

Report of a Consulting Visit to the Maricopa Community College District  
20 – 23 September 2009

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## **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

The five-member team was invited by Maricopa's Chancellor, Rufus Glasper, to conduct a thorough and independent review of the circumstances and issues that led to a complaint filed with the Higher Learning Commission, the regional accrediting body; to assess the validity of the complaint; and to prepare a written report that will be sent by the Chancellor to the Higher Learning Commission with his response, as requested by the Higher Learning Commission. The nature of the complaint relates to governance, i.e., the role and behavior of the Board and the integrity of the organization. In this report, the team describes the methodology used in their conduct of the review and analysis of the complaint, states its findings in relation to the criteria, and makes recommendations as requested based on those findings.

The evidence provided to the team in written documents, in video recordings, in individual and group conversations compels the team to conclude that the complaint presented to the Higher Learning Commission is valid. The memorandum referenced above reliably and accurately reports on the situation that has existed for the last nine months at MCCCDC.

The evidence is compelling that there are many elements of Board behavior that urgently need to be addressed. The team is convinced that these CAN be addressed through coaching/training, adoption and adherence to explicit codes of conduct for themselves, and Board self-monitoring. The Maricopa Community College District has long been and should continue to be a flagship for community colleges. Hopeful that the Board will acknowledge the gravity of the situation, the team offers action-oriented recommendations which should be adopted and implemented immediately.

Finally, the team commends Chancellor Glasper for his approach to reviewing the complaint and thanks the many members of the Maricopa Community College District who assisted in preparing for and conducting this visit.

### **Recommendations**

#### Board Training and Orientation

Require training on governance for all Board members as a group on an annual basis and establish a required orientation on mission documents and other relevant policies and procedure for each newly elected trustee. Training and orientation should include information about the complexity of the district as well as expectations for governance and conduct.

Ensure that Board members are familiar with the mission, vision, values, priorities and initiatives of MCCCDC and aware of the collaborative and iterative process by which the mission documents are developed.

## Code of Conduct

Review codes of conduct available from ACCT and other sources; take action at the annual organizing meeting of the Board to adopt the Board Code of Conduct; model civil behavior and awareness that the Board's authority and responsibility can be appropriately exercised by the Board as a whole and not by individual Board members.

## Self-Monitoring

Develop a firm direction/policy/letter of instruction about 'self-policing'/self-monitoring Board behaviors/actions during and between Board meetings. This includes the responsibilities of the Board President to use collaborative and relationship skills to guide individual Board members and the entire Board to hold each other accountable to exemplary conduct and civil discourse.

## Respectful Communication

Practice transparency, communicate respectfully, and comply with legal requirements related to communications between meetings. Postings of meeting schedules and agendas should be done on a regular schedule. Avoid posting meetings and revising agendas at the 11<sup>th</sup> hour. Cease using district-wide technology to comment on the decisions of the Board and the conduct of Board members.

## End Behaviors Characteristic of a “Rogue” Trustee

Cease and desist engaging in the behaviors that characterize “rogue trustees”—documented and distributed to the Board during the team's meeting with them on 22 September. (See monograph, *The Rogue Trustee: The Elephant In The Room*, p. 18. This page is included in the Appendix, following the Endnotes in this report).

## Appropriate Delegation, Support and Accountability

Delegate operational responsibility to the Chancellor, support the person who holds that office, and hold the individual accountable. Accord him the respect that is due to the office and cease and desist undermining the authority and responsibility of the role. Let rhetoric be matched by reality: the Chancellor is the Board's employee and all staff are ultimately responsible to that office through established structures, processes, and rules of procedure. Board requests for information, accompanied by rationale for the request, should go through the Chancellor to the appropriate personnel. The Chancellor should ensure that communication and conversation take place so that data and information given to the Board is understood. The Chancellor should be present at all meetings of the Board.

### Respect for Process and Authority

Stop encouraging dissatisfied students and disgruntled employees to bypass established processes and lines of authority/responsibility. Acting as the court of first as well as last resort serves no one well. Monitor and restrain Board colleagues who demonstrate an inclination to such behavior.

### Restructure Board Meetings

Demonstrate that the Board meeting is not a public forum and comments and reports from the community or the colleges should not preempt the important business the Board must conduct. Restructure Board meetings and reformat the agenda so that the content and focus are clearly on the work that is the Board's responsibility. The items for discussion and action should be the primary focus and placed at the top of the agenda. Consider sharing informational reports in other venues or in other media than long presentations at the regular Board meeting. Place Community Linkages following the Action Items. If the Citizens Interim remains a part of the regular Board meeting, require that remarks be limited to 3 minutes. If more than one person is speaking on a topic, have a designated spokesperson and invite those not speaking to submit written comments.

### Establish an Annual Calendar and Committee of the Whole

Establish an annual calendar of items/issues, driven by legal and strategic timelines that require Board action. Publish and maintain a regular monthly scheduled meeting of the Board in which actions are taken. Institute a regularly scheduled Committee of the Whole meeting, at least a week in advance of the Board meeting, where relevant background and information can be discussed and the Board can ask and have questions answered. At the Committee of the Whole, no action is taken but the Board is enabled to learn what they need to know in order to make informed decisions. This structure should eliminate the problematic removal of agenda items scheduled for action and enhance communication. Focus on what Richard Chait has called "the antidote to micromanagement," i.e., "macroengagement."

### Revise Board Meeting Agenda Preparation

Send the agenda materials out at least five working days before the Committee meeting and hold to the same timeline for regular Board meeting agendas. This restructuring will require closer collaboration and improved communication on the part of the Board members and especially the Board President and the Chancellor and the CEC. There should be no surprises. The Chancellor and his staff and the Board members should, through conversation and dialogue, clarify anything on the agenda that raises questions or calls for additional explanation. Consider including on the published agenda a summary rationale and background paragraph followed by the recommended resolution for action.

### Provide Opportunities to Build Relationships and Trust

Create opportunities that support the building up of collegueship between the Board and the Chancellor and his leadership team. Prior to Board meetings, set an hour for a light supper where Board members, the Chancellor, and several designated CEC members have the opportunity to interact in an informal setting. It is critical to find ways to build relationships and the foundations for trust. Establish Coffee and Conversations at each of the campuses and encourage attendance of Board members and the CEC and Chancellor.

### Ensure Employees Opportunities to Review Recommendations of Consultant

Ensure that all employees have the opportunity to engage in the review and implementation of whatever recommendations are made as a result of the Alvarez and Marsal review. It is the employees who will provide the information that A and M needs to do their work. Do not fail to recognize the truth that people support what they help to create.

### Support Administrators

Practice patience and act with humility in exercising authority and responsibility for governance. Do not encroach on but support the work of the administrators, remembering that the root meaning of the word "administer" is "to serve, to minister to." Support the administrators in their carrying out their authority and responsibility to manage at many levels in the organization.

### **Purpose of the Visit**

The five-member team was invited by Maricopa's Chancellor, Rufus Glasper, to conduct a thorough and independent review of the circumstances and issues that led to a complaint filed with the Higher Learning Commission, the regional accrediting body; to assess the validity of the complaint; and to prepare a written report that will be sent by the Chancellor to the Higher Learning Commission with his response, as requested by the Higher Learning Commission.

### **Nature of the Complaint**

The nature of the complaint relates to governance, i.e., the role and behavior of the Board and the integrity of the district. The Higher Learning Commission (HLC) requested that Chancellor Glasper review the complaint and respond to the issues raised in the complaint in the light of specific HLC requirements for institutions of higher learning. Both the complaint and the Commission criteria were shared with the college community in a written communication from Dr. Arthur DeCabooter, the liaison with the five-member team. Dr. DeCabooter informed the entire college community about the complaint and the need to respond. Included with the information memo was an invitation to provide the team with relevant information before and during their visit: *In May 2009, the HLC received an anonymous letter from Maricopa employees that said, "We believe our Governing Board is overstepping their role. They are acting as the chief operating officer and ignoring the shared governance structure." The HLC, which has a series of criteria that must be met if a college is to be accredited, asked Dr. Glasper to review the complaint and respond to the issues raised by it in light of Commission criteria that an educational institution:*

- *Must operate "with integrity to ensure the fulfillment of its mission through structures and processes that involve the board, administration, faculty, staff and students" (Criterion One);*
- *Must have "governance and administrative structures (that) promote effective leadership and support collaborative processes..." (Core Component 1d); and*
- *"Upholds and protects its integrity" (Core Component 1e).*

*The team invited by Dr. Glasper is chaired by Dr. Margaret Lee, President of Oakton Community College, Des Plaines, IL, and includes officials of community colleges as well as retired governing board members, all from outside our district. Team members will communicate with the Governing Board, administration, employee groups, students, members of the community and anyone else who wishes to present evidence on the specific subject of the complaint, including Governing Board members overstepping their roles; the Governing Board ignoring its own policies and the three HLC criteria listed above. The team will send its report to Dr. Glasper, who is expected to send his response to the HLC by Oct. 1, 2009. (HLC extended date for response to Oct. 15, 2009.)*

## **Methodology**

The team members reviewed print, web-based, and video materials before the visit and met with individuals and groups representing staff, faculty, administrators, board members, students, and the community during their visit. The team also reviewed communications received through a website set up for email communications ([complainttohlc@domail.maricopa.edu](mailto:complainttohlc@domail.maricopa.edu)). In addition, the team received several written communications from members of the college community while they were on-site. As there was a great concern that comments not be attributed to individuals who felt that anonymity was critical, the team will not attribute comments to specific individuals, other than by position or employee group, in this report.

## **Focus**

The team's review of materials and conversations during the visit was conducted in order to enable them to assess the validity of the complaint and to prepare a report for the Chancellor. The team examined all information in relation to compliance with the requirements for accreditation, specifically the following:

***Criterion One:** The organization operates with integrity to ensure the fulfillment of its mission through structures and processes that involve the board, administration, faculty, staff, and students.*

***Core Component 1d.** The organization's governance and administrative structures promote effective leadership and support collaborative processes that enable the organization to fulfill its mission.*

***Core Component 1e.** The organization upholds and protects its integrity.*

The team met with each Board member, the Chancellor, and members of the Chancellor's Executive Council individually, and with 12 groups including employees, students, board members and community members. Each meeting was structured to gather evidence under the Higher Learning Commission's Criterion One and Core Components 1d and 1e stated above.

In this report, the team presents its findings in relation to recommended patterns of evidence for core components 1d and 1e as stipulated in the Handbook for Accreditation of the Higher Learning Commission. The team report concludes with a summary in relation to the broader framework of the statement of *Criterion One: Mission and Integrity* and recommendations to the Chancellor in relation to issues of governance and the functioning of the Board.

***Criterion One:** The organization operates with integrity to ensure the fulfillment of its mission through structures and processes that involve the board, administration, faculty, staff, and students.*

In interviews and conversations with the college community and in communications from them, the team was urged to review the actions and behavior of the Board that appeared to compromise the integrity of structures and processes that have enabled the MCCC to carry out its mission.

In order to assess the validity of the complaint filed with the Higher Learning Commission (regarding the Board's overstepping its boundaries and ignoring the shared governance structure) and to prepare a report for the Chancellor, the team members structured their meetings with individuals and groups based on questions related to applicable patterns of evidence indicators stipulated in the Manual of Accreditation. The team presents its findings under each of the Core Components specified in the directive to the Chancellor from the Higher Learning Commission to review the complaint and address the issues in light of our Criteria, i.e., Criterion One and Core Components 1d and 1e.

### **Findings of the Team**

**In relation to Core Component 1d:** *The organization's governance and administrative structures promote effective leadership and support collaborative processes that enable the organization to fulfill its mission* and in response to evidentiary questions, the team reports the following:

#### **1. Is there evidence that board policies and practices are focused on the organization's mission?**

Board policies as written and adopted are focused on the institution's mission; however, the conduct and practices of the Board during the last nine months have departed from, ignored, and/or attempted to change specific policies and concepts core to the mission. The mission documents have informed the development of Board policy over time and have directed governance in support of the mission. There is evidence that such focus is now absent. Each of the team members viewed videos of all Board meetings that were recorded from January through July. Each team member also read the agendas and minutes of the 24 Board meetings held from January through September. The team also attended the 22 September meeting of the Board during the site visit. The team observed a consistent lack of civility in behavior of the members toward each other and to members of the College community. The team also observed four of the five Board members acting without any discernible understanding or appreciation of either the complexity of the District or of the role/responsibility of the Board as a governing body.

The team acknowledges that the Board is new to its work with two new members elected less than a year ago. They are inexperienced in the requirements and responsibilities of boardsmanship in higher education in general and at the community college in particular. There are clear disagreements among them and they often have difficulty in treating each other with civility. Individual members have turned their focus to individual interests, day to day issues, and inappropriate intrusion into the operations of the individual colleges and the district office. Between January and August, there have been more than 150 individual requests for information/data/reports, many of which impinge unreasonably on the day to day work of administrators and staff (documented in the Inventory of Requests provided to the team; evidenced in copies of emails from Board members to individual staff members provided to the team; and referenced in many of the conversations during the on-site visit.) Many individuals commented on the intimidation they experience when Board members contact and make requests of them and characterize the resulting climate as "hostile" and the effect as "chilling." The Board's fractured relationships with the Chancellor and his leadership team, as well as with each

other, have created a climate of fear and intimidation and a culture of mistrust throughout the organization.

There are many instances of the Board members' consistently moving into operations and away from governance. In addition, the Board members' disregard for established policies and procedures has been accompanied by a series of proposed policy revisions (the subject of the September 8 meeting review) that reflect the actions and beliefs of one board member and a few community members. Indeed, outreach to individuals from the areas from which the member was elected and lack of engagement of the college community in the initial review of policy is emblematic of one of the most troubling aspects of the Board members' behavior. The Board member who led the policy revisions sought input from the community who elected him because they represent those who share the Board member's own "mainstream" rather than "deviant culture" views. The revisions would remove critical language ("inclusive," "diversity," "global,") that has shaped and reflects the mission, vision, and values of the District and contributed significantly to the nation's looking to MCCCCD as a flagship institution.

Although each of the Board members claimed that their primary focus is on students, there is a fundamental and often observed disconnect between their rhetoric and the reality of their behaviors and decisions. Most of the Board members speak much more frequently about the voters who elected them and the taxpayers to whom they feel responsible. Most of the members display a lack of understanding of how their adversarial and uncivil conduct and their lack of informed decision making threatens the stability of services and damages the reputation of a highly respected institution.

## **2. Is there evidence that the board enables the organization's chief administrative personnel to focus on the mission?**

At the center of the complaint to the Higher Learning Commission is the Board's disabling the Chancellor and the leadership team to focus on the mission. When asked this question by the team, one Board member responded that "there is no evidence that we don't." (That same Board member is reported to have been commenting to staff members that he "has two votes to fire the Chancellor.")

Emblematic of the disabling of the Chancellor and the leadership team is the exclusion of the Chancellor and the Vice Chancellor for Business from the development of the budget and the subsequent decision to create an RFP for an efficiency study. Initially advanced as an "evaluation of values" of the district, the conception of the RFP continued to morph and shift in scope up to and after the 3-2 vote to approve the contract. The procurement process for the RFP and its outside consultant was riddled with irregularities—evidenced in Board minutes and in email exchanges with the President of the Board.

Beginning in January and reflected in the records of Board meetings reviewed by the team is the reality that the Board has usurped the authority and responsibility of the Chancellor and his leadership team and that the whole system is adversely affected by the

attitudes and actions of the Board members. The Board President and individual members have consistently engaged in communications and actions that undermine and /or bypass the Chancellor and his leadership team. Apparently motivated to react to information supplied to individual Board members and personal preconceptions and philosophical/political agendas, the Board has chosen not to learn what it needs to know to carry out appropriately informed duties of governance. There is no evidence that the Board is driven by the mission nor equipped appropriately to make data-informed decisions. (One Board member acknowledged that he doesn't read "all the stuff" he is sent. Others agreed on the need for conversation and explanation of data-heavy reports, e.g., on budget background for FY10). As a result, there is little strategic in the Board's approach or direction in spite of rhetoric that says the Board wants everyone to cooperate to drive to "the next level" of "efficiency and effectiveness."

What that "next level is" is nowhere clear. The Board minutes and communications reflect a good deal of desire for "efficiency and effectiveness", but little understanding of district initiatives undertaken and/or underway. There is a disposition to impose and threaten, rather than invite and elicit participation of the district's employees. The failed "Servant Leadership—Compensation Reduction for Reallocation" agenda item is representative of the Board's behavior that has contributed to what one employee characterized as "the cascading effect of concern about the atmosphere of threat and fear for the future." Proposed without consultation with those affected, the "Servant Leadership—Compensation Reductions for Reallocation" was added to the agenda (originally published on April 21) of the Board meeting scheduled for 6:30 p.m. April 28 at 5:45 p.m. on April 27. The V. B. 5 resolution proposed permanent salary and statutory benefit reductions to the Chancellor, the leadership team, and the top two grades of MAT employees so that savings could be "reallocated to [unspecified] front line service needs." Representatives from the MAT employee group spoke before action was taken, explaining the impact of the reductions and reporting the fear of many employees to voice their dismay and their accompanying reluctance to ask that the Board not approve V. B. 5, fearing retaliation from Board members. The statement by the President of the Faculty Executive Council establishes clearly both the context and impact. (Minutes, April 28, 2009 Board Meeting, p.5.) The minutes of this Board meeting are included in the Appendix following the Endnotes in this report.

The motion was defeated with only the Chair voting in favor.

The Chancellor together with the Chancellor's Executive Council has developed both strategies and tactics in response to reduced funding from the state. Employee groups, by their own reports, have expressed their willingness to cooperate and collaborate. It appears that Board members have not recognized the responses already implemented and/or planned for the district. The team members heard the concerns of employee groups from every level at the lack of timely notice and appropriate engagement of those affected in the discussion of the proposed reductions in compensation and benefits. Such behavior is characteristic of the conduct of the Board since January, 2009.

**3. Is there evidence that the responsibility for governance is understood and implemented by appropriately delegated authority throughout the organization?**

There is a distinct absence of evidence that the responsibility for governance is understood and implemented by appropriately delegated authority throughout the organization. The governance issues are at the core of the complaint filed with the Higher Learning Commission: that the Board has breached the boundaries of governance and crossed over into operations with complete disregard of the reasonable expectations and accrediting requirements for institutions of higher education.

Beginning in January 2009, the preponderance of evidence points to the Board's lack of understanding of its role as a body for the governance rather than the operation of the institution. Board action on 4/28/09 amends policy that leads the Board away from stipulated focus on the big picture, abandoning the established Maricopa governance model and enabling the Board to involve themselves in operations. No member individually, nor the entire Board collectively, is equipped or qualified by either education or experience to assume operational duties of the Chancellor and the leadership team. Yet, there are repeated instances, before and after the 4/28/09 policy change, that indicate that the Board President is intent on running the operations of the district. Several examples include the directive to the Chancellor that the Board would assume the development of the FY 10 budget ( February 9 breakfast meeting Governing Board President and the Chancellor; 4/18 Board retreat discussion of FY09-10 budget, retreat only of Board members; February e-mails to Vice Chancellor Business Services that tuition information will be removed by her because the pulse of the Board is not to support – prior to the Board even receiving a current budget briefing); the minutes of May 5, 2009 meeting report on the Board president's directly soliciting information from staff (and intent to do the same with her survey to students); a number of agenda items, communications, and conversations reflecting support for individual Board members' direct access to staff.

The team heard from several individual employees that there are processes and practices in the organization that can be improved, there is also evidence that employees and students, encouraged by the Board members and/or frustrated and/or dissatisfied with supervisors or faculty members, have sought to go directly to the Board during Citizens Interim at Board meetings and/or to individual members for resolution of problems. When Board members seek to solve problems and carry on day to day operations and continue to let this happen, there is inherent subversion of the policies and processes in place. This is ultimately unfair to those whose responsibility it is to carry out the work of a very complex organization. Engaging in micromanagement reflected in Board minutes and in their conduct outside of Board meetings, the Board fails in its duty of care and its primary responsibility to govern.

The team observes in its review a commitment on the part of Chancellor and the CEC and also on the part of the vast majority of those with whom the team came in contact to solve problems and ensure that operations are equitable, efficient, and effective. Rather than inviting constructive discussion with those charged with managing and supervising operations, the Board has demonstrated its interest in an uninformed, "we'll do it ourselves" approach. Their conduct threatens to dismantle the infrastructure of an

incredibly diverse and valuable institution of higher learning, unparalleled in its impact by any community college in the nation. There is a good deal of evidence that suggests that the actions of Board members are motivated by personal interests and/or political agendas. Elections are by areas in the county and some Board members exhibit what appears to be a primary allegiance to the voters who elected them rather than to the students and the educational needs of the entire district.

The Arizona statute on Community College District Boards stipulates specific responsibilities for the Boards of community colleges. That statute does not give individual Board members license to act as individuals. The Board has its authority and responsibility only when it acts with one voice and one vision. Richard Chait, a widely respected scholar on governance has written extensively on the reality that boards are boards only in meetings, and yet meetings are where boards underperform most visibly. It is clear that this Board lacks this foundational understanding and as a result is, by admission of each of the individual Board members, dysfunctional.

Examples of the Board's dysfunctionality are consistently evident in the videos of the Board meetings, in the written records, and in other documents that were available to the team and reported to them in conversations and interviews with groups and individuals. Many of those examples are cited in this report. The Board has not articulated priorities that align with the work of the district; their conduct and decision making are devoid of good governance practices.

There is evidence of individual Board members

- meddling in personnel decisions
- attempting to control and censor student newspaper content
- asserting the right to control content in courses based on appropriateness according to the standards of individual Board members
- serving on hiring committees and then approving the hire
- reviewing resumes and search files
- threatening to fire employees and telling the Chancellor to terminate employees
- interfering in established disciplinary processes
- acting to influence admission to limited enrollment programs (i.e., nursing)
- indicating a desire to have an IT person report directly to the Board
- phoning employees at home (even on weekends) requesting/demanding information/reports/data, often in unreasonable time frames
- proposing a restructuring of public safety even to the point of directing individual titles and assignments
- expecting the staff at one of the colleges to work on a holiday to support the activities of a group of interest to the individual Board member
- requesting inappropriate information on individuals employed in the District related to birth date
- asking when individuals are eligible to retire
- making religious comments at Board meetings

- engaging in proselytizing behaviors with respect to both religion and politics
- uttering inappropriate and offensive comments about race, ethnicity, religion, and gender preference
- harassing and intimidating students and employees
- creating a climate that is chilling and an environment that is hostile

There is also evidence that Board action, often by split votes at Board meetings, has interfered in hiring and separation decisions causing confusion and contractual problems. These actions have demonstrated behavior that disregards and disrespects the roles and responsibilities of those in leadership and management. The frequency of Board meetings; the minimal compliance with notification of meeting times and agenda changes; the attempt to enact significant changes to working conditions without appropriate engagement of those affected (e.g., the Servant Leadership—Compensation Reduction for Reallocation initiative); the directive to the Chancellor to inform the CEC that they were not invited to a public meeting of the Board; and the introduction at that meeting of the intent to conduct a comprehensive review of the organization without involvement of or guidance of the leadership team and representatives from employee groups are indicative that *the responsibility for governance is not understood and implemented by appropriately delegated authority throughout the organization.*

That the Board members don't know what they don't know and/or don't understand their governance role is reflected in the comments of individual members.

- “We don't micromanage. . . . We've been left in the dark as a Board and are doing something about it. We can ask for whatever we want when we want it. We shouldn't have to go through channels or wait.” (newspaper quotation)
- “There is a need for the Board to govern themselves and we don't do it.”
- “I can make policy and I can change it.”
- “65% of Arizona voters agree with me.”
- “With 3 votes, we can prevail even if what we want to do is not right or in the best interests of the District.”

**4. Is there evidence that those who are part of governance and administrative structures are committed to the mission and appropriately qualified to carry out their defined responsibilities?**

The administrative personnel of the District are clearly committed to the mission and appropriately qualified to carry out their defined responsibilities. The majority of the Board members who have taken on the operational responsibilities of the district (e.g., developing the budget) do not begin to meet even the most minimal of qualifications for administrative leadership positions. In addition, the Board has not taken the time to learn together how to function in their role. The minutes show that they have spent their time initially on process issues but not on understanding the commitments to the community expressed in the mission, vision, values, and strategic directions that inform the operations of a large and complex organization. There is an apparent lack of interest in equipping themselves with information provided by the Chancellor and the leadership

team about the District's responses to problems. Board members act in response to incident and allegation, taking it upon themselves to address operational issues and personnel problems without regard to established processes.

There is a great deal of evidence, reflected in the documents the team reviewed and in conversations with Board members during the visit, that several of the Board members view themselves as elected officials responsible first to those who elected them. Several believe that they have power and authority as a result of their political status as elected officials. As a result, they apparently interpret the rights given to the Board by state statute as rights belonging to the individual board members and act on this interpretation, breaching established policies for the Board and causing confusion and apprehension across the organization.

The evidence suggests that the Board has replaced commitment to mission with individual change agendas with a "we'll do it ourselves" mentality. There are indications that individual Board members trade support with one another on individual issues. Serious deficiencies in governance are reflected in such actions as calling meetings, posting notices, and revising agendas in ways that meet the letter of the law but not the spirit of good governance; removing agenda items during Board meetings and failing to take advantage of opportunities to become informed, i.e. participating in agenda setting meetings or at Board meetings, tabling or removing items without asking any questions to try and become informed; and consistently failing to engage the leadership and employee group representatives according to past practice and existing policy.

From observing videos, reading minutes, reviewing other communications, and attending the September Board meeting, the team observes that the Board spends an inadequate amount of actual meeting time on critical issues requiring action and does not take the time or appear interested in learning what they as individuals need to know for informed decision making. (See minutes of the 3/10/09 meeting, p. 5: a discussion in a learning module on *The Speed of Trust*: "Oversight takes a level of time to develop[ment, sic] trust. Make sure that everyone is listened to. Need to trust fellow board members and staff." (p.5) This discussion/conclusion was followed by a presentation of alternative revenue/expenditure scenarios to consider in the process of budget development by the Vice Chancellor for Business Services; clarification about the parameters of hiring freeze in order to reduce staffing costs by 2% by the Chancellor; update of the investigation of Board member misconduct that was the subject of public and district investigation; a discussion reflecting a desire for direct Board oversight of student newspapers; and directive from a Board member on the organization of Public Safety. The learning module in which all the Board members participated, was followed immediately by a Board meeting in which there was no evidence of understanding or applying the lessons of the module.

The memos and minutes on bookstore management and the contract were removed from the agenda as a result of not understanding the process and information received prior to the agenda time and the request for information on revaluation of rental/lease agreements on Monday, 2 February 2009 by Friday, 6 February 2009 with "plan of action for

ensuring we are in at the point of ultimate stewardship” are representative and all too typical examples of the Board’s failure to understand the information provided in advance of Board agenda action and to trust the work of those charged with presenting the recommendation.

The Board has consistently demonstrated a lack of knowledge about and/or an unwillingness to recognize the reforms that have already been put in place (Office of Public Stewardship, 2007) in the past or to acknowledge the collaborative good faith efforts of the college community to respond to the current economic situation. It is clear to the team that there is a crisis in Board behavior and lack of governance rooted in both a lack of knowledge and understanding of the complexities of the District and a lack of trust and willingness to listen and learn from those whose job it is to deliver the services that fulfill the mission.

The majority of Board members are interested more in individual agendas and priorities (see Top Ten lists/discussions in Minutes, 3 February 2009 Board meeting - included in appendix) unaligned with the strategic directions of MCCCCD. The members do not engage in conversations with the leadership team that would help them understand the implications of their actions. Not only are input and information from the leadership discouraged and ignored, so also are the pleas to the Board from staff and faculty to listen to and engage with them in the spirit of shared governance practices and expectations in higher education.

The perceptions of the vast majority of the College community and of the community leaders with whom the team met is that the decision to expend contingency funds on outside consultants is a clear demonstration that the Board has abdicated governing and is taking on operational responsibilities that it is ill-equipped to do on the turn of a single vote. This and other Board actions suggest that the Board ignores and does not value the culture of MCCCCD nor do the majority of them understand or support the mission documents and commitments therein. The adversarial positioning of individual Board members against each other and against others in the College community creates a climate of incivility. Both students and employees made it known to the team that they should be able to go to work and/or to their classes without fear of threats, bullying, and intimidation.

- One trustee claimed to be first of all a “concerned citizen” who can say anything and to ask anyone anything at any time. The same individual admits to not reading all the “stuff” that is sent to the Board members. The same Board member speaks frequently about eliminating the ten colleges and consolidating everything into one mega-college, thereby cutting administrative costs.
- One trustee has engaged in behaviors intimidating and harassing to students and employees. A student who suffered these public indignities told her story to the team and the investigation (one of several on the misconduct of this same trustee) was shared with the team. Employees report abusive, intimidating, and inappropriate behavior (including racist, anti-Semitic, and homophobic remarks); most indicated they have not

reported the behavior in fear for their jobs. Several reported taking measures to defend themselves, including hiring an attorney. The District has spent more than \$23,000 in dealing with investigations of complaints concerning this trustee. The other Board members, whose responsibility it is to govern themselves, have done nothing to restrain the conduct documented (See Rooney report, 9 April 2009. Shared with the team members during their visit (this document is included in the Appendix following the Endnotes in this report).

It appears that the Board does not understand and is ill-equipped to carry out its responsibility to govern in accordance with state statute, district policy and practice, and the reasonable expectations and norms of an institution of higher education. The rhetoric of individual Board members fails to comport with the reality of their behavior and conduct. Several of them appear to have no desire to learn to act appropriately or to understand that their role and authority is primarily as a group that governs. As long as the real agenda of several is to run the district themselves, the Board will continue to be dysfunctional and to compromise the fulfilling of the mission, the morale and effectiveness of the employees, the education of the students, and the reputation of the district.

#### **5. Is there evidence that effective communication supports collaboration and facilitates governance processes and activities?**

Beginning in January 2009 and persisting through the visit of the consulting team in September, the Maricopa Community College District has experienced a crippling lack of effective communication that has had sweeping negative effects on governance processes and activities. The team affirms what so many in the district have reported: that responsibility for the situation resides with the critical failure of the Board to communicate and to act as a governing Board.

- The Board began with its promotion of each individual's Top Ten agenda items, ignoring the existence or significance of the mission documents and strategic priorities of the District. The members exhibited an unwillingness to listen and learn and almost immediately jumped to judgment on the ineffectiveness and inefficiencies they believed they knew existed without benefit of data or reliable information.
- The President of the Board delivered a message to the college community in an opening statement apparently intended to be inviting and inspiring but which most of the college community found to be confusing and intimidating—especially the statement: *"The upturn of Arizona, America, and the global environment we engage asks for us to take what we do seriously and if it is merely a job, then please prepare for new feet to fill your shoes."*<sup>i</sup>
- Subsequent words and actions of the Board at meetings and in interactions with the college community, many of which are referenced in this report, have contributed to creating a climate that is characterized as "chilling" and an environment and workplace which is "hostile."

- The communications from the Board President requesting that the Chancellor’s Executive Council not be present at the public board meeting on February 13 where the discussion of seeking “an agency to create an RFP to look at Institutional Values and Institutional Effectiveness and then retain a firm that would conduct this evaluation for Maricopa. . . . to look strategically at the vision, mission, and values and how we are stewarding these values to ensure funds are being used efficiently.” The stated purpose of the study continued to change up to and after the contract with Alvarez and Marsal was approved. (See discussion under Core Component 1.e. 2 later in this report). The explanation given by the Board President accounting for her directive to the Chancellor to urge that the members of the CEC absent themselves from this public meeting is cited in the endnotes in its entirety as it is characteristic of the dysfunctional communications that have become so pervasive.<sup>ii</sup>
- The videos and minutes of Board meetings contain one Board member’s repeated religious messages during Board meetings, including reciting religious poetry he has authored and reading from the New Testament during the meeting that the team attended. The same Board member has been the subject of official complaints for harassment by students and employees but has suffered no consequence and insists “I can’t be fired.”
- Electronic communications from the Board members to each other and the college community reflect consistent incivility and the Board’s inappropriate use of district wide electronic media to criticize the behavior of each other and others in the college community.

Communication that is effective is founded on trust and only reliable, respectful and truthful communication over time can build trust. Board communications, in and outside of meetings, consistently breach trust and demonstrate disrespect for each other, for the Chancellor, and for employees across and at every level of the organization. The eleventh hour revision of the 28 April 2009 agenda item to include the “Servant Leadership—Compensation Reduction” item is a compelling instance of both ineffective communication and governance. Commented on with concern by leaders of employee groups at the meeting and following the meeting in the Board blog, the action is one among many that have contributed to a nearly universal erosion of confidence that has demoralized and embarrassed the college community.

Everyone bears responsibility for clear and accurate communications. The Board needs to be provided with information in a timely manner so that they can make the decisions required of them in an informed way. The process of agenda setting requires the willing presence of the Board President with the Chancellor and the Vice Chancellors and timely distribution and clarification of information on the actions required and the rationale for those actions. Awkward removals of items from agendas during meetings related to personnel and removal from the agenda of items that have been comprehensively reviewed are indicators of ineffective communications that impede rather than facilitate governance activities and processes.

The 3-2 decision of the Board to contract with Alvarez and Marsal and the process and communications leading up to that decision are symptomatic of the absence of effective governance and of the impact of ineffective communications. Many see the costly outsourcing of what was originally proposed as an Evaluation of Stewardship and Values as the pathway to dismantling the federated operating structure of the 10-college district and the outsourcing of other services, leading to loss of their own jobs.

**6. Is there evidence that the organization evaluates its structures and processes regularly and strengthens them as needed?**

In response to several widely publicized and other not so widely publicized problems in the district over the last several years, MCCCCD has evidenced a willingness to evaluate structures and processes and to strengthen them as needed. Responses are evident in the Chancellor's commentary in his annual evaluations; in the yearly comprehensive monitoring reports; in the creation of the Office of Public Stewardship,<sup>iii</sup> and in the Chancellor's messages and actions related to the three pillars: One Maricopa, Student Success, and Public Stewardship.<sup>iv</sup> There is, however, little evidence that individual Board members understand or are knowledgeable about these evaluative structures and processes or that they use the evaluative information to inform their own deliberations and decision making.

The team is aware of and acknowledges that there are some processes that continue to need improvement and problems that still need further attention. The team also determined that the administration is aware of and committed to responding constructively to those processes and problems. The challenges of enterprise-wide information systems are omnipresent in institutions of higher learning and the complexity and size of the Maricopa district can result in the challenges looming larger. Those responsible are aware of the problems and working to address them. This is the work of the staff and administration, not the work of the Board.

It appears that Board members act regularly in response to anecdotal information rather than learning from data and reports that are available. The inexperience with the practice of governance, the lack of knowledge and understanding of a large and complex organization, and an apparent fundamental unwillingness to trust are characteristics of the majority of the members of the Board. Thus, their sense that there are inefficiencies and their willful ignoring of what the organization has done to address past problems as well as those created by the current economic downturn have led them to seek outside evaluation that is costly to the district and threatening to those in the organization.

**In relation to Core Component 1e:** *The organization upholds and protects its integrity* and in response to evidentiary questions, the team reports the following:

**1. Is there evidence that the Maricopa Community College District responds to and meets the educational needs of its communities as it promises to do in its mission documents?**

Maricopa Community College District has long been a flagship for community colleges. The district has enjoyed an enviable reputation and has grown to serve an increasingly

diverse community, as evidenced by the \$951 million bond referendum passed by 76% of the voters in the county. Citizens recognize and value the educational response of MCCCCD to its citizenry as well as its reach and influence.

Not unlike the rest of the country, MCCCCD is facing a tough economy. Its leadership has responded, already adjusting its budget to compensate for the \$24.8 million shortfall in state funds. Through planning, scenario development and collective attention to alternatives to constrain expenses, MCCCCD has equipped itself to deal with recent unprecedented enrollment growth. Unlike Arizona State University, MCCCCD is not yet in a position of having to cut programs and staff and reduce access for students.

Reviewing planning and monitoring documents, the team affirms that the Chancellor and his leadership team together with the faculty and staff of the district are clearly committed to fulfilling the promises set forth in the mission documents to meet the educational needs of the diverse communities served by MCCCCD. The team's meeting with community leaders, including representatives from the two largest taxpaying entities in the district, revealed the community's understanding of MCCCCD's critical importance to the economic and social welfare of the county. In serving more than a quarter of a million students annually, MCCCCD is essential to the training and retraining for companies and businesses, from health care to high tech. Community leaders expressed anger and disappointment at the conduct and actions of Board members—especially in relation to the \$1.1 million contract with a crisis turn-around firm and in the adverse publicity for the district resulting from the conduct of individual Board members.

The climate created by the Board during the past nine months, their attempts to micromanage operations and their undermining of administrative structures and processes are of concern to the community leaders. They characterized as irresponsible the Board's foregoing strategies for maintaining revenue while controlling expenses at the same time contracting for what they view as an exorbitantly expensive and unnecessary contract costly to the financial and human resources of the district. The community leaders recognize that the district is not in crisis and that the decision to contract with a crisis turn-around company is unwise, uninformed, and potentially damaging to the district. They expressed concern that the prevailing climate of fear and intimidation created by the Board is paralyzing operations, stifling innovation, and potentially jeopardizing AAA bond ratings that the district has long enjoyed.

Aware of the evidence of the Board's failure to monitor itself, to govern with civility, and to lead by example, the community leaders affirmed their commitment to voice their concerns and to monitor Board behavior and decision making that adversely affects MCCCCD's meeting the educational needs of its communities.

## **2. Is there evidence that the board exercises appropriate stewardship with respect to its fiscal responsibility?**

The material presented previously in this report provides evidence that the Board has failed to exercise appropriate stewardship with respect to its fiscal responsibility. The Board has been deficient in its duty of care in the stewardship of revenue streams as well as in the stewardship of expenditures.

Although the Board members have expressed intent to run the district like a business, “a slim lean machine” in the words of one of the Board members, it is clear that they have little understanding of the business of a large and complex institution of higher education. Unequipped and unqualified to take on the task of budget development, the Board President nevertheless issued a directive to the Chancellor in February, 2009 to stop working on the budget for the next fiscal year, as the Board would be assuming that responsibility.

Shortly after that directive, the Board President first introduced the decision to move to an RFP to contract for external review of the efficiency and effectiveness of the organization. Although the purpose of the announced RFP was to “evaluate the values of stewardship,” according to the minutes of 13 February 2009, the Board President noted at that same meeting that the outside consultant would look at reductions for the FY10 budget. This clearly links the RFP with budget development, a connection explicitly denied in email correspondence from the Board President to the president of one of the employee groups on that same afternoon of 13 February 2009: “Quite honestly, the FY10 budget and the 3<sup>rd</sup> Party Evaluation are two separate matters, both with intrinsic concerns and objectives.”<sup>v</sup>

There is confusion or dissembling evident in this exchange. The subsequent process excluded the involvement of the Chancellor or anyone else with experience in community colleges. The Board set out to seek outside assistance in developing the RFP for the 3<sup>rd</sup> Party Study, incapable of doing the work and unwilling to turn to those equipped within the district. Examples of fiscal irresponsibility include the appointment of the Advisory Committee, none of whose members were from the district, to select the 3<sup>rd</sup> Party RFP contractor; the 3-2 vote of the Board to contract with a crisis turn-around consulting company at a cost of over 1.1 million dollars; the shifting purpose and ill-defined scope of work; the irregularities in the procurement process for outside consultants. . . A number of electronic communications obtained by and provided to the Faculty Association suggest that much of the selection process, contract content and negotiation, and contract administration were orchestrated by the Board President, who influenced the approval of the selection of, and award of the contract to, a specific External Project Manager.

The employee groups, the administration, the Chancellor, and community leaders demonstrate a much more accurate understanding of the condition of the district and the economy. A communication from the President of the Faculty to the members of the Board on 24 July 2009 urges the Board to recognize that “The District is not in financial crisis, and does not need a complete restructuring, which is what A & M proposed in their presentation. . . . Authorizing the \$1.4 M + for this proposal at a time when we’re anticipating significant enrollment surges and the Board declining to avail itself of two revenue sources (levy increase and tuition rate increase) may not be viewed as good stewardship of the District resources. Perhaps there is an alternative process whereby items/projects/expenditure categories are identified for legitimate study by internal groups to make recommendations regarding possible strategic resource reallocation. (If

we're paying managers to manage, hold them accountable before turning to consultants.)”

Additional examples of the Board’s failure to exercise good stewardship have been noted in other contexts. Their misunderstanding of the requirements of the annual external audit and the importance of responding to the findings are relevant here. The issue of the lack of adequate disaster recovery has been a finding for several years; the facility has been purchased and remodeling awaits Board action. The Board’s concern about cost and belief that they need more information is indicative of a lack of understanding the consequences of micromanagement, as is their consideration of having an IT overseer reporting directly to them.

The Board displays a distinct lack of appreciation for the wisdom of the Chancellor and his staff, ignoring the data-rich information provided for them to inform their decisions. The district has continued to maintain its AAA bond rating as reflected in the sale of \$220,000,000 of bonds reported by the Chancellor on 24 March 2009; however, the Board’s actions threaten to jeopardize the financial standing of the district. The Board seems to be imposing the crisis experienced by ASU on the college district and acting as if MCCCDC needs to make similar draconian cuts in programs, personnel, and student access. The Chancellor and his staff have presented factual information that the Board has either misunderstood or rejected, creating a crisis by association with the county, state, ASU, and the nation. There is little evidence that the Board understands that the district has responded to the challenges of the current economy and has administrative leadership widely recognized and highly respected in financial planning and management.

The evidence presented suggests that the Board has crossed the boundaries of government and though, ill-qualified to do so, has taken responsibility for operations and management. Their action and inaction pose a threat to the fiscal integrity of the district, particularly in their excluding consistently the advice and expertise of staff, faculty, and administration; However well intended though ill-informed, the Board’s lack of good financial stewardship threatens to compromise the ability of the district to meet the educational needs of its citizenry.

**3. Is there evidence that the organization deals fairly with students, employees, and members of the community, respecting the rights and responsibilities of each of those groups?**

There is overwhelming evidence from employees at every level throughout the organization, from students, and from members of the community that there is a widespread lack of fairness and respect that begins with the Board members. The intimidating climate that has created fear and unwillingness to speak without anonymity has been traced by many to the message of the Board President shortly after taking office: “I am calling for a new level of unity and follow-through . . . . If it is merely a job, please prepare for new feet to fill your shoes.”<sup>vi</sup>

The rhetoric of the message does not comport with the reality of subsequent actions. The Board members themselves are constantly at odds with each other, openly bickering at Board meetings, quarreling with each other through district technology and in the press in between meetings and engaging individually in intimidating behaviors with students and employees at every level of the organization—cited already in this report.

Employee statements to the team were most often qualified with a desperate desire for anonymity because of fear of retaliation from the Board and included accounts of intimidating behavior, intended and unintended by Board members. The team has noted that the Board's inviting and acting upon information from employees and students, who are often dissatisfied with answers or disgruntled with supervisors' results, is fundamentally disrespectful. Such Board behavior precludes hearing "the rest of the story" and subverts processes and undercuts those responsible for making often difficult decisions; it is neither fair nor equitable.

The Board's conduct evidences systematic unfairness, collectively and as individuals and has so profoundly and adversely affected the climate of MCCCCD and, in the opinion of many, has created a hostile environment in which individuals are fearful of losing their jobs if they speak out. Many examples have been noted:

- Posting meetings and changing agendas at the last legal hour
- Directing the Chancellor to see that the members of the CEC were not present at a public Board meeting (13 February 2009, referenced previously in this report)
- Reversing personnel decisions and removing agenda items that are time-sensitive during board meetings
- Recommending a permanent reduction in compensation and benefits without any discussion with those employees affected by the recommendation
- Tolerating inappropriate expressions of religious preference at Board meetings and partisan, homophobic, and racist remarks and harassment of students and employees outside of Board meetings
- Exhorting administrators to fire specific employees
- Directing employees to provide information, even calling them at home and on weekends without regard for time and other responsibilities
- Requesting that staff produce documents and not inform their supervisors of the request
- Ordering the impounding of employee hard drives in the midst of a complicated investigation where integrity and truth had been compromised
- Using district staff to support personal agendas and projects, inappropriately assumed individual authority
- Proposing policy revisions removing language that shapes and informs the mission, vision, and values of the district. Proposed for removal are "diversity," "inclusive," "global" to the dismay

and disbelief of employees and donors, many of whom contribute as a result of these mission commitments

- Requesting that names of employees in attendance at Board meetings be reported to the Board
- Making inordinate information requests (see documentation of 156 individual Board member requests) that impinge on employees' carrying out their responsibilities
- Scheduling, in addition to the 9 regular monthly meetings, 14 additional meetings, often with little notice and often involving many hours of meeting time, preparation, and follow up
- Dismissing the need for and value of accreditation and its expectations
- Advocating against students and employees who are out of "the mainstream" and part of a "deviant subculture"

The statement made by a representative from the PSA Executive Board at the 28 April 2009 Board meeting captures the essential problems and results of the conduct of the MCCC Board members: "I respectfully request that the Agenda Item "Servant Leadership—Compensation Reductions for Reallocation" be tabled for future discussion in an open forum with all stakeholders, and be evaluated as part of the Governing Board's organizational review. The PSA Executive Board takes no position on the appropriateness of the action proposed, but has concerns regarding the manner in which the item was brought forth. In the interest of promoting servant leadership, we believe we must foster collaboration, trust, empathy, and the ethical use of power at all levels of the organization. We look forward to continuing the dialogue regarding these and other matters of concern to MCCC, our employees, and most importantly, our students."

During the site visit, one of the employees lamented "the heart-breaking loss of reputation" as a result of the behavior of Board members who have created an environment that has caused employees at every level to be "fearful of being confronted about what we teach, how we dress, how we choose to live with respect to our individual rights. The climate of intimidation and threat compromises our ability to be effective."

#### **4. Is there evidence that the community regards the Maricopa Community College system as a valuable resource to the county?**

Discussed in findings in 1.e.1, there is abundant evidence that the system is highly valued and regarded by the communities it serves. Leaders from business, industry, and social service agencies from across the district spoke to the team. MCCC is woven into and contributes to weaving the fabric of the community.

The text of this report is replete with evidence of the critical importance of the Maricopa Community College District to the students who come to it and to the businesses and community agencies throughout the county that would be bereft without its comprehensive array of programs and services.

Claiming to be acting in the interests of students, the Board members' rhetoric is out of sync with the chaos that they have created by micromanaging a complex enterprise that they are simply not qualified to do. In their own conduct and in their decision making, the Board members demonstrate that they do not understand or value the educational resource that MCCCCD is to the county. Community leaders pledged to address with legislators and citizenry alike the problematic and troubling behavior of some of the current Board members.

### **Summary of Observations and Conclusion**

In relation to Core Components 1d and 1e, and with respect to *Criterion One: Mission and Integrity: The organization operates with integrity to ensure the fulfillment of its mission through structures and processes that involve the board, administration, faculty, staff, and students*, the team presents the following summary and conclusions. The team has also added, at the request of both the Chancellor and the Board, a number of recommendations.

In the course of interviews and conversations with the campus community, the team was urged to review the actions and behavior of the Board that appeared to compromise the integrity of structures and processes that have been designed to help the district carry out its mission. A memorandum given to the team by a representative of one of the employee groups is reproduced here as it provides a compelling overview of the context and issues that resulted in the complaint and accurately reflects the findings of the team reflected throughout this report.

*As the actions of our Governing Board since January 1, 2009 have created a climate of almost paralyzing fear across our District, I am writing as a concerned employee and taxpayer. As I represent [many employees in my role], I am confronted regularly with employee concerns regarding policy violations and disparate treatment, and in the past nine months much of what I have been witnessing/hearing revolves around the actions of our Board.*

*I believe that one of the greatest attributes of Higher Education in this country is the concept of shared governance—a model to which the District has, to the best of my knowledge, always adhered. Because the board's actions have not been inclusive, collaborative or professional, I believe that their actions have not supported the concept of shared governance as well as the HLC's core components addressed in the complaint.*

*There are four areas of concern which I believe are germane to the complaint which I have outlined below:*

*1. Manner of conduct*

*a. The Governing Board has been secretive; in the past, Board Meetings and their respective agendas were posted to the District website at least a week prior to the Board Meetings. During the spring of 2009, Special Board meetings were being convened with minimal public notice and on days/times that were unusual*

*(mid week, mid afternoon, weekends). The overall message to employees was that the Board did not, and perhaps still does not, want to be transparent in its discussions.*

*b. Changes were being made to Governing Board agendas at the last minute in what seemed to be an attempt to quell any response from employees:*

*\* At 2:00 p.m. one day prior to the April 28, 2009 GB meeting, an announcement went out to all employees announcing a change to the agenda. The change was to add two items—Servant Leadership and Manner of Governance—both which would have profound effects on employees, yet employees had not been included in any discussion on these topics.*

*c. Governing Board members have behaved unprofessionally at many Governing Board meetings. These meetings have become, quite frankly, spectacles in which Board Members shout at one another, interrupt each other, and often attempt to stifle discussion. Board members use these meetings as a venue to attack and discredit one another as well as MCCCCD Administration.*

*d. Meeting of particular interest include January-April, for recordings see:*

*<http://www.maricopa.edu/mctv/GV/GoverningBoard.php>*

*e. Board members also use the District-wide messaging (email, blog) to attack and discredit one another.*

*f. It is frighteningly clear to many employees that the political agendas and personal vendettas of Board Members are overshadowing the welfare of the institution as the Board Members' primary focus.*

*2. Lack of experience with higher education*

*a. Student success has become the buzz word for the Governing Board. However, there is only one Governing Board member who has background/expertise in higher education. Not that experience in Higher Education is a requirement of serving on the Board (but perhaps should be considered), Board Members have shown no inclination to develop an understanding of either MCCCCD's operations or issues relevant to Higher Education in general. Most notably is that the current Board President routinely refuses to meet with senior District leadership in preparation for Governing Board meetings, and she even refused to attend key meetings with accreditation representatives in connection with the accreditation of one of our colleges.*

*3. Lack of respect for employees*

*a. In her inaugural speech, [the] Board President . . . stated: I am calling for a new level of unity and follow-through," the President said, explaining that employees should view their work as a commitment to providing service on many levels. "If it is merely a job, please prepare for new feet to fill your shoes," she cautioned.*

*b. The Governing Board has not been receptive of open, collaboration with the employees of MCCCCD. In fact, the Board has displayed open hostility to employees. On a whim, some Board members have suggested that specific employees be fired. One Board member has been the subject of various complaints from students and employees. Each complaint has been investigated, and each investigation has concluded that the Board Member acted in an*

*inappropriate manner. What is most disappointing is that the Board has not exhibited a willingness to correct their behavior, maintain professional standards, or hold themselves accountable for their collective actions.*

*4. Exercise of power*

*a. The aforementioned Servant Leadership proposal effectively would have reduced the compensation of only the 3 highest tiers of administrative pay by the equivalent of a step (roughly 5%). No rationale was given other than monies needed to be reallocated.*

*b. Manner of Governance- Board Policy that would allow the Board to "Direct, control, and inspire the organization through the careful establishment of organizational policies reflecting the Board's values and perspectives."*

*c. Governing Board members would personally demand information of individual employees, when Board Policy required that requests for information must go through the Chancellor. These requests are inherently intimidating. At times, Board Members are requesting volumes of information be delivered immediately. This behavior of Board micromanagement of day-to-day operations only contributes to a growing climate of fear for employees.*

*d. The only employee the Board supervises is the Chancellor. They should not be making recommendation on other personnel issues. The Board has asked that several people be fired because they did not like their work or attitude.*

*e. The Board should not be making decisions about what area needs more employees and which one needs less. If they believe there is a lack of customer service in the area of student affairs, they should direct the Chancellor to provide more service in this area. They should not say to remove administrators, etc. to provide more money for other services. This is not their role to manage the personnel within MCCCCD.*

*f. The Board has the right to reduce the salaries of a group of employees, such as CEC or upper administration. However, this is not in the spirit of shared governance to do so without consulting with the affected employee groups. Again, it would have been better for the Board to give the directive to the Chancellor and let him make the negotiations and decision or for the Board to discuss this with the employee groups in a collaborative way.*

*g. Because of the aforementioned actions, the Board has created fear in the workplace. Employees are afraid to complain or state issues openly for fear of retaliation by the Board. One of these complaints is that two Board members are discussing race and religion inappropriately. These individuals are afraid to file formal complaints.*

*Despite the economic downturn, MCCCCD has maintained financial stability through the concerted efforts of District Administration and all employee groups. MCCCCD employees have shown a level of collaboration and cooperation, which I have been told never existed previously. Even in the face of minimal salary increases over the past few years, employees have answered the call to "do more with less" and have maintained, if not improved, a high level of service. With enrollments up and resources scarce, employees continue to innovate, continually focused on the success of our students.*

*In response, the Board has manufactured an artificial financial crisis, one which requires the services of a consultant. Under the heavy handed leadership of the Board President, a committee comprised of the Board President and members entirely external to MCCCDD selected (at the Board President's urging) a firm with little understanding of the matters of higher education. In fact, the chosen firm has a less than successful track record when dealing with public entities. After three weeks of having the consultants on site, employees have repeatedly reported that the consultants have very limited knowledge of Community College operations.*

*The behavior of the Board in the last nine months has been shocking. Employees refuse to speak out in fear of retaliation and will only express themselves through the veil of anonymity. The lack of respect, trust, and leadership from the Board has created a climate that is not conducive to superior teaching and learning, and it is only a matter of time before students will be affected by the actions of the Board.*

The evidence provided to the team in written documents, in video recordings, in individual and group conversations compels the team to conclude that the complaint presented to the Higher Learning Commission is valid. The memorandum referenced above reliably and accurately reports on the situation that has existed for the last nine months at MCCCDD.

## Endnotes

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### **i 2009: A Year of Opportunity**

*January 27, 2009*

*"As Maricopa begins a new year together, it is important to look back as 365 days or 525,600 minutes bears a multiplicity of worth. In 2008, many of us experienced loss – the end of a memorable season, the downturn of a 401K, IRA or other asset, perhaps even the untimely "goodbye" to a friend or family member whom we love. In 2008, many of us experienced gains – the beginning of an exciting season or journey, the fresh reality that life is short and we can apply catalytic force to cultivate the synergy of opportunity and ability, or the unrivaled fortune of unexpected TIME with family or friends.*

*Upturn or downturn, every year promises exploits of security or insecurity, permanent additions or deficiencies, questions, answers and. . . a continuum of change. Thus, it is not uncommon for us to have a moment like this one to re-gather, reunite and re-envision, as an enterprise acknowledging the certainty of loss and gain, but one refusing to succumb to the crippling effects of inertia, self-interest, chaos or disunity.*

*It is easy for anyone of us to espouse the ideas, traditions or needs we hold, profess allegiance to or claim as critical. But it is the demeanor and delivery of our availability, dependability and expectancy that will speak at volumes beyond the limitations of mere physical vocals. The positions we have in life are not an axis in and of themselves, thus we can carry them out with excitement, generosity and patience knowing that interdependence calls us to count others as more significant than ourselves and certainly to count our students as the pinnacle of our day-to-day hoops or curves.*

*We are very familiar with John F. Kennedy's words – "Ask not what your Country can do for you, but ask what you can do for your Country." As trite as these words have become, we are all in a position to give more than we demand to receive. In this spirit, influence, legacy, adventure, and change find escalating meaning.*

*Maricopa is no different than any institution or enterprise. We've poured a foundation of purpose, stacked bricks of ingenuity, applied the mortar of collaboration, covered it in the assumed demand of basic economics, and invited in our community for a commodity that we believe is better than the alternatives. In Maricopa, our wins and losses require the same courage and tenacity that Kennedy prompted when earlier in that same inaugural address he said, "In your hands, my fellow citizens, more than in mine, will rest the final success or failure of our course." Today, I would challenge a "Covering in the ASSUMPTION of demand." Why Maricopa? What sets us apart? Is the Maricopa experience BETTER? Does our customer service and passion exude from the posts we stand?*

*The Governing Board, Dr. Glasper, our Chancellor, or CEC can establish vibrant goals and smooth systems. But, each member of Maricopa is charged and freed to execute their post with purpose and distinction determining for the wins to exceed the losses. The idea of win or loss is often subjective. For example in the last 18 years, the US has seen 13 recessions. Yet, in those 18 years, we've watched prosperity and potential soar. Or, on a lighter note, the*

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*Cardinals are headed to the Super Bowl. For many this is a long-awaited celebration; for others, it has bleak, fleeting meaning.*

*In 2009, Maricopa must establish a new sense of professional service for the communities we serve. Subjectivity in our sense of customer service and mission is not muscle for the growth our current economy or consumer requires. Basics like:*

- . A warm and sincere welcome (whether in the registrar's office, on the phone, in the classroom, etc.)*
- . Positive eye-contact and smiles – you – WE are on stage*
- . Anticipating EVERY guest/student/citizen/neighbor's need*
- . A warm and sincere "goodbye and thank you" for those we are privileged to interact with*
- . We commit to NEVER LOSE A GUEST/STUDENT/CITIZEN/NEIGHBOR*

*Our mission will sputter out quickly if we spend too much time in meetings about ourselves AND OUR NEEDS, when we refuse to believe the best of one another OR WHEN WE TAKE OUR EYES OFF OF THE END USER. The Market in FULL of competition. No one is required to attend the local community college. Many alternatives exist. The manner by which we fulfill our respective posts MUST execute every responsibility with this reality in mind. As we all know, the labor pool is increasing, thus our opportunities to show distinction and excellence is of paramount importance.*

*May 2009 fuel excitement, generosity, patience, availability, dependability, and expectancy in every one of us. NOW more than EVER, I am calling for a new level of unity and reliable follow-through in our mission. Today and everyday we make the choice for the bricks of ingenuity that define Maricopa to transfer a spirit of influence, legacy, adventure, and change. That is the enterprise I would want to be a part of. That is the enterprise our students long for. That is the enterprise that will shape opportunity and sustainability in ways unprecedented in Maricopa or any institution of higher education.*

*One year from now, when we pause to look back for a moment, I believe we will do so with favorable perspective, recognizing Maricopa's growing commitment to our communities and our consistent connection with those who come through our doors or depend on our "product." The upturn of Arizona, America, and the global environment we engage asks for us to take what we do seriously and if it is merely a job, then please prepare for new feet to fill your shoes.*

*I thank every member of Maricopa for believing the best about one another, placing the needs of others before our own and in doing, leaving a permanent imprint of influence, legacy, adventure, and progress."*

<sup>ii</sup>Shortly after the special session of the Board on 13 February, the President of the PSA employee group sent the following email to the Board President:

*"I noticed (obviously) that no members of the CEC were present at this morning's Governing Board Session. Since the agenda item certainly pertained to their role within the organization and the future of the District, I was wondering why they would not attend. Could you or another member of the Board explain their absence? It seems essential that we all work together during these challenging times, especially as we re-think how to best provide quality service to our students and each other."*

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*In response, the Board President wrote:*

*"Today was a moment for the Board to arrive at a formal conclusion to pursue the RFP and to add some rough parameters relative to the strategic directions we are developing. . . . CEC and all others will be able to participate in pursuit of the next level of Maricopa. Today was not that platform. There is a difference between Board Governance (policy moments) and Board +CEC+MAT+PSA+M&O dialogue. There is always a need to be wise in when we introduce one variable and the next, and so forth.*

*All members of the community are intrinsic to Maricopa's success. CEC, PSA, whomever. . . we are all contributors. The DNA of collaborative growth is built by those who commit to see this reality and act upon it with determination and a zeal for needs outside of our own. Please set the pace for your colleagues in believing the best of where MCCCCD can and shall go. Then engage the process by bringing your ideas to the table at the opportunities that arise. Frame every tension with a grid that separates myopic frustration from missional motivation. Any encumbrance can slow us down—if we so choose.*

*I prefer not to think of these times as "challenging." Though challenging is one description, these times are opportunistic for those who have the grit and vision to share. I will share a bit further. . . . Quite honestly, the FY20 budget and the 3<sup>rd</sup> Party Evaluation are two separate matters, both with intrinsic concerns and objectives.*

*For FY10, I want to arrive at a budget that recognizes the economic downturn and its effects (relevant to not approving increased property taxes or tuition upon those who are already pinching pennies.) yet, we wish the FY10 Budget to project growth within Maricopa, due to the natural and expected occurrence of enrollment increasing. . . . More than my concern for the FY10 Budget to balance, I want to present it to the public in a way much different from the past. . . . we see the value in every facet of our community. . . . we know that any dollar entrusted to us has a price tag of sacrifice. Therefore, we shall commit to provide a "deduction of sacrifice" to our community. No need to require double or triple portions of sacrifice from our students. This deduction is what we are in the process of drafting and communicating. Yet we have distinct challenges: 1) a new board with new strategic directions, 2) a new challenge for cohesion, as we learn one another, 3) a Budget adoption within 5 months of new members arrival 4) an economic downturn, 5) the necessity for over-communication at every pivot.*

*Respective to the 3<sup>rd</sup> Party analysis upon institutional effectiveness, stewardship and its representative value in strategic and constant change, I think of a statement I recently read. It has had profound impact on me: "If you don't like change, you're going to like irrelevance even less." General Eric Shinseki.*

*Shinseki perfectly captures a home run for progress and excellence in understanding the tension in perpetual discontent for anyone at the helm of an enterprise. If we step up to the plate with candor (regardless of cost—personal or otherwise—saying the right thing—paving the way to doing the right thing—always) we invite transparency and trust. Maricopa is no different from any other enterprise—we need all of the above—internally and externally.*

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*The deduction of sacrifice I speak of (pertaining to every year, not just FY10) is not optional for the Board in the next 5 months or over the next 5 or 50 years. It is mission critical. If we are truly interested in the well-being of a global and local community, it is essential that we set the pace for what innovation and stewardship looks like. Today we ask ourselves, are we leaders or not? Will we “lead by example” even when it is not demanded from angry constituencies of from a budget that requires slashing and burning for a balance.*

*We can be creative in how we enter in this dialogue. In fact, the ingenuity behind it will be what shapes the waves for Maricopa’s distinction in the higher education community. We (Maricopa) do not want to lead for the sake of leading—we do so for the sake of transformation. What we do can set the pace for others by inviting in the skill, aptitude and ingenuity of our entire Maricopa Fleet. At its core, leadership creates self-starters, provides tools for success, infuses courage, shares information and gets the heck out of the way.*

*The global economy will perpetuate. New veins will grow healthy. What part do we want? A legacy of serving means a commitment to sacrifice . . . the kind of sacrifice that does not throw a rope into the pit for a person to help themselves out, but the brand that jumps in the pit with the rope (Immersing oneself in the depth of loneliness, fear, isolation, intimidation, pain, etc), offers their shoulders as a ladder for their comrade’s freedom. The exponential power in the hands and muscle of a partner + shared personal capacities move people and ideals out of temporary pits to new vantage points of collaborative combustion.*

*Maricopa’s internal sacrifice is not in vain or for the appearance of anything. It’s a basic business principle. The cost:benefit analysis for Maricopa students must exceed yesterday’s tradition. Students are not bound to us. Their remediation, persistence, and recruitment is our responsibility. Making their goals our goals changes the pace for everything. Sacrifice, on Maricopa’s end, reveals whether or not we believe in “service standards” or, quite frankly, in teaching and learning at all.*

*Remember. . . man cannot KNOW plight unless I enter into it. Sacrifice. Have we entered the pits of the students we serve?*

*Sacrifice is more than a good faith measure, it is the return on investment any consumer deserves when they have trusted the source. Our students (thus, our community) have chosen to trust Maricopa. The very least we can do is say thank you . . . we would not be the same without you, in fact, we would not exist without your trust. Will we be a ladder for students? Will candor, transparency and trust pave new pathways for students and those who desire a career within Maricopa?*

*Accountability in public institutions is lacking—American or otherwise. Name the offense—tax evasion, personal interests, misuse, whatever—if a person earns one dollar and they must give Maricopa some of that dollar (property taxes\_ them must give us more should they require education (tuition), we are in the position to be the very best servants they have ever interfaced with (even better than Nordstrom!)*

*Maricopa County citizens have only one obligation to us —as property owners. Other than that, we are in a position to WIN their esteem. Not for the sake of esteem, but for the greater purposes of being a building block in a fast-paced, advancing, competitive global market. The follow through on our commitment to serve —in ways tiny or vast?*

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*Begins with a dollar and it transcends value systems or moral obligation. May the return on investment cultivated over the next weeks, months and years have a transforming affect on the way business is done in higher education. Now, more than ever, we have the opportunity to serve with joy, anticipation, and ingenuity. . . . I have attached my Presidential Address. I hope it further paints the vision for you and your colleagues.*

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## iii Public Stewardship

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### Welcome to the Office of Public Stewardship (OPS)

The MCCC Office of Public Stewardship was established in order to consolidate resources and formalize administrative responsibility for services that are related to stakeholder accountability. The Office of Public Stewardship is responsible for the Maricopa Concernline, Citizens' Ombuds Services, Employee Ombuds Services, Public Records Disclosures and Maricopa Governance. The Office is committed to demonstrating key policy values such as honesty, integrity, responsibility and stewardship by assisting both internal and external constituents in identifying and utilizing the proper mechanisms to obtain information and resolve concerns. Inquiries on the available services may be directed to 480-731-8084.

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#### **Service Directory**

The Service Directory was created to help direct students and the community to areas of high interest. It provides links to the college areas where we receive the most number of requests for information. Check here if you have questions concerning residency, tuition and fees, or financial aid eligibility.

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#### **Maricopa Concernline**

The Concernline is a 24-hour/7-day-a-week service that is operated by Global Compliance, a third-party vendor. Also referred to as the 24/7 Hotline, this tool serves as an anonymous reporting mechanism for submitting concerns such as fraud, theft, policy violations, enrollment irregularities, conflict of interest, and the misuse of public resources. Concerns may be submitted either by phone at 1.866.447.9819 or web allegation at [www.concernline.maricopa.edu](http://www.concernline.maricopa.edu).

Once reported, concerns are evaluated and assigned for review or investigation. All concerns receive a reply upon conclusion of the review or investigation. For general information on Fraud Warning Signs, please click [here](#).

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#### **Citizen's Ombuds Services**

Members of the external community that have concerns or questions about the operations or services of our colleges may contact the Office of Public Stewardship for general information or to voice a concern.

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## **Employee Ombuds Services**

The services of an Employee Ombudsperson were first introduced on a pilot basis in August 2007 with the assistance of a third-party contractor, Karabatsos & Associates. The function of the employee ombudsperson is now the responsibility of the Office of Public Stewardship where employees may seek informal, neutral and confidential guidance on concerns. Employment-related decisions that are subject to established employee grievance processes should still be vetted through those mechanisms.

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## **Public Records and Records Management**

As a political subdivision of the state of Arizona, the Maricopa Community Colleges have a duty to promptly respond to requests for public records. As a large multi-college district, where each location has an administrative structure, the Office of Public Stewardship assists the colleges and the district office in making records accessible. This includes the review and processing of requests that impact the district as a whole. Training is also provided to employees on records management which includes the release, retention and proper destruction of records.

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## **Maricopa Governance**

Maricopa Governance refers to a leadership model adopted by the Governing Board that establishes a framework for stakeholder accountability through our Policies and Administrative Regulations. The Office of Public Stewardship works with the Governing Board in the review and monitoring of its Policies and manages the process for the adoption and amendment of the Chancellor's Administrative Regulations.

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## **Maricopa Steward**

The *Maricopa Steward* is published bi-annually and spotlights Maricopans who embody the ideals behind high impact service. The newsletter offers resources, information and tips in support of the mission of the Office of Public Stewardship. OPS promotes stakeholder accountability and provides assistance with ombuds services, records information management (including public records review and release), and supports Maricopa Governance.

Questions or comments?  
Contact [Teresa Toney @ 480.731.8084](mailto:Teresa.Toney@maricopa.edu)

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## iv **District Reforms**

Under the leadership of Chancellor Rufus Glasper, the Maricopa Community Colleges have a strengthened commitment to the responsible stewardship of public resources.

In his message to all employees, at the start of the 2006-07 academic year, the Chancellor identified Public Stewardship as one of the three key overarching themes for the ten college system. "All employees of the Maricopa Community Colleges have a duty to do the right thing. I believe that this organization, its administrators, its faculty and its entire staff, have been given a trust. Our students and their families have entrusted to us their time, their money, and their future. The taxpayers have entrusted to us their dollars. Working for the Maricopa Community Colleges carries with it an obligation to use the monies entrusted to us efficiently, effectively and for the purpose for which it was given, teaching and learning."

The other two common themes the Chancellor discussed are Student Success and One Maricopa, a system of many colleges with one common mission.

On February 27, 2007, the Maricopa Community Colleges Governing Board unanimously approved an extensive proposal for changes in the ethics, internal controls, and accountability policies of the District.

The new policies strengthen existing controls and improve internal oversight by establishing more stringent requirements for reporting to the Governing Board and the Chancellor. The improvements also standardize the response to matters such as disciplinary action. These changes originated from the work of a Community Member Blue Ribbon Panel on Internal Controls which the Chancellor convened in late 2006. Dr. Glasper enhanced the panel's work, recommending a series of stronger controls.

The Chancellor is committed to continued review and improvement of processes and controls throughout the coming year.

<sup>v</sup> See message from the Board President cited in its entirety in Endnote ii.

<sup>vi</sup> The full text of the comments are found on the Board President's website and cited in Endnote ii.

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Appendix

Page 3: See monograph, *The Rogue Trustee: The Elephant In The Room*, p. 18.

Page 10: Minutes, April 28, 2009 Board Meeting, p.5.

Page 15: Minutes, February 3, 2009 Board Meeting

Page 16: Rooney Report, 9 April 2009

From Minutes of April 28, 2009 Regular Governing Board Meeting

Faculty Executive Council President Barry Vaughan made the following statement pertaining to the proposed action Servant Leadership – Compensation Reductions for Reallocation. His remarks were as follows:

*“Madam President, Mr. Secretary, members of the board, Mr. Chancellor.*

*On behalf of the Faculty Association I would like to take this opportunity to address the proposed action item V.B.5 on your agenda this evening.*

*The Faculty Association believes that it is important that we continually examine our operations and expenditures to make sure we are providing the highest quality service to the public that has entrusted us with the mission of delivering high quality post-secondary education at an affordable price. It is reasonable for us to engage in a continuous self-examination to make sure we are doing our best as public servants.*

*However, we believe the current action item is being considered precipitously, and should be delayed for further scrutiny. First, the state legislature today released the draft budgets from the House and Senate, but it is clear that these are inconsistent drafts that will require reconciliation before a final budget can be adopted. In short, we do not yet know what if any specific cuts may be required of community colleges for the next fiscal year.*

*Second, the board has engaged in a process to identify an external agent to perform an operational audit of the District. Prudence would suggest waiting for the outcome of the audit before undertaking all the actions considered in item V.B.5. The audit may very well provide insight into efficiencies that would relegate the need for salary reeducation.*

*Third, each employee group has an established process by which issues of working conditions and compensation are considered. The action the board will be considering is outside the established process for determining compensation and working rights issues and would undermine the integrity of future Collaborative Policy Development meetings.*

*Finally, we must be mindful of the psychological impact that a permanent salary reduction will have, on the entire institution. Obviously the morale of those directly affected by a salary reduction will be diminished. But this action is also likely to generate a general impact on morale. Inevitably, all employees will ask themselves, “who’s next on the list?” This can create a morass of fear and depression, though certainly unintended, throughout our entire enterprise.*

*Therefore, on behalf of our colleagues in management and administration, we would respectfully ask that you consider tabling this item, for a time, for further reflection and refinement. While a salary reduction may ultimately prove necessary, it should only be undertaken after most careful scrutiny and consideration of its likely effects.*

Thank you for your consideration.”

*She constantly called the vice presidents and requested insignificant data be provided to her because she was a trustee, without informing the president of the reason for her request. Usually a day before or the day of the board meeting, she would make a call requesting massive amounts of insignificant data be provided at the board meeting on a particular item that was not on the agenda. This trustee also posted information from a closed board session on her personal blog.*

Table 1 lists in order, with the most prevalent behavior listed first, the various behaviors of rogue trustees reported by presidents in this study. Keep in mind that even the least prevalent behaviors are violations of standards expected of public officials and cause considerable damage to the college.

*Table 1. Behaviors of Rogue Trustees, Ranked by Prevalence*

RANKING	BEHAVIOR
1	Undermining and attacking the president.
2	Making inappropriate contacts with faculty and staff.
3	Creating inappropriate alliances with unions and other groups.
4	Attacking other trustees in and out of meetings.
5	Influencing hiring and promotion.
6	Micromanaging college operations.
7	Making damaging statements to the press and to faculty and staff.
8	Threatening and criticizing faculty and staff.
9	Requesting vast amounts of information.
10	Supporting political patronage.
11	Acting in opposition/playing the contrarian.
12	Refusing to participate in orientation, retreats, work sessions, etc.
13	Influencing the awarding of contracts.
14	Engaging other trustees outside of established meetings.
15	Manipulating the gender, ethnic, and religious representation on the board.
16	Violating closed session confidentiality and personnel privacy.
17	Using college resources inappropriately.



NOTICE OF STUDY SESSION  
OF THE  
MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT  
GOVERNING BOARD

PURSUANT TO A.R.S. §38-431.02, NOTICE IS HEREBY GIVEN TO THE GENERAL PUBLIC THAT THE MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT GOVERNING BOARD WILL MEET IN A STUDY SESSION OPEN TO THE PUBLIC ON THE 3RD DAY OF FEBRUARY, 2009 TO DISCUSS THE FOLLOWING TOPICS: (1) BOARD PROGRAM THAT WILL GOVERN THE BOARD'S OBJECTIVES AND DIRECTIONS FOR THE YEAR; (2) DISCUSS THE BOARD'S TOP TEN PROGRAMS AND AREAS OF FOCUS FOR THE YEAR; AND, (3) BOARD COMMITTEES (BOARD MEMBER SPECIALIZATIONS). THE STUDY SESSION WILL CONVENE AT 5:00 P.M. AND WILL BE HELD AT THE FOLLOWING LOCATION:

District Support Services Center  
Special Board Meeting: Governing Board Room - 2nd Floor  
2411 West 14<sup>th</sup> Street  
Tempe, AZ 85281

INFORMATION REGARDING THE STUDY SESSION MAY BE OBTAINED BY CALLING THE BOARD OFFICE AT 480-731-8889. (A COPY OF ALL AGENDA MATERIALS ARE AVAILABLE IN THE GOVERNING BOARD OFFICE AT 2411 WEST 14TH STREET, TEMPE, ARIZONA.)

BY: GLORIA SMITH  
ASSISTANT TO THE GOVERNING BOARD  
JANUARY 27, 2009 5:00 p.m.

PLEASE POST



**MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT  
GOVERNING BOARD**

**AGENDA  
FEBRUARY 3, 2009  
(Revised)**

**VISION**

A Community of Colleges...Colleges for the Community ... working collectively and responsibly to meet the life-long learning needs of our diverse students and communities.

**MISSION**

The Maricopa Community Colleges provide access to higher education for diverse students and communities. We focus on learning through: University Transfer Education, General Education, Developmental Education, Workforce Development, Student Development Services, Continuing Education, Community Education, Civic Responsibility, and Global Engagement.

**BOARD STUDY SESSION**

5:00 p.m.

District Support Services Center  
Governing Board Room - 2nd Floor  
2411 West 14<sup>th</sup> Street  
Tempe, AZ 85281

- A. Discussion of creation of a Board “program” that will govern the Board’s objectives and direction for the year (negotiating and setting goals)
- B. Discussion of Board Member Top Ten Programs and Areas of Focus for the Year
- C. Board Committees (Board Member Specializations)
- D. Submission of Board Action Items by Board Members
- E. Revision to Personnel Action Procedures
- F. Implementation and Accountability of District-wide Customer Service Basics
- G. Evaluation of Maricopa Administrative Costs (14.5%)

**EXECUTIVE SESSION** (Immediately Following the Board Study Session – Same Location)

1. Consultation with attorney for the Governing Board in order to consider its position and instruct its attorney regarding its position in pending or contemplated litigation or settlement discussions conducted in order to avoid or resolve litigation--A.R.S. §38-431.03(A)(5)--Inquiry into employment practices.

**MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT  
GOVERNING BOARD RETREAT  
FEBRUARY 3, 2009  
MINUTES**

A retreat of the Maricopa County Community College District Governing Board was scheduled to be held at 5:00 p.m. at the District Support Services Center in Tempe, Arizona, pursuant to A.R.S. §38-431.02, notice having been duly given.

**PRESENT**

**GOVERNING BOARD**

Colleen Clark, President  
Randolph Lumm, Secretary  
Don Campbell, Member  
Jerry Walker, Member  
Debra Pearson, Member

**ADMINISTRATION**

Rufus Glasper, Chancellor  
Pete Kushibab  
Debra Thompson  
Teresa Toney  
Gloria Smith

**CALL TO ORDER**

The retreat was called to order at 5.25 p.m. by Governing Board President Colleen Clark. Ms. Clark welcomed everyone to this retreat which would include discussion pertaining the following topics:

- A. Discussion of creation of a Board "program" that will govern the Board's objectives and direction for the year (negotiating and setting goals)
- B. Discussion of Board Member Top Ten Programs and Areas of Focus for the Year
- C. Board Committees (Board Member Specializations)
- D. Submission of Board Action Items by Board Members
- E. Revision to Personnel Action Procedures
- F. Implementation and Accountability of District-wide Customer Service Basics
- G. Evaluation of Maricopa Administrative Costs (14.5%)

Ms. Clark further informed that an executive session had been added at the end of the retreat for the purpose of consulting with the attorney for the Governing Board in order to consider its position and instruct its attorney regarding its position in pending or

contemplated litigation or settlement discussions conducted in order to avoid or resolve litigation--A.R.S. §38-431.03(A)(5)--Inquiry into employment practices.

### Maricopa Community College District Successes and Strengths

Ms. Clark requested that each board member provide their comments and thoughts pertaining to what they felt were or had been the District's successes and strengths.

#### Don Campbell

1. Spoke about his involvement with a group of three other retired people who wanted to be involved with the community and were concerned about the high dropout rate in their district. They meet with sixth and seventh graders at local schools to encourage them to stay in school and move through the system into high school. This experience has shown him and other members of the group about the need to mentor young people in the elementary schools. Dr. Campbell suggested the possibility of putting a college in the South Phoenix area and using it as a role model. He also spoke about encouraging students who don't necessarily want college degrees to pursue other vocational certificate programs. Even though we have the Maricopa Skills Center in South Phoenix, most students come from other areas other than South Phoenix. SMC and GWC have also been very successful in that a lot of parents have now started going to these two colleges.

Discussion: Are there any statistics as to where students come from?

Response: Assessment is correct in that most students at MSC do not come from South Phoenix Area. Furthermore, financial situation has slowed things down.

2. The City of Phoenix is putting a library at SMC so that people from the community can participate on this campus. NAU has built a facility there as well and they can take third and fourth year level classes.

Discussion: Will there be a children's section at this library?

Further thought: There is a need for additional sources of funding.

#### Randolph Lumm

1. Dual Enrollment is a big success. Glendale Community College has backed out, however, some of the other colleges still participate in this. This program has had difficulty at the legislature. There is a conflict with paying teachers for dual enrollment. As board members, we need to contact legislators and let them know how dual enrollment works and how important it is for students.

Discussion indicated that this battle has been fought for many years. Got close to losing it last few years but it is still intact. One legislator keeps it in the forefront. Teachers doing extra work but not being paid. There are rigid standards in how this program is run.

Jerry Walker

1. Multiplicity of campuses. Need to increase in other communities. Dual enrollment is a great concept. Need to consider putting campuses on high school campuses. Place them where people are and have them in every high school.

Discussion: Surprise and Buckeye have them. Need to get data about high schools they are in and look at building capacity. Some high schools want community colleges to pay additional dollars for liability and this is not offset by state aid. K-12 attorneys pursuing this. Insurance premiums have increased. How are underwriters scoring these? Can we do a secondary insurance. Do cost benefit analysis on this. We cannot insure for a wrong to an offense on other people's property.

Colleen Clark

1. Strong desire within the community of Maricopa to be innovative and try new things. Interested in ways that we can facilitate this.
2. Opportunity to interact with ASU. Would like to see this relationship be a success. Maintain and increase this.

Discussion:

- Articulation Authority passed in 1998.
- What does "relationship" mean?
- How many students transfer to ASU? MOU further enhanced ability to transfer students. Try to keep student through 35 hours. We now have NAU on campus which will help increase numbers who go on to ASU.
- How many students are going elsewhere? The three public universities maintain a tracking with us. Privates do not. Leverage could be that if they don't cooperate, maybe we don't ???

Debra Pearson

1. During her experience at national level, she would immediately call to mind the Maricopa Community College District. Very well respected. People were frustrated with their board members taking kickbacks and not showing up for votes. MCCCCD has a stand up historical system.

Discussion:

- Success with individual communities and that communities perceived that the colleges were their colleges.
- Building stronger transfer relationships with institutions. Strengths are the transfers.
- Choices. How do we focus students into more technical areas.
- Accomplished the Bond Program and partnerships with communities. When needs identified, we accomplished them.
- Workforce Development.

- Set a standard for student success so that we can see where we have been successful and where we can go.
- Notoriety in U.S. and County.

### Board Member Three Top Tens

#### Debra Pearson

1. How to create policy and how to address issues that come to board members? This has become a goal. Has expressed concerns to Presidents. Need to become a national model. Broader issue of personnel policy.

Questioned who Mr. Walker was talking about in his #9. Mr. Walker responded that we ignore constituents of the United States and their ability to voice opposition to policies. It was asked if he was referring to fellow board members or if leadership was squashing opinions of employees. Mr. Walker said he has been told he has no right. If so, then this is personal. Is there a problem within the district with employees? Mr. Walker indicated groups of students have told him they cannot express themselves against deviant subcultures. Ms. Clark pointed out that this references the Value of Inclusiveness. Mrs. Pearson recapped how she understood this due to conversations she has had with SPPF students – they were told they could not express anything not on the green sheet. They cannot go into a congressman's office and debate the issue. Some students have gone and made demands; dissention of opinion versus policy. Mrs. Pearson asked in what arenas would this dissention be expressed? Response from Mr. Walker was on campus. Once again Ms. Clark pointed out that because of Maricopa's Value of Inclusiveness, reasonable conversation could be held. The term deviant subculture denotes look down on someone. Mr. Walker responded that deviant subculture meant a deviance from the norm, an abnormal relationship. He asked what deviant subculture meant in an educational setting. Mrs. Pearson responded that a board should not get involved in semantics with the public and instead choose words more carefully. Misspeaking grows into an abuse of people. People can say all they want and then we need to explain what we mean. Need to be sensitive to how we can be perceived. We need to hold ourselves to a higher standard. Mr. Walker stated he was not putting someone down but also not wanting mainstream to be put down. Inclusiveness is a value and needs to be held to a higher standard of accountability.

Dr. Campbell indicated he had been looking at Mrs. Pearson's #5 and wondered how it could be accomplished. It was probably not a top 3 for everyone. Would like conversation and momentum in each column where everyone made a comment that could become a board legislative agenda. Need to work with individual colleges and bring to CEC. CEC would be the Think Tank. The legislative agenda should be more at a Board level. ABOR is known by the legislature and treated with respect. Community colleges need to come up to this level. A bill involving welfare reform should have benchmarks for welfare recipients. What is the number one indicator that made some go on welfare or not be on welfare: Education is the #1 factor. The resource to welfare

reform is developing how we get people on welfare into a two-year program that is employable. Need to have them come to the community colleges. Create legislative policy and get a legislator that becomes a champion for the community colleges. If we tie into welfare reform, we could get more money. There needs to be accountability as a board and not work individually with legislature. We can't go as an individual. We have lobbyist and they need to have clearer direction from the Board. Recommended that Mrs. Pearson be the one to pursue this. Need to set a board policy for things we want to see. Lobbyists are important but board members are even more important. We don't want to become the ABOR. We want to become champions for the community colleges with programs. Historically what has happened prior to the State Board going away is that an agenda was presented by our Board and then it went to ACCA. We want to go one step further and promote the Board's agenda. For Legislative Day for community colleges we have a localized agenda. AADGB representative could promote this agenda. MCCCCD Board should be the catalyst to promote legislative agendas. The welfare reform concept is great but does not an initiative where we don't get reimbursed.

#### Overview of Maricopa Administrative Costs (14.5%)

Ms. Debra Thompson provided the following overview of the Maricopa's Administrative Costs:

The Maricopa Community Colleges' annual budget presents planned operating expenditures by college/district office; by object code (salary, supplies), and also by functional area (instruction, student services). The presentation by functional area uses the definitions from the U.S. Department of Education's National Center for Education Statistics (NCES). To allow for greater detailed understanding of the budget, Maricopa subdivides the Institutional Support category into administration and general institutional.

Maricopa's FY 2008-09 General Operating Budget sorted by functional category identifies 14.2% or \$85.3 million for Administration. We anticipate that this percentage will decline in FY 2010. Of this total amount, \$8.1 million is a budgeted transfer to Fund 2, the Auxiliary Fund to support student activities. For FY 2009-10, we will consolidate student program resources in the General Operating Fund 1 and eliminate the need for most of the transfer.

In addition, we already have implemented permanent operating reductions and more may come as the Legislature works to balance the state budget. As colleges work through contingency plans to manage budget cuts, the Chancellor has directed that colleges must preserve to the extent possible Maricopa's teaching and learning mission. While it may not be possible to make large cuts without impacting some instruction, student service and academic support activities, we remain mindful of this expectation.

Finally, as a practical matter, it is easy to overstate Administrative costs to a degree. For example, college administrators wanting to control costs may budget and expend resources from an account that they control. Since it is managed by an administrator, the account may be classified as "administrative" even though the item of expense may be additional adjunct faculty to teach additional students which is an instruction cost. Addressing this situation requires close work with college personnel to ensure that they understand the functional categories and the importance of appropriate reporting.

Definitions the various functional expense categories were provided. They are:

- Instruction** A functional expense category that includes expenses of the colleges, schools, departments, and other instructional divisions of the institution and expenses for departmental research and public service that are not separately budgeted. Includes general academic instruction, occupational and vocational instruction, community education, preparatory and adult basic education, and regular, special, and extension sessions. Also includes expenses for both credit and non-credit activities. Excludes expenses for academic administration where the primary function is administration (e.g., academic deans). Information technology expenses related to instructional activities if the institution separately budgets and expenses information technology resources are included (otherwise these expenses are included in academic support).
- Administration** A functional expense category that includes expenses for the day-to-day operational support of the institution. Includes expenses for general administrative services, central executive-level activities concerned with management and long range planning, legal and fiscal operations, space management, employee personnel and records, logistical services such as purchasing and printing, and public relations and development. Also includes information technology expenses related to institutional support activities. If an institution does not separately budget and expense information technology resources, the costs associated with student services and operation and maintenance of plant will also be applied to this function.
- Student Services** A functional expense category that includes expenses for admissions, registrar activities, and activities whose primary purpose is to contribute to students emotional and physical well - being and to their intellectual, cultural, and social development outside the context of the formal instructional program. Examples include student activities, cultural events, student newspapers, intramural athletics, student organizations, supplemental instruction outside the normal administration, and student records. Intercollegiate athletics and student health services may also be included except when operated as self - supporting auxiliary enterprises. Also may include information technology expenses related to student service activities if the institution separately budgets and expenses information technology resources (otherwise these expenses are included in institutional support.)
- Public Service** A functional expense category that includes expenses for activities established primarily to provide non instructional services beneficial to individuals and groups external to the institution. Examples are conferences, institutes, general advisory service, reference bureaus, and similar services provided to particular sectors of the community. This function includes expenses for community services, cooperative extension services, and public broadcasting services. Also includes information technology expenses related to the public service activities if the institution separately budgets and expenses information technology resources (otherwise these expenses are included in academic support).
- General Institutional** A functional expense category that includes expenses for the day-to-day operational and general administrative support of the institution such as safety, security, insurance, software licensing and computer repair, mail and copy services, etc.
- Auxiliary Enterprises** Expenses for essentially self-supporting operations of the institution that exist to furnish a service to students, faculty, or staff, and that charge a fee that is directly related to, although not necessarily equal to, the cost of the service. Examples are residence halls, food services, student health services, intercollegiate athletics (only if essentially self-supporting), college unions, college stores, faculty and staff parking, and faculty housing.
- Scholarships and Fellowships** That portion of scholarships and fellowships granted that exceeds the amount applied to institutional charges such as tuition and fees or room and board. The amount reported as expense excludes allowances and discounts.

Board members requested an evaluation of Administrative Costs (report due to Governing Board in two months). They asked what would 10% look like minus student scholarship or money transfers and how to get there in one year / five years. There is a need to make sure

money is following students. A responsible board must be able to state emphatically that they are doing their jobs and that the organization is not top heavy. If we can say that there is a 10% cap, we can stand before any complaint that the organization may be top heavy. Not advocating impulsive choices. What would 10% look like minus student scholarships or money transfers. Guidelines as to what it would look like over a period of time ( 1, 2, 5 years). Need to look at contract and commitments that we have. We are going to downsize and if one person absorbs the work of another, that person would need an increase.

The issue of the **Active Retiree Costs** was raised. How much money is being spent and what work is being done? The benefit to the community must be provided. An analysis of this program should provide the benefits, a position analysis, how many are qualified and for how many years, how many are current employed under the program, and how is the salary determined.

**Dual Enrollment** was discussed. What has been the growth in the last five years? What is prohibiting us from going to the high schools and telling them about dual enrollment?

#### Implementation and Accountability of District-wide Customer Service Basics.

Ms. Clark spoke about complaints she is receiving pertaining to level of customer service. People are complaining that no one want to answer questions. There are registration complaints and signage problems.

Dr. Glasper responded that a High Impact Service Model has been implemented with the District Office that could serve as a model for the campuses. What we are doing will be shared with the campuses.

Ms. Toney commented that it would be helpful if Board Members would share complaint information through the Chancellor and these could be sent to her for tracking purposes. If a pattern can be seen, this could be addressed. Perhaps the Ombuds hot line number could be printed on the bottom of business cards.

#### Revision to Personnel Action Procedures

As of January 27, personnel actions will be separated into four different actions:

- New Employments by employee groups
- Specially Funded Employments by employee groups
- Short Term Employments by employee groups
- Separations by employee groups

Colleges will continue to provide more information.

### Top Three Discussions – FLIP CHART NOTES

#### **Income Diversity**

- Athletics—sponsors, vendors to become self-supporting
- Naming rights
- Product equity
- Public/private relationship
- Parking—Leg statute
- Mutual benefit relationships (classes/businesses)
- Donors
- Alumni
- Diversify streams of income through partnerships
- Expanded use of property, tech, and other resources

#### **Personnel / Programs**

- Equitably and fairly promote best use of talent and skills
- How do we implement better customer service?
- Recruiting
  - Hispanic
  - African American
  - Native American
  - Asian
- Adjunct issues (develop national model policy)
  - Include more in: training/events
  - Part-time/Full-time/Adjunct
  - Business Professional
  - Better pay
  - Accountability
- Active Retiree
  - Benefits
  - Position/position analysis
  - How many are qualified for / how many years / how many are currently employed under the program

#### **Miscellaneous Issue Bin Items**

- Cars—auto expenses (cost/benefit analysis)
- PR/marketing materials (District and college levels)
  - Currency and relevance
  - Targeting high school students
  - On more campuses
  - More dual enrollment (give us % of growth over last five years)
- How do we get to parents and students of non-participating high schools?

**Specializing Board Positions (Board Committees—Chairman)**

- Policy (Mr. Jerry Walker)
- Minority Recruitment (Dr. Don Campbell)
- Fundraising/Foundation (Mrs. Debra Pearson)
- Technology (Mr. Randolph Lumm)
- Legislative / Parliamentarian (Mrs. Debra Pearson)

**Concluding Comments:**

Should Board Members wish to have something on the Board Agenda, items should be submitted to the Board Chair who will discuss with the Chancellor.

**Adjournment of Study Session and Move into Executive Session:** The study session adjourned at 9:07 p.m. and the Board moved into Executive Session.

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Randolph Elias Lumm  
Governing Board Secretary

**MEMORANDUM**

**TO:** Chancellor Rufus Glasper

**FROM:** Michael Rooney *MR*

**RE:** Report Related to Student Complaint against Governing Board Member

**Date:** April 9, 2009

Attached please find the report of my investigation into a student complaint against Governing Board Member Jerry Walker. This work was done in the performance of a contract for professional services which was entered into with the Maricopa County Community College District and its Office of General Counsel.

**Cc:** Office of General Counsel

# **Report Related to Student Complaint against Governing Board Member**

## **BACKGROUND**

On February 28, 2009, I entered into a contract for professional service with the Maricopa County Community College District to administer a district complaint process related to a complaint by a student against Governing Board Member Jerry Walker. The contract called for me to report to the General Counsel and to the Chancellor. What follows is that report.

The essence of the student complaint, dated 2/14/09 (see attachment) revolved around alleged hostile, demeaning and inappropriate words and actions directed by Jerry Walker toward the student while on a college trip to Washington, D.C. Specifically, the student stated in that while serving as a student representative for the Maricopa Community College's Student Public Policy Forum (SPPF), she was the target of Mr. Walker's abuse. The complaint stated that while on a visit to the Supreme Court the student had spoken positively with other students about two former Supreme Court Chief Justices: Earl Warren and Thurgood Marshall. She asserted in her complaint that while she was speaking Mr. Walker had contradicted her and had expressed his dislike for the two former Chief Justices. The student stated that she did not engage in conversation or debate with Mr. Walker about his comments. She went on to state that later in the day she was making her presentation regarding the Development, Relief and Education for Alien Minors (DREAM) Act to the aide from Congressman Trent Franks' office when she was once again interrupted by Mr. Walker giving his personal views and making negative comments such as "you are wrong," "that is not true" and "I do not agree with you." The student stated that again she did not engage in argument or discussion with Mr. Walker. Instead, she stated that she simply returned to her prepared presentation until its completion. The student went on to state that while she was in the next presentation, this time in Senator Kyl's office, Mr. Walker took exception to comments made by another student who was advocating for approval of the DREAM Act. In this instance the student was male and Mr. Walker's disagreement was expressed nonverbally via loud sighs and obvious facial expressions. The student stated in her complaint that once out in the hallway as the group moved to yet another presentation, Mr. Walker expressed his anger with the student for having spoken in support of the DREAM Act. The student stated that she acknowledged Mr. Walker's point of view and stated that she just happened to disagree with it. She then attempted to excuse herself from the conversation. The student's complaint went on to state that the situation escalated as she made an effort to get away from Mr. Walker. The student stated that as she was walking rapidly down the hallway she was yelled at and told that he was going to see to it that students would never speak about the DREAM Act again. At least one staff member became aware of the yelling and moved in to intervene and assess the situation. The student stated that she heard Mr. Walker tell the staff member that she had been rude to him. Hearing this, the student stated that she had not been rude but that she simply did not agree with Mr. Walker's opinion. The student went on to say that she informed one of the staff members who was acting as an advisor that she did not wish to present on the DREAM Act in

Senator McCain' office. She gave as her reason that she was afraid that Mr. Walker would be in the room and that she was still shaken by the events that had just taken place. She went on to explain in her complaint that she was fearful of another explosive incident with Mr. Walker. In her written complaint she questioned whether or not she had been treated differently because of her gender than the male students who presented on the DREAM Act.

Between the dates of March 4, 2009 and March 19, 2009, a first hand investigation was led by me in accordance with the Non-Instructional Complaint Resolution Process. The focus of the investigation was the student complaint mentioned previously. Individual interviews were conducted with the student who registered the complaint, the Governing Board Member Mr. Walker and ten other individuals who provided either direct first hand knowledge or essential background information. The latter group was comprised of four students (not counting the complainant) and staff members of the Maricopa County Community College District. Every effort was made by me to gather information and perceptions from each respondent while at the same time maintaining a fair, impartial and unbiased view. Each person interviewed was assured that his or her perceptions were viewed as their own and as such considered to be important by the interviewer. No value judgments were made regarding respondents or their comments.

## **FINDINGS**

Based upon the information gathered in the above mentioned interviews, the evidence is clear and compelling. It is evident that Mr. Jerry Walker, serving in his official capacity as a governing board member, made several grievous errors in judgment, protocol and decorum. The student stated in her written complaint and in the subsequent interview I conducted, that Mr. Walker had become angry and rude toward her, that he had demeaned and attacked her in a public setting and that he had lied to others by accusing her of being rude and disrespectful toward him. Every person who was interviewed supported each of these accusations—except Mr. Walker. Interviewee after interviewee offered independent testimony that agreed with what the student had described. Indeed, several gave more detailed information as to what Mr. Walker had said and how he had behaved while he and the others were visiting Representative Trent Franks' office and later Senator Jon Kyl's office. The student who lodged the complaint stated that she was made to feel unfairly belittled in a public setting. She further stated that she did not know why she had been, except that she had spoken in support of an issue which had been identified as a "2009 Community College Federal Legislative Priority" by the American Association of Community Colleges (AACC) and the Association of Community College Trustees (ACCT). In his interview Mr. Walker was vehement in his opposition to the issue the student supported, the Development, Relief and Education for Alien Minors (DREAM) Act. He stated that he opposed this item for political and ideological reasons and stated he was surprised that it was one that students could choose to advocate for while meeting with political representatives. The position he took is difficult to believe,

given the fact that the same issue had been among the items identified as priorities by AACC and AACT in previous years visits to the Hill. Mr. Walker had attended several of these meetings and was aware that the 2009 priorities once again contained the DREAM Act. Furthermore, a few weeks before the Washington, D.C. meeting, Chancellor Glasper had specifically informed Mr. Walker that the DREAM Act was to be on the list of priorities to be addressed. It appears obvious that Mr. Walker took it upon himself to belittle and demean the student in front of the congressional aides to whom she and others were speaking. He proudly admitted to me that he had corrected the student in public, stating that she was factually incorrect, and that he disagreed with the act and its intent. Later he accused the student of intentionally lying in her presentation. Each person interviewed described Mr. Walker's behavior as demeaning, bullying, inappropriate for the setting, and unfair to the student. Several said it was a blatant abuse of power. All interviewed, with the exception of Mr. Walker, stated that his outbursts were out of line. Furthermore, they stated that his actions resulted in students becoming fearful to speak about the issues which had been approved by college officials and for which they had prepared. Several described the setting as oppressive and a ruined or diminished educational opportunity. In short, his actions had caused a chilling effect on the overall learning environment.

Mr. Walker readily volunteered that he believed the entire episode had been orchestrated by liberal administrators and staff in order to embarrass him in Washington, D.C. When asked to produce evidence which would support this belief, he was either unable or unwilling.

## **RATIONALE FOR FINDINGS**

The conclusion I reached was shaped by a wide variety of informational factors. First and foremost was a preponderance of evidence gained from twelve interviews. Several of these interviews lasted as long as two and a half hours. Interview questions were designed to elicit information and details gained from first hand knowledge. Considerable time and effort were expended in order to check and cross check details put forth in the student complaint. Likewise, ample time was spent in finding out about the historical roots and purposes of the Student Public Policy Forum. Information was obtained regarding the selection and training of SPPF students. Of paramount importance was gaining a comprehensive understanding as to how the green sheet priority issues set forth by AACC and ACCT shaped the presentations that students made in Washington. Time was spent in learning how students were prepared to make effective presentations while in Washington. Careful analysis was given to what information the governing board members knew about the green sheet issues and when they knew it. This was of utmost importance as Mr. Walker's contention of surprise about the green sheet issues was weighed.

When these and other related factors were pondered, the picture became crystal clear of a governing board member who, due to a lack of self control, badgered and bullied a student who had done nothing wrong or inappropriate. The fact that Jerry Walker fundamentally disagreed with the student's viewpoint is not in and of itself the issue. Instead, the issue is the troubling truth that he saw fit to belittle and demean the student in a most public, inappropriate and embarrassing manner. Instead of waiting until there was a quiet and private opportunity to address his disagreement, he chose to ridicule and embarrass before others. Instead of acting as a mentor and senior advisor, he chose to wield the power of his position to berate. What might have been a teachable moment in which honest dialogue was established was lost. In its place were fear, confusion and resentment on the part of the student. On the part of the governing board member there was anger and hostility. On the parts of those who witnessed the matter there was caution and withdrawal. Trust and confidence were lost. A pall was cast over the group. In short, it was anything but a climate conducive to learning.

To draw the point more finely, the following is what five different interviewees, some students and some employees, had to say about Mr. Walker's behavior:

"The student did nothing wrong. The board member is the one at fault."

"The board member was out of line—very combative. He acted upon his personal biases"

"Some students asked if Mr. Walker was going to be going with them to the Hill the day after the reported incidents. They were hoping he would not be. Some felt he was a subversive influence."

"The board member is a bully in his behavior."

"He attempted to impose his beliefs on us."

## **RECURRING THEMES**

Throughout the period of interviews, a pattern of recurring themes emerged. These were issues that were brought forth by respondents independent of one another. At first they were merely a matter of interest to me. Then because of their recurrence, they became a source of investigative concern. Ultimately, because of their frequency, they emerged as matters deserving mention in this report.

First, virtually all who were interviewed, save Mr. Walker, stated that the board member had verbally attacked and berated the student unnecessarily in a public setting.

Second, there was wide spread agreement that the matter escalated unnecessarily due to the board member's attempt to insert himself and his views into what was rightly supposed to be students' presentations.

Third, in spite of the board member's contention that students were not to advocate for issues to be considered for legislative action, all who were interviewed disagreed. The students had been prepared and trained by college employees to voice opinions on issues delineated by AACC and ACCT, regardless of what their opinions were.

Fourth, the majority of interviewees stated that they believed the board member was quite comfortable with students advocating for legislative issues which conformed to his own political or ideological beliefs.

Fifth, the board member stated in a number of settings that the entire matter had been orchestrated by "liberal" members of the Maricopa County Community College District in order to humiliate him publicly while in Washington, D.C.

Sixth, with the exception of Mr. Walker there was unanimous agreement among the respondents that Mr. Walker had been "out of line" in his behavior toward the student.

Seventh, Mr. Walker's contention that he had been unaware that the DREAM Act was going to be discussed by SPPF students with legislative representatives while in Washington was roundly scoffed at by interviewees. To a person they stated that this was clearly an untruth on the part of Mr. Walker.

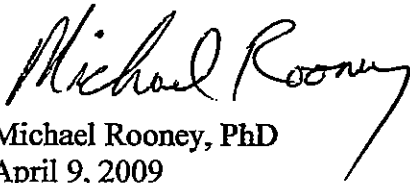
## **RECOMMENDED ACTIONS**

The following actions are strongly recommended:

1. Mr. Walker should be officially admonished for his inappropriate behavior with students while on a college trip to Washington, D.C.
2. Mr. Walker should offer a written apology to the student who registered the complaint against him.

3. The administration should devote resources to train and counsel board members regarding protocols for proper interaction with students. An important element of this program should entail the right of students to express their opinions.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michael Rooney". The signature is written in black ink and is positioned above the typed name and date.

Michael Rooney, PhD  
April 9, 2009