

Lac Courte Oreilles Ojibwa Community College

Special Board of Regents Meeting

LCOOCC Hayward

September 25, 2017

1. Call to order at 1:07 p.m. by Jason Bisonette.
2. Roll Call – Shauna Coons, Daryl Coons, Sr., Gary Gerber, Jason Bisonette, Lisa LaRonge, Kyle Van Acker (via Zoom). Absent: James Schlender, Jr.

The following were also in attendance: Emily Constantine, Attorney and Bill Hughes, Attorney from Husch Blackwell Law Firm which is currently serving as representation for the college in the two pending legal matters in LCO Tribal Court; Dr. Diane Vertin, Barb Lundberg, Amber Marlow, and Rita Mueller.

The purpose of the meeting was noted for the Board to receive an update from legal counsel on the two pending legal matters facing the college.

MOTION – Move that the only item on the agenda for the special meeting is that of the update from legal counsel on the two pending legal matters made by Gary Gerber, 2nd by Shauna Coons. MOTION CARRIED.

Introductions by legal counsel and others in attendance took place at this time.

Ms. Constantine provided an update on the finding by the court on the Todd Brier case which stated that the College did not follow its internal grievance procedure. As a result, the court has ordered the College to revisit the grievance procedure with Mr. Brier starting at the Grievance Appeals Committee step. The College will need to schedule a Grievance Appeals Committee to hear Mr. Brier's grievance.

The other item still pending is the David Bisonette case which was slated for an evidentiary hearing to occur on Tuesday, September 26th. Mr. Bisonette's attorney however, did not file any exhibits by the deadline for doing so under the scheduling order by the court. The reason for doing so was noted that Mr. Bisonette's attorney did not believe the College had complied with the discovery requests. The College believes that it turned over all pertinent document requested. A hearing tomorrow will tell next steps in that case. It is anticipated there may be an evidentiary hearing in a month or so on this matter.

Discussion took place on the status of the Todd Brier case. In this case, the court provided an overview of its role as it relates to the case which was that the court could not provide ruling on things such as reinstatement of position, but instead the processes used in the grievance process and whether or not it is to be revisited. The question was posed as to the failure in the

grievance process. While Mr. Brier did file in the timelines required in the process, he did not appropriately file a grievance of a policy or procedure of the college, but instead his letters presented a complaint against a coworker.

During the discussion on Mr. Brier it was noted on numerous occasions by College staff that there was concern on the part of safety for those involved as well as other staff and students of the College. During the discussions with his immediate supervisor and the human resource director he stated he may "go postal". Ms. Marlow, Ms. Vertin, and Ms. Mueller all stated that there was fear in meeting with Mr. Brier during his employment when things had escalated. It was noted that staff members would want to have security present during any meetings with Mr. Brier.

The College will comply with the court order. Upon completion of discussion it was determined that the letter submitted by Mr. Brier previously will be used as the document to be addressed by the Grievance Appeals Committee. A letter, which will be reviewed by legal counsel, will be sent to Mr. Brier stating that we will be using the original letter submitted by him and letting him know in that letter it is understood that he is grieving his termination of employment. Legal will also provide guidance on how the Grievance Appeals Committee meeting will take place, as well as share this with the Court tomorrow. The Board agreed that it would be important to have law enforcement present and that it be offsite for the safety of all involved. This will be scheduled as soon as possible.

Discussion then shifted to the David Bisonette case. While the case was initially scheduled for an evidentiary hearing tomorrow, Mr. Bisonette's legal has not submitted any exhibits. Instead Mr. Bisonette's legal has submitted a motion to compel compliance with discovery request and as a result the hearing tomorrow has been changed to address that item. The question was posed as to whether or not settlement discussions should take place in this case, and how that would occur. Currently Mr. Bisonette is requesting a significant monetary demand that most likely the insurance company would not support since payment usually does not exceed anticipated legal fees. The reputation of the College and a payment amount which might be offered through insurance was discussed.

Legal counsel was requested to convey the outcome of the discussion after the hearing tomorrow. Legal was authorized to make inquiry as to a possible settlement with Mr. Bisonette's legal counsel and the insurance carrier.

Jason Bisonette left the meeting at 2:29 p.m.

Additional discussion took place on the stance being taken on this case in comparison to the prior case. The rest of the Board (with the absence of Jason Bisonette and James Schlender, Jr.) agreed with authorizing legal to pose inquiry to a possible settlement. It should be noted that official settlements are to be confidential. The question was posed as to whether or not the Board would be willing to entertain reinstatement if that is a settlement requirement requested. The Board agreed that should this be requested the Board would need to reconvene to hold that

discussion. Based upon information which Mr. Bisonette has shared with one Board member it is not anticipated that he would want to return to the College.

Adjournment –

**MOTION – Move to adjourn made by Kyle Van Acker, 2nd by Gary Gerber. MOTION CARRIED.
Meeting adjourned at 2:40 p.m.**

Respectfully Submitted,
Rita Mueller
Vice President of Administrative Services