

**Minutes of the Regular Meeting of the Board of Trustees  
San Mateo County Community College District  
May 13, 2009  
San Mateo, CA**

**The meeting was called to order at 6:04 p.m.**

**Board Members Present:** President Karen Schwarz, Vice President-Clerk Patricia Miljanich, Trustees Helen Hausman, Richard Holober and Dave Mandelkern, and Student Trustee Virginia Medrano Rosales

**Others Present:** Chancellor Ron Galatolo, Executive Vice Chancellor Jim Keller, Skyline College President Victoria Morrow, College of San Mateo President Michael Claire, Cañada College President Tom Mohr, and District Academic Senate President Patty Dilko

**Pledge of Allegiance**

**DISCUSSION OF THE ORDER OF THE AGENDA**

None

**MINUTES**

It was moved by Trustee Hausman and seconded by Vice President Miljanich to approve the minutes of the Regular Meeting of April 22, 2009. The motion carried, all members voting "Aye."

**PRESENTATIONS TO THE BOARD BY PERSONS OR DELEGATIONS**

None

**STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES**

Reports were presented by Chancellor Galatolo, President Morrow, President Claire, President Mohr, Executive Vice Chancellor Keller, President Dilko, Associated Students of College of San Mateo (ASCSM) President Megan Claire and Associated Students of Cañada College (ASCC) Senator Alma Nunez. Copies of the Presidents' Executive Reports were available for distribution at the meeting and are attached to the official minutes of record.

Chancellor Galatolo announced that Trustee Hausman will be awarded the Tom Lantos Humanitarian Award by the Red Cross at the 2009 San Mateo County Heroes Breakfast on June 4.

Chancellor Galatolo said that both he and Trustee Holober have a conflict with the College commencement ceremonies because they each have children graduating from high school the same evening. It was agreed that the Board will attend commencements as follows: Cañada College-President Schwarz; College of San Mateo-Trustee Hausman and Student Trustee Medrano Rosales; Skyline College-Vice President Miljanich. Trustee Mandelkern will be out of town.

President Morrow highlighted items in her report, including:

- Attendance at the May 7 Student Recognition and Awards ceremony was the largest in history.
- Margarita Raquel Gutierrez was awarded a Pister Scholarship and will attend the University of California at Santa Cruz. Claudia Briones has won the Genentech Scholars Award and Internship.
- Skyline won third place awards for the College catalog and the President's Breakfast video at the Community College Public Relations Organization statewide conference.
- Skyline's chapter of Phi Theta Kappa was one of only ten chapters in the world to earn the Continuing Excellence Award. Skyline students also won the USA Today Case Study Challenge.

- Eleven Honors Transfer program students presented original research projects at Stanford at the Community College Honors Research Symposium; a selection of the presentations will be shown on May 20.
- An open forum will be held at Skyline tomorrow, with Executive Vice Chancellor Keller and Chief Financial Officer Kathy Blackwood in attendance.

President Claire highlighted items in his report, including:

- Former San Francisco 49er Guy McIntyre spoke with two CSM classes with the basic message that athletes should focus on education because one day "football will be over."
- The CSM Scholarship and Awards ceremony was held on May 7. Former Student Trustee Richael Young has been awarded a Jack Kent Cooke Foundation's Undergraduate Transfer Scholarship and will attend the University of Illinois. The Karl S. Pister Leadership Opportunity Program Scholarship was awarded to Olena Mykhaylichenko.
- The CSM baseball team clinched its eighth consecutive league title and Coach Doug Williams was named Coach of the Year by the Conference.
- CSM received three Community College Public Relations Organization awards: first place for the website, second place for a dental assisting flyer, and third place for the view brochure. President Claire displayed the winning entries and recognized Bev Madden, Director of College Development and Marketing, and Dave McLain, Visual Communications Coordinator, who were in the audience.

President Mohr highlighted items in his report, including:

- The University Center's Teacher Efficacy Program received a J. Russell Kent Award.
- Student Alex Garcia has received a Jack Kent Cooke Foundation's Undergraduate Transfer Scholarship and will attend the University of California at Berkeley. Mr. Garcia overcame incredible odds, partly through the help of Economics Professor Paul Roscelli who challenged and encouraged him.
- Dr. Peter Babatis will be the new Vice President of Student Services.
- Nancy Yousef has been named the 2009 Cañada Valedictorian and Ashley Cohen will be recognized for outstanding scholarship and leadership at this year's commencement ceremony.
- Congresswoman Anna Eshoo will be this year's commencement speaker.
- The Budget committee will meet regularly during the summer. President Mohr thanked faculty and staff for working together on the budget problems.

Executive Vice Chancellor Keller said the budget is foremost on people's minds. Tomorrow the Governor will present scenarios of what will happen if the May 19 initiatives pass vs. if they do not pass. Chief Financial Officer Kathy Blackwood is chairing the Statewide Business Officers meeting next week and Executive Vice Chancellor Keller said the District is fortunate to have an officer of her caliber.

President Dilko reported that Chancellor Galatolo and the College Presidents attended the District Academic Senate Governing Council meeting last Monday to speak about plans to lead their institutions through change. She noted that the results of the May 19 election will be known just as faculty are leaving for the summer. Faculty is aware that changes will need to be made and they want to be part of the discussion. They were concerned that decisions regarding programs and services could be made over the summer without consultation. President Dilko said the Senate leadership developed four guiding principles for faculty engagement: (1) faculty need to continue to be engaged collegially on matters that affect programs on both local and district level, (2) no academic program will be discontinued, modified, "un-scheduled" or moved from one campus to another without consultation, (3) decisions regarding class size and load must be made while maintaining the integrity of the instructional program and with transparency to the affected faculty member, and (4) if the budget reductions go more deeply than the first 10% that has been assumed to date, the district will convene a Restructuring Council to work through issues of program and service offerings.

President Dilko said there will be one more Senate meeting before summer to plan which business to carry over to next year.

ASCSM President Megan Claire highlighted activities and events from the past semester, including the March in March rally in Sacramento; the United States Student Association conference in Washington, D.C.; the Student General Assembly in San Diego; the Winter Retreat; Spring Fling; and Diversity Week. Ms. Claire said elections were held for next year's student officers; the ASCSM President will be Steffi Santana and the Vice President will be George Frias.

ASCC Senator and incoming President Alma Nunez described activities held at Cañada, including the Winter Retreat with a Citizenship and Diversity theme; Black History Month; an Unlearning Racism Workshop; and Spring Fling. Ms. Nunez quoted student responses to some of these events to show the impact they had on students. Ms. Nunez said students attended the March in March rally in Sacramento; the Faculty of California Community Colleges conference in Sacramento; and the United States Student Association conference in Washington, D.C. Elections were held recently and 14 new Senators were elected for next year.

### **STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

None

### **NEW BUSINESS**

#### **APPROVAL OF PERSONNEL ACTIONS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (09-5-1A)**

It was moved by Vice President Miljanich and seconded by Trustee Hausman to approve the actions in Board Report No. 09-5-1A. The motion carried, all members voting "Aye."

#### **HEARING OF THE PUBLIC ON CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION (CSEA), CHAPTER 33 INITIAL CONTRACT PROPOSAL TO THE DISTRICT (09-5-2A)**

It was moved by Vice President Miljanich and seconded by Trustee Hausman to open the public hearing. The motion carried, all members voting "Aye." President Schwarz asked for questions and/or comments from the audience. Hearing none, President Schwarz declared the public hearing closed.

It was moved by Vice President Miljanich and seconded by Trustee Hausman to adopt the initial proposals as outlined in the report. The motion carried, all members voting "Aye."

### **APPROVAL OF CONSENT AGENDA**

The Consent Agenda consists of the following Board Reports:

- 09-5-1CA Approval of Trustees' Fund for Program Improvement Projects for Cañada College, College of San Mateo and Skyline College
- 09-5-2CA Approval of Skyline College Summer 2009 Sports Medicine Camp
- 09-5-3CA Approval of College of San Mateo Summer 2009 Spread Option Football Camp

It was moved by Vice President Miljanich and seconded by Trustee Hausman to approve the items on the Consent Agenda. The motion carried, all members voting "Aye."

### **Other Recommendations**

#### **APPROVAL OF RESOLUTION NO. 09-3, IN SUPPORT OF CALIFORNIA AB 669, FOSTER YOUTH RESIDENCY REQUIREMENTS (09-5-1B)**

It was moved by Trustee Hausman and seconded by Trustee Mandelkern to approve the resolution as detailed in the report. The motion carried, all members voting "Aye."

**APPROVAL OF RESOLUTION NO. 09-4, IN SUPPORT OF MEASURE E, THE REDWOOD CITY SCHOOL DISTRICT PARCEL TAX INITIATIVE (09-5-2B)**

It was moved by Vice President Miljanich and seconded by Trustee Mandelkern to approve the resolution as detailed in the report. The motion carried, all members voting "Aye."

**CONSIDERATION OF SERVICE AWARD FOR 2008-09 STUDENT TRUSTEE (09-5-100B)**

It was moved by Trustee Hausman and seconded by Vice President Miljanich to approve the service award as detailed in the report. The motion carried, all members voting "Aye." Student Trustee Medrano Rosales commented that it has been a pleasure to work with the Board and represent the students of the District.

**APPROVAL OF ADDITIONS, CHANGES AND DELETIONS TO RULES AND REGULATIONS, CHAPTERS 2, 7 AND 8 (09-5-101B)**

It was moved by Trustee Hausman and seconded by Vice President Miljanich to approve the revisions as detailed in the report.

Regarding Section 2.17, Emeritus Designation, Trustee Mandelkern said he was not aware of a policy regarding which faculty members are entitled to use the title of professor. Vice Chancellor Harry Joel said there is a policy for regular faculty. The designations, beginning with assistant professor and advancing to associate professor and full professor, are based on pay scales and academic degrees.

Regarding Section 2.30, Political Activity, Trustee Mandelkern asked if the text is verbatim from the Education Code. Ms. Christensen said it is not verbatim, but is contained in a policy the District has had since at least 1995. Trustee Mandelkern recalled that County Counsel issued guidance regarding a controversy from the last election when a faculty member displayed a poster on an office door; he asked if that guidance is included in this policy. Ms. Christensen said the advice is in keeping with this policy; Section 1(b) states that "District resources may not be used to campaign for or against a candidate or issue" and County Counsel advises that posting something on a glass door that opens into a public hallway is a use of District resources. Trustee Mandelkern asked if County Counsel also advises that during a presentation on an issue, both points of view must be given. Ms. Christensen said such a presentation would not be considered campaigning, but would be presenting factual information. Trustee Mandelkern said the issue is how to balance the free speech rights of faculty and staff against any prohibitions. He said the controversy seems to be about whether County Counsel's interpretation is correct. Ms. Christensen said the advice is the same as the District has received from the State Community College System attorneys. She added that issues have arisen in almost all elections and cited a 2007 decision from an appellate court regarding whether a union can use a district's internal mail system when political materials are included in their newsletter. The California Supreme Court last week agreed to hear arguments in this case. The Board will be provided more information on the case. Trustee Holoher asked what impact this policy has if the union has consistently been allowed to use email for routine correspondence. Ms. Christensen said it has always been the District's stand that the union cannot use email or District internal mail for any correspondence that campaigns for or against an issue or candidate. Ms. Christensen said there will be a follow-up report on this issue at a future meeting, with attorneys present. Trustee Mandelkern said the report should include clarification on what is and is not permissible. President Schwarz said it would be helpful for the Board to see County Counsel's written guidance about the issue from the last election.

Regarding Section 2.45, Conflict of Interest, Trustee Holoher said it would be helpful for the Board to get clarification on the meaning of "remote interest" in number 3(a). Ms. Christensen said this language is from the government code and staff will provide detailed information to the Board. Trustee Holoher asked if the District examines the conflict of interest forms submitted by the Board; Ms. Christensen said they are reviewed.

**INFORMATION REPORTS**

**DISTRICT FINANCIAL SUMMARY FOR THE QUARTER ENDING MARCH 31, 2009 (09-5-1C)**

Executive Vice Chancellor Keller noted the report shows that State Aid income was \$8 million less than last year; this is a direct result of the State deferring apportionment payments which the District must cover. If AB

551 passes, it will further reduce community college property taxes by 25 percent. In addition, the Governor is talking about borrowing even more money from local agencies through property taxes to be able to fund the State's deficit.

Executive Vice Chancellor Keller said the property tax line item goes down every year because of the triple flip and the fact that money is taken out of the first payment the District receives in December in order to help pay for the hold harmless districts and agencies. The \$36 million Inter-Fund Transfer is a result of these two issues. Expenses are not much different than last year; the problems are revenue and cash flow.

Trustee Holober asked if it is true that the District is allowed to borrow from its own funds for up to 180 days. Executive Vice Chancellor Keller said this guideline refers to K-12 limits, but the District generally follows the same guideline. The District borrows in two ways: issuing Tax and Revenue Anticipation Notes (TRANs) and borrowing from its Capital Outlay and Post-Retirement Benefits funds. They are paid back in April when the District receives a good portion of its property tax revenue.

Trustee Mandelkern asked if it is correct that this District and others are essentially being asked to finance the State's deficit; Executive Vice Chancellor Keller said this is true. Trustee Mandelkern asked if there are offsetting payments that the District sends to the State, such as student fees, which might be withheld. Executive Vice Chancellor Keller said the District does not actually send any student fee dollars to the State; they are deducted from the payments the District receives. The penalties for withholding any tax payments would be very high.

### **THIRD QUARTER REPORT OF AUXILIARY OPERATIONS, 2008-09 (09-5-2C)**

Executive Vice Chancellor Keller noted that with the closing of kitchens at College of San Mateo, food service income declined but vending income increased.

### **STATEMENTS FROM BOARD MEMBERS**

Vice President Miljanich made the following statement:

I've asked President Schwarz to let me make my comments first because I want this meeting to end on a happier note.

I have served on this Board for nearly 14 years and I think that the recent experience I had when I picked up and read the latest copy of the Advocate newspaper may be one of the saddest and maybe even most shocking moments I have ever had in all these years.

You may or may not know that my entire life's work, both professionally and personally, has been as an advocate for justice and respect for those who cannot speak for themselves (primarily children). It was in this context that I made a decision to run for this Board. When I was first approached to consider service on this Board, I was advised and encouraged by members of the AFT to believe that my service was necessary to help put an end to the disrespectful treatment of faculty in this District by the then current Administration.

Through the years, my colleagues and I, particularly this configuration of the Board, have been in clear agreement that while we may not always agree, we must have respectful, honest discourse on issues and concerns. So it is very distressing and ironic to see that after all those years, one's work to establish a climate of respect and justice is so challenged by some members of the very group that asked me to help them rid the District of their disrespectful treatment.

The two lead articles in the latest Advocate, and the one in the issue before it on the same topic, are/were:

- Intentionally inaccurate, untrue and misleading
- Grossly disrespectful, not only to the Board and the Administration, but most importantly to the highly respected faculty involved in the tenure review committee that is the subject of the articles; what is not addressed in the articles is the fact that this entire issue is about these faculty members who had taken

seriously the difficult responsibility to evaluate the performance of their colleague in order to serve the interests of students

- Possibly defamatory and most certainly inflammatory
- Illogical and evidence either a complete misunderstanding of the different roles that the Board, the administration, the tenure review committee, faculty, the union and others play in this process, or worse, a purposeful mischaracterization of those distinctions because it served the interest to create and perpetuate every disagreement as one between "them and us," the Administration vs. the faculty. I was particularly struck by this as I listened to our students discuss the work they are doing regarding diversity and respect and trying to get rid of stereotypes of people.

Some people might say that all of this is just "gamesmanship" and the natural antagonism that must exist between the constituencies of the community college district. I disagree and suggest that this is the time to come together as respected and respectful individuals to solve the complex problems in a difficult economy such as those we have been discussing tonight.

It is not entirely surprising to me to see articles such as these in this day where sensationalism sells papers. However, before I read the Advocate, I read the student newspaper, The Skyline View, and I would like to suggest that perhaps those student journalists could lend their expertise to the Advocate journalists and help them raise their journalistic standards, while still conveying their message and their advocacy.

I would also like to suggest that another article might be well received, such as the experience of a respected faculty member who, out of a responsibility to the students of this District, takes on the difficult task of evaluating a colleague's appropriateness for tenure.

In closing, I want to say that these articles do a real disservice to faculty and other constituencies in the District. I would like to see faculty who do not feel that this represents them stand up and be counted and say that this is not the way we are going to conduct our important discussions in this District.

To the writers of the front page articles -- shame on you.

To the editor and editorial board members -- shame on you.

President Schwarz said she applauds Vice President Miljanich for speaking out in a public forum. She said the Board does not have a publication like The Advocate and that this is the Board's only way of speaking publicly. President Schwarz said it is personally distressing to see things in a publication that are not true and she wishes the writers had approached the Board to get the facts before writing the articles. President Schwarz believes the views expressed in these articles may not represent all faculty. She said that if all faculty feels this way about the administration and the Board, there is a lot more work to do than the Board realized.

Trustee Mandelkern thanked Vice President Miljanich for her comments. He said he was very distressed to read the articles. Trustee Mandelkern said that while there may be disagreements on issues, the Board has always tried to have a respectful environment that respects the professionalism of all parties. These articles crossed the line in questioning the personal integrity of the Board when the Board was doing its job, a job which is not necessarily an easy one and which is guaranteed to make at least some of the people involved in these decisions unhappy. However, the Board takes their responsibility very seriously. The claim was made that Board members would show up for an arbitration hearing without having read the record ("... there was no way they could have read, absorbed and digested. . ." the 800 pages of testimony, brief and exhibits) while in reality Board members spent days of their time individually reviewing the record completely, as evidenced by the fact that they discussed intricate details of the record during their deliberations on this matter. Trustee Mandelkern hopes that comments made in these articles, such as "... the Trustees were (miraculously) able to read, as required by law. . ." are not representative of the sentiments of faculty as they show such little respect for Board members with the charge that they would take their responsibility so lightly as to not have done their homework and due diligence and read the materials that were presented to them for the hearing.



Trustee Mandelkern said he has been a member of the Board for only six years but does not recall ever hearing about or being a party to saying the Board would never overrule an arbitrator's decision, an assertion which was stated as fact in the articles. Trustee Mandelkern said a factual basis should be provided for statements made in the articles. Responding to the assertion regarding an attempt to rush a decision, Trustee Mandelkern said there was a 20 day process during which the Board had to read the record, hold hearings and produce written findings. Contrary to the charge that "... it all happened behind closed doors," Trustee Mandelkern said a public hearing was held for the faculty member as part of the appeals process. Trustee Mandelkern believes that, within a tight timeframe, the Board did a commendable job of honoring the responsibility they were elected to uphold. He said that the Board expects that some will disagree with its decisions and respects that right, but to impugn the integrity and reputation of the Board is uncalled for and is a big step backward in the relationship that he has personally been trying to build between representatives of the faculty from the AFT and the administration and Board, and he is very disappointed at the direction this took.

Regarding comments made about the counsel that the Board brought in to avoid even the appearance of a conflict of interest, Trustee Mandelkern said the charges that counsel was conflicted should have been reconsidered before being made because they are absolutely incorrect. He said the point is being reached where people who keep repeating such statements are damaging the reputations of both the Board and the outside counsel hired by the Board.

In closing, Trustee Mandelkern said he appreciates that Vice President Miljanich brought the issue up and he supports her statement.

Student Trustee Medrano Rosales attended several events, including the 25 Year Service Awards, the Student General Assembly in San Diego, the closing day of the Skyline Classified Council Retreat, the Women in Transition Spring Luncheon, the student recognition ceremonies at Skyline and Cañada, and the groundbreaking for the Automotive Center at Skyline. This Friday, she will be in attendance when her granddaughter graduates from the Skyline Child Development Center.

Trustee Mandelkern attended a dinner at which he sat next to the mother and friend of a veteran and he was proud to refer them to Mario Mihelcic of the Veterans Services program at College of San Mateo. Trustee Mandelkern attended the groundbreakings for the Automotive Center at Skyline and the Cañada Vista faculty/staff housing project at Cañada. He also attended the 25 Year Service Awards and the academic and scholarship awards ceremonies at Cañada College and College of San Mateo. Trustee Mandelkern recognized two former student trustees, Patrick Burns for being in the Honors Transfer program and Richael Young for receiving a Jack Kent Cooke Foundation's scholarship. He also said he had a chance to talk with Student Trustee Medrano Rosales and her husband and commented that she brings a new perspective to the Board which represents a large number of students who are returning to school. Trustee Mandelkern said he appreciates the enthusiasm that Student Trustee Medrano Rosales brings to her position. Trustee Mandelkern reminded everyone to vote on May 19.

Trustee Hausman attended the 25 Year Service Awards and the groundbreaking ceremonies for the Automotive Center at Skyline and the Cañada Vista project. Trustee Hausman saw Chancellor Galatolo on Channel 7 testifying before the House Financial Services Committee in Washington and commented that he was articulate and knowledgeable.

Vice President Miljanich congratulated Student Trustee Medrano Rosales on her year of service and said she echoes the comments made by Trustee Mandelkern about Student Trustee Medrano Rosales.

Trustee Holober attended the Skyline Automotive Center groundbreaking and the Kent Awards banquet. He reminded the Board of the forum on the needs of foster youth to be held on June 1 at Hillsdale High School. Trustee Holober noted that the California Federation of Teachers has filed a lawsuit to try to recover \$7.9 billion that is in the current year's shortfall to K-14 education.

President Schwarz attended the 25 Year Service Awards, the Kent Awards banquet, the groundbreaking for the Cañada Vista project and the student recognition and scholarship awards at Skyline and Cañada. She noted that the Pister Scholarship recipient at Cañada is a middle college student and commented that middle college is an absolute necessity. President Schwarz also attended the awards ceremony in Lake Tahoe at which Barbara Daley received a Statewide Classified Employee of the Year award. Regarding the concern about faculty being included in discussions during the summer and the discussion of political activity, President Schwarz wants to make sure that other groups, such as AFSCME, are included as well. Trustee Schwarz said she is pleased that additional funding for the Veterans Services Program was included in the Trustees' Fund for Program Improvement requests. As Board President, President Schwarz attended the hearing in Sacramento on AB 1455 with the Higher Education Committee, and she would like to hold a Board study session on this topic. She will be on vacation on June 10 when the next study session is scheduled, and asked the Board if there is a possibility to change the date. Staff will work on coordinating a date for the study session. President Schwarz said it is a pleasure to have Virginia Medrano Rosales as the Student Trustee.

### **COMMUNICATIONS**

None

### **RECESS TO CLOSED SESSION**

President Schwarz announced that during Closed Session, the Board will discuss the personnel items listed as Items 1-A and 1-B on the printed agenda. The Board will also conduct a conference with legal counsel regarding two cases of anticipated litigation.

The Board recessed to Closed Session at 8:10 p.m.

The Board reconvened to Open Session at 9:22 p.m.

### **CLOSED SESSION ACTIONS TAKEN**

President Schwarz reported that, at the Closed Session just concluded, the Board considered the personnel items listed on the printed agenda and voted 5-0 to approve the actions in Board Report No. 1-A and 1-B.

### **ADJOURNMENT**

It was moved by Trustee Holober and seconded by Trustee Hausman to adjourn the meeting. The motion carried, all members voting "Aye." The meeting was adjourned at 9:25 p.m.

Submitted by



Ron Galatolo  
Secretary

Approved and entered into the proceedings of the June 24, 2009 meeting.



Patricia Miljanich  
Vice President-Clerk