



Board of Trustees

Special Meeting

MINUTES

May 25, 2022 • 3:00 p.m. • Room 512

The Clovis Community College Board of Trustees held a Special Meeting on Wednesday, May 25, 2022, at 3:00 p.m. in Room 512. This meeting was held with COVID-safe practices as prescribed in the current Public Health Order. Due to limited seating capacity in the Board Room, the meeting was also livestreamed via Zoom.

MEMBERS PRESENT

Trustees Jan Bradburn, Lora Harlan, and Carolyn Spence were present in the Board Room. Trustee Laura Leal participated via virtual meeting access. Terry Martin was absent.

MEETING PARTICIPANTS

Clovis Community College employees who participated in the meeting from the Board Room were Charles Nwankwo, Robin Jones, Norman Kia, Heather Lovato, Richard Benavidez, Diana Byers, Bob Dart, Perla Herrera, Nicolle Holcomb, Rex Regnier, and Marcus Smith. Additionally, members of the CCC employee constituency groups were present in the Board room; Corey Isaacs and Katrina Walley represented the Professional Employee Association of Clovis Community College (PEACCC); Angel Anaya, Winona Johnson, and Santana Sena represented the Support Employee Association of Clovis Community College (SEACCC); Karen Burns and Monica Turner represented the Faculty Association of Clovis Community College (FACCC). Also present in the Board Room were Kameron Barnett, CCC legal counsel; Steve Hansen, Eastern New Mexico News; David Burch and Rick Fuentes, former CCC employees. Also, Robin Kuykendall participated via virtual meeting access.

VIRTUAL ATTENDANTS

Based on details from the Zoom attendance report, virtual meeting attendants were Jacob Alvarado, Aaron Anderson, Beverly Aragon, Paul Aragon, Joleen Borja, Darlene Brown, Shauma Brown, Jennifer Bussey, Nikkei Cardenas, April Chavez, Bill Cheville, Pam Cornelison, Natalie Daggett, Regina Dart, Milo Drake, Dannette Ewers, Rachelle Grim, Ashley Grissom, Sydney Higgs, Cindy McDaniel, Shawna McGill, Christy Mendoza, Paul Moore, Melissa Reed, Lauren Rowley, Delfina Sena, Kari Smith, Julie Wampler, Mindy Watson, and Kellyann Weber.

ROUTINE MATTERS

Declare a Quorum:

Madam Chair Harlan called the meeting to order at 3:00 p.m. and declared a quorum.

Approval of Agenda:

Trustee Spence requested clarification on the setup of the agenda items under Other Business. She inquired if the order of the agenda items prevents the Board to take action, if the need arises, when returning to a

regular meeting after exiting executive session. Mr. Barnett confirmed that Ms. Spence was correct, no action could be taken from the Board when returning into a regular meeting and additional items could not be added to the agenda due to the Open Meetings Act 72-hour public notification requirement. However, the Board could motion a vote to amend the agenda and switch the order of the items under Other Business to reflect item 1. as Executive Session-Limited Personnel Section 10-15-1(H)(2) (Personnel Matter) and Item 2. as Award of Letter of Engagement (action item). In addition, Mr. Barnett clarified that action could only be taken on the action item already listed on the agenda.

ACTION: Spence moved to amend the agenda and switch the order of the items under Other Business to reflect item 1. as Executive Session-Limited Personnel Section 10-15-1(H)(2) (Personnel Matter) and Item 2. as Award of Letter of Engagement (action item) and approve the agenda as reconstructed. Bradburn seconded and upon roll call vote the motion carried (4-0).

Approval of Minutes:

Trustee Spence asked for clarification regarding why the Special Meeting Minutes from May 9, 2022 did not include a topic discussed in the meeting. She questioned whether the topic was discussed during executive session or during regular session. The Board clarified the topic was discussed during executive session, which is a closed meeting, therefore minutes would not include that discussion.

The Board approved the minutes of May 9, 2022 as submitted.

ACTION: Bradburn moved to approve the minutes of May 9, 2022 as submitted. Spence seconded and upon roll call vote the motion carried (4-0).

OLD BUSINESS

There was no Old Business.

NEW BUSINESS Instructional Matters

There was no New Business Instructional Matters.

NEW BUSINESS Non-Instructional Matters

There was no New Business Non-Instructional Matters.

OTHER BUSINESS

Executive Session:

ACTION: Bradburn moved to recess and enter executive session. Leal seconded and upon roll call vote the motion carried (4-0).

The Board moved to recess and entered executive session at 3:07 p.m. as authorized by Section 10-15-1(H)(2) of the Open Meetings Act to discuss Limited Personnel matters.

NOTE: Those present for executive session included Jan Bradburn, Lora Harlan,

Laura Leal, and Carolyn Spence (CCC Board of Trustees); and Mr. Kameron Barnett (CCC legal counsel).

ACTION: Bradburn moved to return to regular session. Spence seconded and upon roll call vote the motion carried (4-0).

The Board returned to regular session at 4:21 p.m. The only matters discussed in executive session were Limited Personnel matters.

Award of Letter of Engagement:

On May 3, 2022, the Board of Trustees received letters/resolutions of no-confidence in Clovis Community College President Nwankwo from the Professional Employee Association of Clovis Community College, Support Employee Association of Clovis Community College, and Faculty Association of Clovis Community College. Upon the receiving of the letters/resolutions, the Board of Trustees called a Special Meeting on Monday, May 9, 2022 which led to the decision of hiring a third party investigator to conduct an investigation into the circumstances and work-environment that resulted in various staff, faculty, and professional employees expressing a no-confidence opinion in the President of the institution. The Board of Trustees appointed Mr. Barnett to research and review legal firms from outside the Clovis area to conduct the investigation.

After reaching out to several law firms, Mr. Barnett recommends the Board of Trustees engage Cuddy & McCarthy, LLP to perform the investigation. Ms. Carol S. Helms and Mr. R. Daniel Castille will be the primary attorneys working on the investigation. Ms. Helms and Mr. Castille have extensive experience both in internal investigations and educational law. Cuddy & McCarthy, LLP would interview relevant employees and records, as necessary, and produce a report with findings of fact and, if appropriate, recommendations. The interviews could be conducted virtually via Zoom to maintain the confidentiality of those involved. If preferred, in-person interviews could also be done at an off-campus location.

The Board asked how funding would be allocated to cover the cost associated with engaging Cuddy & McCarthy, LLP. Ms. Lovato shared that CCC has a legal index to cover those costs. Depending on the actual cost, Ms. Lovato would need to speak with the auditors to see if funds could be split between other indexes if needed. Ms. Lovato clarified that funds cannot be moved from one index to another due to the FY 2022 budget was already approved and submitted to the Higher Education Department.

It was requested that the Board of Trustees engage the services of Cuddy & McCarthy for services upon the terms outlined in their Letter of Engagement, for the investigation of no-confidence against Clovis Community College president Charles Nwankwo.

ACTION: Spence moved engage the services of Cuddy & McCarthy for services upon the terms outlined in their Letter of Engagement, for the investigation of no-confidence against Clovis Community College president Charles Nwankwo and to be effective immediately. Bradburn seconded and upon roll call vote the motion carried (4-0).

ANNOUNCEMENTS

The next regular Board meeting is scheduled for June 1, 2022, at 8:00 a.m. in Room 512.

The in-person meeting will be held in compliance with the prevailing Public Health Order. However, should the Public Health Order change between now and the next meeting, a virtual meeting will take place instead. Proper notification of the meeting format will be shared with the public.

The meeting adjourned at 4:33 p.m.

ACTION: Bradburn moved to adjourn the meeting. Leal seconded and upon roll call vote the motion carried (4-0).

Respectfully submitted,



Terry Martin, Secretary
Board of Trustees

Approved June 01, 2022