

Des Moines Area Community College

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Board of Directors Meeting Minutes

5-23-2005

Board of Directors Meeting Minutes (May 23, 2005)

DMACC

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Board of Directors
Des Moines Area Community college

Special Meeting
Monday, May 23, 2005 – 4:00 p.m.
Eldon Leonard Board Room
Ankeny, Iowa

1. Call to order – 4:00 p.m.
2. Roll call.
3. Consideration of tentative agenda.
4. Closed Session in compliance with Iowa Code Chapter 21.5(1) (c).
5. Consideration on personnel recommendation.
6. Adjourn.

Trudy Little, Secretary
Board of Directors

Board of Directors
Des Moines Area Community College
2006 S. Ankeny Blvd.
Ankeny, IA 50021

SPECIAL MEETING
May 23, 2005

A special meeting of the Des Moines Area Community College Board of Directors was held at the Eldon Leonard Board Room on May 23, 2005. Board Chair Joe Pugel called the meeting to order at 4:00 p.m.

ROLL CALL

Members present: Harold Belken, Kevin Halterman, Lloyd Hill, Cheryl Langston, Naomi Neu, *Ben Norman, Joe Pugel, Wayne Rouse, Madelyn Tursi.

Others present: Rob Denson, President/CEO; Trudy Little, Board Secretary; Peter Pashler, Attorney, Ahlers Law Firm.

CONSIDERATION OF
TENTATIVE AGENDA

Rouse moved; seconded by Langston to approve the tentative agenda as presented.

Motion passed unanimously. Aye-Belken, Halterman, Hill, Langston, Neu, Pugel, Rouse, Tursi. Nay-none.

*Director Norman arrives.

CLOSED SESSION
Iowa Code Chapter 21.5(1) (c)

Halterman moved; seconded by Tursi that the Board of Directors hold a closed session as provided in Section 21.5(1) (c) of the Open Meetings Law to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

Motion passed on a roll call vote. Aye-Belken, Halterman, Hill, Langston, Neu, Pugel, Rouse, Tursi. Nay-none.

RETURN TO OPEN
SESSION

The Board returned to open session at 4:20 p.m. A tape recording of the closed session has been placed in the lock box at Community State Bank.

APPROVE MOTION TO
TERMINATE

Halterman moved; seconded by Rouse that the Board Secretary is in receipt of a withdrawal of Dr. Gilbert's request for a hearing and an order from Administrative Law Judge Holliday accepting that withdrawal.

Iowa Code 279 Continuing Contract

Therefore, in accordance with Iowa Code 279.24(5) I move that the Board of Directors terminate Dr. Fred Gilbert's Iowa Code 279 continuing contract as an "administrative professional employee" with annual compensation of \$104,103.00 and assigned duties as Provost for the Urban Campus. This motion is made for the reasons stated in the Board motion approved on March 3, 2005 and attached hereto.

For the record it is noted that the attached March 3, 2005 Board Motion gave Dr. Gilbert the option of a directed reassignment to a position of Grants Specialist on an Iowa Code 279 contract with compensation of \$69,796.00 reporting to the Controller. Dr. Gilbert subsequently accepted that option. Attachment #1.

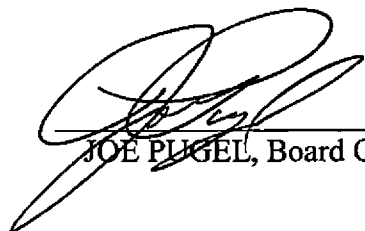
Motion passed on a roll call vote. Aye-Belken, Halterman, Langston, Neu, Norman, Pugel, Rouse, Tursi. Nay-none. Abstain-Hill.

ADJOURN

A motion to adjourn was made by Halterman; seconded by Belken.

Motion passed unanimously and at 4:25 P.M. Board Chair Joe Pugel adjourned the meeting.


TRUDY LITTLE, Board Secretary


JOE PUGEL, Board Chair

1

MOTION TO TERMINATE

The Board Secretary is in receipt of a withdrawal of Dr. Gilbert's request for a hearing and an order from Administrative Law Judge Holliday accepting that withdrawal.

Therefore, in accordance with Iowa Code 279.24(5) I move that the Board of Directors terminate Dr. Fred Gilbert's Iowa Code 279 continuing contract as an "administrative professional employee" with annual compensation of \$104,103.00 and assigned duties as Provost for the Urban Campus. This motion is made for the reasons stated in the Board motion approved on March 3, 2005 and attached hereto.

For the record it is noted that the attached March 3, 2005 Board Motion gave Dr Gilbert the option of a directed reassignment to a position of Grants Specialist on an Iowa Code 279 contract with compensation of \$69,796.00 reporting to the Controller. Dr. Gilbert subsequently accepted that option.

Date: May 23, 2005

Motion by Walterman

Second by Rouse

Aye Becker, Walterman, Langston, Neu, Norman, Pugel,

Nay None

Rouse, Davis

Abstain: Hill

LAW OFFICES

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 * Minnesota
 + Nebraska

May 23, 2005

Direct No: (515) 247-4704
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SENT VIA FACSIMILE AND U.S. MAIL: 243-2149/283-0231

Mr. Peter L. J. Pashler
 Ahlers & Cooney, P.C.
 100 Court Avenue, Suite 600
 Des Moines, IA 50309

Mr. James H. Gilliam
 Brown, Winick, Graves, Gross,
 Baskerville and Schoenebaum, P.L.C.
 666 Grand Avenue, Suite 2000
 Des Moines, IA 50309-2510

Re: Fred Gilbert/Des Moines Area Community College

Dear Counsel:

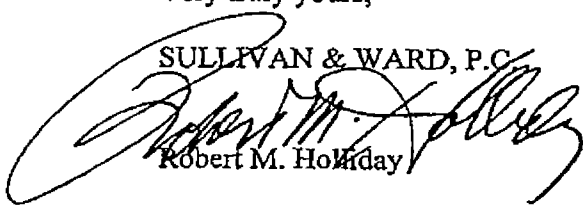
From correspondence forwarded to me by Mr. Pashler, it is my understanding that Mr. Fred Gilbert has withdrawn his request for hearing in this matter. I agree with Mr. Pashler's letter of May 20th, in that my jurisdiction as the Administrative Law Judge has ended.

Please consider this letter an order which ends my jurisdiction as the Administrative Law Judge for a hearing which had previously been set for June 1, 2005.

Thank you both for your confidence in originally selecting me as the Administrative Law Judge.

Very truly yours,

SULLIVAN & WARD, P.C.


 Robert M. Holliday

MOTION TO CONSIDER TERMINATION

The Board of Directors of the Des Moines Area Community College ("DMACC") moves to consider termination of Dr. Fred Gilbert's contract in accordance with Iowa Code 279.24(5) for the following reasons:

Dr. Gilbert's application for President of DMACC contained substantial acts of plagiarism and acts of misrepresentation, including portions of copyrighted publications without any attribution and/or credit to the actual authors of such copyrighted works. Dr. Gilbert admits this conduct.

Dr. Gilbert has taken the position that he did not personally write the answers to the essays in his own application, that he hired a person or persons to write the application for him, and that he paid \$1,000.00 cash for these services. Dr. Gilbert stated under oath that he did not recall the name of the person(s) who he paid to prepare his application or how he secured their services.

Dr. Gilbert submitted the application to the board with the intent that the Board rely upon those materials, and the Board did rely upon those materials.

This conduct violates the standards of performance DMACC expects of its employees, particularly those charged with responsibility for academic governance.

Dr. Gilbert is given the option of accepting a directed reassignment to a position of Grants Specialist, on an Iowa Code 279 contract with compensation of \$69,796, reporting to the Controller. Dr. Gilbert is advised by this Notice that this option of Grants Specialist must be accepted and Human Resources notified by noon on Monday, March 7, 2005.

Dated at Des Moines, Iowa, this 3rd day of March, 2005.

DES MOINES AREA COMMUNITY COLLEGE

By: Judy Little
Secretary, Board of Directors

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Norman made a motion; second by Langston too approve the Motion to Consider Termination, as outlined above. Motion passed on a roll call vote. Aye-Halterman, Langston, Neu, Norman, Pugel, Rouse. Nay-none. Abstain-Hill.

**Brown, Winick, Graves, Gross,
Baskerville and Schoenebaum, P.L.C.**
ATTORNEYS AT LAW

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May 19, 2005

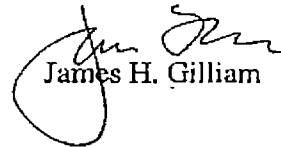
Peter Pashler
Ahlers & Cooney, P.C.
100 Court Avenue, Suite 600
Des Moines, Iowa 50309-2231

Re: Dr. Fred Gilbert

Dear Peter:

This letter is to inform you that Dr. Gilbert is withdrawing his request for hearing as provided for by Iowa Code Chapter 279. It does not make fiscal sense to be fighting this battle on two fronts and these issues have been addressed in the underlying federal litigation as seen in the amended and substituted complaint as attached to the motion to amend.

Very truly yours,


James H. Gilliam

Cc: Fred Gilbert