

Minutes

Northwest Florida State College Board of Trustees

June 18, 2013, 4:35 p.m.

Present:

Brian S. Pennington, Chairman  
Paul A Foster, Vice Chairman  
C. Wayne Ansley  
Patrick E. Byrne, II  
D. Bradley Drake  
Michael M. Flynt, Sr.  
Rachel R. Gillis  
Marijo Strauss  
Hayward Dykes, Board Attorney  
Ty J. Handy, President

Others present: Katie Tamman, NWF Daily News; Mike Griffith, The Bay Beacon; Kim and Jon Handy; Gary Yancey, Vice President for Administrative Services; Cristie Kedroski, Vice President for College Advancement; Sasha Jarrell, Vice President for Academic Affairs; Donna Utley, Associate Vice President for Business Affairs; Brian Shonk, Dean, Career and Technical Education; Anne Southard, Dean, General Education and Grants; Joyce Goldstein, Dean, Communications, Social Sciences, and Academic Support; Sherry Aaker, Dean, Student Affairs; Greg Eller, Chief Information Officer; Nancy Murphy, Director, Human Resources; Julie Cotton, Interim Director, Professional and Continuing Education; Julie Terrell, Director, CBA/Chautauqua Center; Olivia Little, Associate Dean of Enrollment; Nancy DiBattista, Advising; Sylvia Bryan, Director of Marketing and Public Relations; Anthony Boyer, Principal, Collegiate High School; Jeanette Shires, Associate Director, The Mattie Kelly Arts Center; Ramsey Ross, Athletic Director; Ross Hamilton, Director, Fort Walton Beach Campus; Andrea Lynch, Fitness Trainer; Pam Kaby, Controller; Dedria Lunderman, Coordinator, Purchasing; Doug Picklap, Supervisor, Plant Operations/HVAC; Becky Tislow, Senior Staff Assistant to the President; Carrie Griffith, Student Worker-President's Office; Woody Mann, Technology Support Specialist; John Humphrey, Technology Support Services Manager; Trish Mann, Senior Administrative Assistant; and, Carolyne Laux, Executive Assistant to the President.

Call to Order	Brian S. Pennington
Approval of Agenda	The Board of Trustees approved the Agenda, as presented (Motion: Gillis; Second: Flynt. Vote for: Flynt, Strauss, Foster, Gillis, Pennington, Drake, Byrne, and Ansley.)
Approval of Minutes	The Board of Trustees approved the following Minutes, as presented (Motion: Foster; Second: Strauss. Vote for: Flynt, Strauss, Foster, Gillis, Pennington, Drake, Byrne, and Ansley.)



CIP	The Board of Trustees approved the Capital Improvement Plan for 2014-15 through 2018-19, as presented (Motion: Byrne; Second: Strauss. Vote for: Flynt, Strauss, Foster, Gillis, Pennington, Drake, Byrne, and Ansley.)
Accountability Measures	The Board of Trustees approved the Accountability Measures Report, as presented (Motion: Foster; Second: Flynt. Vote for: Flynt, Strauss, Foster, Gillis, Pennington, Drake, Byrne, and Ansley.)
Budget 2013-14	The Board of Trustees approved the College Budget for 2013-14, as presented (Motion: Foster; Second: Gillis. Vote for: Flynt, Strauss, Foster, Gillis, Pennington, Drake, Byrne, and Ansley.)
Organization of Board	<p>Dr. Handy took the gavel as the Trustees elected a Chairman and Vice Chairman for the 2013-14 year.</p> <p>Mr. Foster nominated Brian Pennington as Chairman , seconded by Ms. Strauss. No other nominations were made. Vote for: Flynt, Strauss, Foster, Gillis, Drake, Byrne, and Ansley.)</p> <p>Mr. Ansley nominated Pat Byrne as Vice Chairman.</p> <p>Ms. Gillis asked that she be elected as Vice Chairman, since there should be an officer from Okaloosa and from Walton County. Mr. Ansley rescinded his nomination for Mr. Byrne and nominated Ms. Gillis, as Vice Chairman; seconded by Mr. Flynt. (Vote for: Flynt, Strauss, Foster, Pennington, Drake, Byrne, and Ansley.)</p> <p>Mr. Pennington will serve as Chairman. Ms. Gillis will serve as Vice Chairman.</p>
Board Meetings	The list of dates, times and places for Board meetings for the 2013-14 year were approved, as presented (Motion: Flynt; Second: Foster. Vote for: Flynt, Strauss, Foster, Gillis, Pennington, Drake, Byrne, and Ansley.)
President's Objectives	The Board of Trustees approved the President's Objectives, as presented (Motion: Foster; Second: Strauss. Vote for: Flynt, Strauss, Foster, Gillis, Pennington, Drake, Byrne, and Ansley.)
President's Contract	The President's Contract was approved, as presented (Motion: Gillis; Second: Foster. Vote for: Gillis, Foster, Pennington, Strauss, Drake, Flynt. Vote against: Byrne and Ansley).

- Organizational Chart      The Board of Trustees approved the President’s Organizational Chart, as presented (Motion: Foster; Second: Flynt. Vote for: Flynt, Strauss, Foster, Gillis, Pennington, Drake, Byrne, and Ansley.)
- Banking Resolutions      The Board of Trustees approved the Bank Resolutions, as presented (Motion: Flynt; Second: Strauss. Vote for: Flynt, Strauss, Foster, Gillis, Pennington, Drake, Byrne, and Ansley.)

**DISCUSSION/INFORMATION ITEMS**

- Costa Leadership Report      A report was provided to the Trustees with information about the number of rentals and usage of the Costa Leadership Institute.
- ESI Pell Grant      The College has been approved for the Pell Grant experiment(s) for 2013-14.
- Charts/Graphs, Foundation      Charts and graphs to the Trustees of the Foundation’s Value and Value by Enrollment for 2012; Total Assets 1988-present; and Foundation scholarship disbursements 1988-2012.
- Board Financial Report      The Report was reviewed by the Trustees.
- Purchases      The purchases not requiring board approval was included for review.
- Resource Development      Resource Development Activities were outlined and reviewed.
- President’s Report      Dr. Handy congratulated Brian Shonk on his upcoming position as Vice Chancellor in Batesville, Ark. Friday is his last day with us.
- Earlier in the meeting, Mr. Foster asked Dr. Handy why he had been seeking other positions when the Board had given him a glowing evaluation of his job here. Dr. Handy presented the Board with a written statement.
- Statement of Concern  
 June 17, 2013  
 To: The NWFSC Board of Trustees  
 From: Dr. Ty Julian Handy
- Since mid-March my leadership as President of the college has been under constant threat and scrutiny. Until last Thursday, the harassments and threats I have been subjected to have been

personal in nature and, accordingly, I have sought to deal with them myself. However, last Thursday the threats became more broad and expanded to include threats against the College and this Board. Accordingly, I have a professional obligation to bring these threats to the full Board for your understanding and consideration. I regret the necessity of this, but know it is my obligation.

Beginning in mid-March, and continuing until the Monday preceding the last board meeting, one member of this Board has been contacting me at least two, and sometimes three, times a week to demand that I resign and leave the college. By my count, I have been harassed and threatened more than 18 times by telephone and five times with face-to-face contact. In the early stages of these contacts he said that I was "financially incompetent", that I was an "incapable leader", that I was wasting money on a new computer system, and that I was solely responsible for last July's IT Security Breach and should have been "fired the day after it happened". He said that he was "building the case against me" and my demise was imminent. He told me "the fix is in and the newly appointed board members are going to vote me out". He called my assistant, Ms. Laux, and told her the only reason he sought to be placed on the Board was to get rid of me.

His most onerous and unethical threats have been to threaten physical harm to both me and my family if I do not cooperate and resign from the college. In a phone conversation I had on speaker phone with my wife present he told us that if I didn't cooperate, "I can't promise you that no harm will come to you, OR YOUR FAMILY, I don't know that it will, but I can't make that promise." I looked at my wife in stunned silence when he said this, and he then reiterated with, "Again, I can't promise you, OR YOUR FAMILY, that no harm will happen to you. I can't make that promise".

After three weeks of such harassment he contacted me and said that the search for a firing offense was unsuccessful and "they were moving on to phase two". The pressure upon me increased at this point with more frequent calls and continued demands for me to resign. He told me I was going to be "bought out". On another call he said I would be given a "presidential sabbatical, with full pay, for one year". He has said that if I resigned he

would then hire me back as “a consultant for a full year, with full pay”.

During this time period a key administrative employee of the college contacted me and demanded that I meet with him in a “neutral and confidential location” to deliver a message. The message from the employee turned out to be, that when I next went to Tallahassee for a Council of President’s meeting, “State officials are going to pull you from the meeting and offer you a state position in Tallahassee that you cannot refuse”. Since this meeting, I have had employees inform me that this key employee has been trying to dig up information to help the Board member get me fired and that he, the employee, was going to be leading the College on an interim basis as soon as I am out of the way. Within a week of this meeting the Board member called me and said that I was to be “named the Vice Chancellor of the Florida College System” and that I had better take the position. When that position did not get offered he then told me that I was to be named a leader of the AFC, the Association of Florida Colleges, upon my resignation. Through it all I have been frequently told that “[I’m] a goner”, that “the fix is in” and that I had “better cooperate if I want a soft landing”.

About this same time, he told me to develop a draft of a document that would serve as my “buyout” agreement with the Board. As requested, I prepared a version of one that included many of his demands and he edited it and returned it to me. He demanded that I be gone by July 1, and that if I was, “a Senator will make sure that the college is given millions of dollars in extra appropriations”. When I asked why this would happen and why I needed to be gone, he said, “this is not personal, and it never was, it’s about your position. It needs to be vacated because a certain person wants the Presidency”. This theme was reiterated frequently in multiple phone calls in which I have been told to resign in a manner, and in a time frame, that encourages the hiring of a specific person as the next College President. He returned the draft document summarizing my resignation/dismissal terms with multiple edits and added language that sought to make me recommend a specific person to serve as interim President when I leave. When I explained why this particular person would not work out well for the College, he said it was a necessary appointment in order to lay the groundwork for a certain individual to get the final Presidency.

Another pervasive theme of harassment is the insistence that I not hire any new employees or replace any vacant positions unless it is an emergency so that the positions will be available to be filled later, I assume, through cronyism. He has insisted multiple times that I name an inside employee, the same one who had brokered my neutral and confidential location meeting, as my "Executive Vice-President" and that I "hand over the operation of the College to him and disappear from campus while still serving as President". He says this person will run the day-to-day operations of the College and I am simply to be available for any consultation that is needed but that I can continue in my official role until I find work elsewhere so long as I resign this summer. He says that I have to "resign by the July Board meeting and be gone by September 1" or the Senator will not be willing "to create placeholders in next year's State Budget for new, significant College appropriations". He also insists that I influence the selection of the next President and that I construct a timeframe and calendar for interviews so that "the final interview for the presidency happens immediately following the end of the next legislative session" in order that the chosen person get the job.

This past Thursday, when the threats started up again, he said the public support that I have recently been shown ought to be "really good for [my] ego, but it doesn't change a thing – you're gone". He said "the gloves are now coming off, and the College, the Board, and [I] will all be damaged". He repeated more than once that the College and the Board were now also going to be damaged. He said that he would use future Board meetings to disrupt College and Board functionality to the point where I would have to leave. He gave me his verbal commitment that, if I will resign soon he will see to it that, "31 days after my resignation, I will receive a consulting contract equivalent to my current contract for up to one year". Finally, he told me that he "was only looking out for my best interests" because I did not deserve what he was prepared to do to me. He said, "it may not happen tomorrow, or next month, but I will see you gone. It will happen." He closed by reemphasizing that community support for me might boost my ego but would not change the outcome.

In summary, for the past three months, his harassing and threatening behavior, and his attempts to bully me into resigning and giving up my career at this college have been constant. He has gone to at least one key internal employee in an effort to push me out internally, thereby harming my effectiveness. His

attacks are personal in nature, and include threats of physical harm to me and my family. They stopped for a short period after the last board meeting when the Northwest Florida Daily News ran an article and an editorial about my performance evaluation. When threats started up again this past week, they were expanded to include damage to this College and to this Board. This recent harassment goes beyond me personally, and for this reason, I have an obligation to make it a Board matter.

I recognize that this statement documents behavior that challenges a sitting College Board member. I have been placed in a situation, however, where I must choose between passively supporting someone who clearly does not support me, versus actively supporting this entire Board and College. As a President who is expected to keep no secrets from the Board and who seeks to operate the College with transparency I am obligated to bring to your attention this critical Board matter. To do otherwise would put my presidency at risk. I trust you understand both the practical and ethical concerns I have wrestled with in determining that coming to you as the full Board of the College is the right and only acceptable behavior.

I respectfully request that the Board consider two items that will help me as President. First, I fully understand that I serve at the pleasure of this collective Board. I hope that my most recent performance review, along with my previous reviews and your additional feedback, indicates that I am meeting your leadership expectations. If this is not the case, I need the Board-proper to tell me so. Assuming this is the case, I need to ask that as a Board, you clarify the degree to which I am to follow the demands of a minority Board member who is acting inconsistently with the overall Board. I assume I am to take my directions from the entire Board, through the Board Chair, and to resist directions coming from someone who is not acting on the Board's behalf. Each board member of a Florida college state board is provided a state-wide board orientation manual upon their appointment. This manual identifies nine general board member roles and responsibilities. These responsibilities were reviewed three months ago with all newly appointed Board members at their orientation. The first identified responsibility is that the Board shall "Act as a Unit". It "governs as a unit, with one voice" and Board members "have no power to act on their own or to direct college employees or operations". My first request is that you

clarify how you expect me to behave when an extreme event, such as the one I've documented here, occurs.

My second request is that the Board help me to better understand how I am to interact with an individual Board member who has threatened physical harm to a member of my family and who did so more than once. My wife is here at the meeting today. In the past she has not attended Board meetings. This is, however, her third consecutive Board meeting since he threatened physical harm to her. At no time has she been offered any apology for his threats, nor have any retractions of his threats been made to her, even though she's been here to give him the opportunity. As of this moment, as far as she is concerned, the threats are still as alarming today as when they were first made. I have spent the past three months trying to figure out how I can do my job the way I need to, while at the same time, honor my spouse who has been threatened with physical harm by a Board member. I am assuming that she is the "family" that he was referring to in his threats. I also have aging parents who live in the area and they have responded to this as though the threats were against them as well. It has added significant anxiety to their lives. So my second request is for the Board to clarify the degree and manner of contact I am to have with a Board member who, to this day, has made no effort to ease my family's fears and concerns.

*[added during meeting: My third request is that I ask the Board to clarify for me what I am to do in the future if harassing contacts or threats are made. Should I bring it to the full Board's attention or let this piece speak for itself and not do so. I want some guidance on how to behave moving forward.]*

I respectfully request the Board consider these three items as soon as practical. I am honored to be President of Northwest Florida State College and to live in this wonderful community. The recent outpouring of support from the college community humbles me and helps me become even more committed to serving this College. I hope and trust that the behaviors of the past few months can end and that I can focus on the continued success of this great College.

Thank you.

Mr. Byrne asked to address the concerns brought forward and noted that he did not intentionally threaten the President and his family. Further, he stated that if he said what was indicated, he misspoke. He indicated he indeed has approached Dr. Handy about resigning and moving on. He said he was speaking as one board member by approaching him to resign – having one vote. He indicated that he wanted to help him (Dr. Handy) leave with a “soft landing”. Mr. Byrne stated that he believed there was a breakdown of communication with the legislative delegation and morale at the college. He also indicated that the statements about morale at the school were hearsay, and not factual.

Remarks from other board members included how appalling the situation is and that it is probably not over; Mr. Byrne should resign from the Board; and, that we need to put this behind us and move forward with the business of the college, its staff and students.

Chairman Pennington reiterated that each Board member is entitled to his views and opinions but no Board member is empowered to unduly influence personnel to leave this college – in this case the President – without the total Board. He reminded each Board member that their individual views and opinions are encouraged, but the manner in which Mr. Byrne was acting outside of the knowledge of the Board, and contrary to its decisions and actions, were unacceptable and will not be tolerated. He reminded the Board that last month they provided a glowing evaluation of Dr. Handy and this Board, today, re-evaluated and reaffirmed his leadership by approving the extension of his contract.

Mr. Pennington closed the meeting by suggesting that the Board return to the business of the college and not allow this matter to continue. It is not in the interest of the college.

**ADJOURNMENT**      The Board meeting adjourned at 7:15 p.m.

---

Ty J. Handy, President  
Northwest Florida State College  
and Corporate Secretary

---

Brian S. Pennington, Chairman  
Board of Trustees  
Northwest Florida State College