

Minutes  
Lake Michigan College  
Board of Trustees Special Meeting  
Lake Michigan College Mendel Center  
Hanson Theater  
May 5, 2016 – 8:00 a.m.

**Call to Order**

Chair Tomasini called the Special Meeting of the Lake Michigan College Board of Trustees to order at 8:03 a.m. Chair Tomasini announced that this meeting is being recorded.

**Pledge of Allegiance**

The meeting opened with the Pledge of Allegiance

**Roll Call**

Present: Dr. Maysick, Ms. Truesdell, Mr. Small, Ms. Tomasini, Ms. Johnson, Dr. Lindley, Mr. Bergan  
Absent: None

**Setting of the Agenda**

The agenda stands as presented

**Petitions and Communications from the Floor**

President Emeritus Dr. Robert Harrison, who was hired by LMC as a consultant to mentor Spielvogel and ease her transition into the presidency during her first 90 days addressed the Board.

**New Business**

- A. Just Cause Hearing

Evidence the Board considered to take action:

***The Investigation***

An investigation has revealed that President Spielvogel violated her Employment Contract with the College. The investigation arose when President Spielvogel failed to turn in expense reports for two consecutive months. Board Chair Mary Jo Tomasini had not received any expenses reports for approval and made an inquiry. In reviewing the expenses reports, it was discovered that President Spielvogel may have engaged in behavior which violates her Employment Contract requiring the Board to take disciplinary action. An investigation was commenced which included reviewing documents related to President Spielvogel's expenses, as well as other documentation. The investigation also included interviewing College Officers and Employees regarding President Spielvogel's job performance, possible policy/procedure violations, interpersonal communication skills issues and potentially poor management decisions. The following summarizes the information obtained related to the above suspected performance problems of President Spielvogel:

### ***Inadequate Goals and Objectives***

The Board had concerns about Spielvogel's draft goals and objectives, stating they appeared hastily prepared with little organization; contained no metrics for measuring success; no timeline for completion; no updates; no method for accountability; they were not based upon anything related to LMC's history or current programs; some were simply not attainable; and generally showed a lack of awareness regarding how the college and the Board operate. When Spielvogel submitted her proposed list of Goals and Objectives to the Board, they had the following concerns regarding those Goals and Objectives:

1. The Goals and Objectives appeared hastily prepared with little organization;
2. The Goals and Objectives contained no metrics for measuring success;
3. The Goals and Objectives did not contain a timeline for completion;
4. The Goals and Objectives did not contain any updates;
5. The Goals and Objectives did not contain any method for accountability;
6. The Goals and Objectives did not appear based upon anything related to Lake Michigan College's history or current programs;
7. There were simply too many Goals and Objectives listed;
8. Some of the Goals and Objectives listed were simply not attainable; and
9. The Goals and Objectives showed a lack of awareness regarding how the College and the Board operate.

### ***Unapproved and Unauthorized Costs Expensed to the College***

In total \$20,625.50 were costs expensed to the College which were unauthorized and unapproved by the Board. The following summarizes the breakdown of this total amount:

\$1391.00	Cap & Gown
\$3235.00	Chain of Office Medallion
\$26.10	LMC Staff Time for Medallion Artwork
\$339.30	LMC Staff Time for Inaugural Invitation Artwork
\$336.57	Achieve the Dream Conference
\$137.96	Southwest Air Voucher Given to President Spielvogel Personally
\$1492.18	League of Innovation Conference Expenses
\$3153.10	Wages for 5 Days of Unauthorized Travel
\$2779.09	Progressive A & E Architect Services for Office Remodel
\$2185.20	Specialty Paper and Cupcake Tree ordered for Inauguration
\$5550.00	Return of Office Holder Funds Distributed to Spielvogel but not used for Intended Purpose

### ***Policy Violations***

President Spielvogel violated the College's Travel and Expense Reimbursement Procedure along with the College's Conflict of Interest Procedure even after being provided with copies of both. President Spielvogel admitted that she traveled to two conferences to present materials related to her experience at Cuyahoga Community College which were unrelated in any way to Lake Michigan College. President Spielvogel had Lake Michigan College pay for her travel to and participation in these conferences. Even though she has been provided copies of the Procedures,

President Spielvogel did not obtain prior approval to travel to and participate in either conference. Spielvogel spent \$5,119.81 in unauthorized travel and payroll expenses. She charged her expenses to LMC and did not use her vacation or personal time. Total costs include \$3,153.10 in wages for five days of unauthorized travel, \$1,492.18 for a League of Innovation Conference, \$336.57 for an Achieve the Dream Conference and a \$137.96 airline voucher.

### ***Renovations to the President's Office***

Spielvogel spent \$2,779.09 on architectural design services before asking permission to remodel her office. It appears that President Spielvogel caused the College to expend funds in connection with the planned renovation of her office.

### ***Inauguration***

Spielvogel spent \$7,176.60 planning and purchasing items for an elaborate, unauthorized Presidential inauguration. She did not seek prior approval from the Board before planning the event, or before ordering materials and utilizing staff time for the event.

Unauthorized inauguration event expenditures include a \$3,235.00 custom-made ceremonial chain of office medallion for her to wear at the event; \$2,185.20 toward printed invitations and decorations; \$365.40 toward unapproved use of LMC staff time; and \$1,391.00 for a specially-designed cap and gown for her to wear during the event.

### ***The Chain of Office Medallion***

President Spielvogel, using College funds, designed and ordered a Chain of Office Medallion costing \$3,235.00. She was informed that this was inappropriate and made arrangements to repay the College by having \$100.00 deducted from each pay check from July 2016- June 2019. Repayment would not be completed until after her Employment Contract reaches its natural termination date. President Spielvogel acknowledges that she approved the purchase but claims that one of her Direct Reports said it was okay.

### ***Improper Management Behavior***

President Spielvogel engaged in behavior of Improper Management Behavior and Conduct, and actions contributing to a hostile work environment, which has placed Lake Michigan College in legal peril. The witnesses interviewed have established that President Spielvogel intentionally and knowingly engaged in activity to create a hostile work environment for Ms. Anne Erdman and Ms. Kathy Tebell. President Spielvogel took direct action to alter Ms. Erdman's job duties so as to cause Ms. Erdman to quit. President Spielvogel related a plan to force Ms. Tebell to quit. These actions could result in Lake Michigan College having to defend to Constructive Discharge lawsuits. President Spielvogel's actions have placed the College in substantial jeopardy. President Spielvogel acknowledged that she felt Ms. Erdman has too much power at the College but denies attempting to create a hostile work environment for either Ms. Erdman or Ms. Tebell.

### ***Improper Comments***

President Spielvogel has also engaged in inappropriate conduct arising from her frequent negative and defamatory comments regarding Board Members, Officers and Employees of the College, as well as Community members. President Spielvogel admitted to making a number of these comments.

### ***Lack of Professionalism***

A number of employees have reported that President Spielvogel repeatedly engaged in unprofessional conduct during meetings by failing to stick to planned agendas, and instead, engaged in conversation related to her personal life or planned Inauguration.

### ***Documentary Evidence***

By contract Spielvogel received \$6,000.00 toward an executive discretionary fund but did not use the money for its intended purposes including covering community organization membership dues, charity events and other activities that build and strengthen relationships with college partners. Instead, she used the funds to purchase personal items including Kenny Chesney concert tickets for \$1,250.00 and to make a \$1,000.00 charitable donation to the college in her own name at the annual college scholarship auction.

The Board has been presented numerous documents which confirm the above job performance issue, policy/procedure violations, interpersonal communication skills problems and poor management decisions.

### **Attorney Glazier's Comments**

Attorney Glazier addressed the Board of Trustees stating that today is a sad day for Spielvogel, for higher education, and students, faculty, and staff at Lake Michigan College. He stated that once Spielvogel can shine the light and correct noncompliance through a civil lawsuit, brighter days are ahead.

### **Dr. Spielvogel's Comments**

Dr. Spielvogel addressed the board stating it was clear to her that the Board did not want effective or honest leadership, and that until they do, this institution would suffer.

### **Board's Response**

The Board stated that they were not aware of any financial aid issues until today's meeting. This was the first they were hearing of it. The issue was not brought up at the March 22, 2016 Board meeting.

The Board will now consider all information presented and render a decision.

### **ACTION**

Based upon the entire record presented to the Lake Michigan College Board of Trustees, just cause exists to support the termination of Jennifer Spielvogel from the position of President at Lake Michigan College.

**MOTION** by Dr. Lindley, with support by Mr. Bergan that just cause exists to support the termination of Jennifer Spielvogel from the position of President at Lake Michigan College.

### **Discussion**

#### **Mr. Stephen Small**

Mr. Small stated that relationships in this institution have been poisoned from the President to the Board and from the President to the Cabinet. The College has run for years on a strong Cabinet guiding the President and a strong Board. He questioned whether the President can be rehabilitated so this institution runs properly.

### **Recess**

At 8:45 a.m., Chair Tomasini called for a 15 minute recess to allow the College attorneys and Spielvogel's attorney to discuss whether there is another way to deal with the issue.

### **Meeting Reconvened**

At 9:07 a.m. the Board of Trustees reconvened the meeting and Mr. Stephen Small asked for a report on the attorneys' discussion.

College attorney Mr. Patrick Sturdy addressed the Board inquiring whether or not they would like to explore a resolution short of termination, table the motion for a week to allow the attorneys to discuss the matter, and to give a recommendation as to what the Board would feel comfortable with.

Chair Tomasini polled the Board on tabling the motion for one week.

Dr. Lindley then stated that he did not want to table his motion, but to continue with discussion, and to have his motion stand. The Board unanimously agreed.

### **Board Comments**

#### **Ms. Debra Johnson**

Board Secretary Debra Johnson addressed Dr. Spielvogel stating as she continues to think about her vote, that she represents this community and will do her best to represent.

#### **Ms. Judy Truesdell**

Board Treasurer Ms. Judy Truesdell addressed Dr. Spielvogel stating that her mantra since becoming a trustee was to understand that we serve the region and it's important for us to think of the larger picture.

#### **Mr. Paul Bergan**

Trustee Mr. Paul Bergan addressed Dr. Spielvogel stating that he has been on this Board for 20 years and has been through a lot with this Board, community and college. He finds this situation very uncomfortable for all of the trustees. Mr. Bergan stated that the student center and student outcome are the number one reason we must guard the resources to make this an affordable place to go to school and for the students to have great futures.

#### **Dr. David Maysick**

Dr. Maysick stated that given the accusations and inappropriate comments made about other people, staff, trustees, and community members that apparently hostility is an issue here and he does not see a way in which we can deal with that.

#### **Dr. Michael Lindley**

Vice Chair Dr. Michael Lindley addressed Dr. Spielvogel stating that Spielvogel's focus was on self rather than on the team or in the College's best interest. Dr. Lindley stated that Spielvogel's position of leadership quickly had no followers, and that one cannot lead without followers.

#### **Ms. Mary Jo Tomasini**

Board Chair Mary Jo Tomasini addressed Dr. Spielvogel stating that she echoes everything said here today by the trustees. Chair Tomasini stated that this is a sad day for Lake Michigan College. Spielvogel came in and attacked everyone. She presented herself to be a different person.

Chair Tomasini then asked for any further comments from the Board. None were stated, and the roll was taken on the motion that just cause exists to support the termination of Jennifer Spielvogel from the position of President at Lake Michigan College.

#### ROLL CALL VOTE

Yeas: Dr. Maysick, Ms. Truesdell, Ms. Tomasini, Mr. Bergan, Dr. Lindley, Ms. Johnson, Mr. Small

Neas: None

Absent: None

#### **APPROVED**

#### **ACTION**

In total \$20,625.50 were costs expensed to the College which were unauthorized and unapproved by the Board. The Board will direct the College's Attorney to commence action seeking reimbursement from Dr. Spielvogel for the following unauthorized and unapproved expenses:

\$1391.00	Cap & Gown
\$3235.00	Chain of Office Medallion
\$26.10	LMC Staff Time for Medallion Artwork
\$339.30	LMC Staff Time for Inaugural Invitation Artwork
\$336.57	Achieve the Dream Conference
\$137.96	Southwest Air Voucher given to JS personally
\$1492.18	League of Innovation Conference Expenses
\$3153.10	Wages for 5 Days of Unauthorized Travel
\$2779.09	Progressive A&E Architect Services for Office Remodel
\$2185.20	Specialty Paper and Cupcake Tree ordered for Inauguration and Non- Returnable
\$5550.00	Return of Office Holder Funds Distributed to Spielvogel but not used for Intended Purpose
<b>\$20,625.50</b>	<b>Total</b>

**MOTION** by Mr. Bergan, with support by Dr. Maysick to direct the College's Attorney to commence action seeking reimbursement from Dr. Spielvogel for the following unauthorized and unapproved expenses:

\$1391.00	Cap & Gown
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<b>\$20,625.50</b>	<b>Total</b>

ROLL CALL VOTE

Yeas: Dr. Maysick, Ms. Truesdell, Ms. Johnson, Ms. Tomasini, Mr. Small, Mr. Bergan, Dr. Lindley

Neas: None

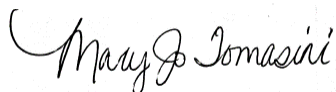
Absent: None

**APPROVED**

Chair Tomasini called a Special Board meeting to be scheduled on Monday, May 16, 2016 at 3:00 p.m. at the Lake Michigan College Mendel Center Executive Conference Room to determine next steps.

**ADJOURNMENT**

MOTION by Mr. Bergan with support from Mr. Small to adjourn the Special Meeting of the Lake Michigan College Board of Trustees at 9:36 a.m.



Mary Jo Tomasini, Board Chair



Debra Johnson, Board Secretary

