

Approved Minutes of the Regular Meeting
Alpena Community College Board of Trustees
Thursday, February 20, 2025
665 Johnson Street, Alpena, MI 49707

On Thursday, February 20, 2025, the Alpena Community College Board of Trustees held its regular monthly meeting in the Roger C. Bauer Board Room, 400 Natural Resources Center. The meeting was brought to order at 7:01 p.m. by Chair John Briggs.

Trustees present in person: John Briggs, Teresa Duncan, Joseph Gentry II, Lisa Hilberg, Susan Stender, Florence Stibitz, and Tom Townsend. Absent trustees: none.

Also present in person: ACC President Dr. Don MacMaster and Board Secretary Denis “Jay” Walterreit.

Pledge of Allegiance

Trustee Townsend led the Pledge of Allegiance.

Approval of Agenda

Trustee Townsend made the motion to approve the agenda as presented; Trustee Stibitz seconded the motion. Ayes: 7. Nays: 0. Motion approved.

Approval of the Proposed Minutes of the January 15, 2025, Regular Meeting and the January 31, 2025, Special Meeting

Trustee Gentry made the motion to approve the proposed minutes of the January 15, 2025, regular board meeting and the January 31, 2025, special board meeting. Trustee Stender seconded the motion. Ayes: 7. Nays: 0. Motion approved.

Introduction of Guests and Public Comment

Guests attending the meeting in person were: Alpena County Deputy Mike Lash; Dr. Paige Gordier, ACC administration; Dr. Nick Brege, ACC administration; Reagan Voetberg, The Alpena News; Tim Kuehnlein, ACC faculty; Todd Artley, ACC faculty; Dane Werth, ACC faculty; Wesley Repke, ACC faculty; Mary Eagan, executive director of the ACC Foundation; Adam Keyes, ACC administration; Terry McKenzie, ACC faculty; Amanda Campbell, ACC faculty; Rachel Smolinski, Alpena city manager; Aiden Bishop, ACC student; Zachary Holifield, ACC student; and J.J. Salas, ACC student.

Mac McClelland and Karen Bennett, ACC legal counsel, attended the meeting via Webex.

No public comment was given.

Communication(s)

None.

Board Member and Subcommittee Reports

Trustee Duncan distributed a copy of consultant Kathleen Guy's summary document of the special board meeting on January 31 along with recommendations for next steps with the Alpena Community College Foundation and the Alpena Community College Board of Trustees.

Duncan also offered the following points:

- The Foundation is in the process of recruiting new board members. To date, two people have accepted positions on the Foundation Board and received orientation on February 7. The Foundation is awaiting responses from two other potential members.
- Mary Eagan, our recently hired Foundation executive director, is working closely with Interim Executive Director Penny Boldrey to absorb as much of Penny's advice and wisdom as she can until Penny leaves Friday, February 28. Penny's step out of retirement to help the Foundation since last August has been immensely appreciated.
- The subcommittees working on the Memorandum of Understanding have completed their individual committee work and are now securing a date in early March for a combined meeting to address a few remaining points in the MOU. There is optimism that we are close to having a product to present to our respective boards.

Student Report

ACC students Aiden Bishop, Zachary Holifield, and J.J. Salas talked about the creation of ACC RISE (Responsible, Influential, Strong, Empowered), a new student group dedicated to promoting responsible behaviors regarding drug and alcohol use among students, providing support and resources for students dealing with drug and alcohol-related issues, and organizing educational and social events to foster a healthy campus environment.

Faculty Report

Instructor Todd Artley expressed appreciation for his time as an ACC instructor, then introduced new instructor Dane Werth, who will be taking over Artley's classes when Artley retires at the end of Spring Semester. Instructor Wesley Repke also expressed appreciation for the positive climate at ACC and talked about ways in which he is expanding and improving the Electrical Systems Technology program.

Vice President of Instruction Dr. Paige Gordier then introduced instructors Terry McKenzie and Amanda Campbell, who had fulfilled their requirements as new instructors and had recently been granted tenure. McKenzie and Campbell talked about their inspirations for becoming instructors and expressed appreciation for the College's positive culture.

President's Report

President MacMaster introduced Alpena City Manager Rachel Smolinski, who briefed the trustees on developments related to the US-23 Corridor Improvement Authority and the Gardens of Alpena project. Consultant Mac McClelland then provided more details about the project and

concluded his presentation by asking the Board of Trustees to approve a Resolution of Concurrence and Waiver of Exemption related to the US-23 Corridor Improvement Authority development plan and tax increment financing plan. Smolinski then distributed a copy of the proposed resolution which also included pages from McClelland’s presentation and document entitled “Proforma Developer Agreement TIF Funding Schedule” dated January 21, 2025.

The trustees briefly discussed the specifics of the request. Trustee Gentry made the motion to adopt the resolution as presented in the document supplied by Smolinski; Trustee Townsend supported the motion.

The text of the resolution is as follows:

NOW THEREFORE BE IT RESOLVED, that the Alpena Community College Board of Trustees supports and concurs with the establishment of the US-23 North Corridor Improvement Authority and Development Area to support the Gardens of Alpena and waives future adoption of a resolution exempting ACC taxes from capture under the Tax Increment Financing Plan, pursuant to the Michigan Recodified Tax Increment Financing Act, Act 57 of the Public Acts of 2018, Part 6 Corridor Improvement Authorities, being MCL 125.4602, *et seq.*

After some examination of the supplied document Chair Briggs called for a roll call vote on the resolution.

Briggs	Yes
Duncan	Yes
Gentry	Yes
Hillberg	Yes
Stender	Yes
Stibitz	Yes
Townsend	Yes

Ayes: 7. Nays: 0. Motion approved.

The document calls for a signature from the board secretary certifying that the resolution was adopted by the board; Secretary Walterreit will sign the certification page and forward a copy to Smolinski.

[The resolution will be recorded as Action Item 2.932, Resolution of Concurrence and Waiver of Exemption US-23 Corridor Improvement Authority.]

Following McClelland’s presentation, President MacMaster and the trustees discussed MacMaster’s written report which focused on the recent Dear Colleague letter from the U.S. Department of Education.

President MacMaster’s written report was as follows:

President’s Report to the Alpena Community College Board of Trustees
February 20, 2025

Dear Colleague Letter from United States Department of Education

ACC received the Dear Colleague Letter (below) from the United States Department of Education last Friday. The letter details new guidance from the Department that prohibits “repugnant race-based preferences and other forms of racial discrimination” that “have emanated throughout every facet of academia.” Of particular concern to the Department are programs focused on diversity, equity, and inclusion (DEI) in which the Department concludes American educational institutions have discriminated against students based on race, color, or national origin and “toxically indoctrinated students with the false premise that the United States is built upon systemic and structural racism and advanced discriminatory policies and practices.” The Department demands that all educational institutions stop all DEI initiatives within 14 days or risk federal funding. ACC is working through its response to the letter and will communicate next steps as they become clarified.

February 14, 2025

Dear Colleague:

Discrimination on the basis of race, color, or national origin is illegal and morally reprehensible. Accordingly, I write to clarify and reaffirm the nondiscrimination obligations of schools and other entities that receive federal financial assistance from the United States Department of Education (Department).¹ This letter explains and reiterates existing legal requirements under Title VI of the Civil Rights Act of 1964,² the Equal Protection Clause of the United States Constitution, and other relevant authorities.³

In recent years, American educational institutions have discriminated against students on the basis of race, including white and Asian students, many of whom come from disadvantaged backgrounds and low-income families. These institutions’ embrace of pervasive and repugnant race-based preferences and other forms of racial discrimination have emanated throughout every facet of academia. For example, colleges, universities, and K-12 schools have routinely used race as a factor in admissions, financial aid, hiring, training, and other institutional programming. In a shameful echo of a darker period in this country’s history, many American schools and universities even encourage segregation by race at graduation ceremonies and in dormitories and other facilities.

Educational institutions have toxically indoctrinated students with the false premise that the United States is built upon “systemic and structural racism” and

advanced discriminatory policies and practices. Proponents of these discriminatory practices have attempted to further justify them—particularly during the last four years—under the banner of “diversity, equity, and inclusion” (“DEI”), smuggling racial stereotypes and explicit race-consciousness into everyday training, programming, and discipline. But under any banner, discrimination on the basis of race, color, or national origin is, has been, and will continue to be illegal.

The Supreme Court’s 2023 decision in *Students for Fair Admissions v. Harvard*⁴ (SFFA), which clarified that the use of racial preferences in college admissions is unlawful, sets forth a framework for evaluating the use of race by state actors and entities covered by Title VI. The Court explained that “[c]lassifying and assigning students based on their race” is lawful only if it satisfies “strict scrutiny,” which means that any use of race must be narrowly tailored—that is, “necessary”—to achieve a compelling interest.⁵ To date, the Supreme Court has recognized only two interests as compelling in the context of race-based action: (1) “remediating specific, identified instances of past discrimination that violated the Constitution or a statute”; and (2) “avoiding imminent and serious risks to human safety in prisons, such as a race riot.”⁶ Nebulous concepts like racial balancing and diversity are not compelling interests. As the Court explained in SFFA, “an individual’s race may never be used against him” and “may not operate as a stereotype” in governmental decision-making.⁷

Although SFFA addressed admissions decisions, the Supreme Court’s holding applies more broadly. At its core, the test is simple: If an educational institution treats a person of one race differently than it treats another person because of that person’s race, the educational institution violates the law. Federal law thus prohibits covered entities from using race in decisions pertaining to admissions, hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life. Put simply, educational institutions may neither separate or segregate students based on race, nor distribute benefits or burdens based on race.

Although some programs may appear neutral on their face, a closer look reveals that they are, in fact, motivated by racial considerations.⁸ And race-based decision-making, no matter the form, remains impermissible. For example, a school may not use students’ personal essays, writing samples, participation in extracurriculars, or other cues as a means of determining or predicting a student’s race and favoring or disfavoring such students.⁹

Relying on non-racial information as a proxy for race, and making decisions based on that information, violates the law. That is true whether the proxies are used to grant preferences on an individual basis or a systematic one. It would, for instance, be unlawful for an educational institution to eliminate standardized testing to achieve a desired racial balance or to increase racial diversity.

Other programs discriminate in less direct, but equally insidious, ways. DEI programs, for example, frequently preference certain racial groups and teach students that certain racial groups bear unique moral burdens that others do not. Such programs stigmatize students who belong to particular racial groups based on crude racial stereotypes. Consequently, they deny students the ability to participate fully in the life of a school.¹⁰

The Department will no longer tolerate the overt and covert racial discrimination that has become widespread in this Nation's educational institutions. The law is clear: treating students differently on the basis of race to achieve nebulous goals such as diversity, racial balancing, social justice, or equity is illegal under controlling Supreme Court precedent.

All students are entitled to a school environment free from discrimination. The Department is committed to ensuring those principles are a reality.

This letter provides notice of the Department's existing interpretation of federal law. Additional legal guidance will follow in due course. The Department will vigorously enforce the law on equal terms as to all preschool, elementary, secondary, and postsecondary educational institutions, as well as state educational agencies, that receive financial assistance.

The Department intends to take appropriate measures to assess compliance with the applicable statutes and regulations based on the understanding embodied in this letter beginning no later than 14 days from today's date, including antidiscrimination requirements that are a condition of receiving federal funding.

All educational institutions are advised to: (1) ensure that their policies and actions comply with existing civil rights law; (2) cease all efforts to circumvent prohibitions on the use of race by relying on proxies or other indirect means to accomplish such ends; and (3) cease all reliance on third-party contractors, clearinghouses, or aggregators that are being used by institutions in an effort to circumvent prohibited uses of race.

Institutions that fail to comply with federal civil rights law may, consistent with applicable law, face potential loss of federal funding.

Anyone who believes that a covered entity has unlawfully discriminated may file a complaint with OCR. Information about filing a complaint with OCR, including a link to the online complaint form, is available [here](#).

Thank you in advance for your commitment to providing our Nation's students with an educational environment that is free of race, color, or national origin discrimination.

Sincerely,

/s/

Craig Trainor

Acting Assistant Secretary for Civil Rights

United States Department of Education

Action Items

2.929 Rescinding Policy 7009A

ACC Legal Counsel Karen Bennett addressed the trustees to explain the recent changes in the U.S. Department of Education and how those changes affected ACC policies. Policy 7009A was based on the 2024 Title IX regulations enacted in April 2024. In January 2025 the U.S. District Court for the Eastern District of Kentucky issued a ruling in which it vacated the 2024 Title IX regulations. In light of that development, Bennett advised the trustees to rescind Policy 7009A, and go back to relying on Policy 7009.

The following resolution was proposed by Trustee Stibitz and seconded by Trustee Townsend:

The Alpena Community College Board of Trustees officially rescinds Policy 7009A, Title IX Policy and Grievance Procedures for Complaints of Sex Discrimination and Sex-Based Harassment. Policy 7009 remains in effect. Policy 7009A should be removed from the College website and all publications and handbooks.

Ayes: 7. Nays: 0. Motion approved.

2.930 Rental Agreement with the Iosco RESA Adult Education Program

The following resolution was proposed by Trustee Townsend and seconded by Trustee Duncan:

The Alpena Community College Board of Trustees approves the multi-year rental agreement with the Iosco RESA Adult Education Program for the use of ACC facilities.

Ayes: 7. Nays: 0. Motion approved.

2.931 Authorization to Sign Housing-Related Contracts

The following resolution was proposed by Trustee Duncan and seconded by Trustee Stender:

The Alpena Community College Board of Trustees authorizes Dr. Nick Brege, Vice President of Administration and Finance, to sign contracts related to the grant(s) funding ACC's new student housing project.

Ayes: 7. Nays: 0. Motion approved.

Financial Report

Monthly General Fund Revenue and Expense through January 2025 (Year-to-Year Actual Comparison)

- The property tax receipts of \$1,850,759 are \$204,553 more than those for January 2024.
- Tuition/fee receipts of \$7,091,746 are \$547,938 more than last year, primarily due to increased billable contact hours.

- State aid for the current year is \$2,593,212 and is \$65,511 more than January 2024.
- Interest is higher this year than last year because of how the College invests its funds. We fully utilize the higher rates available through certificates and interest-bearing savings accounts.
- Other revenue is lower this year than last because of the ADN-to-BSN Completion Grant reimbursement timing.
- Instructional and instruction support expenses are up due to contractual wage rate adjustments, benefits selections, and the timing of hire for new faculty. This category also includes instruction-related equipment maintenance (CDL trucks), which is also up this year (\$34,502) due to the expansion of the fleet and increased equipment use.
- Student Services is up slightly due to contractual wage rate adjustments and athletic waivers.
- Institutional Administration is down this year compared to last, primarily due to higher legal costs incurred in December 2023.
- Physical plant is up slightly compared to last year due to the timing of payments for campus security services.
- Net income through the first seven months of the year shows a gain of \$2,146,018, which is typical for this time of year as spring tuition revenue has accumulated.

Monthly General Fund Revenue and Expense through January 2025 (Budget-to-Actual Comparison)

- Spending on supplies is on track for the current year. The current year's budget for supplies expenses includes the cost of nursing supply packages, which was an unbudgeted expense last year.
- All other categories are in acceptable ranges for this year except as noted above.

General Fund Month-to-Month Comparison through January 2025

- Nursing supplies packages were purchased in January, causing that expense category to rise for the month.
- Tuition waivers and dues rose because athletic tuition waivers were processed in January.
- All other month-to-month comparisons are tracking as expected except as noted above.

Personnel Report

New hires, terminations, and status changes from January 4 to January 31, 2025.

New Hires:

- Dane Werth, Temporary Faculty – Electronics Technician/Electrical Apprentice, effective immediately.

Re-Hires:

- None.

Transfers:

- Mary Eagan, Transferred from Director of Alumni Relations to Executive Director of ACC Foundation & Executive Director of Development, effective 01/28/2025.
- Robert Enslin, Transferred from Temporary Communications Technician to Interim Director of Alumni Relations, effective 01/29/2025.

Resignations:

- None.

Terminations:

- None.

Inactive:

- None.

Retirements:

- Mark Grunder, Director of Information Technology, effective 12/31/2024.

Name Changes:

- None.

Position Name Changes:

- None.

Gifts and Grants Report

This report reflects the following activity for pledges and gifts received by the ACC Foundation between January 7 and January 31, 2025.

Total Donors:	67
Number of Gifts:	97
New Gifts:	\$8,582.00
Pledge Payments:	\$0.00
New Pledges:	\$0.00

Board Discussion

Trustee Gentry requested the date of the April regular board meeting be moved up a day to Wednesday, April 16, 2025, due to April 17 begin Maundy Thursday. Trustee Stibitz asked that the date of the regular May meeting be moved up to Wednesday, May14, 2025, due to a conflict with the May Michigan Community College Association director’s meeting. The trustees all agreed to move those two board meeting dates.

New Business

None.

Suggested Future Agenda Items

None.

Next Regular Meeting

The next regular board meeting is scheduled for Thursday, March 20, 2025. The meeting is scheduled to be held in Room 400 of the Charles R. Donnelly Natural Resources Center. Virtual attendance will be available through Webex. The meeting will begin at 7:00 p.m.

Adjournment

The regular meeting was adjourned at approximately 8:39 p.m.

Respectfully submitted by
Denis J. Walterreit,
Secretary of the Board of Trustees
(989) 358-7215