in the Business Studies Department at ACCC. He noted that he was delighted to have students in the classroom and court room to bring both together from an academic and experiential point of view of what happens in municipal court and of the observations from a mock trial. The students are coming on their own time to shoplifting court and in April it will be held in the jail itself. They will be going to a session in superior court on Friday and will see the difference between municipal and superior court. Judge Switzer said, "The students benefit from being in the court room and classroom."

The students, Ms. Leslie Bradley, Mr. Sean Fenton, Mr. Sal Palzer, and Ms. Mallory Menchel, spoke about their experiences in the court room and how it has enhanced their overall education.

Judge Switzer said that he encourages discussion in the classroom and meets with the students after the court room sessions.

There are two tracks in law at the college—the criminal justice program and the paralegal program.

Dr. Mora thanked Judge Switzer, Professors Thoren and Innocente, and the students for coming and sharing their academic experiences.

Secretary's Note: At 7:20 p.m. after pictures were taken with Chairperson Talvacchia and Dr. Mora, Judge Switzer, Professors Thoren and Innocente and the four students left the meeting.

VIII. BUDGET REPORT

Financial Report – Mr. Evans referred the Financial Report for February 28, 2009, **Res. #63**, to Dean Skinner.

Dean Skinner stated that the Preliminary Fiscal Year 2008-09 year-to-date data summarized in the Board Summary Report for the eight months ended February 28, 2009, indicate a margin of \$7,795,733. The college has earned 85.11% of budgeted revenues and expended 64.74% of budgeted expenses.

This report reflects college revenues and expenditures through February 28, 2009, and includes summer, fall and spring tuition and fee revenues. Enrollments for the spring semester (including the winter term) are 4% higher than expected, which can be attributed primarily to the economic downturn. More on-line enrollments than budgeted also contribute to the positive tuition revenue margin. Lower culinary enrollments are reflected in fee revenue below budget. The net effect on tuition and fee revenues is positive and offsets other revenue shortfalls. The college is receiving approximately 2.5% (\$156,000) less in state appropriations than originally budgeted. Our original budget estimated a state cut of 6.4%, while the actual cut is approximately 8.6% compared to the prior year actual appropriation. Investment income is expected to come in below budget by an estimated \$210,000 as interest rates continue to fall. It appears from the financial data at this date that the college's total revenue budget is within \$100,000 of projected.

On the expense side, actual salaries and benefits are approximately \$300,000 less than budgeted year to date primarily due to open positions (particularly in credit instruction and custodial) and grant allocations. Some of these funds will be reallocated to adjunct costs due to higher enrollments. Based on current data, management expects the college will attain its budgeted margin.

On the Enrollment Report, February 28, 2009, under Revenue, for the Budget column, Ms. Walsh asked, "Why do the credit tuition revenues significantly exceed projections but the credit fee revenues do not?"

Dean Skinner responded that it is because the credit fee revenues are program specific and the culinary and nursing enrollments were lower than expected.

IX. RESOLUTIONS

A. Regular Resolutions

Mr. Evans asked for acceptance of the Financial Report, **Res. #63** and Dr. Dworsky seconded.

Chairperson Talvacchia asked if there was any discussion.

ROLL CALL: AYES, NO NAYS

Dr. Dworsky read and moved **Res. #64** and Mr. Reynolds seconded.

WHEREAS, provisions of Dr. Peter L. Mora's July 1, 2008 to June 30, 2011 employment contract with the Board of Trustees permit the College's governing body to "conduct an annual compensation review and performance evaluation of the President for each academic year, " and

WHEREAS, a Board Presidential Evaluation Committee conducted the review based upon a summary of the performance ratings compiled by the Trustees and the President's Self-Evaluation for 2007-2008 and,

WHEREAS, the Board's Presidential Evaluation Committee indicated in its report (see attached) that "Dr. Mora's overall performance is characterized by high levels of effectiveness," adding that he "met all five presidential goals for FY08 which were developed in conjunction with the Presidential Evaluation Committee," and

WHEREAS, the Presidential Evaluation Committee noted Dr. Mora's performance as "excellent," adding that his "professional and personal skills and abilities have promoted an environment of trust with the Board of Trustees, empowerment within the college community, and respect and recognition from the external community," and

WHEREAS, the Board Presidential Evaluation Committee recommended that the compensation of the ACCC President be benchmarked with other southern New Jersey community college chief executives and presidents and be based on: a high level of performance, effective management of three campuses and ability to work productively with two county governments, and the successful reaffirmation of ACCC's accreditation.

THEREFORE BE IT RESOLVED, upon the recommendation of the Presidential Evaluation Committee and the Personnel Committee, that the Board of Trustees award Dr. Peter L. Mora, Sr. a salary increase from \$166,023 to \$172,664 retroactive to July 1, 2008.

BE IT FURTHER RESOLVED, upon the recommendation of the Presidential Evaluation Committee and the Personnel Committee, that the President's supplemental pension contribution package include an unmatched pension contribution for 2008-2009 of \$18,129.72.

Dr. Dworsky thanked Dr. Mora for his hard work on behalf of the college. She said his performance is rated excellent as determined by both individual as well as collective evaluations completed by the Trustees.

Chairperson Talvacchia reiterated Dr. Dworsky's comments and said that Dr. Mora is doing an outstanding job for the college. "He has demonstrated effective management on the three campuses and working with two county governments," said Chairperson Talvacchia. He thanked the Personnel and Presidential Evaluation committees for their hard work over the last six months noting that they did a great job in this process.

ROLL CALL: AYES, NO NAYS

Mr. Evans read and Mr. Boyer seconded the following, **Res. #66**:

WHEREAS, the US Department of Labor, Employment and Training Administration has awarded a proposal for a Community-Based Job Training Grant that will support workforce training and capacity-building, and

WHEREAS, the college will build ACCC's capacity to provide academic and workforce training programs in the burgeoning GIS field, and train entry-level and advanced users in GIS. Potential participants would be ACCC for-credit students, 12th grade students, the unemployed, underemployed, displaced workers, and incumbent workers seeking to advance their careers, and

WHEREAS, ACCC will partner with the Atlantic/Cape May Workforce Investment Board, employers, Atlantic County Institute of Technology, Cape May Tech, Cumberland County Tech and other community organizations to develop and implement the GIS Workforce Education Project of Southern New Jersey, and

WHEREAS, the maximum amount of the grant is \$1,250,909 for 2009/2012 from February 15, 2009 through February 14, 2012.

THEREFORE BE IT RESOLVED that the Board of Trustees of Atlantic Cape Community College hereby grants approval to accept the US Department of Labor, Community Based Job-Training Grant from February 15, 2009 through February 14, 2012, for \$1,250,909.

Ms. Baumgardner asked what the mission of the grant is.

Dean Wexler stated that the grant prepares students for the workforce and additional academic development, emerging technology fields in geography, law enforcement, etc. "There is a wide range of application for this new technology and for both credit and noncredit courses," said Dean Wexler.

Dr. Mora said, "This is a competitive grant and we are one of only 70-80 awarded throughout the country and of only 2 or 3 in New Jersey."

"The college plans to offer its first course, Integrated Components of GIS Technology, in the summer," said Dean Wexler.

Dr. Mora stated that as part of an upcoming President's Report he would have a demonstration of this emerging technology.

Ms. Baumgardner wanted to know how the funding works.

Dr. Mora said that funding to the college will support developing the core courses and sharing it with others by becoming a demonstration site.

Dean Wexler said there will be training more on workforce, continuing education and academic programs. The academic areas must be where technology can be applied and integrated.

Dr. Mora said that it is a threefold approach—workforce, continuing education, and academics. It will be integrated in existing course work and applies to many disciplines.

Mr. Melchiorre stated that he is looking for the grant to also serve as an outreach for secondary schools.

ROLL CALL: AYES, NO NAYS

Mr. Evans stated that **Res. #66A** recognizes the people who worked to secure the GIS grant and he read the resolution and moved. He noted that a copy would be placed in each person's personnel file.

Mr. Boyer seconded the motion for the following:

WHEREAS, the college will build ACCC's capacity to provide academic and workforce training programs in the burgeoning GIS field, and train entry-level and advanced users in GIS, and

WHEREAS, ACCC will partner with the Atlantic/Cape May Workforce Investment Board, employers, Atlantic County Institute of Technology, Cape May Tech, Cumberland County Tech and other community organizations to develop and implement the GIS Workforce Education Project of Southern New Jersey, and

WHEREAS, ACCC was awarded \$1.2 million this grant in large part due to the diligence, expertise and enthusiasm of the grant preparation team: Loretta Dicker, Assistant Professor of Computer Information Systems; Linda Dolan, Grant Writer; Otto Hernandez, Professor of Computer Information Systems; Jean McAlister, Associate Dean of Continuing Education; Dr. Richard Perniciaro, Dean of Facilities, Planning and Research; Michael Rennick, Senior Manager of Advancement; and Jeff Wenzel, Senior Manager of Grants Compliance and Budgets.

THEREFORE BE IT RESOLVED that the Board of Trustees of Atlantic Cape Community College extends its sincere appreciation to the grant preparation team and extends its best wishes for continued successes in the Geographic Information Systems field.

ROLL CALL: AYES, NO NAYS

B. Consent Resolutions

Chairperson Talvacchia stated that the resolutions on the consent agenda—**Res. #62; Res. #64A; Res. #64B; Res. #64C; Res. #64D; Res. #64E; Motion to Accept, Amended Board Bylaws; Res. #65 Rev. and Res. #67**--would be considered as a whole if there were no consent agenda items to be removed. He also stated that if there were no objections, these resolutions would be adopted.

Chairperson Talvacchia moved and Mr. Evans seconded the following:

ROLL CALL: AYES, NO NAYS

Res. #62

Regular session minutes for February 28, 2009

Res. #64A

WHEREAS, performance appraisal and evaluation is recognized by the college as an important supervisory responsibility and, correctly undertaken, it provides a dual purpose and value, and

WHEREAS, the process is required as an official record and guide in the decisions for retention, reappointment, tenure and promotion and it has an equal goal in assisting employees in the improvement of their performance (see attached), and

WHEREAS, the evaluation of the president is conducted by the college's Board of Trustees and serves to facilitate the process of communication and understanding concerning what is expected of the president, how the president is performing, and how the president is to be remunerated, and

WHEREAS, Atlantic Cape Community College, will benefit from formal memorialization of the evaluation process of the college president.

THEREFORE BE IT RESOLVED, upon the recommendation of the President, that the Board adopt Policy No. 24: President's Performance Evaluation.

Res. #64B

It is respectfully recommended, by the President, that the Board approve the following:

Appointments

William Ice, Housekeeper, Facilities, at an annual salary of \$24,512 effective March 25, 2009.

John Wade Jr., Maintenance Technician, Facilities, at an annual salary of \$33,968 effective March 25, 2009.

Promotions

Mark Camma, from Assistant Professor, Accounting, to Associate Professor, Accounting effective August 31, 2009 at a salary increase from \$53,608 to \$58,540.

Res. #64C

WHEREAS, Joanne Gleason has served Atlantic Cape Community College faithfully and professionally for 30 years, and

WHEREAS, Ms. Gleason's service as a senior manager in the admissions department has provided countless ACCC students and their families with thoughtful advice, effective academic planning and knowledgeable counsel on navigating federal requirements of the Bureau of Citizenship and Immigration Services for international students, and

WHEREAS, Ms. Gleason's attention to detail and commitment to excellence has been integral to the college and to her extensive service as a campus Designated School Official, authorizing the issuance and compliance of international students F-1 and M-1 visas, and

WHEREAS, Ms. Gleason's passion for her work has inspired her colleagues and has been regularly recognized by students, and

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WHEREAS, Ms. Gleason extended her dedicated and dependable personality to the college in repeatedly attaining perfect attendance, serving on the SIS Users Group, International Education and Multicultural Planning Committee, Scholarship Banquet Planning Committee, Commencement Planning Committee, personnel screening committees, and in the implementation of the nation-wide Student and Exchange Visitor Information System, and

WHEREAS, Ms. Gleason has displayed a commitment to education in both her professional and personal pursuits having earned her associate's degree while working full-time and continuing her professional education through active involvement with NAFSA: Association of International Educators, and

WHEREAS, Ms. Gleason has expressed her desire to retire from employment with Atlantic Cape Community College.

THEREFORE BE IT RESOLVED, upon the recommendation of the President, that the Board accepts the retirement of Joanne Gleason effective June 26, 2009.

BE IT FURTHER RESOLVED that the Board extends its gratitude and best wishes to Ms. Gleason for success and happiness in her future endeavors.

Res. #64D

WHEREAS, Marge Battistelli, has served Atlantic Cape Community College faithfully and professionally for 25 years, and

WHEREAS, Ms. Battistelli's service as Office Coordinator in the Academic Support Services department has provided exemplary operational and instructional support to the college's library and learning assistance centers, and

WHEREAS, Ms. Battistelli's thoughtful and meticulous approach to her work has been integral to the successful delivery of educational workshops, resource-based orientations and tutoring services, and

WHEREAS, Ms. Battistelli extended her expertise and professionalism to the college in her support of the E-Army University initiative, NJ Council on the Arts grant activities, branding research project, Public Employee Charitable Campaign, Restaurant Gala, recognition as the Employee of the Quarter, and repeated recognition with Perfect Attendance Awards, and

WHEREAS, Ms. Battistelli has displayed a commitment to education in both her professional and personal pursuits having enrolled in several technology-based courses while working full-time and continuing her professional education through active involvement with the Atlantic County Library System,

WHEREAS, Ms. Battistelli has expressed her desire to retire from employment with Atlantic Cape Community College.

THEREFORE BE IT RESOLVED, upon the recommendation of the President, that the Board accepts the retirement of Marge Battistelli effective June 26, 2009.

BE IT FURTHER RESOLVED that the Board extends its gratitude and best wishes to Ms. Battistelli for success and happiness in her future endeavors.

Res. #64E

WHEREAS, Marge Battistelli, has served Atlantic Cape Community College faithfully and professionally for 25 years, and

WHEREAS, Ms. Battistelli's service as Office Coordinator in the Academic Support Services department has provided exemplary operational and instructional support to the college's library and learning assistance centers, and

WHEREAS, Ms. Battistelli's thoughtful and meticulous approach to her work has been integral to the successful delivery of educational workshops, resource-based orientations and tutoring services, and

WHEREAS, Ms. Battistelli extended her expertise and professionalism to the college in her support of the E-Army University initiative, NJ Council on the Arts grant activities, branding research project, Public

Employee Charitable Campaign, Restaurant Gala, recognition as the Employee of the Quarter, and repeated recognition with Perfect Attendance Awards, and

WHEREAS, Ms. Battistelli has displayed a commitment to education in both her professional and personal pursuits having enrolled in several technology-based courses while working full-time and continuing her professional education through active involvement with the Atlantic County Library System,

WHEREAS, Ms. Battistelli has expressed her desire to retire from employment with Atlantic Cape Community College.

THEREFORE BE IT RESOLVED, upon the recommendation of the President, that the Board accepts the retirement of Marge Battistelli effective June 26, 2009.

BE IT FURTHER RESOLVED that the Board extends its gratitude and best wishes to Ms. Battistelli for success and happiness in her future endeavors.

Motion to Accept

Motion to Adopt Amended Board Bylaws
Atlantic Cape Community College

Board of Trustee Bylaws (revisions proposed 3.24.09)

Legal Status of the Board of Trustees

Official Name

The official name of the county college, established under and by virtue of the laws of the State of New Jersey, shall be Atlantic Cape Community College (hereinafter sometimes referred to as the College).

Official Title

The name of the governing body shall be the Board of Trustees of Atlantic Cape Community College (hereinafter sometimes referred to as the Board)

Official Seal

The governing body shall have a seal, the form and design of which shall be adopted by the Board and the custody of which shall be with the Secretary.

Organization of the Board

Composition of the Board of Trustees

The Board consists of 14 voting members and one nonvoting member elected from the graduating class appointed in accordance with the laws of the State of New Jersey. The College President shall be an ex-officio member of the Board but without vote. Appointment to the Board of Trustees is accomplished as follows: By statute, seven members are appointed by the county executive of Atlantic County, with the approval of the freeholders and three members are appointed by the Cape May County Board of Chosen Freeholders. The county superintendents of schools of Atlantic and Cape May counties are also members of the Board by statute. Two members are appointed by the governor. One non-voting recent alumnus from Atlantic or Cape May County is elected for a one-year term by each year's graduating class

Authority

The Board derives its authority from New Jersey Statute 18A:64A-1 et seq and is subject to provisions of the Constitution of the State of New Jersey, the regulations and standards for New Jersey community colleges, and its own policies.

Oath of Office

Each Trustee, prior to taking a seat on the Board, shall take and execute this oath of office:

I, _____ do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New Jersey and that I will faithfully discharge the duties of the office of Trustee of Atlantic Cape Community College according to the best of my ability.

Individual Members of the Board

The responsibilities of the board designated in this section, and such other responsibilities and powers of the board as are or may be designated in these bylaws, pertain to the Board as such and not to its members individually. No Board member has or shall assume power or responsibility to make decisions affecting the college, the Board, or its agents.

Duties and Responsibilities

The Board of Trustees, responsible to the people of Atlantic and Cape May counties and sensitive to their hopes, ambitions, and needs, shall have the legislative responsibility of formulating broad public policy for community college education in Atlantic and Cape May counties. As the policy-making body, the Board shall be charged with oversight and control of the College. The formulation and adoption of written policies shall constitute the basic method by which the Board exercises this leadership in the operation of the College.

The Board hereby delegates to the President, its chief executive officer, full authority and responsibility for College operations under Board policies.

Without prejudice to powers granted to the Board by the New Jersey Statutes or the regulations and standards for New Jersey community colleges, Board responsibilities include:

- Adoption and periodic review of College mission statement
- Establish general policies for College governance
- Select and appoint the President, who shall be chief executive officer, through whom the Board exercises its control of the College and to whom all other College employees, agents, and professional consultants shall be responsible
- Appoint, upon recommendation of the President, administrative officers, administrative personnel and academic professionals
- Employ a general counsel, college auditor, and other agents as required, and fix their qualifications and compensation
- Approve the annual budget, budget revisions, monthly and periodic financial statements and reports as well as sole source and professional contracts and bids
- Approve the long range planning and provide sufficient physical facilities to carry out the College mission
- Recommend to proper authorities provision of ways and means of adequate financial support
- Serve as a final adjudicating agency for students, employees, and citizens on matters of policy and policy interpretation
- Consider communications and requests from citizens and organizations of Atlantic and Cape May counties on matters of policy, administration, and other items of public concern affecting the College
- Maintain continuous oversight of the College

Officers of the Board

Titles

Board officers shall be a chairperson, vice chairperson and treasurer elected from its membership. The secretary shall be appointed by the Board.

Manner of Election and Term of Office

The chairperson, vice chairperson and treasurer shall be elected at the November reorganization meeting of the Board. They shall assume office immediately upon election and shall serve for one year or until a successor is elected. A simple majority of votes cast shall be required for election. Vacancies occurring after the annual meeting shall be filled by election at the next regular meeting after a vacancy occurred. The new office holder will serve for the remainder of the unexpired term. *(See attached policy and procedure for Board officer succession)*

The president shall be appointed by a majority of all members of the Board. The compensation and term of office shall be determined by the Board which shall execute a contract embracing such terms.

Duties and Responsibilities of Board Officers

Chairperson

Presides at all meetings and decides questions of order and the right to vote

Appoints all committees and designates committee chairs, except as otherwise provided in these bylaws

Executes all contracts legally requiring the chair's signature

Serves as an ex-officio member of all Board committees

Calls special meetings of the Board, as required

Discharges functions as may be prescribed by law

Vice Chairperson

Acts for the chairperson on request or in the chairperson's absence

Discharges other functions as the chairperson may delegate

Treasurer

Serves as financial officer of the Board and as chair of the finance committee

Manages, with the finance committee, the Board's review of and action related to the Board's financial responsibilities

Works with the President and the college's chief financial officer to ensure that appropriate financial reports are made available to the Board on a timely basis

Assists the chief executive and the chief financial officer in preparing the annual budget and presenting the budget to the Board for approval

Reviews the annual audit and answers Board members' questions about the audit

Board Secretary

Performs written notification to all Board members regarding meetings

Records, prepares, and distributes regular and special meeting minutes to all Board members

Maintains custody of the College's official seal, affixes it to official documents, and attests the same by his/her signature

Houses all official Board documents, including Board meeting minutes books **and records**.

Maintains an indexed compilation of all Board bylaws and amendments thereto along with policies and all amendments thereto

Conducts official Board correspondence and issues all of its orders

Issues public notices of Board actions as may be required by statutes, bylaws, or resolutions

Perform duties as may be required by law or delegated to him/her by the Board

Initiates correspondence pertinent to Trustee accountability to statutes, by-laws or resolutions

Chief Executive Officer (College President)

The Board carries out its program and exercises its policies through the President who may delegate to subordinate College officers or employees such powers as he may deem appropriate to be exercised under his supervision and direction, subject to requirements of the law.

The President shall be the chief executive officer of the College and shall have the supervision and control of its plant, equipment, operations and employees subject to the directions of the Board.

The President shall attend the meetings of the Board and shall perform such other duties as may be delegated to him by the Board or imposed upon him by or pursuant to the law.

Within the framework of policies adopted by the Board, the President shall exercise discretionary authority in carrying out the responsibilities of the position.

He/she shall:

Inform the Board of all significant actions taken under authority delegated to him.

Advise the Board in all areas of policy and to make recommendations on all matters that impact the College before action is taken by the Board

To make recommendations to the Board for the appointment of administrative and teaching personnel of the College.

Prepare and submit to the Board an annual budget and budget revisions

Be responsible for the formulation of all reports as may be required by the Board and by local, state, and national agencies

Issue administrative regulations and procedures designed to implement Board policies

Represent the College to the community, in cooperation with the Board and the staff, by interpreting the College's programs to the public, parents, the media, and community organizations

Execute all contracts and other documents not legally requiring the signature of the Board Chairperson

Prepare and submit to the Board an annual report on College operations, including recommendations for immediate and long-range planning

Serve as the official channel for all contracts between staff members and the Board

Act as CEO and be responsible for the organization of the College and for all executive and administrative duties in connection with its operation

Propose the shape of and maintain the educational program of the College, recommending to the Board such changes in programs and services as he/she deems desirable to fulfill the College mission

Designate, subject to Board approval, an administrative officer or sequence of officers who may serve as acting president during his/her absence

Board Committees

Standing Committees

The Board may authorize and establish standing committees from its membership. Such committees may study a particular operation or initiative and make recommendations for full Board action. These rules govern standing committees:

- A. The committee shall be established through Board action.
- B. The committee chairperson and members shall be appointed by the Board chair.

- C. It is recommended that committees consist of at least three members but the number shall not reach an amount equivalent to a quorum, in accordance with the Open Public Meetings Act.
- D. Committee membership should include representation from each county.
- E. The committee shall be provided with specific functions and duties after discussion among the full Board.
- F. The committee makes recommendations, but does not act for the Board.
- G. The Board Chairperson and College President serve as ex-officio committee members unless there is a quorum of the full Board present. Members of senior staff and/or staff and faculty often attend.
- H. Standing committees automatically dissolve after the regular November meeting or at anytime if so resolved by the full Board.
- I. Standing Board committees include:

Academic and Student Affairs
 Foundation
 Budget, Finance and Audit
 Long-Range Planning and Capital Projects
 Diversity, Equity **and Community Service (Revised)**
 Personnel **and Board Development (Revised)**
President Evaluation Committee (Revised)

Special Committees

Special Committees may be established for special assignments and are subject to the rules contained in this overall policy, although a special committee dissolves upon completion of its assignment.

Committee of the Whole

The Board reserves the right to meet and work as a committee of the whole for informational discussion and exploratory sessions. No official action shall be taken at these meetings unless advertised.

Academic & Student Affairs

Members review new academic courses/programs, transfer articulation agreements, dual and concurrent enrollment/tech prep and other secondary school articulations, program review outcomes/performance indicators, accreditation reports, and program terminations.

Members also review student affairs related to recruitment, admissions, enrollment and student services programs and processes.

Foundation

Members work with the Foundation Board to provide funding and support to the College, its students and educational endeavors, through special-event fundraising and community philanthropy.

Budget, Finance & Audit

Members review financial policies, the annual budget (and recommend it for full Board approval) and monitor financial reports prepared by staff and external auditors.

LR Planning/Capital Projects

Members review capital planning issues including prioritization of construction, maintenance, real estate, and equipment projects as well as the availability of funds to meet these needs. Members also engage in legislative representation on behalf of the Board.

Diversity, Equity and Community Service (Revised)

Members review staff and faculty recruiting and hiring practices along with student recruitment and enrollment processes. The committee reviews academic and student support services designed to encourage, retain and graduate minority students and participants in such programs.

The committee also reviews community service activities-- defined as the voluntary, collaborative and effective engagement of college stakeholders in support of the mission of non-profit service entities in the college's service area.

Personnel and Board Development (Revised)

Members review sensitive and confidential employee matters including recommendations for appointments, resignations, non-renewals and promotions. During negotiations, this committee reviews collective bargaining matters. Members also plan Board development activities and review existing policies/procedures and make recommendations for new policies/procedures.

President's Evaluation Committee

Members review the President's performance and make a remuneration recommendation to the Board. Review of the president's performance includes: Review of the President's Self-Evaluation and Performance Appraisal Rating Forms, development of the Summary Evaluation, development of the Remuneration Package, review of the President's Mid-year Summary of Goals, adherence to the evaluation timeline and review of benchmarking data.

Board Meetings

Annual Meeting

The annual meeting (organizational meeting) of the Board of Trustees shall in November as required by the provisions of New Jersey Statute 18A:64A-10. The agenda for the annual meeting shall be:

- Election of officers
- Appointment of standing committees
- Establishment of a regular meeting schedule
- Designation of official newspapers
- Designation of banking depositories and signatories
- Establishment of regular meetings

Regular Meetings

Regular meetings are held 10 times a year, on a day, hour, and at a place to be fixed and determined at the annual meeting. A regular meeting may be set for another date or waived by action of the Board at any previous meeting. A regular meeting can be established for any other date than that fixed at the annual meeting provided that the same shall be fixed for a day not less than seven days after the date when action was taken changing such date.

Special Meetings

Special meetings shall be called by the chairperson, or upon written request by four Trustees, or by the president when approved by the chairperson. The notice of any such meeting shall specify the matter(s) to be considered. No other matters shall be considered at special meetings.

Non-Voting Meeting

Under special circumstances, a member or members of a Board committee may participate in a non-voting meeting through telephone or video conference call. If a quorum is present or connected via teleconference or videoconference, the non-voting meeting must be advertised in accordance with the "Open Public Meetings Act."

Also, if a quorum should exist, a site must be designated as the meeting "Hub" and a two-way speakerphone must be present to allow the public to hear the telephone portion of the meeting.

Adjourned Meetings

Adjourned meetings may be held as the business of the Board of Trustees requires. At the time of adjournment, the time, date, and place of the continuation of the meeting shall be determined and announced, with said date not less than 48 hours after the meeting which shall be adjourned.

Executive Sessions

Executive sessions may be held to discuss any subject permissible under the provisions of the Open Public Meetings Act. In accordance with the act, the Board shall take no formal action on any matter discussed at such sessions.

Meetings in General

All Board meetings, except executive sessions, shall be open and accessible to the public. Except as hereinafter provided, the public shall not be entitled to participate in any meeting and shall not have a right to be heard on any subject. All Board meetings and committees thereof are conducted in accordance with the Open Public Meetings Act. The Board reserves the right to go into executive session at any time during a public meeting, as necessary, in accordance with the Act.

Notice of Meetings

The schedule of regular meetings adopted at the organization meeting shall be mailed to the official newspapers, prominently posted in at least one public place reserved for such announcements, and filed with the clerks of Atlantic and Cape May counties and all others who have duly requested a copy of same. Notice of any revision of said schedule or regular meetings shall likewise be given within seven days following such revision.

Forty-eight hours notice of any other meeting of the Board of Trustees or committees thereof shall be given in the same fashion as provided for notice of the schedule of regular meetings. The notice shall give the date, time, location, and, to the extent known, the agenda of such meeting. Such notice shall also state whether formal action may or may not be taken.

Upon the affirmative vote of three-quarters of the members present, the Board may hold an emergency meeting, notwithstanding the failure to provide the above notice, if such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing for such notice would likely result in substantial harm to the public interest. Such meeting shall be limited to discussion of and acting with respect to such matters of urgency and importance. Notice shall be given as soon as possible after the calling of such meeting.

Quorum

A majority of the Trustees shall constitute a quorum for the transaction of business at regular and special meetings. A smaller number may call the roll, record the names of absentees, and adjourn to meet at a specified future time. A majority of the members of a committee shall constitute a quorum for the transaction of committee business.

Majority Vote

An affirmative vote of a majority of all Trustees present a regular, special, and committee meetings shall be required for the passage of any motion, except where otherwise provided by law, the regulations and standards for the New Jersey community colleges, or by the provisions of these bylaws.

Agenda

Normally, the agenda shall be prepared by the president one week before a meeting to allow the provision of notices required hereunder and to allow adequate time for Board review. Items that are not on the agenda may be considered by consent of the majority of the Trustees present at the meeting.

Parliamentary Rules

Robert's Rules of Order, Revised shall be followed in conducting the meetings of the Board except as otherwise provided by the Board.

Minutes of Meetings

Minutes of regular and special meetings are public records. Written minutes shall be distributed to the Board and others the Board may designate and shall be posted at the College. The minutes book shall be open to any person and shall be kept on file at the College by the Board secretary as a permanent record of official actions of the Board.

The minutes shall record the names of the members present, subjects considered, actions taken, and the vote of each member. A Trustee voting on an issue may state his/her reasons and have them recorded in the minutes if he/she so requests at the time of voting.

Minutes of executive sessions shall be likewise recorded but shall become a public record only in accordance with the Open Public Records Act.

Minutes shall be recorded of all committee meetings which shall contain the names of the members present, subjects discussed, and recommendations to be made, if any.

Appearances Before the Board

The chairperson reserves the right to fix time limits, not to exceed five minutes, on presentations as he/she deems appropriate to the occasion and may limit the number of spokespersons who appear before it in support of or in opposition to a given issue being considered by the Board. The Board, by majority vote, may extend such limits as it deems appropriate.

Anyone wishing to address the Board shall sign in, with his/her name and address, the Board Secretary prior to the meeting.

Changes in Bylaws and Policies of the Board

Amendments to the Bylaws

These bylaws may be revised, repealed or added to by a majority vote of Trustees present at any regular meeting, provided that the proposed amendment was presented in writing at a previous regular meeting of the Board. Copies of the proposed amendment(s) shall be mailed to each Board member at least seven calendar days before being voted upon.

Lodging of Policy

No matter of policy shall be submitted to the Board for approval or placed on a regular or special meeting agenda for action unless it was presented in writing at a previous regular meeting. This rule may be waived only by the unanimous consent of those Board members present and voting at the meeting when any such proposed action is contemplated.

Miscellaneous Bylaws of the Board

Conflicts of Interest

No Board member or employee shall have a direct or indirect interest, financial or otherwise, in a contract with the College or incur any obligation of any nature, which contract or obligation is in substantial conflict with the proper discharge of his duties in the public interest as provided by law. It shall be the obligation of each Board member or employee of the College to disclose to his immediate superior or to the Board, whichever is appropriate, any personal interest which he may have in any business transaction of the College.

Auditor

An accounting firm shall be retained by the Board to perform any and all accounting and auditing services requested by the Board or required by law.

Fiscal Year

The fiscal year of the College shall be from July 1 to June 30 inclusive.

General Counsel

A practicing attorney-at-law shall be retained by the Board to render legal service to the College when needed. Counsel shall attend meetings of the Board.

Security

The Board shall require that each of its members, as well as employees handling College funds, be bonded at College expense to protect the College from loss sustained through fraudulent or dishonest acts or any act of omission performed in the line of official duty. The amount of bond shall be determined by the President

Code of Ethics for Trustees of Atlantic Cape Community College

1. Application

This code of ethics is applicable to members of the board of trustees and the college president.

2. Definitions

These terms have the following meanings, unless otherwise indicated.

"Board" means the college trustees

"College matter" means any application, award, bid, claim, contract, license, proceeding, resolution or transaction made by, to, against or with the college, or which requires any official action by the board, officers or employees

"Employee" means any person compensated for full- or part-time employment services rendered to the college

"Immediate family member" shall be defined as spouse, child, parent or sibling residing in the same household

"Interest" means any personal, financial, economic, property or other concern amounting to a right, advantage, share or portion inuring directly or indirectly to a trustee or to an immediate family member or

domestic partner of a trustee or college president, either singly, or in affiliation with any person or party as defined herein.

"Person or party" means any natural person, association, corporation, estate, partnership, proprietorship, trust or other legal entity.

3. Standards of Ethics

(a) No trustee or president, nor an immediate family member or domestic partner of a trustee or the college president, shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in conflict with the proper discharge of the trustee's or the president's duties to the college.

(b) The prohibitions in section (a) shall also apply to any firm, association or partnership by which the president or trustee is employed, from which the president or trustee receives compensation, or of which the president or trustee owns or controls more than one percent of the profits or assets of that firm, association or partnership. Such prohibitions shall also apply to shareholders, associates or professional employees of a professional service corporation regardless of the extent or amount of their shareholder interest in such a corporation.

(c) No trustee or president shall use his or her official position to secure unwarranted privileges or advantages for himself or herself or others.

(d) No trustee or college president shall act in his or her official capacity in any college matter in which the trustee, the president, an immediate family member or domestic partner of a trustee or president has a direct or indirect financial interest that might reasonably be expected to impair the trustee's or the president's objectivity or independence of judgment.

- (e) No trustee or college president shall undertake any employment or engage in any business, transaction, service or professional activity, whether compensated or not, which might reasonably be expected to impair the trustee's or the president's objectivity or independence of judgment in the exercise of his or her official duties.
- (f) No trustee or college president shall accept, directly or indirectly, any gift, favor, service, or other things of value under circumstances from which it might be reasonably inferred, or which the trustee or the college president knows or has reason to believe, is offered for the purpose of influencing the discharge of his or her duties as trustee or college president.
- (g) No trustee or college president shall knowingly create an impression or suspicion among the public having knowledge of the trustee's or the president's acts, that he or she may be engaged in conduct violating his or her trust as a public official.
- (h) No trustee or college president, nor any member or employee of a firm or corporation with which the trustee or president is affiliated, shall appear or negotiate on behalf of a party not affiliated with the college, in any matter before the college or in any cause or proceeding involving the college.
- (i) No trustee or college president shall use, or allow to be used, his or her public office, or any information not generally available to the public, which the trustee or college president receives in the course of or by reason of the trustee's or president's office, to secure financial gain, unauthorized privileges, advantages or employment for himself or herself, his or her immediate family members, his or her domestic partner, or others with whom the trustee or president is associated.
- (j) A trustee and/or college president should devote time, thought and study to the duties and responsibilities of his or her role so as to render effective and creditable service.
- (k) As an individual, a trustee has no legal authority outside of the meetings of the board and should conduct himself or herself accordingly with the president, college staff, local citizens, and all facets of the local community.
- (l) An important function of the board is to establish college policies and goals and to audit the performance of the president in the fulfillment of these policies and the progress toward goals. However, trustees should leave the conduct of the educational program and the college's business to the president and administration.

4. Disclosure of Potential Conflict

- (a) At first knowledge of a transaction involving the college that reasonably could give rise to a conflict of interest, a trustee or the college president shall disclose to the board the precise nature of the interest or involvement of the trustee or president or the trustee's or the president's immediate family member or domestic partner in any college matter to be considered by the board or administration.
- (b) Upon notification of the appointment or reappointment of a trustee, the president shall provide the trustee with a copy of this code of ethics. Within 30 days after the organizational meeting of the board each trustee shall file with the secretary, a form or statement specified by the board which discloses the nature of any financial interest, personal interest or business relationship which the trustee has which relates to the college or which the trustee is otherwise required to disclose under this code of ethics.

5. Enforcement

Violations of this code of ethics may constitute cause for removal of a trustee or president pursuant to N.J.S.A. 18A:64A-9 (Qualifications of appointed members of boards, terms of office, etc.; filling vacancies; no compensation of members) or imposition of other sanctions determined by the board to be appropriate.

This code is in compliance with Executive Order 65 issued by the acting governor of the State of New Jersey on November 15, 2005.

The executive director of the Executive Commission on Ethical Standards maintains authority to grant an exception from the terms of Executive Order 65 if, in the judgment of the executive director, the entity that employs, provides compensation or is owned by the board member or college president is one with which

Atlantic Cape Community College may contract with pursuant to N.J.S.A. 52:13D-19 and N.J.S.A. 52:34-10 or where the public interest requires that an exception be made.

Potential or possible conflicts of interest shall be promptly referred by the college attorney to the State of New Jersey Executive Commission on Ethical Standards for an advisory ruling.

Financial Disclosure

The members of the Board of Trustees will comply with public law with regard to the filing of financial disclosure statements.

Board Officer Succession

Policy

The Board acknowledges the need for consistent and experienced internal leadership to help fulfill its role as a body appointed and entrusted to be stewards of Atlantic Cape Community College.

The chairperson, vice chairperson and treasurer serve vital roles in leading fellow trustees and implementing Board initiatives while maintaining effective working relationships with the college president and senior management.

The Board condones its historical practice of leadership succession whereby, after successful completion of two one-year terms, the vice chairperson has often succeeded the outgoing chairperson and the treasurer has ascended to the role of vice chairperson.

Procedure

Each October, the Board chairperson shall appoint five trustees to serve as an officer nominating committee.

The committee is charged with receiving names and ultimately recommending a slate of Board officers for election at the November re-organization meeting.

The committee shall consider each nominee and determine his/her availability and willingness to make the commitment necessary to serve effectively as a Trustee officer before making its recommendation.

In accordance with past practice, if sitting officers have successfully completed two one-year terms including having demonstrated strong attendance, performance and willingness to commit the time and energy necessary, the current Board vice chairperson may be elected chairperson while the incumbent treasurer may be elected vice chairperson.

The nominating committee also brings forth a recommendation for a new treasurer to be voted upon at the November re-organization meeting.

Upon announcement of the committee's recommendations for office, the Board chairperson shall seek additional nominations from the floor from any Board member. All nominees shall then be voted upon by the full Board.

A simple majority of the members present shall elect the new slate of Board officers.

As in all established Board committees, bi-county representation shall receive strong consideration in the rotation of nominated and elected officers.

Succession policy Adopted 10/06

Res. #65 Rev.

It is respectfully recommended that the Board of Trustees approve the following:

Bid 1701	Sealing, Repair & Cleaning of Buildings, Mays Landing Campus, (FY'08 Chapter 12)	\$179,450.00
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Spartan Construction, Inc.
Oakhurst, NJ

7996.

Bid 1702	Theater Renovations, (rigging, lighting, sound), (FY'08 Chapter 12)	\$572,557.00
	General Contract Work:	\$136,661.00
	Network Construction Company Pleasantville, NJ	
	Electrical Work:	<u>435,896.00</u>
	Calvi Electric Atlantic City, NJ	

Rev. #67

RESOLVED: At a public meeting of the Board of Trustees to be held on May 26, 2009, that pursuant to Section 7 and 8 of the "Open Public Meetings Act," the following subject(s) may be discussed in an executive session of the Board of Trusts closed to the public:

personnel and litigation

It is presently anticipated that the items mentioned in this resolution can be disclosed to the public within three months.

ROLL CALL: AYES, NO NAYS

X. PRESIDENT'S REPORT: Dr. Mora continued his report with the following items: Student Life Center grand opening, Community College Ambassador Day, Casino Career Institute's 30th Anniversary, ACCC Restaurant Gala, and update on Board activities.

- A. In the absence of Dean Carmen Royal, Dr. Mora presented media coverage of the Student Life Center ribbon cutting grand opening at the Mays Landing Campus several weeks ago. The Student Government Association provided funding for the ceremony events.
- B. Dr. Mora and briefed the Board on the Community College Ambassador Day held in Trenton on March 5.
- C. The Casino Career Institute's 30th anniversary was celebrated at the recent Atlantic City Hotel and Lodging Association event, at which Dr. Mora was the keynote speaker. Special guests at the event were Dr. Larry Winchell, former ACCC President and Mr. Lou Paludi, former ACCC faculty member/CCI planning.
- D. Dean Gentile thanked the Board for its support of the ACCC Restaurant Gala held March 12 at Bally's, the new venue. She said the event was a great success and netted more than \$200,000. The event reached an important milestone in its 26-year history, topping the \$2 million mark in funds raised for culinary and college scholarships. She thanked everyone who worked so hard and Bally's and Harrah's casinos who gave us tremendous support and savings. Dean Gentile said, "The college learned some new things, overall our evaluations were positive and people had a great time." The committee consisted of ACCC Foundation board members and non-board members chaired by Ms. Diane McKoy, Foundation Board Vice President.
- E. Ms. Williams gave an update on upcoming Board activities and highlighted the adjunct faculty event, the April 17 the SGA Ms. ACCC pageant, Best Practices on April 23-24, and the ACCC service awards recognition. The upcoming May event is the ACCC commencement on May 31 at 11 a.m. and the ACCT convention in Patterson, NJ.

XI. COMMITTEE REPORTS: DISCUSSION/QUESTIONS

Chairperson Talvacchia asked if there was a need for any discussion of the committee reports.

XII. OTHER BUSINESS

None

XIII. COMMENTS FROM THE PUBLIC

Ms. Lugo commented on the retirement of Ms. Joanne Gleason by acknowledging how helpful she has been with the Atlantic County Treasurer's Office for chargebacks. She said that the freeholders will miss her services.

Ms. Lugo also said that based upon the excitement and enthusiasm for learning she hears from Mr. Fenton, ACCC criminal justice student, the Criminal Justice Program is a good program and she praised the efforts of the faculty.

XIV. ADJOURNMENT

On motion of Mr. Boyer and second by Mr. Reynolds, the regular session was adjourned at 8 p.m., in Room 204, Charles D. Worthington Atlantic City Campus, in Atlantic County, NJ.

Secretary's Note: The executive session followed the regular session and only the Board members, Dr. Mora, Ms. Williams and Counsel Greco remained for that meeting.

Respectfully submitted,

BettyAnn Inloes Hines
ACCC Board Secretary

Attachments: ACCC Foundation Board Report, 3-24-09
Academic and Student Affairs Committee Minutes, 3-18-09
Budget, Finance and Audit Committee Minutes, 3-17-09
Diversity and Equity Committee, Executive Summary, 3-17-09
Long-Range Planning and Capital Projects Committee Minutes, 3-16-09
Personnel Committee Minutes, 3-16-09