

Board of Directors
Des Moines Area Community College

Regular Board Meeting
May 12, 2025 – 4:00 p.m.

DMACC Boone Campus, Room 146
1125 Hancock Dr, Boone, Iowa

Agenda

- | | <u>Page #</u> |
|--|----------------------|
| 1. Call to Order. | |
| 2. Roll Call. | |
| 3. Consideration of tentative agenda. | |
| 4. Public Comments. | |
| 5. <u>Presentations</u> : Allen Goben, Boone Executive Campus Dean | |
| 6. <u>Consent Items</u> : | |
| a. Consideration of minutes from April 14, 2025 Public Hearing and Regular Board Meeting. | 1-5 |
| b. Human Resources report. | 6 |
| c. Consideration of payables. | PDF File |
| 7. <u>Board Report 25-040</u> . Approval of DMACC Foundation’s Gift Acceptance Policy and Fund Disbursement Policy. | 7-29 |
| 8. <u>Board Report 25-041</u> . Consideration of termination of continuing contracts under Iowa Code Chapter 279. | 30 |
| 9. <u>Board Report 25-042</u> . Approval of Revision to Board Policy HR414 – Drug and Alcohol Testing. | 31-32 |
| 10. <u>Board Report 25-043</u> . A resolution approving the Form and Content and Execution and Delivery of a Retraining or Training Agreement under Chapter 260F , Code of Iowa, for PowerPollen, Inc., Project #1 . | 33 |
| 11. <u>Board Report 25-044</u> . Review of Board Policies, Chapter 3 – Management of the College and Chapter 8 – Facilities. | 34-35 |

12. Board Report 25-045. Approval of new Board Policy CC232 – Hazing. 36-38
13. Presidential Search Update.
14. Presentation of Financial Report.
15. President’s Report.
16. Campus/Pathways Updates.
17. Committee Reports.
18. Board Members’ Reports.
19. Information Items:
 - May 15 – Workforce Training Academy Commencement, Southridge 6 PM
 - May 26 – Memorial Day Holiday- All campuses closed.
 - July 9-10 – CC for Iowa Trustee Conference hosted by Iowa Central Community College.
20. Closed Session–Iowa Code Section 21.5(1)(c)
21. Return to Open Session.
22. Board Report 25-046. A resolution accepting the Building 13 Automotive Addition & Renovation Project and approving settlement with prime contractor, Graphite Construction Group F/K/A Rochon Corporation of Iowa. 39-40
23. Closed Session – Iowa Code Section 21.5(1)(i)
24. Return to Open Session.
25. Adjourn.

Board of Directors
Des Moines Area Community College

PUBLIC HEARING
April 14, 2025

A special meeting of the Des Moines Area Community College Board of Directors was held at DMACC's West campus on April 14, 2025. Board Chair Joe Pugel called the meeting to order at 4:00 p.m.

ROLL CALL

Members present: Felix Gallagher, Fred Greiner, Kevin Halterman, *Angela Jackson**, Cheryl Langston, Denny Presnall, Joe Pugel, Trish Roberts, Madelyn Tursi.

Others present: Rob Denson, President/CEO; Carolyn Farlow, Board Secretary; Bill LaTour, Board Treasurer; administrators, faculty and staff.

CONSIDERATION OF
TENTATIVE AGENDA

Tursi moved; seconded by Langston to approve the tentative agenda as presented. Motion passed unanimously. Aye- Gallagher, Greiner, Halterman, Langston, Presnall, Pugel, Roberts, Tursi. Nay-none.

ACKNOWLEDGEMENT OF
PUBLIC HEARING

Board Secretary Carolyn Farlow reported that the notice of the time and place for the Public Hearing for the Budget was published in the Des Moines Register on Friday, March 28.

No written objections have been received.

**Jackson arrives at 4:02 p.m.*

PUBLIC COMMENTS

None.

FY 2026 BUDGET

Board Report 25-029. Attachment #1. Halterman moved; seconded by Gallagher recommending that the Board pass a resolution adopting the proposed FY 2026 Budget (Funds 1, 2 and 7).

Motion passed on a roll call vote. Aye- Gallagher, Greiner, Halterman, Jackson, Langston, Presnall, Pugel, Roberts, Tursi. Nay-none.

ADJOURN

Tursi moved; seconded by Greiner to adjourn. Motion passed unanimously and at 4:03 p.m., Board Chair Joe Pugel adjourned the meeting. Aye- Gallagher, Greiner, Halterman, Jackson, Langston, Presnall, Pugel, Roberts, Tursi. Nay-none.

JOE PUGEL, Board Chair

BROOKE STOWE, Board Secretary

Board of Directors
Des Moines Area Community College

REGULAR BOARD MEETING April 14, 2025	The regular meeting of the Des Moines Area Community College Board of Directors was held at DMACC's West Campus on April 14, 2025. Board Chair Joe Pugel called the meeting to order at 4:04 p.m.
ROLL CALL	Members present: Felix Gallagher, Fred Greiner, Kevin Halterman, Angela Jackson, Cheryl Langston, Denny Presnall, Joe Pugel, Trish Roberts, Madelyn Tursi. Others present: Rob Denson, President/CEO; Carolyn Farlow, Board Secretary; Bill LaTour, Board Treasurer; administrators, faculty and staff.
CONSIDERATION OF AGENDA	Board Chair Joe Pugel announced that Item #18 was being pulled from the agenda. Greiner moved; seconded by Tursi to approve the revised agenda. Motion passed unanimously. Aye- Gallagher, Greiner, Halterman, Jackson, Langston, Presnall, Pugel, Roberts, Tursi. Nay-none.
PUBLIC COMMENTS	None.
PRESENTATIONS	Kristin Brookover, Executive Campus Dean of West Campus, welcomed everyone to DMACC's West Campus. Brookover provided an overview of credit and non-credit enrollment at West campus, student activities and student experiences, including career fairs, Study Abroad and the Celebrate series. Brookover then presented information of the growth of the surrounding areas and plans for changes to Grand Avenue and its businesses. Debbie Kepple-Mamros, Executive Director of Institutional Effectiveness, and Megan Mohrhauser, Coordinator of Accreditation and Compliance, provided the first training to the Board regarding upcoming accreditation activities. DMACC is in the Open Pathway with the Higher Learning Commission (HLC) and is part of a Triad (DMACC, HLC, and the federal government) to ensure quality education. DMACC's Quality Initiative final report is due at the end of this calendar year, and our HLC Accreditation Visit is scheduled for March 8-9, 2027. The Board will be provided additional updates on this topic, and a training session is scheduled for the December Board Retreat. Computer Science Instructor Becky Deitenbeck, and English Instructor Collin Hogan, and Acting Associate VP of Community Outreach & Continuing Education Mike Hoffmann, presented information on the College's AI program. Current plans include an AAS and Certificate program to be offered at the College beginning August 25, 2025. Informational webinars and boot camps for high school students and teachers are planned for this summer. Non-credit classes with 45 students have already been completed with another session starting soon. In addition to these offerings, DMACC faculty have formed three

committees on this topic: 1) governance; 2) academics; and 3) training. Board members encouraged this group to leverage AI within these processes and the report back to the Board on how this was accomplished.

CONSENT ITEMS

Gallagher moved; seconded Langston to approve the consent items: a) Minutes from the March 10, 2025 Budget Work Session and Regular Board Meeting; b) Human Resources Report and Addendum (Attachment #2); and c) Payables (Attachment #3).

Motion passed unanimously. Aye- Gallagher, Greiner, Halterman, Jackson, Langston, Presnall, Pugel, Roberts, Tursi. Nay-none.

APPROVAL OF FY2026
TUITION AND FEES

Board Report 25-030. Attachment #4. Controller Ben Voaklander announced that the traffic fines listed on the fee schedule needed to be deleted as they are no longer enforced by DMACC. Halterman moved; seconded by Presnall recommending that the Board pass a resolution approving the proposed FY2026 Tuition and Fees schedule with the traffic fines zeroed out.

Motion passed on a roll call vote. Aye- Gallagher, Greiner, Halterman, Jackson, Langston, Presnall, Pugel, Roberts, Tursi. Nay-none.

APPROVAL OF
CONSTRUCTION MANAGER
FOR DIESEL/BUILDING
TRADES BUILDING PROJECT

Board Report 25-031. Jackson moved; seconded by Gallagher recommending that the Board award a construction manager at risk contract to Ryan Companies US, Inc. (111 East Grand Ave., Suite 200, Des Moines, IA 50309) to serve as CMaR on the DMACC Diesel Technology/Building Trades project.

Motion passed on a roll call vote. Aye- Gallagher, Greiner, Halterman, Jackson, Langston, Presnall, Pugel, Roberts, Tursi. Nay-none.

APPROVAL OF ARTIFICIAL
INTELLIGENCE PROGRAM

Board Report 25-032. Jackson moved; seconded by Greiner recommending that the Board approve the Artificial Intelligence Associate in Science Program to begin fall semester 2025.

Motion passed unanimously. Aye- Gallagher, Greiner, Halterman, Jackson, Langston, Presnall, Pugel, Roberts, Tursi. Nay-none.

APPOINTMENT OF BOARD
SECRETARY

Board Report 25-033. Halterman moved; seconded by Gallagher recommending that the Board appoint Brooke Stowe as Board Secretary effective April 15, 2025.

Motion passed on a roll call vote. Aye- Gallagher, Greiner, Halterman, Jackson, Langston, Presnall, Pugel, Roberts, Tursi. Nay-none.

APPROVE RETRAINING OR
TRAINING AGREEMENTS

Halterman moved; seconded by Tursi to approve Items #11-13 as one consent item. Motion passed on a roll call vote. Aye- Gallagher, Greiner, Halterman, Jackson, Langston, Presnall, Pugel, Roberts, Tursi. Nay-none.

Ankeny Kirkendall Library,
Project #1

Board Report 25-034. Attachment #5. A resolution approving the form and content and execution and delivery of a Workforce Training and Economic Development Training Contract under **Chapter 260C**, Code of Iowa, for **Ankeny Kirkendall Library, Project #1.**

Bridgestone Americas, Inc.,
Project #5

Board Report 25-035. Attachment #6. A resolution approving the form and content and execution and delivery of a Retraining or Training Agreement under **Chapter 260F**, Code of Iowa, for **Bridgestone Americas, Inc., Project #5.**

Wolf Construction Services,
Inc., Project #2

Board Report 25-036. Attachment #7. A resolution approving the form and content and execution and delivery of a Retraining or Training Agreement under **Chapter 260F**, Code of Iowa, for **Wolf Construction Services, Inc., Project #2.**

RECEIVE AND FILE
RECOMMENDATIONS FOR
TERMINATION OF
CONTINUING CONTRACTS

Board Report 25-037. Greiner moved; seconded by Halterman recommending that the Board receive and file the President's recommendations for termination of termination of five specially funded faculty contracts.

Motion passed unanimously. Aye- Gallagher, Greiner, Halterman, Jackson, Langston, Presnall, Pugel, Roberts, Tursi. Nay-none.

CONSIDERATION OF
TERMINATION OF
PROBATIONARY TEACHER
CONTRACTS

Board Report 25-038. Gallagher moved; seconded by Jackson recommending that the Board terminate the probationary teacher's contract for Esther Fraser, Kyle Bargeon, Tricia Dauterive, and Patricia Guevara effective the last day of their employment contract.

Motion passed on a roll call vote. Aye- Gallagher, Greiner, Halterman, Jackson, Langston, Presnall, Pugel, Roberts, Tursi. Nay-none.

RELEASE OF PAYMENT FOR
5% RETAINAGE TO CON-
STRUCT, INC.

Board Report 25-039. This item was pulled from the agenda.

FINANCIAL REPORT

Controller Ben Voaklander presented the March 2025 financial report as shown in Attachment #8 to these minutes.

CAMPUS/PATHWAY
UPDATES

Updates on activities and events at their campus/pathway were provided by: Bill LaTour, Jeanie McCarville Kerber, Bill Peters, Jen Wollesen, and Abby Zegers.

COMMITTEE REPORTS

Board Member Felix Gallagher reported that the President's Evaluation Process Committee met recently. Sample questionnaires were passed out to all Board members to complete and return to the Board Secretary. Results of this questionnaire will be included in a presentation to the Board at its May Board meeting.

Board Chair Joe Pugel stated that there will be some discussion at the May Board meeting regarding the Presidential search process and timeline.

ADJOURN

Roberts moved; seconded by Tursi to adjourn. Motion passed unanimously and at 5:38 p.m. Board Chair Joe Pugel adjourned the meeting. Aye- Gallagher, Greiner, Halterman, Jackson, Langston, Presnall, Pugel, Roberts, Tursi. Nay-none.

JOE PUGEL, Board Chair

BROOKE STOWE, Board Secretary



BOARD REPORT

*To the Board of Directors of
Des Moines Area Community College*

Date: May 12, 2025

Page: 1

AGENDA ITEM

Human Resources Report

BACKGROUND

I. Replacement Position

- 1. Alleyne, Janel**
Dean of Students
Ankeny Campus
Annual Salary: \$131,758
Effective: 07/15/2025

- 2. Mastromatteo, Joseph**
Instructor, Mathematics
West Campus
Annual Salary: \$70,748
Effective: 08/15/2025

RECOMMENDATION

It is recommended that the Board accepts the President's recommendation as to the above personnel actions.

Robert J. Denson, President



BOARD REPORT

*To the Board of Directors of
Des Moines Area Community College*

*Number: 25-040
Date: May 12-2025
Page: 1*

AGENDA ITEM

Approval of DMACC Foundation's – Gift Acceptance Policy and Fund Disbursement Policy

BACKGROUND

As part of the Foundation's continuous improvement process, the DMACC Foundation Development Committee revised the Gift Acceptance Policy and Fund Disbursement Policy. These updates, recently approved by the Foundation Board of Directors, ensure alignment with best practices in nonprofit management and further support the Foundation's mission of ensuring educational excellence through charitable giving. The revised policies clarify internal processes, enhance transparency, and promote the responsible stewardship of donor contributions.

RECOMMENDATION

It is recommended that the DMACC Board of Directors approve the DMACC Foundation's Gift Acceptance Policy and Fund Disbursement Policy.

Robert J. Denson, President

Below:

- A. Fund Disbursement Policy Redlined pg 8-11
- B. Fund Disbursement Policy Finalized pg 12-15
- C. Gift Acceptance Policy Redlined pg 16-22
- D. Gift Acceptance Policy Finalized pg 23-29

I. PURPOSE

Disbursement of funds from DMACC Foundation accounts must be in accordance with DMACC Foundation and DMACC College guidelines. Accounts must have adequate funds available. When requesting disbursement, the DMACC Foundation Payment Request Authorization Form, available from the DMACC Foundation Office, must be submitted to the Foundation for approval and payment. When the payee and authorizing signatory for the account are one and the same, the payee's immediate supervisor must approve the request. Certain distribution requests require approval by senior campus administrators including Deans/Department Chairs, the College Vice Presidents or College President.

II. PROHIBITED EXPENDITURES

The DMACC Foundation has a fiduciary responsibility to donors to ensure that funds are used in accordance with the terms and conditions of their gifts.

Foundation funds may not be expended for any activity that:

- Jeopardizes the DMACC Foundation's status as a Charitable Organization as defined by the Internal Revenue Code Section 501(c)(3).
- Benefits the campaign of any candidate for public office.
- Is intended to influence public legislation, except as directed by the DMACC President and approved by the board.
- Is paid for, or insures to, the personal benefit of an individual.
- May involve or create liability exposure for Des Moines Area Community College.
- Does not directly support Des Moines Area Community College.
- Is not considered a customary or reasonable expense incurred while conducting College business.
- Fails to meet the standards of equity and ordinary prudence in the management of the property of another.
- Violates specific DMACC and DMACC Foundation Board policies and/or directives.

Examples of expenditures that may not be paid from Foundation funds include:

- Fines, traffic tickets, parking tickets, impound and/or towing fees.
- Office supplies that are not business related, customary or reasonable.
- Furniture or equipment that is not business related, customary or reasonable.
- First class airfare (coach airfare should be purchased whenever possible).
- Personal items such as medications, toiletries, accessories or clothing.
- Non-work related publications.
- Political campaign contributions.

- Frequent meal reimbursements when only DMACC employees are in attendance (these meal costs will be reimbursed only if there is a clearly stated College related business purpose for each meal and is fully documented).

This list of prohibited expenses is meant to address the large majority of situations. Under rare and unique circumstances, exceptions may need to be made. Such cases require written approval of the President of the College. In cases directly involving the President, prior approval by the Foundation Board of Directors may be necessary.

Section 1-Disbursement Approval III. DISBURSEMENT APPROVAL

All expenditures for DMACC Foundation funds require the approval of the Executive Director of the DMACC Foundation or other designated person. All signatures must be original. The DMACC Foundation does not accept signature stamps.

Expenditures must be approved in accordance with the following schedule before payment will be allowed:

<u>Amount of request</u>	<u>Authorized signature</u>
\$25,000 or less	Executive Director of the DMACC Foundation
Over \$25,000	Executive Director of the DMACC Foundation <u>and</u> the Treasurer of the DMACC Foundation Board of Directors

In absence of the Treasurer, the President of the DMACC Foundation Board of Directors is authorized as second approver for expenditures over \$25,000. If the President of the DMACC Foundation Board of Directors is unavailable, the Vice-President of the DMACC Foundation Board of Directors is authorized as a second approver.

In the absence of the Executive Director of the DMACC Foundation, the designated interim Executive Director or the Associate Director of the DMACC Foundation is authorized as an approver for expenditures.

A report detailing expenditures over \$25,000 will be provided to the Executive Committee.

Section 2—General Disbursement Policies IV. GENERAL DISBURSEMENT POLICIES

In spending DMACC Foundation funds, the Foundation and the College require officers to exercise good judgment, display just prudence, and maintain a high sense of ethics in making expenditure decisions. Disbursements will be monitored for reasonableness. The Foundation will submit to the DMACC President for review, any request for any disbursement believed to be in excess of reasonable standards or inappropriate in some other way.

Funds that are comprised of gifts and bequests made for specific purposes must be rigorously administered by the Executive Director of the DMACC Foundation to ensure that such funds are used solely for the purposes prescribed by the donor.

All disbursements must be supported by appropriate documentation and must be accompanied with the proper approval form before any disbursement will be made.

Reimbursement requests should be made following Business Services Procedures.

No payroll will be processed by the Foundation. All payroll-related expenses shall be processed by DMACC, following DMACC salary guidelines, and reimbursed by the Foundation.

Section 3—Requires Signatures V. REQUIRED SIGNATURES

Only authorized persons will be allowed to sign checks for funds from Foundation accounts. The DMACC Foundation authorizes the following Business Office staff to sign on behalf of the Foundation: the Controller, ~~Senior Accountant,~~ and Associate Controller, ~~and Special Fund Accountants and~~ are approved signers. All signature cards shall be kept up to date at the various financial institutions.

All checks to be issued will require two signatures in order to constitute a valid disbursement.

Section 4—Scholarship Disbursements VI. SCHOLARSHIP DISBURSEMENTS

The DMACC Foundation staff, DMACC Business Office staff and Scholarship Committee in conjunction with the Development Committee shall prepare a Scholarship Allocation Budget in accordance with DMACC Foundation policies for the upcoming fiscal year. ~~The budget includes a list of all scholarships required to be given annually along with recommendations of undesignated scholarship funds.~~

This list is to be presented to the Executive Committee of the Foundation Board of Directors no later than April of each year. At this time, the Executive Committee shall review the list as presented, make any adjustments as needed, or take any other appropriate action as necessary. The budget will be presented to the full Board of Directors for approval prior to the end of the fiscal year.

VII. REVIEW

This policy will be reviewed every three (3) years to ensure its continued relevance, accuracy, and compliance with applicable processes. Revisions will be made as necessary to reflect changes in organizational structures or processes.

Approved: May, 2012

Revised: ~~October 2018~~ April 2025

I. PURPOSE

Disbursement of funds from DMACC Foundation accounts must be in accordance with DMACC Foundation and DMACC College guidelines. Accounts must have adequate funds available. When requesting disbursement, the DMACC Foundation Payment Request Authorization Form, available from the DMACC Foundation Office, must be submitted to the Foundation for approval and payment. When the payee and authorizing signatory for the account are one and the same, the payee's immediate supervisor must approve the request. Certain distribution requests require approval by senior campus administrators including Deans/Department Chairs, the College Vice Presidents or College President.

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The DMACC Foundation has a fiduciary responsibility to donors to ensure that funds are used in accordance with the terms and conditions of their gifts.

Foundation funds may not be expended for any activity that:

- Jeopardizes the DMACC Foundation's status as a Charitable Organization as defined by the Internal Revenue Code Section 501(c)(3).
- Benefits the campaign of any candidate for public office.
- Is intended to influence public legislation, except as directed by the DMACC President and approved by the board.
- Is paid for, or insures to, the personal benefit of an individual.
- May involve or create liability exposure for Des Moines Area Community College.
- Does not directly support Des Moines Area Community College.
- Is not considered a customary or reasonable expense incurred while conducting College business.
- Fails to meet the standards of equity and ordinary prudence in the management of the property of another.
- Violates specific DMACC and DMACC Foundation Board policies and/or directives.

Examples of expenditures that may not be paid from Foundation funds include:

- Fines, traffic tickets, parking tickets, impound and/or towing fees.
- Office supplies that are not business related, customary or reasonable.
- Furniture or equipment that is not business related, customary or reasonable.
- First class airfare (coach airfare should be purchased whenever possible).
- Personal items such as medications, toiletries, accessories or clothing.
- Non-work related publications.
- Political campaign contributions.

- Frequent meal reimbursements when only DMACC employees are in attendance (these meal costs will be reimbursed only if there is a clearly stated College related business purpose for each meal and is fully documented).

This list of prohibited expenses is meant to address the large majority of situations. Under rare and unique circumstances, exceptions may need to be made. Such cases require written approval of the President of the College. In cases directly involving the President, prior approval by the Foundation Board of Directors may be necessary.

III. DISBURSEMENT APPROVAL

All expenditures for DMACC Foundation funds require the approval of the Executive Director of the DMACC Foundation or other designated person. All signatures must be original. The DMACC Foundation does not accept signature stamps.

Expenditures must be approved in accordance with the following schedule before payment will be allowed:

Amount of request	Authorized signature
\$25,000 or less	Executive Director of the DMACC Foundation
Over \$25,000	Executive Director of the DMACC Foundation and the Treasurer of the DMACC Foundation Board of Directors

In absence of the Treasurer, the President of the DMACC Foundation Board of Directors is authorized as second approver for expenditures over \$25,000. If the President of the DMACC Foundation Board of Directors is unavailable, the Vice-President of the DMACC Foundation Board of Directors is authorized as a second approver.

In the absence of the Executive Director of the DMACC Foundation, the designated interim Executive Director or the Associate Director of the DMACC Foundation is authorized as an approver for expenditures.

A report detailing expenditures over \$25,000 will be provided to the Executive Committee.

IV. GENERAL DISBURSEMENT POLICIES

In spending DMACC Foundation funds, the Foundation and the College require officers to exercise good judgment, display just prudence, and maintain a high sense of ethics in making expenditure decisions. Disbursements will be monitored for reasonableness. The Foundation will submit to the DMACC President for review, any request for any disbursement believed to be in excess of reasonable standards or inappropriate in some other way.

Funds that are comprised of gifts and bequests made for specific purposes must be rigorously administered by the Executive Director of the DMACC Foundation to ensure that such funds are used solely for the purposes prescribed by the donor.

All disbursements must be supported by appropriate documentation and must be accompanied with the proper approval form before any disbursement will be made.

Reimbursement requests should be made following Business Services Procedures.

No payroll will be processed by the Foundation. All payroll-related expenses shall be processed by DMACC, following DMACC salary guidelines, and reimbursed by the Foundation.

V. REQUIRED SIGNATURES

Only authorized persons will be allowed to sign checks for funds from Foundation accounts. The DMACC Foundation authorizes the following Business Office staff to sign on behalf of the Foundation: the Controller and Associate Controller are approved signers. All signature cards shall be kept up to date at the various financial institutions.

All checks to be issued will require two signatures in order to constitute a valid disbursement.

VI. SCHOLARSHIP DISBURSEMENTS

The DMACC Foundation staff, DMACC Business Office staff and Scholarship Committee in conjunction with the Development Committee shall prepare a Scholarship Allocation Budget in accordance with DMACC Foundation policies for the upcoming fiscal year.

This list is to be presented to the Executive Committee of the Foundation Board of Directors no later than April of each year. At this time, the Executive Committee shall review the list as presented, make any adjustments as needed, or take any other appropriate action as necessary. The budget will be presented to the full Board of Directors for approval prior to the end of the fiscal year.

VII. REVIEW

This policy will be reviewed every three (3) years to ensure its continued relevance, accuracy, and compliance with applicable processes. Revisions will be made as necessary to reflect changes in organizational structures or processes.

Approved: May 2012

Revised: April 2025

I. PURPOSE

The Des Moines Area Community College Foundation (Foundation), a not-for-profit organization organized under the laws of the State of Iowa, exists to secure private gifts for the benefit of Des Moines Area Community College (DMACC or the College). The Foundation is organized as a corporation, exempt from federal tax liability by Internal Revenue Code Section 501 (c)(3), and qualifies as a Public Charity under Internal Revenue Code Section 509.

The following policies and guidelines govern acceptance of gifts made to the Foundation. Oversight of this policy is the responsibility of the Foundation staff in conjunction with the DMACC Foundation Board of Directors.

II. RESPONSIBILITY TO COLLEGE

The policy will be interpreted in accordance of three overriding principles:

Principle One: A gift shall not be accepted by the Foundation if the Foundation has reason to believe that such acceptance would not be in the interest of the donor. A determination of the donor's "interest" shall include, but not be limited to, the donor's financial situation and philanthropic interests, as well as any tax or other legal matters revealed while planning for a gift. The Foundation shall not encourage any gifts that are inappropriate in light of the donor's personal or financial situation.

Principle Two: A gift shall not be accepted by the Foundation unless there is a reasonable expectation that acceptance of the gift will benefit the Foundation and the College.

Principle Three: Gifts that potentially expose the Foundation or College to adverse publicity or involve out of the ordinary requests shall be referred to the Gift Acceptance Committee for resolution. The Foundation cannot accept gifts for the College which involve unlawful discrimination on any basis prohibited by federal, state, and local laws and regulations. In addition, the Foundation cannot accept gifts which obligate it or the College to violate any other applicable law or regulation, or that violate the Foundation's articles of incorporation or by-laws. Gifts that provide an ongoing expense to the College must be approved by the College Board of Directors.

III. RESPONSIBILITY TO DONORS

- A. General. The Foundation, its staff and representatives shall endeavor to assist donors in accomplishing their philanthropic objectives in providing support for the Foundation.
- B. Confidentiality. Information concerning all transactions between a donor and the Foundation shall be held by the Foundation in strict confidence and may be publicly disclosed only with the permission of the donor.
- C. Anonymity. The Foundation shall respect the wishes of donors wishing to support the Foundation anonymously and will take reasonable steps to safeguard those donors' identity.
- D. Disclaimer. Each prospective donor to the Foundation shall be informed that the Foundation does not provide legal, tax or financial advice, and shall be encouraged to discuss all charitable gift planning decisions with his or her legal, financial or tax advisor before entering into any commitment to make a gift to the Foundation.

IV. ETHICAL STANDARDS

The Foundation is committed to the highest ethical standards. Any attempt to exert undue influence on behalf of the Foundation including high pressure selling techniques and improper use of gift recognition, is strictly forbidden.

Foundation staff at all levels of the organization shall adhere to the Association of Fundraising Professional "Donor Bill of Rights".

All Foundation personnel authorized to solicit and accept gifts shall be employed at a fixed salary, and shall never receive percentage compensation for the production of gifts.

V. ACCEPTANCE AND ACKNOWLEDGMENT OF GIFTS

The DMACC Foundation serves as the central receiving, acknowledging, recording and reporting entity for all gifts to DMACC. The Foundation Executive Director, and designated DMACC Business Office representative, ensures that all designated cash gifts are credited to the proper account and disbursed for the purposes designated by the donor. Complete records on all gifts are maintained in the DMACC Foundation.

VI. DONOR RECOGNITION

- A. General. The Board of Directors, upon recommendation of the Executive Director, may establish criteria for the recognition and honoring of a donor with certain honors or benefits based on various giving levels achieved by a donor and the type of gift. These honors or benefits may include the listing of the donor's name in the annual report or on a plaque or the opportunity to receive invitations to donor recognition events.
- B. Buildings and Other Facilities. The Foundation will follow the College's Policy for Naming of Facilities. In the case of naming opportunities for a capital campaign, the Foundation staff, will put forth a list of naming opportunities for approval to the College President.

VII. GIFT ACCEPTANCE COMMITTEE

The Gift Acceptance Committee facilitates the gift acceptance process. The Gift Acceptance Committee shall consist of the Foundation Executive Committee the DMACC President and a member of the Des Moines Area Community College Board of Directors.

The Gift Acceptance Committee shall review all gifts of significant risk. All such gifts shall be documented by a written understanding between the donor and the Foundation, and must be approved by the Gift Acceptance Committee before the DMACC Foundation may accept the gift.

Gifts of significant risk can include but are not limited to: Non-publicly traded securities; gifts of real property; gifts of personal property if not used by the College; all gifts of real or tangible personal property subject to donor restrictions regarding the disposal of such property; the acquisition of property by the College or Foundation at a price which is below its fair market value; cash gifts with significant donor restrictions; or gifts of unusual items or gifts of questionable value.

VIII. DEFINITION OF A GIFT

A gift is defined as an irrevocable transfer of assets from a person or an organization to the Foundation where no goods or services are expected, implied or forthcoming for the donor. Absent any written qualifications or reservations, a gift will be considered complete upon receipt by the Foundation.

IX. GIFT RESTRICTIONS

- A. Unrestricted Gifts. Provide the Foundation with maximum flexibility in the pursuit of its mission. Donors shall always be encouraged to make unrestricted gifts to the Foundation. An unrestricted gift is not restricted by the donor to a particular program, project or purpose (endowment or capital fund drive). Such a gift may be expended for current operations and needs as determined by the DMACC Foundation Board of Directors.
- B. Restricted Gifts. A restricted contribution is one in which the donor indicates in writing a particular use of the funds. The Foundation will accept restricted gifts from donors if the restriction helps fulfill the mission of the Foundation and DMACC.
- C. Variance Power. Unless otherwise approved in advance by the Executive Director, the Foundation will reserve the right, in the document that restricts the use of the gift, to broaden or alter the purpose of the gift should it be determined in the future that the original purpose of the gift no longer meets the needs or serves the mission of the Foundation.

X. TYPES OF GIFTS

Gifts to the Foundation may be in the form of outright gifts, pledges or deferred commitments. The following assets may be accepted as funding for an outright or planned gift, subject to the terms and conditions outlined below.

- A. Cash. Checks and cash will be receipted to the proper fund and are deposited daily. Receipts will be mailed to the donor within one week of receiving the gift. Matching gifts from employers are credited to the donor for recognition but receipts are sent to the company.
- B. Tangible Personal Property. The Foundation may accept gifts of personal property (i.e. antiques, works of art, collections, etc.). The donor is responsible for securing appraisals on such property according to Internal Revenue Service guidelines. The Gift Acceptance Committee of the Foundation must approve all gifts of personal property before the gift is accepted.

Related Use. The Executive Director must determine if the tangible personal property would be retained by the Foundation for use in its programs. If so, the Executive Director (before recommending the gift to the Gift Acceptance Committee, for approval) shall determine, with the assistance of the department or office within the Foundation that would be responsible for the continuing use of the tangible personal property, the estimated carrying costs, including

insurance, storage, curatorial services, maintenance, etc., for the property. The Executive Director shall also evaluate whether any restrictions on use of the property that are required by the donor are consistent with the institutional needs of the Foundation.

Unrelated Use. If the property will not be retained for use by the Foundation, the Executive Director must determine, prior to recommending the gift for approval to the Gift Acceptance Committee, a plan for selling the property for cash, including the anticipated time frame and marketing expense for the proposed sale.

- C. Marketable and Publicly Traded Securities. The Foundation can accept both publicly traded securities and closely held securities.

Marketable securities may be transferred to an account maintained at one or more brokerage firms or delivered physically with the transferor's signature or stock power attached. As a general rule, all marketable securities shall be sold upon receipt. Closely held securities, which include not only debt and equity positions in non-publicly traded companies but also interests in limited partnerships and limited liability companies, or other ownership forms, can be accepted. However, gifts must be reviewed prior to acceptance to determine the following:

1. The extent of the restrictions on the security that would prevent the Foundation from ultimately converting those assets to cash;
2. The extent to which the security is marketable; and
3. That the security will not generate any undesirable tax consequences for the Foundation

If potential problems arise on initial review of the security, further review and recommendation by an outside professional may be sought before making a final decision on acceptance of the gift. Every effort will be made to sell non-marketable securities as quickly as possible.

- D. Real Estate. The Foundation may accept gifts of real estate. It is the donor's responsibility for obtaining appraisals, EPA studies, etc., for gifts of real property. Gifts of real estate must be approved by the Gift Acceptance Committee before the gift is accepted.

Prior to acceptance of real estate, the Foundation shall require an initial environmental review of the property to ensure that the property has no environmental contamination or at risk of contamination due to proximity or current or prior use. In the event that the initial inspection reveals a potential problem, the Foundation shall retain a qualified inspection firm to conduct an environmental

audit. The cost of the environmental audit shall be an expense of the donor.

A title search or title opinion or title policy shall be obtained by the Foundation prior to the acceptance of the real property gift. Criteria for acceptance of the property shall include:

1. The usefulness for the purposes of the Foundation? Is the property marketable?
 2. Are there any restrictions, reservations, easements, or other limitations associated with the property that would limit or restrict its salability?
 3. Are there carrying costs, which may include insurance, property taxes, mortgages, or notes, etc., associated with the property that would limit or restrict its salability or would be burdensome to the Foundation?
 4. Does the environmental audit reflect that the property is not contaminated?
- E. Gifts-in-Kind. The donor is responsible for securing appraisal of the value of non-cash contributions. The Foundation will cooperate fully with the donor in the gift substantiation process required by the taxing agency. The gift should be acknowledged by receipt of the property, but not describe the value of the donation. The value of the gift is strictly between the donor and the IRS.
- F. Gifts of Equipment. Gifts of equipment are encouraged by the Foundation. However, when such equipment requires additional and/or ongoing maintenance that is not budgeted, prior approval must be received from the President of the College.
- G. Other Assets. Acceptance of any other type of property as a gift to the Foundation shall require the prior approval of the Executive Director.

XI. PLANNED GIFTS

The Foundation will accept gifts/assets from Charitable Gift Annuities, Charitable Remainder Trusts, Charitable Lead Trusts and Pooled Income Funds. The Foundation does not administer/manage these types of funds and will not act in the capacity of trustee for charitable trusts in which the Foundation is named as remainder beneficiary.

Acceptable deferred gifts include:

- A. Bequests. A bequest to the Foundation is made in the donor's will or revocable trust. The donor can designate a specific amount, a percentage, or the remainder of an estate to the Foundation. Such designations will not be recorded as gifts to the Foundation until the gift is irrevocable.

- B. Retirement Plan Beneficiary Designations. When donors name the DMAACC Foundation as beneficiary of their retirement plans, such designations will not be recorded as gifts to the Foundation until the gift is irrevocable. When the gift is irrevocable, but is not due until a future date, the present value for that gift may be recorded at the time the gift becomes irrevocable.
- C. Life Insurance Policies. Donors shall be encouraged to name the Foundation as a primary or contingent beneficiary of their life insurance policies. The Foundation must be named as both beneficiary and irrevocable owner of an insurance policy before a life insurance policy can be recorded as a gift. The gift is valued at its interpolated terminal reserve value, or cash surrender value, upon receipt. If the donor contributes future premium payments, the Foundation will include the entire amount of the additional premium payment as a gift in the year that it is made.

XII. CONFIDENTIALITY

The DMAACC Foundation is committed to maintaining the confidentiality of donor information and ensuring it is handled with the utmost care and respect. Donor records, including personal and financial information, will be kept confidential and will not be shared with or sold to third parties. All donor information will be managed in accordance with applicable local, state, and federal laws, as well as the Foundation's internal policies. The Foundation will implement appropriate safeguards to protect donor privacy and ensure the secure handling of sensitive information. This includes implementing secure data storage, limiting access to authorized personnel, and regularly reviewing data protection practices to mitigate risks.

XIII. REVIEW

This policy shall be reviewed ~~annually and~~ every three (3) years or whenever it becomes inconsistent with Treasury regulations or other applicable state or federal laws.

Approved: March, 2013

Revised: ~~March 2018~~ April 2025

I. PURPOSE

The Des Moines Area Community College Foundation (Foundation), a not-for-profit organization organized under the laws of the State of Iowa, exists to secure private gifts for the benefit of Des Moines Area Community College (DMACC or the College). The Foundation is organized as a corporation, exempt from federal tax liability by Internal Revenue Code Section 501 (c)(3), and qualifies as a Public Charity under Internal Revenue Code Section 509.

The following policies and guidelines govern acceptance of gifts made to the Foundation. Oversight of this policy is the responsibility of the Foundation staff in conjunction with the DMACC Foundation Board of Directors.

II. RESPONSIBILITY TO COLLEGE

The policy will be interpreted in accordance of three overriding principles:

Principle One: A gift shall not be accepted by the Foundation if the Foundation has reason to believe that such acceptance would not be in the interest of the donor. A determination of the donor's "interest" shall include, but not be limited to, the donor's financial situation and philanthropic interests, as well as any tax or other legal matters revealed while planning for a gift. The Foundation shall not encourage any gifts that are inappropriate in light of the donor's personal or financial situation.

Principle Two: A gift shall not be accepted by the Foundation unless there is a reasonable expectation that acceptance of the gift will benefit the Foundation and the College.

Principle Three: Gifts that potentially expose the Foundation or College to adverse publicity or involve out of the ordinary requests shall be referred to the Gift Acceptance Committee for resolution. The Foundation cannot accept gifts for the College which involve unlawful discrimination on any basis prohibited by federal, state, and local laws and regulations. In addition, the Foundation cannot accept gifts which obligate it or the College to violate any other applicable law or regulation, or that violate the Foundation's articles of incorporation or by-laws. Gifts that provide an ongoing expense to the College must be approved by the College Board of Directors.

III. RESPONSIBILITY TO DONORS

- A. General. The Foundation, its staff and representatives shall endeavor to assist donors in accomplishing their philanthropic objectives in providing support for the Foundation.
- B. Confidentiality. Information concerning all transactions between a donor and the Foundation shall be held by the Foundation in strict confidence and may be publicly disclosed only with the permission of the donor.
- C. Anonymity. The Foundation shall respect the wishes of donors wishing to support the Foundation anonymously and will take reasonable steps to safeguard those donors' identity.
- D. Disclaimer. Each prospective donor to the Foundation shall be informed that the Foundation does not provide legal, tax or financial advice, and shall be encouraged to discuss all charitable gift planning decisions with his or her legal, financial or tax advisor before entering into any commitment to make a gift to the Foundation.

IV. ETHICAL STANDARDS

The Foundation is committed to the highest ethical standards. Any attempt to exert undue influence on behalf of the Foundation including high pressure selling techniques and improper use of gift recognition, is strictly forbidden.

Foundation staff at all levels of the organization shall adhere to the Association of Fundraising Professional "Donor Bill of Rights".

All Foundation personnel authorized to solicit and accept gifts shall be employed at a fixed salary, and shall never receive percentage compensation for the production of gifts.

V. ACCEPTANCE AND ACKNOWLEDGMENT OF GIFTS

The DMACC Foundation serves as the central receiving, acknowledging, recording and reporting entity for all gifts to DMACC. The Foundation Executive Director, and designated DMACC Business Office representative, ensures that all designated cash gifts are credited to the proper account and disbursed for the purposes designated by the donor. Complete records on all gifts are maintained in the DMACC Foundation.

VI. DONOR RECOGNITION

- A. General. The Board of Directors, upon recommendation of the Executive Director, may establish criteria for the recognition and honoring of a donor with certain honors or benefits based on various giving levels achieved by a donor and the type of gift. These honors or benefits may include the listing of the donor's name in the annual report or on a plaque or the opportunity to receive invitations to donor recognition events.
- B. Buildings and Other Facilities. The Foundation will follow the College's Policy for Naming of Facilities. In the case of naming opportunities for a capital campaign, the Foundation staff, will put forth a list of naming opportunities for approval to the College President.

VII. GIFT ACCEPTANCE COMMITTEE

The Gift Acceptance Committee facilitates the gift acceptance process. The Gift Acceptance Committee shall consist of the Foundation Executive Committee the DMACC President and a member of the Des Moines Area Community College Board of Directors.

The Gift Acceptance Committee shall review all gifts of significant risk. All such gifts shall be documented by a written understanding between the donor and the Foundation, and must be approved by the Gift Acceptance Committee before the DMACC Foundation may accept the gift.

Gifts of significant risk can include but are not limited to: Non-publicly traded securities; gifts of real property; gifts of personal property if not used by the College; all gifts of real or tangible personal property subject to donor restrictions regarding the disposal of such property; the acquisition of property by the College or Foundation at a price which is below its fair market value; cash gifts with significant donor restrictions; or gifts of unusual items or gifts of questionable value.

VIII. DEFINITION OF A GIFT

A gift is defined as an irrevocable transfer of assets from a person or an organization to the Foundation where no goods or services are expected, implied or forthcoming for the donor. Absent any written qualifications or reservations, a gift will be considered complete upon receipt by the Foundation.

IX. GIFT RESTRICTIONS

- A. Unrestricted Gifts. Provide the Foundation with maximum flexibility in the pursuit of its mission. Donors shall always be encouraged to make unrestricted gifts to the Foundation. An unrestricted gift is not restricted by the donor to a particular program, project or purpose (endowment or capital fund drive). Such a gift may be expended for current operations and needs as determined by the DMACC Foundation Board of Directors.
- B. Restricted Gifts. A restricted contribution is one in which the donor indicates in writing a particular use of the funds. The Foundation will accept restricted gifts from donors if the restriction helps fulfill the mission of the Foundation and DMACC.
- C. Variance Power. Unless otherwise approved in advance by the Executive Director, the Foundation will reserve the right, in the document that restricts the use of the gift, to broaden or alter the purpose of the gift should it be determined in the future that the original purpose of the gift no longer meets the needs or serves the mission of the Foundation.

X. TYPES OF GIFTS

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XIII. REVIEW

This policy shall be reviewed every three (3) years or whenever it becomes inconsistent with Treasury regulations or other applicable state or federal laws.

Approved: March 2013
Revised: April 2025



BOARD REPORT

*To the Board of Directors of
Des Moines Area Community College*

*Number: 25-041
Date: May 12, 2025
Page: 1*

AGENDA ITEM

Consideration of termination of continuing contracts under Iowa Code Chapter 279. These items were received and filed by the Board at the April meeting.

BACKGROUND

Teacher contracts of 5 specially funded employees to be terminated effective at the end of the current contract term for the reasons set forth in the President's Notice and Recommendation to Terminate Contract.

None of the employees have requested a hearing before the Board.

RECOMMENDATION

It is recommended that the Board terminate the continuing teacher's contracts of Danielle Halbrook, James Moon, Denise Myers, Richard Rusch, and Danielle Shirley, effective June 30th, 2025.

Robert J. Denson, President



BOARD REPORT

*To the Board of Directors of
Des Moines Area Community College*

*Number: 25-042
Date: May 12, 2025
Page: 1*

AGENDA ITEM

Approval of Revision to Board Policy HR414 – Drug and Alcohol Testing

BACKGROUND

The nursing department has recently been informed of updated requirements from our clinical partners, mandating that faculty must pass a drug and alcohol screening. We need to ensure that all current faculty undergo this testing before the start of the Fall 2025 semester.

We need to revise Board Policy HR 414, Drug and Alcohol Testing. Currently, HR 414 Drug and Alcohol testing addresses requirements for positions requiring a CDL license or positions that will operate a College vehicle. The revisions to the policy allow drug and/or alcohol testing based on the requirements of the position.

RECOMMENDATION

It is recommended that the DMACC Board of Directors approve the revisions to Board Policy HR414 – Drug and Alcohol Testing.

Robert J. Denson, President

Below:

A. Board Policy HR414 – Drug and Alcohol Testing Policy

This policy applies to employees in positions that require a commercial driver's license and other positions that require drug and alcohol testing. Job offers for these positions will be made contingent on passing the drug and/or alcohol test.

Positions requiring a Commercial Driver's License

Employees who operate College vehicles are subject to drug and alcohol testing if they require a commercial driver's license and the vehicle meets any of the following criteria:

- Has a gross combination weight rating of 26,001 pounds or more, including a towed unit with a gross weight rating of over 10,000 pounds.
- Has a gross vehicle weight rating of 26,001 pounds or more.
- Is designed to transport 16 or more passengers, including the driver.
- Is transporting hazardous materials as defined by law.

Testing Requirements

- **Pre-Employment Testing:** All prospective employees who will hold positions requiring a commercial driver's license or requiring testing must pass a drug and/or alcohol test before beginning employment.
- **Random Testing:** Employees in positions requiring a commercial driver's license will be subject to random drug and alcohol testing throughout their employment.
- **Reasonable Suspicion Testing:** All employees, regardless of position, may be required to undergo testing if there is reasonable suspicion of drug or alcohol use.
- **Post-Accident Testing:** Employees involved in an accident while operating a College vehicle or in other positions requiring testing may be required to undergo testing.
- **Return-to-Duty Testing:** Employees who have violated the drug and alcohol policy may be required to pass a test before returning to duty.
- **Follow-up Testing:** Employees who have violated the drug and alcohol policy may be required to pass a test before returning to duty.

The President is responsible for developing procedures and administrative regulations to implement this policy.

Legal Reference:

[Omnibus Transportation Employee Testing Act of 1991](#)

Cross Reference:

[Procedure HR3310 – Drug and Alcohol Testing](#)

Adopted: December 11, 1995

Reviewed: 2005, 2011, 2020

Revised:

January 10, 2000

October 10, 2011

September 14, 2020

May 12, 2025



BOARD REPORT

To the Board of Directors of
Des Moines Area Community College

Number: 25 - 043
Date: May 12, 2025
Page: 1

AGENDA ITEM

A RESOLUTION APPROVING THE FORM AND CONTENT AND EXECUTION AND DELIVERY OF A RETRAINING OR TRAINING AGREEMENT UNDER **CHAPTER 260F**, CODE OF IOWA, FOR **POWERPOLLEN, INC., PROJECT #1**

BACKGROUND

Chapter 260F, Code of Iowa, provides for retraining programs for businesses currently conducting retooling of a production facility and training programs for small businesses which meet other criteria established by the State of Iowa. Funds for projects are obtained from the State of Iowa through the Iowa Workforce Development. The company identified below has met state criteria and DMACC is prepared to enter into an agreement to provide retraining or training as follows:

Company Name/Address:	PowerPollen, Inc. 27253 US Highway 69 Ames, IA 50010
Product/Service:	Agricultural tires
Type of Project:	Retraining project for existing work force
Nature of Project:	The project will provide for: GROW leadership training
Training Period:	03/27/2025-03/26/2027
Average Wage Rate:	\$56.82
Number of Jobs Affected:	10
First Year of Operation:	2015
Available Training Funds:	\$2,415
Form of Training Funds:	Forgivable Loan

RECOMMENDATION

The proposed Resolution, Request for Release of Funds, Agreement, and Budget are on file with the Board Secretary and available for inspection. It is recommended that the Board adopt the Resolution approving the form and content and execution and delivery of the Agreement for this project.



BOARD REPORT

To the Board of Directors of
Des Moines Area Community College

Number: 25-044
Date: May 12, 2025
Page: 1

AGENDA ITEM

Review of Board Policies, Chapter 3 – Management of the College and Chapter 8 – Facilities

BACKGROUND

The College continuously reviews Board Policies. Each year, 1-2 Board Policy Chapters are submitted to the Board for review and consideration. Below is a list of the policies included in Chapter 3 – Management of the College and Chapter 8 – Facilities.

The College is implementing a new software system called DocTract to replace Curriculog for managing Board Policies and College Procedures. With this implementation, the College is also recommending recategorizing Board Policy chapters and numbers to align appropriately (e.g., Facilities and Security are listed under Business Services and should be under Operations; Student Affairs is called Enrollment Services; Academic Affairs policies were listed under Enrollment Services).

The new chapters and titles recommended are:

- Chapter 1: BD – Board of Directors
- Chapter 2: CC – Community College
- Chapter 3: AA – Academic Affairs
- Chapter 4: SA – Student Affairs
- Chapter 5: OP – Operations
- Chapter 6: BS – Business Services
- Chapter 7: HR – Human Resources

The MC – Management of the College policies will be moved to Chapter 2 – Community College and F – Facilities policies will be moved to Chapter 5 – Operations. This chart shows the crosswalk for these moves.

MC301	206
MC302	207
MC303	208
MC304	209
MC305	210
MC307	211
MC308	212
MC309	213
MC310	214
MC311	215
MC312	216
MC313	217

MC314	218
MC315	219
MC316	220
MC317	221
MC318	222
MC319	223
MC320	224
MC321	225
MC322	228
MC323	226
MC324	227
F801	503
F802	507
F803	508
F804	509
F805	510
F806	504
F807	511
F808	505
F809	506
F810	512

RECOMMENDATION

It is recommended that the Board discuss Chapter 3 – Management of the College and Chapter 8 – Facilities of our Board policies for approval at our next Board of Directors meeting.

It is further recommended that the Board discuss and approve the re-categorization and renumbering recommendation to align policies and procedures appropriately.

Robert J. Denson, President

Attachment:

- A. 25-044 Policies for Review and Policy Moves



BOARD REPORT

*To the Board of Directors of
Des Moines Area Community College*

*Number: 25-045
Date: May 12, 2025
Page: 1*

AGENDA ITEM

Approval of new Board Policy CC232 – Hazing

BACKGROUND

The Stop Campus Hazing Act (SCHA) amends the Jeanne Clery Campus Safety Act (Clery Act) and requires colleges and universities to have a Hazing Policy.

RECOMMENDATION

It is recommended that the DMACC Board of Directors approve the new Board Policy CC232 – Hazing.

Robert J. Denson, President

Chapter: Community College

Number: CC232

Type: Board Policy

Title: Hazing

Policy:

- A. The Stop Campus Hazing Act (SCHA) amends the Jeanne Clery Campus Safety Act (Clery Act).
- B. The SCHA contains three (3) primary components.
 1. Inclusion of hazing statistics in annual security reports. The College will include statistics for hazing incidents that were reported to campus security authorities (CSA) or local law enforcement, as defined by the SCHA, in the Annual Security and Fire Safety Report (ASFSR).
 2. Implementation of hazing policies, including those specific to hazing prevention. The College must have a hazing policy with information on how to make a report of hazing and the process used to investigate hazing incidents. The College must also have a policy that addresses hazing prevention and awareness programs, which includes a description of research-informed campus-wide prevention programs and primary prevention strategies.
 3. Compilation of a Campus Hazing Transparency Report (CHTR). The College must compile and publish, on the public website, a CHTR that summarizes findings concerning any student organization found to be in violation of the College's standards of conduct related to hazing. The report will include:
 - a. The name of the student organization.
 - b. A general description of the violation that resulted in a finding of responsibility; and
 - c. Related dates (the date of the alleged incident, the date of the initiation of the investigation, the date the investigation ended with a finding, and the date the institution provided notice to the organization of the finding).
- C. Iowa Code 708.10(a) states that a person commits an act of hazing when the person intentionally or recklessly engages in any act(s) involving forced activity which endangers the physical health or safety of a student for the purpose of initiation or admission into, or affiliation with, any organization operating in connection with a school, college, or university. Prohibited acts include, but are not limited to, any brutality of a physical nature such as whipping, forced confinement, or any other forced activity which endangers the physical health or safety of the student.

Clery Act Definitions:

- A. Hazing: Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person(s) regardless of the willingness of such other person(s) to participate, that:
 1. Is committed during an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and

2. Causes or creates a risk, above the reasonable risk encountered during participation in the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including:
 - a. Whipping, beating, striking, electronic shocking, placing harmful substances on someone's body, or similar activity.
 - b. Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity.
 - c. Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances.
 - d. Causing, coercing, or otherwise inducing another person to perform sexual acts.
 - e. Any activity that places another person in reasonable fear of bodily physical or mental harm using threatening words or conduct.
 - f. Any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law.
 - g. Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.
- B. Student Organization: An organization at the College (such as a club, society, association, varsity or junior varsity athletic team, club sports team, band, or student government) in which two or more of the members are students enrolled at the College, whether the organization is established or recognized by the College.

Procedure:

- A. Reporting: Employees and students shall report all incidents of hazing. Reports should be submitted using the Colleges Make a Report website www.dmacc.edu/safety/make-a-report. Reports may be made anonymously. Failure to report known incidents of hazing may result in disciplinary action.
- B. Investigation: The College will investigate all reported incidents of hazing using the Student Code of Conduct process and Title IX where appropriate.
- C. Prevention and Awareness: Students and advisors involved in student organizations must complete annual hazing prevention training. The College offers this training via the SafeColleges online training portal. Student leaders and club advisors will also undergo advanced education on how to identify, prevent, and report hazing.
- D. Student Wellbeing: Hazing is directly in conflict with the mission and values of the College and will not be tolerated at any level of the organization. The College is committed to supporting victims of hazing through counseling and advocacy services, partnering with student organizations to build positive and healthy membership and admissions traditions, and empowering the campus community to call out and report hazing if it occurs.

Legal Reference: Iowa Code 708.10
Adopted: June 9, 2025



BOARD REPORT

To the Board of Directors of
Des Moines Area Community College

Number: 25-046
Date: May 12th, 2025
Page: 1 of 2

AGENDA ITEM

A RESOLUTION ACCEPTING THE BUILDING 13 AUTOMOTIVE ADDITION & RENOVATION PROJECT AND APPROVING SETTLEMENT WITH PRIME CONTRACTOR, GRAPHITE CONSTRUCTION GROUP F/K/A ROCHON CORPORATION OF IOWA

BACKGROUND

This agenda item relates to DMACC's Building 13 Automotive Addition and Renovation Project ("Project"), for which the prime contractor is Graphite Construction Group, f/k/a Rochon Corporation of Iowa ("Graphite").

By way of background, toward the end of the Project, on January 17, 2023, DMACC terminated its prime contract with Graphite, with Graphite disputing such termination. Thereafter, DMACC commenced completion of the remaining punch list itself, through a combination of calling certain subcontractors to complete their work, hiring third parties to complete certain work, and completing certain work itself.

Also, in April of 2022, Graphite's subcontractor, Metro Concrete (now in bankruptcy), filed a lawsuit against DMACC to enforce its Chapter 573 Claim that it had previously filed against the retainage that DMACC was holding. That Claim was thereafter bonded off. As part of that litigation, Graphite had previously moved to compel DMACC to release certain retainage; DMACC resisted such motion; and DMACC won this dispute at the district court level. That district court ruling was appealed to the Court of Appeals and then appealed again to the Iowa Supreme Court.

In November of 2024, the Iowa Supreme Court entered the final decision on this appeal, vacating the Court of Appeals and affirming the district court's decision regarding early release of retainage funds in favor of DMACC. With the Iowa Supreme Court's decision concluding the appeal, DMACC and Graphite then, through counsel, discussed the financial close-out of the Project, with DMACC claiming certain offsets against the Graphite retainage still being held in order to compensate DMACC for its incurred costs of completion of the Project and incurred attorney fees and with Graphite denying those claims. Following negotiation between counsel for DMACC and Graphite, we believe a reasonable settlement agreement has been negotiated, considering the further time and legal fees/costs, and uncertainty, of continued litigation that will be resolved by settlement, and counsel has recommended approval of this settlement agreement.

In the main, this settlement agreement provides that, of the remaining \$158,190.00 currently held in retainage funds for this Project, \$100,000 of that amount shall be retained by DMACC and DMACC shall release the remaining \$58,190.00 to Graphite in exchange for a full release of all claims currently pending in the above-noted underlying lawsuit, *Smith v. DMACC v. Graphite Constr. Group, Inc.*, Polk County Case No. EQCE087557 and other disputed matters. Importantly, this settlement agreement does not release Graphite from liability for any unknown, latent claims as of the date of the agreement and Graphite agrees to indemnify DMACC for certain claims.

Finally, as part of this agreement, DMACC will accept this Project has finally completed, although DMACC's position is that the deadline for the filing of Chapter 573 claims has already passed due to DMACC's prior termination of the prime contract and the pending lawsuit that was on file at that time.

If this proposed resolution, accepting the Project and approving the settlement agreement, is approved on May 12, 2025, then there will be a 30-day waiting period, pursuant to Iowa law, before any retainage is released, as set forth in more detail in the settlement agreement, attached hereto.

RECOMMENDATION:

It is recommended that the Board adopt the Resolution accepting the Building 13 Automotive Addition and Renovation Project and approving the proposed settlement with Graphite Construction Group, f/k/a Rochon Corporation of Iowa under which the amount of \$58,190.00 of unreleased retainage funds will be released by DMACC to Graphite in accordance with the terms of this settlement agreement, with the remaining \$100,000 in retainage being retained by DMACC

Robert J. Denson, President

Attachment:

- A. Final Graphite DMACC Settlement Agreement