1.0 CALL TO ORDER (4:30 p.m.), Room 1340
The meeting was called to order at 4:30 p.m.

2.0 PUBLIC SESSION (4:30 p.m.), Room 1340

2.1 Consideration of Nursing Student Appeal Regarding ATI Testing
This is the final stage in a student-initiated appeal regarding ATI testing in the nursing program. Legal counsel was present: Michael Sorgen represented students Ashley McManus and Chris Gonzalez. Bob Henry represented the nursing faculty and administrative staff; Larry Friarson represented the Board of Trustees. Mr. Henry outlined the process to be followed for the hearing, including presentations by each side, rebuttal, and documents.

Mr. Sorgen outlined the appeal for two fourth-semester nursing students. He stated that the students, after passing all other requirements, did not pass a standardized ATI test and therefore disqualified from continuing in NURS 249 and from graduating with their classmates in December. He stated that a single test instrument should not be given this much weight. He suggested the remedy of: waive the ATI test in Med-Surg for the entire class; allow the two nursing students to graduate with their class; all them to make up the material missed in NURS 249 subsequent to graduation.

Mr. Henry outlined the administrative response to the student grievance at each stage of the process. He clarified that the final stage of the appeal to the college president did not include full review of the case, but rather a review of the adequacy of the process followed. He reviewed the documents supporting the actions of the nursing faculty, including giving a different version of the ATI test to students who failed the first test. He also discussed their rationale for raising the pass rate from 33% to 50% and noted students had been fully informed of this change last spring. The ATI testing process was fully noticed in the nursing handbook. Dean, Health Occupations Margaret Craig spoke to the value of ATI testing. Additional discussion surrounded the distinction between the composite score and percentile.
The board was given documents for their consideration and recessed to closed session.

3.0 CLOSED SESSION (5:30 p.m.) Room 1330: Following any public comments regarding closed session items, the board will go immediately into closed session to consider and/or take action upon any of the following items:

With respect to every item of business to be discussed in closed session pursuant to Ed. Code Section 72122, Consideration of Student Appeal Regarding ATI Testing

With respect to every item of business to be discussed in closed session pursuant to Section 54957.6, CONFERENCE WITH LABOR NEGOTIATORS
Name of agency negotiators: Scott Miller, Sue Nelson, Laura Ecklin
Name of organization representing employees: NVCFA/CTA/NEA
Name of agency negotiators: Scott Miller, Laura Ecklin, Judie Walter-Burke
Name of organization representing employees: NVC-ACP/SEIU
Name of agency representatives: Chris McCarthy
Name or organization representing employees: NVC Administrative Senate

With respect to every item of business to be discussed in closed session pursuant to Section 54957, PUBLIC EMPLOYMENT, Approval/Ratification of Full-time Employment
Titles:
1) Secretary IV, Facilities and Services

4.0 RETURN TO PUBLIC SESSION (6:30 p.m.)

4.1 Members Present: Tom Andrews, JoAnn Busenbark, Bruce Ketron, Charles Meng, Steven Reinbolt, Michael Baldini
Staff Present: Dr. McCarthy, Armond Phillips, Scott Miller, Dan TerAvest
Guests Present: Bob Henry, John Tuteur (Attorneys Michael Sorgen and Larry Frierson were present for the student appeal at the beginning of the meeting)

4.2 Pledge of Allegiance

4.3 Introduction of Visitors, Guests, and New Staff

4.4 Announcement of Items from Closed Session
The board announced that, consistent with its desire to ensure all relevant material be brought forward for consideration of the appeal of two nursing students, they would re-convene in public session on Tuesday, December 5, 2007 at 7:00 p.m. for a continuation of the consideration of the appeal.

M/S/C (Busenbark/Ketron) to approve Heidi Jacks, Secretary IV, Facilities and Services.

Mr. Ketron announced the approval of compensation for faculty.
4.5 Adoption of Current Agenda
Items will be heard following 5.0 (Public Comments). Other items may be moved, at the discretion of the board president.

4.6 Announcement of Future Meetings (5:30 p.m. closed session, 6:30 p.m. public session)
December 14, 2006—Regular Meeting
January 18, 2007 – Regular Meeting
February 8, 2007 – Regular Meeting

5.0 PUBLIC COMMENTS — GENERAL
At this time, the board will devote a total of up to fifteen minutes for comments to the Board of Trustees regarding any subject NOT APPEARING AS AN AGENDA ITEM FOR THIS MEETING but over which the board has jurisdiction. The public may ask the board to place an item on a future board agenda. No action or discussion will occur at this time on such items. Individuals will be limited to a three-minute presentation.

6.0 APPROVAL OF MINUTES OF NOVEMBER 9, 2006
Minutes of November 9, 2006 will be approved at the December 14, 2006 board meeting.

7.0 CONSENT CALENDAR
M/S/C (Busenbark/Baldini) to approve the following items on the consent calendar.

7.1 Approval of Personnel Documents Dated November 23, 2006

7.2 Approval of Agreement with the California Department of Education
The Board of Trustees approved an agreement with the California Department of Education for an infant and toddler child care resource program. The term of this agreement is from July 1, 2006 through June 30, 2007. The maximum amount is $3,768.

8.0 CONSTITUENT GROUP REPORTS
• Academic Senate Report
  Dianna Chiabotti said the Senate has been very busy organizing committees. She thanked the administration and board for their efforts.

9.0 DISCUSSION ITEMS

9.1 DISCUSSION OF THE OPTIONS TO ADDRESS A VACANCY ON THE BOARD OF TRUSTEES
Currently, a vacancy exists on the Napa Valley College governing board for the District 3 seat. In an unusual result in the November 7 election, the candidate who dropped out of the race after the ballots were printed won the election. According to legal counsel, his prior withdrawal has no effect on the outcome of the election. Bob Henry said that the winner has indicated that he will not serve, as he has moved out of the District. The board asked Dr. McCarthy to get that statement in writing. The board now has the option of calling for a special election or appointing a replacement until a regularly scheduled election is held in November, 2008.

John Tuteur, Registrar of Voters, was present and stated that his responsibility is to report the results of the election. He has certified the results and transmitted them to Dr. McCarthy. The
The board accepted the results of the election. The board now has sixty days to appoint, or call for a special election, which would have to be paid for by the college. The vacancy must be filled by January 30, 2007. The board reviewed its options in light of the responsibilities of the governing board.

10.0 ACTION ITEMS

10.1 Approval of Option to Address a Vacancy on the Board of Trustees
The board reviewed its responsibility to either order a special election or to begin the process to make a provisional appointment to fill a vacancy on the board. The cost of a special election was deemed prohibitive, as it could be shared with no other agency.

M/S/C (Busenbark/Meng) to address vacancy on the board by making a provisional appointment.

10.2 Approval of Process, Application Materials, and Criteria for Selection of Provisional Trustee
M/S/C (Meng/Busenbark) to approve the same process, application materials, and criteria for selection of provisional appointment that was used to address the vacancy created by the death of Margaret Lee. Interviews were set for January 16 and 17, 2007.

10.3 Authorization to Advertise for Faculty Positions for 2007-2008
M/S/C (Busenbark/Baldini) to authorize advertising the following six new full-time, tenure track positions.
1) Administration of Justice Instructor, Full-Time, Tenure Track
2) English Instructor, Full-time, Tenure Track
3) Mathematics Instructor, Full-time, Tenure Track (two positions)
4) Physical Education Instructor, Full-time, Tenure Track
5) Psychiatric Technician Instructor, Full-time, Tenure Track

10.4 Approval of Increase in Hourly Rate for Noncredit Instructors
M/S/C (Ketron/Busenbark) to increase the hourly rate for noncredit instructors from $32.26 per hour to $34.28, effective spring semester, 2007. The rate of increase is 6.25%, the same COLA proposed for contract/regular and part-time, hourly faculty.

11.0 OTHER REPORTS: Note that no action can be taken regarding any report item.

11.1 Reports from Vice Presidents
- Laura Ecklin said she is working with Jill Schrutz on an administrative/confidential evaluation process.
- Armond Phillips is working with Oscar DeHaro on integrating the Child and Family Studies Center and the program.
- Scott is working on the audit and the 50% law issues.

11.2 Superintendent/President's Report
Dr. McCarthy announced the upcoming Foundation event and Nursing Graduation. He reported on the Early College High School and the partnership with Sonoma State.
11.3 Reports from Board Members

- Charles Meng said he felt the recent conference in Costa Mesa was productive, and he enjoyed the NVC Cooking School luncheon. He encouraged everyone to attend the Annual Trustee Conference in San Francisco.
- Aman Sunak encouraged everyone to participate in the Angel Tree and to donate clothing to the Homeless Shelter.
- JoAnn Busenbark praised the new directional monuments. She praised Dr. McCarthy on the emails he has been making to the campus to keep everyone up to do on bond projects.
- Bruce Ketron suggested adjourning the meeting in memory of Barbara Walton, a dear personal friend as well as friend to the college.
- Michael Baldini attended an ASB meeting on Monday and appreciated Sonia Wright’s letter to the editor.

12.0 ADJOURNMENT

Board president Tom Andrews adjourned the meeting in memory of Barbara Walton, who will be greatly missed.