

**Minutes of the Special Meeting of the Board of Trustees
San Mateo County Community College District
November 6, 2019, San Mateo, CA**

The meeting was called to order at 4:30 p.m.

Board Members Present: President Maurice Goodman, Vice President Karen Schwarz, Trustee Richard Holober, Trustee Dave Mandelkern, Trustee Thomas A. Nuris

ANNOUNCEMENT OF CLOSED SESSION ITEMS FOR DISCUSSION

President Goodman said that during Closed Session, the Board will (1) hold a conference with legal counsel regarding two cases of anticipated litigation as listed on the printed agenda, (2) consider public employee discipline, dismissal, release, and (3) hold a conference with the agency labor negotiator as listed on the printed agenda

PUBLIC COMMENTS ON CLOSED SESSION ITEMS ONLY

None

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 4:31 p.m.

RECONVENE TO OPEN SESSION

The Board reconvened to Open Session at 6:15 p.m.

Board Members Present: President Maurice Goodman, Vice President Karen Schwarz, Trustee Richard Holober, Trustee Dave Mandelkern, Trustee Thomas A. Nuris, Student Trustee Jordan Chavez

PLEDGE OF ALLEGIENCE

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

President Goodman said the Board took no reportable action during closed session.

DISCUSSION OF THE ORDER OF THE AGENDA

President Goodman said that in order to accommodate presenters, there is a request to hear item 19-11-3C, Presentation of Skyline College Academic Senate Student Ready Resolution, immediately following Statements from the Public on Non-Agenda Items.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Bill Collins, a member of the public, said there is an opportunity for the Board to reconsider some policies that have put the District on what he considers a questionable track, including turning community colleges into private country clubs and privatizing the management to a for-profit company that charges the public \$20 for a drop-in visit. He said he believes community colleges are supposed to be more open to the public. He said nothing about a wellness center is included in the 2014 bond Measure H language and he believes the District deliberately withheld information from the voters and it is time to have new candor with the public.

PRESENTATION OF SKYLINE COLLEGE ACADEMIC SENATE STUDENT READY RESOLUTION

(19-11-3C)

Professor Kate Williams Browne, President of the Skyline College Academic Senate, said it is important and timely to reaffirm values and priorities at a time when the District and colleges are in transition. She said the Skyline College Academic Senate has issued resolutions sparingly. She said the Senate adopted a resolution on equity in 2017 and has stayed steadfast to that priority. Professor Browne said the Academic Senate adopted the Student Ready resolution in the spring but took time to provide an opportunity for all constituencies to read and think about the resolution. Along with Professor Browne, the following individuals shared in reading the resolution, which is included in the board packet: Alejandro Guzman, President of the Associated Students of Skyline College; Michele Hagggar, President of the Skyline College Classified Senate; and Professor Jessica Hurless, who serves on the Skyline College Academic Senate and is Chair of both the Skyline College and District Curriculum Committees.

Dr. Michael Reiner, a resident of San Mateo County, commended the Skyline College Academic Senate for the Student Ready resolution. However, citing data on completion rates, number of units attempted and completed, credit course success rates and graduation rates, he said the “brutal truths” referenced in the resolution and detailed at the September 26, 2018 Board meeting, are not true according other sources. He said data must be accurate in order to define, analyze and influence decision making. He said he supports the resolution in terms of the need for better professional development, more thorough program review and the faculty’s call that administration and the Board engage with them as required by Title 5 and 10 + 1.

President Goodman thanked the Skyline College Academic Senate, Classified Senate and staff, and students for their efforts and continued work in addressing the needs of students and ensuring that the District is student ready.

NEW BUSINESS

CHANCELLOR SEARCH: REVIEW OF SEARCH PROCESS; DISCUSSION OF DESIRED CHARACTERISTICS AND QUALITIES OF THE NEW CHANCELLOR; APPROVAL OF TENTATIVE TIMELINE; APPROVAL OF SALARY RANGE (19-11-100B)

President Goodman called on Dr. Joan Smith of Community College Search Services (CCSS) to begin the discussion. Dr. Smith said that at this meeting, she would like to get clarification from the Board about the process they would like to follow, what characteristics and attributes they would like to see in a new chancellor, and what challenges and opportunities they believe lie ahead for the new chancellor. She said she will use this information in developing a position announcement which will be presented to the Board at the December meeting.

Dr. Smith discussed the tentative timeline with the Board. After reviewing calendars, the Board agreed to move the Board meeting scheduled for December 11 to December 9. The Board agreed on the following timeline:

- Week of November 18, 2019: Hold forums/town hall meetings to gather information on the attributes that the campuses and the community would like to see in a new chancellor. Dr. Smith suggested that one forum be held at each site and that one meeting be held in the morning, one in the afternoon and one in the evening. President Goodman said it is important to ensure that strategic community partners are provided information on the forums.
- December 9, 2019: Present and review position announcement to the Board, answer questions and get approval to advertise.
- December 2019 and January 2020: Human Resources places advertising (the State Chancellor’s Office does not allow consultants to send mass mailings throughout the state) and Dr. Smith begins recruiting.
- Week of February 3, 2020: Screening Committee meets to review the process for screening applicants, develop interview questions and review the process for interviews.
- February 19, 2020: Position closes.
- Week of March 2, 2020: Screening Committee meets to select candidates to interview.
- Week of March 16, 2020: Screening Committee meets to interview and select finalists to send to the Board of Trustees.
- Week of April 13, 2020: Candidates interview with the Board of Trustees and the colleges/District hold forums.
- April 2020: Board subcommittee conducts a site visit.

President Goodman said there was earlier discussion about an early notice being sent that would alert individuals to watch for the position announcement. Dr. Smith said she wanted to gather information about the characteristics the Board would like to see in a new chancellor before sending a letter. She said the letter will be sent subsequent to this meeting.

Trustee Holober said a representative from another search firm had suggested having an attorney draft a statement regarding the investigation of the former chancellor to be available to share with applicants. Trustee Nuris agreed with this suggestion, stating that the question will come up and it is best to have one legal answer. Dr. Smith asked that the statement be provided to her to include with other materials.

Dr. Smith discussed with the Board the number of candidates that should be selected to interview with the Board of Trustees. She said the typical number is three to five. Trustee Holober said he would be concerned if fewer than three

candidates' names were forwarded. Trustee Mandelkern noted that the Board can restart the process if it chooses to do so. In response to a question from Trustee Holober, Dr. Smith confirmed that she will staff the screening committee process, including providing advice.

President Goodman said Board Policy 2.02 states, "The Board of Trustees ("Board") shall employ a full-time Chancellor to serve as chief executive officer of the District, whose principal responsibility is leadership of the educational program. In the case of a vacancy for the position of Chancellor, the Board shall establish a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations." Therefore, he said the Board has leeway in creating a process, including the composition of the screening committee. Trustee Holober said there is an administrative procedure on hiring a chancellor listed on the website, dated February 2013, that states that the Board of Trustees is the screening committee. However, there is another procedure listed elsewhere on the website, dated July 2005, that spells out a different screening committee which includes representation by classified staff, faculty, students and others who might be proposed by the Board. Trustee Holober said he does not recall the Board approving a procedure that calls for a Board-only screening committee and can find no evidence that this was adopted by the Board. Aaron McVean, Vice Chancellor of Educational Services and Planning, said the Board policy stating that the Board shall establish a search process in the case of a vacancy trumps administrative procedures. Therefore, administrative procedures do not necessarily have to be followed and can be shelved at the direction of the Board. Vice Chancellor McVean said now is the time for the Board to establish a process for hiring a new chancellor.

Vice Chancellor McVean said staff studied recent chancellor searches around the Bay 10. He said the West Valley-Mission and San Jose-Evergreen Districts have policies stating that the Board shall establish a process and both assembled screening committees that included faculty, classified staff, administrators, students and at least one community representative. The Peralta District's process is more prescriptive as it lists specific positions to be included on a screening committee, with balanced representation from constituent groups.

Trustee Mandelkern said the Board has heard repeatedly that it has one employee – the chancellor – and is responsible for hiring the chancellor. He said best practices indicate that the process works best with a larger screening committee which identifies candidates and submits finalists to the Board of Trustees. He said he attended a session at the recent ACCT Leadership Congress on choosing a new chief executive officer. He said it was reported that the screening committee is often chaired by a trustee and that 12 to 15 members is the ideal size of a screening committee. Trustee Mandelkern said he believes that with 12 to 15 members on the screening committee, it would be possible to achieve broad representation across all stakeholder groups and across the three campuses and the district office. Dr. Smith said this is a very typical size and said that if a committee is much larger, it is difficult for all members to ask questions.

Student Trustee Chavez said his concern is that limiting the screening committee to 15 members would omit a number of individuals. He asked if members of the community and students who serve on the committee would be required to complete unconscious bias training. David Feune, Director of Human Resources, said anyone who serves on a screening committee is required to complete the training.

Trustee Nuris asked if it is typical to have Board members serve on the screening committee, at which they would see candidates and possibly form an impression before the candidates get to the final selection process. He said it would seem like best practice to have the Board set parameters by establishing the criteria, guidelines and questions that the committee follows. Dr. Smith said some districts have trustees serve on screening committees, but her experience is that most wait until the committee has selected candidates to forward to the board, at which time candidates have a chance to present themselves to the entire board. Trustee Mandelkern said he appreciates the merits of this point; however, the countervailing point is that having a trustee on the committee helps keep the process on track because it can provide insight into the Board's thinking and decision-making process. He said candidate questions are formed by the screening committee and the desired attributes of a chancellor will be informed by public forums as well. Trustee Nuris said Trustee Mandelkern raised good points during the discussion.

President Goodman said that having a trustee serve on the committee ensures that there is representation from the body that will ultimately be the boss of the chancellor. He said he sees the pros and cons of having trustees serve on a screening committee, but he said he believes the best practice is to have a Board member be part of the process. He said that in some ways, the role of a trustee would be similar to that of Dr. Smith, i.e. to make sure the process is fair and honest and to make sure that highly qualified individuals are put through to the final selection process. Trustee Holober

said he would hope that a trustee serving on the committee would say less than anyone else but say what is needed to make sure the process does not go amiss.

The Board continued an extensive discussion about the number of members who should serve on the screening committee and the makeup of the committee. The final decision was that the committee would include:

- three faculty members – one from each college, to be forwarded by the Academic Senates in collaboration with AFT
- three classified staff – one from each college, to be forwarded by CSEA (CSEA will discuss with AFSCME)
- three students – one from each college
- three administrators
- one trustee
- two community members

Trustee Mandelkern suggested that one administrator be from the district office. Trustee Holober said that having an administrator from the district office serve on the committee would make him uncomfortable because the relative handful who could serve are so intimately direct reports to the future chancellor. Trustee Mandelkern said he sees this as a benefit because working directly with the chancellor allows an administrator to best understand the relationship. Vice President Schwarz agreed that having a District Office administrator serve on the committee would be a benefit.

Trustee Holober said he believes the Board should play a role in selecting the administrators who will serve on the committee. Chancellor Claire said the representative group at the administrator level at the campuses is the Management Council/Administrator Council. It was agreed that this group from each campus will forward names, beginning at the dean level. The Board will then select the three members to serve on the committee.

Trustee Holober suggested that community members be invited to apply to serve on the committee. The Board would review the applicants and interview them, if so desired. The Board agreed to this suggestion and agreed that any interviews will be conducted in January.

The following suggestions were made in addition to those noted above:

- Mr. Feune said the District always tries to make sure that committee representation is as diverse, balanced and inclusive as possible. Trustee Holober suggested that the constituent groups keep this in mind as they submit names of individuals to serve on the committee. Trustee Mandelkern suggested that constituent groups nominate more than the required number of members in order to ensure diversity.
- Trustee Mandelkern suggested consideration of one community member being a retiree.
- Trustee Mandelkern suggested that at least one of the classified representatives be a member of AFSCME.
- Student Trustee Chavez suggested that the faculty representatives be from different departments as well as from different colleges.
- Trustee Holober suggested that there be at least one alternate from each constituent group who could become a voting member should a regular member not be able to continue. Dr. Smith said the once the committee meetings begin, it is important to include only appointed members. She recommended including the timeline with any information sent to the groups that will nominate members in order to make sure they forward names of only those who can be available at the given times.

Dr. Smith discussed with the Board the minimum qualifications typical for chancellor positions in community colleges, which is included as an attachment to the board report. Referencing the qualification calling for a “minimum of 3-5 years of documented successful experience in progressively responsible positions at the senior level in higher education,” Student Trustee Chavez questioned whether three to five years of experience is sufficient. Dr. Smith said this is typical across California community colleges. President Goodman said Student Trustee Chavez raised a good point. He said increasing the required number of years of experience might result in more seasoned applicants. Trustee Mandelkern agreed, stating that the District is large and complicated and not the place for on-the-job training. Trustee Holober questioned whether the requirement might rule out people who have had a great deal of success in administrative management positions but not in higher education, e.g. K-12 education, government agencies and non-profits. Trustee Mandelkern said he can think of a successful chancellor candidate who had some K-12 experience and had served on the Education Committee as a legislator and has had success as a chancellor. He said a compromise might

be to require five plus years of senior management experience, with at least some portion being at the community college level. President Goodman suggested deleting “in higher education” from the qualification in question, noting that the next qualification specifies “successful experience in a community college environment. . .”

The Board discussed the attributes of highly exceptional community college presidents/chancellors as identified by the Aspen Institute. Trustee Nuris asked how these attributes, such as “committed to student access and success,” are presented by a candidate. Dr. Smith said that when developing a position description, potential candidates would be asked what they have achieved in terms of student access and success. She said these attributes would usually be included in an applicant’s resume/curriculum vitae and cover letter. She said they would be verified through reference checking. She said the Board will receive a 15 to 20 page reference check on each finalist prior to interviews. Michele Haggar, a Program Services Coordinator at Skyline College, asked if it would be possible to add a question about applicants’ philosophy on equity and social justice. Trustee Mandelkern said this is an excellent suggestion. He suggested that the District’s mission statement be provided and candidates be asked to address in their applications why they embody this mission. President Goodman said this can be addressed under the minimum qualification, “Demonstrated sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students, faculty and staff.” Dr. Smith said candidates can be asked to present a separate statement on this item.

Trustee Holoher said he would like to see a more pointed emphasis on developing budgets under “financial and operational ability.” He said he would also like to include experience working with an elected governing board.

Trustee Mandelkern said this will be a national search and some may not understand the California community college system. He said he believes it is important to understand the California funding mechanism for community colleges.

Trustee Nuris said he believes it would be helpful to make potential candidates aware of the cost of living in the Bay Area. Dr. Smith said she will have talked to potential candidates by telephone and this will be part of the discussion.

Trustee Mandelkern reported on other recommendations presented at the ACCT Congress:

- A common mistake is that members of the Board or the screening committee reach out directly to potential candidates. Trustee Mandelkern said if individuals have someone they believe would be a good candidate, they should forward the name to Dr. Smith.
- Importance of confidentiality – if candidates believe their names might become public before they are ready, it could discourage them from applying.
- There should be a well thought out onboarding process for the successful candidate.

Dr. Smith said these are all excellent points. She said the first two are part of the orientation she conducts with the screening committee.

The Board discussed the salary range for a new chancellor, considering comparisons with other Bay Area community college districts as shown in the attachment to the board report. Trustee Holoher said he believes City College of San Francisco should be included in the comparisons because it is of similar size to the District. Trustee Holoher said some districts have “additional compensation.” He said the District used to use this and he does not want to return to that practice.

President Goodman asked what the salary range is for the District’s college presidents and vice chancellors. Mr. Feune said the range is \$239,000 to \$297,000 and there are six steps. Dr. Smith said college presidents’ salaries in the Bay Area are in the \$290,000 to \$300,000 range and are in the \$300,000 range in Orange County. She recommended offering salary steps for the chancellor position so that candidates are not discouraged from applying. Trustee Mandelkern said he is in favor of having steps because it allows for flexibility. It was pointed out that the number of steps, the amount of the increase at each step and the frequency of step increases does not have to be the same as it is for the college presidents.

President Goodman said he wants to make sure the salary range that the Board decides on is reasonable. He said he would like the qualifications and expectations to be set high enough so that the chancellor will earn the salary that is determined by the Board. He said the District’s expectations are higher than many other colleges in terms of student

success. President Goodman said he believes the chancellor's salary should be at least competitive with neighboring districts.

After extensive discussion and suggestions of possible salary ranges, the Board agreed that a range of \$325,000 to \$375,000 is reasonable.

It was moved by Trustee Mandelkern and seconded by Trustee Nuris to approve the tentative timeline as outlined earlier in the minutes. The motion carried, all members voting Aye.

It was moved by Trustee Mandelkern and seconded by Trustee Nuris to approve a salary range for a new chancellor of \$325,000 to \$375,000. Trustee Holoher clarified that this range is for the purpose of advertising the position but is not a salary range that will be locked in. Dr. Smith said she will not advertise the salary range in the brochure will state that the salary is to be negotiated with the Board. After this discussion, the motion carried, all members voting Aye.

INFORMATION REPORTS

BOND OVERSIGHT COMMITTEE: PURPOSE AND MEMBERSHIP (19-11-1C)

Vice Chancellor/Chief of Staff Mitchell Bailey said the Bond Oversight Committee's role and responsibilities are defined and narrow and are outlined in statute and in District policy. He said the committee's role is to serve as the public's set of extra eyes to confirm that the District spends bond proceeds on the types of projects approved by District voters. Vice Chancellor Bailey said that no committee member can be an employee or official of the District, nor can members be vendors, contractors or consultants doing business with the District. He said staff asks potential members if they have conflicts of interest that might prohibit them from participating.

President Goodman asked if there is a website for the current Bond Oversight Committee. He also asked to whom communications regarding the committee should be directed. Vice Chancellor Bailey said there is a website. He said staff is working to redesign the District's websites and the Bond Oversight Committee site will be more prominently featured. Vice Chancellor Bailey said he staffs the committee along with Chief Financial Officer Bernata Slater and he can refer questions to the committee.

Vice President Schwarz said she was asked by a member of the public whether they can contact committee members directly. Vice Chancellor Bailey said that at the next committee meeting, he will take the question of whether committee members want their contact information to be made public.

Trustee Mandelkern asked Vice Chancellor Bailey to list the names of committee members by the category they represent and to identify vacancies by category. Vice Chancellor Bailey said the members are: Roseanne Foust, representing the business community; Anne Campbell, representing a senior citizen organization; Bill Rundberg, representing an organization in support of the District; Ariana, Davarpanah, student member; James Ruigomez, community member; Shelley Kessler, community member; and Rocsana Enriquez, community member. Vice Chancellor Bailey said there is a vacancy for the position of a bona fide taxpayer organization, which is required by statute.

Trustee Holoher said he has been informed that there are applications to serve on the committee. Vice Chancellor Bailey said there are three applicants whose names will be brought to the Board at the November 20th Board meeting. He asked if he should advise the applicants to be prepared to meet with the Board or if the Board only wants to review the applicants' biographical information and applications. Trustee Nuris said he would be satisfied with seeing the applications and the Board agreed.

DISCUSSION OF REVISION OF BOARD POLICY 2.22, EMPLOYMENT OF RELATIVES (19-11-2C)

Chancellor Claire said staff periodically brings suggested policy revisions to the Board after they have gone through the participatory governance process. He said there has been interest in this particular policy, which was last reviewed in 2015, and staff believes it would be helpful to seek guidance from the Board prior to taking potential revisions to the District Participatory Governance Council. Chancellor Claire said it makes sense that no employee or Board member may supervise a member of his/her immediate family, as stated in the current policy. However, he said it might be advisable to go back to the previous policy that prohibited employees in positions at or near to top of an organizational chart to have relatives employed at the same site.

Vice President Schwarz noted that President Goodman's wife is an employee of the District. She said the board policy states that "an exception to this policy may be authorized by the Board" and she asked if the Board made an exception when President Goodman was sworn in as a trustee. President Goodman said the policy specifies that a Board member may not serve on a committee that addresses a family member and he would recuse himself from such a committee. Vice President Schwarz said the policy also prohibits a Board member from making employment-related decisions concerning a relative or household member. She asked if President Goodman should recuse himself from participating in approving an agreement with CSEA since his wife is a member of that bargaining unit. President Goodman said a legal opinion could be sought on this issue. Vice President Schwarz said President Goodman's wife works at the Middle College at Skyline College and noted that the Board deals with items concerning the Middle College. President Goodman said he voted on the Middle College contract when he was on the board of the South San Francisco United School District as well as with the District. He said he believes the issue was discussed at the time. He said that if his wife were to be recommended for a promotion, for example, and it had gone through the entire process before coming to the Board, he believes a vote ratifying the promotion would be ceremonial and one in which he would want to participate; therefore, he would ask for an exception. Vice President Schwarz said she is aware that there are many District employees who have relatives who also work for the District. She said the issue arises when someone is overseeing another employee's job and that is why she asked for clarification. She said that if something comes up in the future, she is confident that President Goodman would recuse himself.

Trustee Mandelkern said that as positions go up the ladder, it likely becomes more of a potential issue and it makes sense, for instance, that a college president should not have a relative working at the same campus. He said this would avoid even an appearance of a conflict.

President Goodman said one of the reasons the issue of this policy arose was the allegation of nepotism within the District. He said that since there is a policy in place, the issue might be to ensure that checks and balances are in place to make sure the policy is followed. He said the issue may be the practice rather than the policy.

Trustee Holober said he believes the policy needs to take a stronger line on the employment of immediate family members of executives. He said it becomes complicated in terms of favoritism and nepotism because it involves the composition of hiring committees and the forthrightness of the hiring process. He said this is a separate issue because it can include family members and friends. He said he believes this is an issue that the Board should spend time examining. Trustee Holober said that as a starting point, he would like to see the current policy tightened up.

President Goodman said it is also important to make sure there are not backdoor opportunities to use temporary positions that turn into permanent positions.

Trustee Nuris suggested that people who apply for positions competitively should not be prohibited from employment simply because they have a family member who also works for the District. Trustee Mandelkern said that in general, having a relative at the District would not preclude employment. However, he said that employees at certain levels – chancellor, vice chancellors and college presidents – should not have immediate family members working at the same site. President Goodman said that as long as checks and balances are in place, he believes it would be unfair to say that a relative of the chancellor may not work anywhere in the District.

Chancellor Claire said that along with revisions to the current policy, management teams can be trained to use good judgment. Trustee Holober said that telling people to use their best judgment does not always work out. He said there are concerns about friends or relatives serving on hiring committees and about supervisors serving on hiring committees. He said he believes the Board should address this issue soon because there are many ways to get the result one wants if in a position of power. President Goodman said it is important to have concerns discussed openly and to emphasize that the Board is setting the tone.

Ms. Haggar said the policy states, "It is the intention of the Board to generally prohibit an employee or Board member from making employment-related decisions concerning a relative or household member as described above; however, when essential for the operation of the District, an exception to this policy may be authorized by the Board." She questioned how the word "generally" and "exception" are being used. Trustee Holober said he considers the policy the rule and exception simply means an exception to this rule. He said he interprets "essential for the operation of the District" to mean that no one else can do the job and he would be interested to know if this has ever been utilized.

Chancellor Claire said staff will work on revisions to the policy as discussed and will bring the revisions to the Board following review by the District Participatory Governance Council.

RETURN TO CLOSED SESSION

The Board returned to closed session at 9:20 p.m. to continue consideration of the closed session items listed on the printed agenda.

RECONVENE TO OPEN SESSION

The Board reconvened to open session at 10:15 p.m.

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

President Goodman said the Board took no reportable action during closed session.

Submitted by

Michael Claire, Secretary

Approved and entered into the proceedings of the December 9, 2019 meeting.

Karen Schwarz
Vice President-Clerk