

From: Gari Browning

To: Board of Trustees

Date: September 10, 2008

Subject: Initial Review to Accreditation Evaluation Report Content

**Purpose:**

The purpose of this document is to highlight the issues/concerns raised in the Accreditation Evaluation Report and address each with an Issue, Discussion, and Possible Recommendation. The Get Well Plan will be much more comprehensive.

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Issue: Classified staff participation

*An opinion survey, conducted in the spring of 2007, suggests that additional efforts are needed to ensure that more classified staff engage in shared governance.*

Discussion: Here the focus is on the Classified Staff and not the Board.

Possible Recommendation: The College will continue to ensure that classified staff engages in shared governance. The Opinion Survey will use many of the same questions each year and provide a metric for monitoring the success of this component of Shared Governance.

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Issue: College constituent groups and governance committees

*faculty, staff and administration in decision making, but the Board of Trustees and College leadership have not defined, published, regularly evaluated, and continuously improved the respective leadership roles and scopes of authority of College constituent groups and governance committees in meaningful, collegial decision-making processes.*

Discussion: Here the focus is not on the Board, but on College leadership.

Possible Recommendation: The College needs to define, publish, regularly evaluate, and continuously improve the respective leadership roles and scopes of authority of College constituent groups and governance committees in meaningful, collegial decision-making processes. Opinion Surveys will use many of the same questions each year and provide a metric for monitoring the success of each component of Shared Governance.

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Issue: Classified staff participation

*An effective classified senate does not exist on the campus. The classified staff have migrated their role in participatory governance to the two classified unions. While this does provide for representation, there is a substantial difference between governance and collective bargaining. An opinion survey, conducted in the spring of 2007, suggests that additional efforts are needed to ensure that more classified staff engage in participatory governance. Participation by adjunct faculty has not been addressed as well.*

Discussion: Focus is on Classified Staff. A previous attempt to establish a classified senate failed.

Possible Recommendations: 1) The College will continue to ensure that classified staff engages in shared governance. The Opinion Survey will use many of the same questions each year and provide a metric for monitoring the success of this component of Shared Governance. 2) Address participation by adjunct faculty.

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Issue: Board member acting not in compliance with Commission standards

*Board members have been engaged in activities that have not been supportive of the College. Several students felt uncomfortable when approached by a Board member who recently, and without the knowledge of his Board colleagues, solicited complaints about faculty and administrators. The Board member set up a table on campus for the purpose of collecting information on faculty and administrators (IV.A.3). This is one example among several of a single Board member acting unilaterally and in a manner that is not in compliance with Commission standards.*

Discussion: This is factually not correct: While a Board Member did indicate an intention to “set up a table to solicit complaints,” this in fact was not done. The conclusion that the actions were not supportive of the College warrants additional specifics: “one example among several of a single Board member acting unilaterally and in a manner that is not in compliance with Commission Standards” fails to provide adequate information for a definitive response by Ohlone College.

Possible Recommendations: 1) Establish procedures for meeting with students. 2) Establish protocols and procedures for Board members visiting campus. 3) Obtain a copy of the Commission standards referenced for review by the Board.

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Issue: Support vote of the majority

*The College has indicated that Board members do not always support the vote of the majority (IV.B.1.a). When the Board reaches a decision, it should act as a whole.*

Discussion: On February 13, 2008, the Board met and discussed this issue. This was one month prior to the Commission's visit in March. Although the discussion may have seemed somewhat spirited at times, in the end, the board came to consensus and used the verbatim language of the Accreditation Standard IVb. (see agenda materials for Item 14 on February 13, 2008, meeting) The part that the Board did not accept was the added language of the CCLC handbook, which read, "and the trustees support the decision of the board." Following is from the meeting minutes:

14. (Attachment 14) Revision of BP 2330 Quorum and Voting Motion Approved Moved/Weed/Seconded/Nardolillo/Passed to approve revised BP 2330 Quorum and Voting, amended as follows:

- The voting process and all votes of the board shall conform to Robert's Rules of Order (*10<sup>th</sup> Edition*), subject to applicable state law. Where Robert's Rules conflict with applicable law, the latter will control.
- Once the board reaches a decision, it acts as a whole. ~~and all trustees support the decision of the board.~~
- (new line) *If any Board member participates via teleconference, all votes must be taken by roll call.*
- A quorum of the Board shall consist of four (4) members *present*.
- The following actions require a two-thirds majority of all members of the Board\*: (end of document) *\*The Student Trustee vote is advisory only.*

A vote was taken by a show of hands: Ayes: Yee, McMillin, Nardolillo, Tahmasbi, Weed; Noes: Brunton, Watters; Abstain: 0; Absent: 0; (Advisory Vote: Aye – Steadman).

It is possible this issue centers primarily around private development of property owned by Ohlone College and fronting Mission Boulevard. As Trustee Rich Watters noted, since he has come on to the board, he does not recall other issues that may fit this description of behavior, with the exception of the frontage property, which was over 2 years ago. Additional examples may be helpful.

Possible Recommendations: 1) Have a second reading of our updated BP 2330 *Quorum and Voting* and high-light the fact that the Board has adopted the language of Accreditation Standard IVb. 2) Ask staff for feedback as to when there were other times when the Board did not act as a whole in this regard, so that the Board can have examples for improvement.

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Issue: Revision of Policies and Practices

*The Board regularly evaluates its policies and practices and revises them as necessary but does not have a process to implement recommended improvements.*

Discussion: It is somewhat unclear about the distinction between revising and implementing recommended improvements (with respect to policies and practices).

Possible Recommendation: Publish a Board Guide that could help with documenting improvements. Review annually for improvements.

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Issue: Board membership and staggered terms

*The self study fails to discuss a mechanism for providing for continuity of Board membership and staggered terms. It is normally expected that a college would provide information on how the Board is elected and what the terms are. Due to the fact that problems with the Board have been noted, evidence about whether the problems are due to new members that have not learned correct Board behavior, or due to others who have been on the Board for a long time and choose not to be collegial, would be beneficial.*

Discussion: Although the Self-Study failed to discuss the terms, this information is posted on the Board’s website as follows:

Ohlone College is a public, tax-financed community college serving residents of Fremont and Newark. The Board of Trustees is composed of five Fremont residents and two Newark residents elected to serve overlapping four-year terms. Effective April 25, 1986, Board elections take place in November of even-numbered years. In November, 1998, two Fremont-Union City seats and two Newark seats will be up for election; the remaining three seats will be up for election in 2000. On March 14, 1979, the Board of Trustees established a number for each seat on the Board and assigned members as indicated below. Any candidate for election to the Board shall be required to run for a particular numbered seat on the Board and be elected by the voters of the district-at-large. By recent legislation, a student who must be a resident of Fremont or Newark is a nonvoting Board member. Members of the Board are as follows:

| <i>Members of the Board of Trustees</i> |                     |             |
|---|---------------------|-------------|
| <b>Name</b>                             | <b>Term Expires</b> | <b>Seat</b> |
| Garrett Yee, Board President            | 11/30/2010          | 5           |

|                                     |            |   |
|-------------------------------------|------------|---|
| Bill McMillin, Board Vice President | 11/30/2010 | 1 |
| Bob Brunton                         | 11/30/2008 | 4 |
| Nick Nardolillo                     | 11/30/2008 | 3 |
| Trisha Tahmasbi                     | 11/30/2008 | 6 |
| Richard Watters                     | 11/30/2010 | 7 |
| John Weed                           | 11/30/2010 | 2 |
| Lauren Baca, Student Board Member   | 6/30/2009  |   |

This information was available during the Commission visit in March, although at the time, it listed Ken Steadman as the Student Board Member.

The only incident described in the Accreditation Report refers to specific behavior of a single Board member who is in his third term of office. Therefore, it is not from a new Board member.

Possible Recommendations: 1) Provide an addendum to the Self-Study report that describes and references the Board’s membership and staggered terms.

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Issue: Board Election Procedures

*The election procedures for College trustees are very unusual, leading to a lack of competition and resulting in a very low turnover rate, with some Board members serving for over 30 years (IV.B.1.f). (Unique in California, the District is divided among seven, non-geographical seats, with candidates running for discreet seats and voters electing by seat.)*

Discussion: This issue refers to the numbered seats and was discussed during this past year at a regular board meeting on January 23, 2008. Following is an extract of the meeting minutes:

4. (Attachment 4) Numbered Seating: League of Women Voters

Mr. Weed put forth a motion that the Board ask the County Board of Education to eliminate numbered seating.

Motion Failed Moved/Weed/Seconded/Watters/Ask the County Board of Education to eliminate numbered seating. A vote was taken by a show of hands: Yes: Yee, Watters, Weed; Noes: Brunton, Nardolillo, McMillin, Tahmasbi; Abstain: 0; Absent: 0; (Advisory Vote: Nay – Steadman).  
Motion Failed

Board members’ serving for an extended period of time may have less to do with competition and more with the difficulty of beating an incumbent. The 30+ year veteran

of the Board has frequently had challengers. Those without the competition up until recently were the newest board members. There may be some correlation but probably not much. This issue with numbered seats probably has more impact on voter choice. The longest serving member of the Board with over 30 years of service, Weed, has never supported the numbered seat provision which was adopted 28 years ago.

Possible Recommendation: In light of the Commission's concerns, the Board may want to consider hearing this issue once again following the November elections since there will be a change to the board composition.

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Issue: Board Self-Evaluation

*The self study suggests that a more frequent Board self-evaluation should be conducted, but there is no planning agenda to correct this matter. Any discussion regarding the Board's self-evaluation in an attempt to make improvements has not occurred (IV.B.1.g).*

Discussion: This is somewhat unclear about the need for more frequent self-evaluations. Annual self-evaluations are the standard and is what is recommended in the *Handbook On CEO-Board Relationships and Responsibilities* by George R. Boggs. That said, we can conduct self-assessments throughout the year based on agreed upon improvements. A questionnaire was developed and used annually in each of the past five years. The scores are computed and compared with prior years. Narratives are utilized to provide additional information and guidance.

I believe we have moved forward on this with our July 19th planning retreat and the most recent actions based on the planning retreat at the August meeting.

Possible Recommendation: Incorporate additional self-evaluation follow-up assessments (from the original self-assessment).

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Issue: Micromanagement by the Board

*However, the team found that certain Board members involve themselves in roles that are normally delegated to the President. Although the visiting team finds that the College meets Eligibility Requirements, the visiting team notes that the President's authority to administer is severely challenged by Board members. The College President should have full authority for planning, overseeing, and evaluating the administrative structure and organization of the college. He delegates this authority to administrators and other constituents as appropriate. In addition, the President guides institutional improvement of the teaching and learning environment. The College community gives much of the credit for success in these areas to the College President, but, at*

*the same time, College staff and faculty indicate that a dysfunctional Board has led to a decline in institutional quality, vis a vis micromanaging and intervention by individual Board members (IV.B.2.a, IV.B.2.b). Standard IV.B has not been met.*

Discussion: One of the examples that came up was the Board member that had recently come on to campus. Specific examples of micromanagement were not included in neither written nor oral presentations of the Accreditation Team. The current College President is effectively eliminating the prior practice of “place holders” in each Board Agenda. Materials relating to Recommended Board Actions were commonly not provided to Board Members prior to the Board Meeting.

Possible Recommendation: 1) Board restructuring to keep the discussion at the policy level, as discussed in the August 13, 2008 meeting memo. 2) Incorporate information in the Board Guide that focuses the Board on its roles and responsibilities.

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Issue: Classified Staff

*During the College Council meeting, the classified staff demonstrated that they have not been able to separate these roles. An opinion survey, conducted in the spring of 2007, suggests that additional efforts are needed to ensure that more classified staff engage in shared governance.*

Discussion: The College did attempt to establish a classified staff a few years ago.

Possible Recommendation: See prior note: The College will continue to ensure that classified staff engages in shared governance. The Opinion Survey will use many of the same questions each year and provide a metric for monitoring the success of this component of Shared Governance.

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Issue: Board Member activities not supportive of College

*Board members have been engaged in activities that have not been supportive of the College. Examples include one Board member who recently visited the campus to collect negative information on faculty and the College President.*

Discussion: This occurred the week or two prior to the accreditation commission visit. The Accreditation Report uses the plural “Board Members”, and yet seems to only reference the actions of a single member of the seven member elected Board. The Accreditation Report fails to note that a Board Member was removed as President of the Board on a six to zero vote following the referenced incident of a misleading statement to a local weekly newspaper about the College President.

Possible Recommendation: Establish guidance in the Board Member Guide on protocols for visiting the college.

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Issue: Board members talking with media

*One Board member has engaged in negative newspaper articles regarding the College.*

Possible Recommendation: Establish guidance in the Board Member Guide on protocols for talking with the media.

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Issue: Board member roles

*The Board of Trustees self evaluation suggests that the College President “should be more behind the scenes on running the College and let the Board be more vocal in support of the College.” In an interview with a Board member it was stated that some Board members view their Board responsibilities similar to a City Council. For example, the Mayor (the Board President) runs the city (the College) and the College President performs as the City Manager.*

Discussion: One comment from the self-evaluation may not necessarily mean that the entire board feels this way. That said, we have been trying to find ways to make Board members seen as advocates of the college.

Possible Recommendation: 1) Publish events calendar that reflects appropriate venues for Board members. 2) Add the topic of City Council versus College Board to the agenda as a workshop item. We can discuss, document that we discussed, and then put it to rest.

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Issue: Participatory Governance

*Board members often act as individuals, which has led to micromanagement of the President and other College staff. Board members embrace participatory governance at varying levels, with some not embracing it at all. Board members need to put differences aside, act as one voice after decisions have been made, work as a policy settling body, set up a regular evaluation process that explores evaluative discussions with the goal of working together to promote and protect the college and its students.*

Discussion: This may be referring to shared governance (participatory governance) or it could mean working closer with the College President.

Possible Recommendation: 1) Hold annual retreats with the Board and College President in order to establish open dialogue. 2) Hold more frequent workshops with the Board and the College President.

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Issue: Board Disfunctionality

*There is significant disfunctionality within the Board of Trustees that is perceived to have a negative impact on student learning and the quality of the institution (IV.A.3).*

Discussion: This is a general summary statement that captures prior discussions.

Possible Recommendation: Hold Board retreat with the new College President and focus on Board self-improvement. Use external facilitator to assist.