

TO: BOARD OF TRUSTEES
FROM: SUPERINTENDENT

INFORMATIVE REPORT NO. 7-2010/11-IR/S

Prepared by the Office of the Superintendent
for Presentation to the Board of Trustees
September 13, 2010

SUBJECT: PROPOSED REVISION OF BOARD POLICY (BP) 2720
COMMUNICATIONS AMONG BOARD MEMBERS AND REVISION OF
ADMINISTRATIVE PROCEDURE (AP) 7150 EVALUATION

A. Background

When the proposed revision to Board Policy (BP) 2720 Communications among Board Members was presented at the June 14, 2010, meeting, trustees expressed concern that the alternate language proposed for the policy exceeded the requirements of the Brown Act and would diminish the Board's ability to effectively communicate. District counsel Mary Dowell, Esq. of Liebert Cassidy Whitmore was asked to explain what prompted the inclusion of alternate language in the policy and clarify whether it goes beyond Brown Act mandates. Her response appears below:

The following is intended to clarify for members of the Board how the language in the CCLC template would affect their communications with each other. The language is designed to reflect recent amendments to the Brown Act, and specifically to Government Code Section 54952.2, in the wake of a recent court case that had ruled on the propriety of so-called "serial communications" between a City Manager and Police Chief and members of a City Council in the City of Fremont.

Section 54952.2, in defining what is a "meeting" subject to the Brown Act, now reads,

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of

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EVALUATION

the legislative body the comments or position of any other member or members of the legislative body.

This language drove the language recommended for BP 2720. If you look at the language of the statute, you will see that the recommended language in BP 2720 exactly tracks it, and is not more restrictive. Based on this language, the following kinds of communications can occur:

- Two members of the AVC Board may speak to each other about a matter that is within the subject matter jurisdiction of the board, but neither of them can speak to a third member of the Board about the subject except in a properly scheduled board meeting.
- You, or your designee, may speak individually to each of the Board members to explain a topic that will come before the Board, but you may not urge them to vote a particular way, and you may not communicate to any board member the opinion of any other board member about the topic.
- More than two members of the Board may speak to each other about matters that are NOT within the subject matter jurisdiction of the Board.

Administrative procedure (AP) 7150 is being revised to include the current process for evaluation of confidential/management/supervisory employees.

Added language is indicated on the attachments by bold, underlined text. The revised policy will be presented for approval at the regular meeting of the Board of Trustees in October.

Respectfully submitted,



Jackie L. Fisher, Sr.
Superintendent/President

BP 2720 Communications among Board Members

Reference:

Government Code Section 54952.2

Members of the Board shall not communicate among themselves by the use of any form of communication (e.g., personal intermediaries, e-mail, or other technological device) in order to reach a collective concurrence regarding any item that is within the subject matter jurisdiction of the Board. **In addition, no other person shall make serial communications to Board members.**

(NOTE: The following is alternative language that may be used in this policy:)
A majority of the members of the Governing Board shall not, outside a regularly scheduled meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board. This policy shall not be construed as preventing an employee or official of the District from engaging in separate conversations or communications with members of the Board outside of a meeting in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of Board, if that person does not communicate to members of the Board the comments or position of any other member or members of the Board.

Adopted: 7/5/05

Revised:

AP 7150 Evaluation

Reference:

Accreditation Standard III.A.1.b

Refer to Antelope Valley College Faculty collective bargaining agreement Article VIII, Tenure and Evaluation.

Refer to Antelope Valley College Classified collective bargaining agreement Article IX, Evaluation and Discipline of Unit Members

EVALUATION OF ADMINISTRATORS

Scope

This evaluation procedure applies to the following administrative staff members: Vice Presidents, Deans, and Directors who are not members of the classified service or the faculty collective bargaining unit.

Philosophy

The administrative evaluation process, by identifying an individual's areas of special competence as well as ways to improve and grow, is aimed at the betterment of personal performance, thereby enhancing the effectiveness of the College's administrative services and the quality of the educational experience provided to students. The goal of evaluation is to acknowledge and encourage high performance levels, motivating individuals to become more effective.

A formal evaluation provides administrators the opportunity to reflect on their accomplishments, redefine goals, formulate new approaches and strategies, identify barriers and needs, and reassess their professional development plans. It also provides the opportunity for administrators and their supervisors to engage in a constructive dialogue with a view towards clarifying goals and expectations, acknowledging excellence, and communicating on issues affecting the good of the College. Finally, evaluation provides a means for those affected by an administrator's actions and services to participate in assessing their effectiveness.

Evaluation Criteria

The administrator's performance will be measured in accordance with the criteria outlined below.

The effective administrator should demonstrate the following qualities, skills, and competencies:

1. Leadership

The administrator's leadership skills are measured by the extent to which he or she:

- a. Practices democratic leadership, delegating responsibilities and encouraging participation in decision-making.
- b. Supports the rights of others to be heard and provides the means for all to share in setting and accomplishing goals.
- c. Makes timely and effective decisions.

- d. Displays receptivity to changes and new ideas.
- e. Sets reasonable and substantive goals and objectives and works effectively toward them.
- f. Displays sound judgment and perspective, focusing on basic issues rather than trivia.
- g. Plans effectively and imaginatively.
- h. Takes the lead in identifying, selecting, and training new employees.

2. Communication, Coordination, and Collegiality

In dealing with other individuals, the administrator:

- a. Is committed to and maintains effective communication with everyone.
- b. Is consistent in the application and interpretation of policy
- c. Recognizes the accomplishments of others and is willing to put others first.
- d. Is committed to collegiality and shared governance.
- e. Recognizes problems and is willing to solve them effectively and impartially.
- f. Is sensitive to diversity, working effectively with different types of people and tolerating a variety of viewpoints and perspectives.
- g. Maintains an atmosphere of candor, trust, and respect.
- h. Is open, approachable, fair, and consistent dealing with others.
- i. Displays awareness of relevant regulations and statewide issues.
- j. Keeps abreast of developments within his/her area of responsibility and coordinates as necessary with statewide agencies.
- k. Serves on committees and participates in special projects such as program review and accreditation.
- l. Effectively represents his/her unit in interactions with all campus constituencies.
- m. Represents the college within the community.

3. Organization and Management

The administrator's organizational skills are revealed in the extent to which he/she:

- a. Maintains an efficient and effective office structure.
- b. Displays attention to detail
- c. Develops an effective budget and establishes procedures to allocate funds and monitor expenditures.
- d. Shows skill in planning, organizing, and implementation.

4. Professional Qualities

The effective administrator has the following qualities:

- a. Current and extensive knowledge of his/her discipline or area of expertise.
- b. Broad intellectual and cultural interests and understanding.

- c. Commitment to a quality educational experience.
- d. Proponent of professional growth for self and staff.
- e. Concern for the institution as a whole rather than just his/her unit.
- f. Initiative, resourcefulness, and creativity.

Evaluation Schedule and Procedures

1. Newly-hired administrators will be evaluated annually during their first three years of service. Thereafter, evaluations will be required every three years. The evaluations will be conducted during the period of September to February, with the completed evaluation submitted to the President by February 15.
2. Each administrator will prepare a questionnaire to assess his/her performance. The questionnaire will address all of the major subdivisions of the Criteria (*Leadership; Communication; Coordination; and Collegiality; Organization and Management; Professional Qualities*) and will provide opportunity for and encourage written comment. Every effort will be made to protect the anonymity of those who respond to the questionnaire. The evaluation instrument and procedures for its use will be approved by the immediate supervisor of the individual being evaluated.

The questionnaire will provide an opportunity for those affected by the services or actions of the administrator to assess his/her performance. The individuals to be invited to complete the evaluation instruments will be determined by the person being evaluated and the supervisor. However, any individual with direct knowledge of the administrator's performance who has not been included among those selected to respond to the questionnaire may request inclusion from the supervisor.

3. The supervisor of the individual being evaluated will distribute and collect the questionnaires. After the supervisor has reviewed the questionnaires, they will be forwarded to the evaluatee for summary and analysis.
4. After receipt of the completed questionnaires, the administrator will prepare a self-evaluation addressing at least the following areas:
 - a. Assessment of performance, highlighting both strengths and areas needing improvement .
 - b. Goals and success in meeting goals.
 - c. Assistance others can provide in achieving goals or improving performance.
 - d. Professional activities and campus involvement.
 - e. Summary and analysis of questionnaires.
5. The administrator will provide the self-evaluation and questionnaires to a colleague (full-time AVC staff member) to be chosen by the evaluatee with the approval of his/her supervisor. The colleague will examine relevant materials, assess the administrator's performance, and provide a written appraisal to the supervisor.
6. Upon receipt of all materials, the supervisor will write a formal evaluation. The evaluation should address the quality of the administrator's performance and his/her personal and professional effectiveness including, if applicable, recommendations for improvement. The administrator and supervisor will meet to discuss the evaluation and both will sign it to indicate it has been reviewed. The signature does not

necessarily indicate agreement with the contents of the evaluation. The evaluatee may append written comments to the supervisor's evaluation.

7. The completed and signed evaluation, along with supporting materials, will be forwarded to the President. The President has the option of conducting an additional evaluation meeting with the principals involved.
8. After the evaluation process is completed, all materials will be forwarded to the Office of Human Resources & Employee Relations for disposition.

EVALUATION OF CONFIDENTIAL, MANAGEMENT, AND SUPERVISORY (CMS) EMPLOYEES

Scope

This evaluation procedure applies to those employees designated as Confidential, Management, and Supervisory (CMS).

Philosophy

The CMS evaluation process, by identifying an individual's areas of special competence as well as ways to improve and grow, is aimed at the advancement of personal performance, thereby enhancing the effectiveness of the College's services and the quality of the educational experience provided to students. The goal of evaluation is to acknowledge and encourage high performance levels, motivating individuals to become more effective.

A formal evaluation provides CMS employees the opportunity to reflect on their accomplishments, redefine goals, formulate new approaches and strategies, identify barriers and training or other needs, and reassess their professional development plans. It also provides the opportunity for CMS employees and their supervisors to engage in a constructive dialogue with a view towards clarifying goals and expectations, acknowledging excellence, and communicating on issues affecting the good of the College.

Evaluation Criteria

The performance of CMS employees will be measured in accordance with the criteria outlined below.

Annual appraisals are to be completed between April 1 and May 31 of each year. Final markings and comments on the appraisal should be in ink or typewritten. Additional pages may be used if more space is needed for narrative comments. The evaluation is to be given to the employee and discussed in a private meeting with the employee. Any

changes made to the evaluation should be initialed by the employee and supervisor. All attachments must be signed by the employee and evaluator.

CMS employees are to be evaluated in conjunction with the *Essential Functions* of their respective job description. The supervisor should refer to the *Essential Functions* of the employee's job description prior to beginning the evaluation process.

Derogatory Information

Information or material of a derogatory or critical nature which has been received from others may not be used unless the specific issue has been verified to the satisfaction of the supervisor, in consultation with the Vice President of Human Resources, and relates directly to the CMS employee's employment.

Signature and Response to Evaluation

The CMS employee's signature on the report indicates only that he/she has read the report. The CMS employee may, within ten (10) working days, respond in writing to an evaluation with which the CMS employee is not in agreement. This response shall be attached to the evaluation in question. The Human Resources Office will distribute a copy of the response to the supervisor.

Evaluation Schedule for Probationary CMS Employees

Probationary CMS employees shall be rated by their immediate supervisor at the end of the 3rd month, 6th month, 9th month and prior to the end of the 12th month of employment. The above schedule does not prevent dismissal of such CMS employee at any time during the one year probationary period.

Evaluation Categories

Evaluation of the competence of CMS employees shall include, but not be limited to:

- (1) **Knowledge of Work**
- (2) **Quality of Work Productivity**
- (3) **Dependability**
- (4) **Communication Skills**
- (5) **Initiative**

(6) Interpersonal Relations

(7) Professionalism

(8) Safety Practices

The Supervisor should include information on staff member's overall performance highlighting:

(1) areas of strengths

(2) areas for further development

(3) areas for improvements

(4) areas where unique or extraordinary factors contribute to the evaluation

Each rating other than *Standard* (below or above) requires an explanation in the *Comments* box beside the category. Each rating below *Standard* must be based on issues discussed with the employee prior to the evaluation, supported by a statement of facts in the *Comments* box, and accompanied by a separate *Development Plan*. Subsequently, one or more conferences shall be held with the employee to assist him/her in correcting deficiencies previously noted. A record of such conference(s) shall be prepared by the evaluator for the file on the employee and a copy submitted to him/her.

5/8/06

Revised