

1                                   **Turtle Mountain Community College**  
2                                   **Special Board of Trustees Meeting**  
3                                   **July 27, 2009**  
4                                   **7:00 p.m.**

5  
6                                   **OFFICIAL MINUTES**

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8   **Board of Directors Present:** John Trottier, Emil LaRocque, Ron Peltier

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10 **Board of Directors Absent:** Barbara Poitra, Lance Azure

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12 **Board of Trustees Present:** Resa Rivard, Bonita DeCoteau, Memory Poni-Cappo,  
13 Janice Azure, Yvonne St. Claire, Jim Lindgren, Dwight Trottier, David Brien

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15 **TMCC Employees Present:** Jackie Stein

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18 Chairman Lindgren called the meeting to order at 7:10 p.m.

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20       • It is the concern of the Board of Trustees to determine what the justification was  
21       for dismissing Dr. Jim Davis.
- 22       • The Board of Directors state:
- 23             ○ One main factor of the decision is Dr. Davis' absence over the past couple  
24             of years. We have documentation stating the amount of travel Dr. Davis  
25             has been on in the past.
- 26             ○ The Board of Directors voted by secret ballot, so the decision was fair and  
27             unanimous.
- 28       ➤ David Brien entered the meeting at 7:12 p.m.
- 29             ○ There are a number of different reasons for the dismissal.
- 30             ○ The records of Dr. Davis' travel state that he has been gone on travel for  
31             100+ days already this year.
- 32             ○ We also don't have record of him taking personal leave
- 33             ○ The employees who received the evaluations rated Dr. Davis very low.

- 34                                   ▪ We used an evaluation form for the employees to evaluate Dr.  
35                                   Davis.
- 36                                   ▪ Out of 30 evaluations, only 3 employees gave Dr. Davis favorable  
37                                   evaluation. The rest he received 1's and 2's on a scale of 0-5.
- 38                                   ▪ The evaluation form was created by Emil.
- 39       ➤ Ron Peltier enters at 7:17 p.m.
- 40                                   ○ Employees had input on the evaluations
- 41                                   ○ The Board of Directors also evaluated Dr. Davis' performance.
- 42                                   ▪ We felt that it was important to have the employees input.
- 43       • The Board of Trustees previously directed the Board of Directors to address Dr.  
44       Davis' constant absence issue, which was previously taken care of in executive  
45       session.
- 46                                   ○ The Board of Trustees is concerned that this was not put in writing and  
47                                   there is no documentation of such conversations.
- 48                                   ○ The Board of Directors states that nothing that is handled in executive  
49                                   session is placed in writing, so Dr. Davis would not receive anything in  
50                                   writing on this particular issue.
- 51       • Dr. Davis was also directed by the Board of Directors to request to go on travel  
52       prior to traveling.
- 53       • Dr. Davis provided a report to the Board of Trustees and Board of Directors of  
54       what he has accomplished in his tenure at TMCC. The Board of Directors feels  
55       that this report is not completely accurate.
- 56                                   ○ Dr. Davis is taking credit for projects which he has not done.
- 57       • The Board of Directors feel that Dr. Davis has no oversight at the college due to  
58       his constant travel.
- 59       • How was the staff selected to take the evaluations?
- 60                                   ○ Chairman Azure and Chairman Lindgren went through the list of  
61                                   employees and randomly picked from each department. Most employees  
62                                   were department heads. The organizational chart was followed in order to  
63                                   make this selection.

- 64 • The Board of Trustees may request to get particular information from the Board  
65 of Directors.
- 66 ○ Both boards should have shared the decision making, rather than the  
67 Board of Directors making the decision for everyone.
- 68 • All of the Board of Trustees were invited to the meeting and only one person  
69 showed up, so the Board of Directors attempted to include the Board of Trustees.
- 70 ○ The Board of Trustees feel that the phone calls which were made didn't  
71 state that the meeting was on the renewal/non-renewal of Dr. Davis'  
72 contract.
- 73 • Dr. Davis was also supposed to give a letter of intent to continue his contract with  
74 TMCC. He is supposed to submit the letter to show that he is still interested in  
75 keeping his position as the TMCC President. Dr. Davis did not submit any letter  
76 of intent.
- 77 • The Board of Trustees are invited to all of the meetings which the Board of  
78 Directors hold. The time frame that some of the meetings are not convenient for  
79 all of the board members. When the meetings are held during the day, this is  
80 inconvenient for anyone that works.
- 81 • The Board of Directors feel that the decision that was made was the proper  
82 decision.
- 83 • It has been stated that an employee of TMCC has been attempting to recruit a new  
84 President for the college prior to any decisions being made.
- 85 • The travel reports that were provided state the reasons why Dr. Davis was on  
86 travel.
- 87 • The vote was unanimous, all of the people which were present at the board  
88 meeting voted for non-renewal of Dr. Davis' contract.
- 89 • The Board of Directors and Board of Trustees need to determine what the  
90 involvement levels are for the meetings.
- 91 ○ Do the Board of Trustees need to be present at the meeting for a decision  
92 to be made?

- 93 • Yvonne feels that there was some intent to hurry along the process. She thinks  
94 that the Board of Directors could have asked for votes through phone  
95 conversations.
- 96 ○ She is defending the policy of the Board of Trustees and disagreed with  
97 the evaluation process which the Board of Directors used. We need to  
98 look at the possibility of a law suit.
- 99 • The Board of Trustees policy was not followed. One Board of Trustee member  
100 present doesn't constitute for all the Board of Trustees.
- 101 • How do you fix the decision after it has already been made?
- 102 • Dr. Davis is acting as two people, since there isn't a Vice President.
- 103 ○ Decision making is a very slow process for Dr. Davis.
- 104 • The Board of Directors stated that Dr. Davis is still lobbying while working at  
105 TMCC. When he was hired, he was given time to quit lobbying. To this day, he  
106 is still continuing and on college time and money.
- 107 • The Board of Trustees feels that the vote of non-renewal of Dr. Davis' contract  
108 was not a decision for the Board of Directors to make without the Board of  
109 Trustees. The Board of Directors have no documentation and they exceeded their  
110 authority. The By-laws state that this is a shared responsibility of both boards.  
111 The Board of Directors stress strongly that the Board of Trustees were invited to  
112 the meeting and chose not to attend.
- 113 • Yvonne St. Claire requested to go into executive session with only the Board of  
114 Trustees. Chairman Lindgren asked for the motion to enter into executive  
115 session. Yvonne St. Claire made this motion, seconded by Dwight Trottier. All  
116 were in favor. Meeting enters into executive session at 8:02 p.m.
- 117 • The meeting exits out of executive session at 8:32 p.m. Chairman Lindgren asked  
118 for the motion to exit out of executive session. David Brien made this motion,  
119 seconded by Yvonne St. Claire. All were in favor.
- 120 • Dwight Trottier stated that Section II: 8.0030.08 POWER OF THE BOARD OF  
121 TRUSTEES states, "the Board of Trustees shall share the power with the Board of  
122 Directors to appoint and release the TMCC President."  
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- 124 Since the Board of Directors exceeded their authority, Dwight Trottier made a  
125 motion to relieve Dr. Leonard Dauphinais as acting TMCC President and for Dr.  
126 Jim Davis to fully resume his duties as the TMCC President until such time a

127 shared decision shall be made regarding the evaluation and continuation of Dr.  
128 Davis' contract. David Brien seconded this motion. Bonita DeCoteau and  
129 Theresa Rivard opposed. All other members were in favor.  
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- 131 • The Board of Directors would like to know how the Board of Trustees is  
132 overturning the Board of Directors decision.
- 133 ○ By viewing the policy, it states that the Board of Trustees needs to be  
134 involved.
- 135 ○ The Board of Directors felt that they followed all the necessary procedures  
136 and they do not feel that they are out of line.
- 137 ○ The Board of Trustees are not meant to be a decision making board for the  
138 college, they are meant to be the cushion between the Board of Directors  
139 and the Tribal Council.
- 140 ○ How does the Board of Trustees expect the Board of Directors to perform  
141 their duties when their decisions are overturned?
- 142 • Chairman Lindgren and Chairman Azure can set up a meeting which is  
143 convenient for everyone to reconvene on this issue and hopefully come to a  
144 decision together.
- 145 ○ The results should stay within the board until completely resolved. The  
146 Board of Directors feel that nothing should be said to Dr. Davis or acting  
147 President, Dr. Leonard Dauphinais, until resolved.
- 148 ○ Chairman Lindgren stated that he will be giving notification to both Dr.  
149 Davis and Dr. Dauphinais tomorrow morning and Dr. Davis will resume  
150 his current position as of tomorrow, July 28, 2009.
- 151 • Chairman Lindgren asked for the motion to adjourn. Yvonne St. Claire made this  
152 motion, seconded by Theresa Rivard. All were in favor. Meeting adjourned at  
153 8:43 p.m.

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**James Lindgren, Chairman**



**Jaclyn Stein, Board Secretary**