COLLEGE OF DuPAGE

Special Board of Trustees Meeting

May 2, 2016
MONDAY, MAY 2, 2016 7:00 P.M. ~ SSC-2206
SPECIAL BOARD MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC COMMENT

5. CLOSED SESSION (Pursuant to Section 2 (c) of the Illinois Open Meetings Act)

6. APPROVAL: SELECTION OF COLLEGE OF DUPAGE PRESIDENT

7. APPROVAL: CONSENT JUDGMENT IN BERLIN V. BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 502

8. TRUSTEE DISCUSSION

9. CALENDAR DATES / FUTURE BOARD MEETINGS

   • Thursday, May 5, 2016 – Special Board Meeting – SRC- 2000 – 7:00 p.m.
   • Thursday, May 19, 2016 – Regular Board Meeting – SRC- 2000 – 7:00 p.m.

10. ADJOURN

FRANK NAPOLITANO, SECRETARY
BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 502, COUNTIES OF DuPAGE, COOK AND WILL, STATE OF ILLINOIS
Posted 4/29/16
1. SUBJECT
Selection of College President

2. REASON FOR CONSIDERATION
Section 3-26 of the Illinois Public Community College Act permits the Board of Trustees “to make the appointments and fix the salaries of a chief administrative officer, who shall be the executive officer of the board, other personnel, and all teachers.” 110 ILCS 805/3-26.

3. BACKGROUND INFORMATION
On August 13, 2015, the Board authorized the creation of a Presidential Search Committee and authorized the engagement of a search firm to assist the Board in searching for a new president. The membership of the Committee was designed to provide a breadth and depth of experience, and drew upon the expertise of many College constituencies, including students; full time faculty; adjunct faculty; classified staff; administration; and our community. On November 19, 2015, the Board retained William E. Hay & Company to provide assistance to the Board in connection with the search, selection and hiring process for the College President, along with the assistance of an education specialist. Over recent months, the Presidential Search Committee, with the assistance of William E. Hay & Company and education specialist Dr. Robert C. Dickeson, created a Presidential Search Profile with input from College stakeholders and members of the public; engaged in multiple public meetings and interviews; and ultimately conducted and concluded a search process. The Chairman and Secretary of the Presidential Search Committee, the Hon. Lee Daniels and Mr. Paul LeFort, provided the Board with regular updates on this process at public meetings and also took questions from the Board.

The result of the search process was a unanimous recommendation of three distinguished candidates from the Presidential Search Committee to the Board: Dr. Barbara Kavalier; Dr. Ann Rondeau; and Dr. David Sam.

During April of 2016, the Board held open candidate forums in which each of the three candidates described their vision for the College; took public questions; and responded to public comment. The Board further interviewed all three candidates in closed sessions during publicly noticed Special Board Meetings. In addition, every Board member was given the opportunity to individually interview the candidates. The Board hosted a public webpage and feedback page which generated several
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The Board has carefully considered the input obtained during that process.

In accordance with Section 3-26 of the Community College Act, the Board wishes to select _____________ as President of the College of DuPage. The Board desires that the employment agreement with the appointee contain the following material terms:

1) The term of the President’s employment shall commence July 1, 2016.
2) The President will receive a salary commencing July 1, 2016 that, on a pro-rata bi-weekly amount, is equal to an annualized salary of $__________.
3) The President shall receive employment benefits that are comparable to those provided to other senior administrators, such as sick leave, medical insurance, a qualified annuity contribution not to exceed $18,000, computer and internet access, and reasonable relocation expenses.
4) The President’s responsibilities shall include, but are not limited to, the following:
   a) Securing and maintaining complete accreditation for the College from the Higher Learning Commission as well as for specialized programs within the College;
   b) Administration of the affairs of the College in the College’s best interests consistent with Board policy and applicable legal requirements;
   c) Fundraising, development; public and alumni relations;
   d) Institutional, faculty, and educational leadership;
   e) Long-term planning, budget formulation, supervision of institutional buildings, grounds and equipment;
   f) Student and faculty recruitment and services;
   g) Recommending appointments, promotion and dismissal of faculty and staff;
   h) Setting and achieving high standards both personally and institutionally for ethical behavior and ensuring the College’s direction is consistent with the
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needs, priorities and values of district residents, as embodied by the Board;
and
i) Complying with the President’s Duties and Responsibilities as set forth in
Board Policy No. 15-205 or as subsequently modified.

5) On or before December 1 of each year beginning December 1, 2017, the
President will be subject to an annual evaluation by the entire Board.

The Board anticipates that these and any other material terms will be reduced to
writing in a mutually-acceptable written employment agreement that will be presented
to the Board for approval at a future meeting.

4. RECOMMENDATION

That the Board of Trustees: (1) offer _______________________ appointment to
the position of President of the College of DuPage subject to his/her acceptance of
the terms of employment outlined and Board approval of a written employment
agreement memorializing those terms at a public meeting; and (2) authorize the
Board Chairman, administrators and counsel to take the steps necessary to draft and
negotiate an employment agreement that contains at least the terms outlined above
for presentation at a future Board meeting.
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1. SUBJECT

Approval of final agreed order in the matter of Robert B. Berlin v. Board of Trustees of Community College District No. 502

2. REASON FOR CONSIDERATION

Section 3-30 of the Illinois Public Community College Act permits the Board of Trustees to exercise powers “that may be requisite or proper for the maintenance, operation and development of any college or colleges under the jurisdiction of the board.” 110 ILCS 805/3-30.

3. BACKGROUND INFORMATION

On March 17, 2016, Robert B. Berlin, State’s Attorney for the County of DuPage, filed a lawsuit against the Board. The lawsuit alleges that the Board violated the Illinois Open Meetings Act, 5 ILCS 120/1 et. seq., by taking final action during a closed meeting on March 6, 2014.

In an effort to resolve this lawsuit, Mr. Berlin’s office and the Board’s counsel have discussed the entry of a consent judgment, and have prepared a draft of the same, a copy of which is attached hereto. In the attached judgment order, the Board will stipulate to the entry of the following relief:

- A declaration that the Board violated the Open Meetings Act by taking final action in closed session on March 6, 2014, namely authorizing the then-Chairman of the Board to extend the contract of Dr. Robert Breuder and to relay that such extension was approved by the Board;

- A declaration that the final action taken by the Board in closed session on March 6, 2014 is null and void; and

- An injunction barring the Board and its successors from taking any future final action in closed session in violation of the Open Meetings Act.

Mr. Berlin’s office has indicated that the attached judgment order is acceptable to them, and can be jointly submitted to the Court upon approval by the Board.
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4. RECOMMENDATION

That the Board of Trustees approves the entry of the attached agreed order between Robert B. Berlin and The College of DuPage Board of Trustees to resolve Robert B. Berlin v. Board of Trustees of Community College District No. 502.
IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

ROBERT B. BERLIN, )
State’s Attorney of DuPage County, )
Plaintiff. )
v. )
No. 16 CH 428 )

BOARD OF TRUSTEES OF )
COMMUNITY COLLEGE DISTRICT )
NO. 502, Counties of Cook, DuPage and )
Will and State of Illinois, )
Defendant. )

FINAL AGREED ORDER

The Matter having come before the Court by Agreement of the Parties and, having been
advised of the premises, the Court FINDS as follows:

1. That the Court has jurisdiction over the Parties and the subject matter in the above-
captioned cause;

2. That the Complaint in this matter was timely filed and states a valid claim upon which
relief may be granted;

3. That the Complaint alleges that the Defendant violated the Open Meetings Act, 5 ILCS
120/et. seq., by taking final action during a closed session on March 6, 2014;

4. That the Plaintiff is entitled to the relief he seeks; and

5. That the Parties are in agreement with the resolution of this matter in the manner set forth
in this order.

Now therefore it is ORDERED:
1. The Court finds that the Defendant violated the Open Meetings Act by taking final action in closed session on March 6, 2014, to wit: authorizing the then-Chairman of the BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 502 ("BOARD OF TRUSTEES") to extend the contract of one of its employees, Dr. Robert Breuder, and to relay that such extension was approved by the BOARD OF TRUSTEES;

2. That the final action of the BOARD OF TRUSTEES taken in closed session on March 6, 2014, as described in Paragraph 1 herein, is null and void;

3. That the BOARD OF TRUSTEES and its successors are permanently enjoined from taking further final action in closed session in violation of the Open Meetings Act; and

4. That this Court retains jurisdiction to enforce its judgment.

ENTERED: ________________________
Hon. Paul M. Fullerton
Circuit Judge

DATE:

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