COLLEGE OF MARIN

Marin Community College District
Board of Trustees Regular Meeting

June 19, 2012

Minutes

A. Open Session
   1. Call to Order, Roll Call and Adoption of Agenda
      The Board of Trustees of the Marin Community College District met in Building 27, Rooms 116 & 118 at the Indian Valley Campus located in Novato, California, all members having received notice as prescribed by law. Board President Conti called the meeting to order at 4:08 p.m. Trustees Conti, Dolan, O’Brien and Treanor were present. Also present were Dr. David Wain Coon, Mr. Al Harrison and Nancy Klein, School & College Legal Services. M/s (O’Brien/Treanor) to adopt the agenda. Motion carried by unanimous vote 4-0.

   2. Public Comment – Closed Session Agenda
      There was no public comment on the closed session agenda.

   3. Recess to Closed Session: The Board recessed to closed session at 4:09 p.m.

B. Closed Session
   The Board met in closed session at 4:15 p.m. in Building 27, Room 122 on the Indian Valley Campus. Trustees Conti, Long, Dolan, O’Brien, Kranenburg and Treanor were present. Trustee Namnath arrived at 4:20 p.m. Dr. Coon, Mr. Harrison, and Nancy Klein, School & College Legal Services were also present.

C. Reconvene to Open Session
   1. Call to Order, Roll Call and Adoption of Agenda
      Board President Conti called the open session of the meeting of the Board of Trustees of the Marin Community College District to order at 6:40 p.m. in Building 27, Rooms 116 & 118 at the Indian Valley Campus and asked the Clerk to call roll. All publicly elected officials were present. Student Trustee Scott Blood, Dr. David Wain Coon, Mr. Al Harrison and Ms. Angelina Duarte were also present. Ms. Linda Beam arrived at 6:57 p.m.

      Dr. Coon proposed the following changes to the agenda:
      Move Item 10.A. Resolution to Name College of Marin Performing Arts Theater and Item 13.B. Legislative Report to after item 4, Chief Executive Officer’s Report. Dr. Coon also noted that there were two handouts; page 2 of the change order for item C.10.I.2, which was not
included in the board packet and Revised action item C.10.H. President Conti announced that the Board would go back into closed session following the open session.
M/S (Long/O’Brien) to approve the agenda as amended. The motion passed 7-0 plus an advisory aye vote by Student Trustee Blood.

Dr. Coon administered the Oath of Office to newly elected Student Trustee, Scott Blood.

2. Report from Closed Session
Clerk Namnath reported that the closed session recessed at 6:33 p.m., that there was no action taken, and that the Board would be reconvening after this public session.

3. Public Comment
A. Comments regarding items not on the Agenda: None
B. Comments regarding items on the Agenda - to be heard immediately before the Board of Trustees’ consideration of the item

4. Chief Executive Officer’s Report
A. 2012-2013 Tentative Budget Presentation
Mr. Harrison reported that the Tentative Budget for 2012-13 is a holding budget to allow the College to continue business starting July 1. He further stated that the final budget will require more work and that there would be a series of discussions taking place before the Adoption Budget comes before the Board in August.

B. Accreditation
Dr. Coon reported that he would be sharing a number of plans with the Board, which have emerged through this process, that draft language has been prepared for most of the recommendations relative to the progress report and that he would be working on this in the next couple of weeks as we plan for the summer.

Dr. Coon and Mr. Harrison answered questions from trustees related to budget planning, a budget calendar, enrollment figures, specific funds, unfunded liability options and Measure C bond financing. Dr. Coon requested the assistance of two board members to work with him and Mr. Harrison on fund investment strategies and options. Trustees Kranenburg and Long volunteered. Trustees requested they be updated on enrollment changes.

10.A. Resolution to Name College of Marin Performing Arts Theater
Clerk Namnath read the Resolution aloud. M/s (Namnath/Treanor) to approve the Commendation Resolution 6/19/2012 C.10.A. to Name the College of Marin Performing Arts Theater, The James Dunn Theater. Motion carried by unanimous roll call vote 7-0 plus and advisory aye vote by Student Trustee Blood. James Dunn spoke of his history with the College of Marin, shared his appreciation of what we do and why we
do it and expressed his thanks for the honor. Trustees expressed their appreciation to Mr. Dunn.

13.B. Legislative Report
Trustee O'Brien introduced Kerry Mazzoni who reported on the State budget and the status of legislative bills. She will keep Trustee O'Brien updated on the progress and changes with trailer bills and their affect on the Budget. She referred Board members to her handout on legislative bills (attached to these minutes) and briefly discussed three bills not listed on the handout, SB 721 on Post Secondary Goals, AB 1826 related to Full Time Instructors and overtime, and SB 1402 related to the Workforce Development Program. Dr. Coon requested more information on AB 1826, which Ms Mazzoni will provide to Trustee O'Brien. Ms. Mazzoni encouraged trustees to inform Trustee O'Brien about bills that they are interested in having included in upcoming reports. She encouraged the Board to discuss the types of partnerships they might want with local groups and agencies that would benefit all parties and that meetings are being planned with Marin County Superintendent of Schools, Mary Jane Burke, and that she has been in contact with Fireman's Fund. Trustees commented that it was important that we stay informed about discussions related to cuts in funding for Child Care, Matriculation and DSPS as these are areas where we are vulnerable. Tax initiatives have far-reaching effects for the College in terms of our future budget and it will trickle down to us in some way. Pension Reform may also play a role. At the request of a trustee, Ms. Mazzoni will forward an article about people under age 30 leaving California to Trustee O'Brien for distribution to the Board.

5. Academic Senate Report
Sara McKinnon expressed her happiness about naming the theater in honor of James Dunn. She updated the Board on curriculum changes included in the Board packet and answered questions from trustees. There was a comment by a trustee that type of report was a critical piece of evidence of our commitment to student success. A copy of the report is attached to the minutes.

6. Classified Senate Report
Alice Dieli gave a report to the Board (attached to the minutes).

7. Student Association Report
Student Trustee Blood reported they would be transitioning the newly elected Associated Student Board, which now includes three students from the Indian Valley Campus, which will allow more effective student representation from both campuses. He looks forward to an exciting year of service to the students.

8. Board Study Session
A. Concerns and Issues with College of Marin Foundation
   Public Comment by Jack Wilkinson
Mr. Wilkinson informed the Board that the Foundation sent a letter to Dr. Coon earlier in the day in response to some of the College’s questions and that they will answer pending the outcome of the internal investigation of Foundation records by KPMG. The Foundation is reviewing their records and have requested the college’s assistance in providing records the College may have in relation to funds that may have gone to the Foundation. A copy of KPMG’s report will be provided to the College in the interest of transparency. He further noted that the goal of the Foundation and the College is to help students get an education and that the job of the Foundation is to distribute funds to help students cover their education expenses. He clarified that the Foundation is a charitable trust and that any money they receive must be used in the manner that it was given, under the dictates of who gave the money. He commented on the successful student awards ceremony and that he hoped we could continue together to achieve the goal of education.

President Coon gave a PowerPoint presentation to clarify where the College stands with the issues and concerns that have been raised relative to the relationship with the College of Marin and the College of Marin Foundation. A copy of the presentation is attached to the minutes. Dr. Coon clarified, as Mr. Wilkinson had mentioned, that he did receive a communication from Joan Bennett this afternoon, responding to his electronic communication of June 7 and his written communication of June 12, and that the letter had not been fully vetted at this point, but would be within the coming days. He stated that he was hopeful that through our annual audit, we would gain further clarification on the issues that have been raised and resolve the concerns.

Dr. Coon responded to questions from trustees about the college audit, the KPMG audit and the start date of the Foundation.

9. Consent Calendar Items (Roll Call Vote)
M/S (Treasor/Long) to approve consent calendar items. Motion carried by roll call vote of 6-1, with Trustee Dolan voting no. Student Trustee Blood cast an advisory aye vote.

A. Approve Classified Personnel Recommendations
   1. Appointment of Classified Personnel
   2. Temporary Reassignment of Classified Personnel
   3. Temporary Increase/Decrease in Assignment for Classified Personnel
   4. Resignation/Retirement of Classified Personnel

B. Approve Classified Management Personnel Recommendations
   1. Interim Appointment of Classified Management Personnel

C. Approve Short-Term Hourly Positions

D. Approve Academic Personnel Recommendations
   1. Appointment of Academic Personnel
2. Academic Request for Increased Assignment
3. Phased-in-Early Retirement of Academic Personnel
4. Academic Request for Reduced Load

E. Budget Transfers – Month of May - FY 2011/12

F. Warrant Approval

G. Approve Credit Course Revisions

H. Approve Credit Course Deletions

I. Approve New Credit Courses

J. Approve Revisions to A.A. Degrees

K. Approve New A.S. Degrees and Certificates of Achievement

L. Approve Deleted A.S. Degrees and Certificates of Achievement

M. Approve Revisions to A.S. Degree and Certificates of Achievement

N. Approve Deactivation of A.S. Degrees

O. Second Reading and Approval of Revised Board Policies
   ▪ BP 7400 Travel

P. Modernization (Measure C)
   1. Ratify/Approve Modernization Contracts, Changes and Amendments ($581,584.50)
   2. Approve Annual Renewal of Reprographic Contract
      ARC (formerly Ford Graphics) ($80,000.00)
   3. Approve Annual Renewal Contract – Modernization Legal Counsel
      Bond Program Legal Services – District Legal Counsel (831A)
      Dannis Woliver & Kelley ($325,000)
   4. Approve Subcontractor Substitution Request (landscape work)
      Science Math Central Plant Complex Increment 2 & 3 Site Development & Building
      Project (305A)
      Lathrop Construction Associates, Inc. ($0) (landscape)

10. Other Action Items (10 minutes)

   A. Resolution to Name College of Marin Performing Arts Theater (This item was approved
      by Roll Call Vote earlier in meeting)

      M/s (Treonor/O’Brien) to approve Resolution 6/19/2012 C.10.B. Trustee Namnath
      motioned to merge items 10.B. and 10.C. for roll call vote. The makers of the motion
      agreed with the change. Motion carrier by unanimous roll call vote 7-0 plus an advisory
      aye vote by Student Trustee Blood.
B. Resolution of Authorization to Sign on Behalf of Board of Trustees

C. Resolution to Authorize Temporary Transfer of Funds from County of Marin

D. Approve 2012-2013 Tentative Budget
   M/s (Treonor/Kranenburg) to approve 2012-2013 Tentative Budget. Motion carried by unanimous vote of 7-0 plus an advisory aye vote by Student Trustee Blood.

E. Approve Barnes & Noble Agreement
   M/s (Treonor/Long) to approve Barnes & Noble Agreement. Mr. Harrison answered questions from trustees about the contract negotiations and process. There was discussion about looking into alternative book options, including on-line books and instructor created textbooks. President Coon will engage the faculty in a discussion about instructor created books. Motion carried by unanimous vote of 7-0 plus and advisory aye vote by Student Trustee Blood.

F. Approve Agreement for Training with San Francisco Public Health dba San Francisco General Hospital
   M/s (Treonor/Long) to approve the agreement with San Francisco Public Health dba San Francisco General Hospital. There was clarifying discussion about the contract. Motion carried 6-1 with Trustee Dolan voting no, plus and advisory aye vote from Student Trustee Blood.

G. Approve Agreement with Town of Fairfax, Dispatch Services
   M/s (Treonor/O’Brien) to approve agreement with Town of Fairfax for Dispatch Services. There was clarifying discussion about the purpose and the need for the agreement. Motion carried 7-0 plus an advisory aye vote from Student Trustee Blood.

H. Approve Purchase Order for Print of 2012/2013 Community Education Schedules
   M/s (O’Brien/Treonor) to approve Purchase Order for Print of 2012/2013 Community Education Schedule as revised to reflect Westminster Press. Motion carried 7-0 plus and advisory aye vote by Student Trustee Blood.

I. Modernization (Measure C)
   Trustee Namnath made a motion to merge items C.1.1 – 6. Trustee Treanor requested the Director of Modernization respond to some questions prior to the merging those items. Director McCarty responded to questions from trustees about the projects, the Director’s report and procedures on Public Contract Code. There was a request made that the Board receive detailed reports on projects, especially when there is a known problem. There was a concern that until the Board has a chance to review the more detailed report on the Austin Science Center, to be provided at the next meeting, that it seemed appropriate to pull item C.10.1.5. and bring it back for approval at the next meeting when the Board has had a chance to review the information.
   M/s (Treonor/Long) to merge and approve Modernization Items C.10.1.1 through C.10.1.4 and C.10.1.6. Motion carried by roll call vote of 6-1, with Trustee Dolan voting no and Student Trustee Blood casting an advisory aye vote.
1. **Approve Change Order #3 and Resolution 06/19/12 C.10.1.1. Attesting No Benefit to Bidding out Change Order Work ($17,800.00)**
   International Commercial Awnings, Inc.
   FA Kiln & Foundry Awnings Project (306C)

2. **Approve Change Order #11 and Resolution 06/19/10.1.2. Attesting No Benefit to Bidding out Change Order Work ($149,986.00)**
   Midstate Construction Corporation, Inc.
   Performing Arts Modernization Project (306A)

3. **Approve Amendment #1 for Additional Legal Services for Fiscal Year Ending 6/30/2012**
   Dannis Wolliver & Kelley
   District Legal Counsel (831A) ($135,000)

4. **Approve New Professional Services Agreement for DSA Inspection Services**
   Performing Arts Modernization Project (306A)
   Ballard & Wilkins ($86,940.00)

5. **Approve New Professional Services Agreement for Design Services**
   Austin Science Center Alterations (structural) Project (301B)
   Noll & Tam Architects and Planners ($613,964.00) (This item was pulled)

6. **Approve Swinerton Contract Extension and Additional Services**

11. **Board Policy Review (1st Reading)**
    President Conti referred trustees to their packet to review the policies.
    - BP 3710 Securing of Copyright
    - BP 5010 Admissions and Concurrent Enrollment

12. **Future Agenda Items**
    President Conti referred trustees to their packet to review Future Agenda Items
    A. Review Mission Statement/Strategic Planning
    B. Pension Reform
    C. Distance Education
    D. WASC Interim Report

13. **Board Reports and/or Requests**
    A. **Committee Chair Reports**
       Trustee O’Brien reported that the Superintendent/President Evaluation Committee has met and developed the evaluation document for Dr. Coon and will be continuing with that work following this meeting and the next meeting.
    B. **Legislative Report** – Trustee O’Brien (This item was moved to earlier in the meeting)
    C. **Individual Reports/or Requests**

14. **Approval of Minutes**
    - M/s (Treasurer/O’Brien) to approve the minutes of the May 15, 2012 Board Meeting.
      Motion carried 7-0.
• Board acknowledged receipt of the meeting notes of the May 18, 2012 President’s Self Evaluation Committee meeting.
• M/s (Treonor/O’Brien) to approve the minutes of the May 18, 2012 Board Retreat. Motion carried with 6-0-1 with Trustee Namnath abstaining.
• M/s (Treonor/O’Brien) to approve the minutes of the June 2, 2012 Special Board Meeting.

Trustee Long requested that the following statement be added to the minutes:

I left the June 2, 2012 meeting because I did not receive a satisfactory answer on whether we were violating the Brown Act. I take Brown act violations very seriously, and will not participate in any meeting where I believe that may be the case. There are a host of civil actions the College could be liable for violating the Brown act, as well as personal criminal actions against board members. For those reasons, I felt I had no choice but to leave the meeting early. It had nothing to do with grandstanding.

President Conti noted that the comments would be included in the minutes of this meeting as they were not said at the June 2 meeting. Motion carried 4-2-1, with Trustees Dolan and Long voting no and Trustee Namnath abstaining.

15. Information Items (see written reports)
   A. Contracts and Agreements for Services – May 2012
   B. Modernization Update
      1. Director’s Report
      3. Program Schedule
   C. Revised Administrative Procedures
      • AP 3710 Securing of Copyright
      • AP 3750 Use of Copyrighted Material
      • AP 4101 Independent Study
      • AP4102 Career/Technical Programs
      • AP 4105 Distance Education
      • AP 4228 Course Repetition – Significant Lapse of Time
      • AP 4231 Grade Changes
      • AP 5013 Students in the Military
      • AP 5610 Voter Registration
      • AP 7381 Health and Welfare Benefits
      • AP 7400 Travel
      • AP 7500 Volunteers
D. Calendar of Special Events
   - Dental Assisting Graduation, June 21, 2012, 6:30 p.m., Building 27, Indian Valley Campus

16. Correspondence

17. Board Meeting Evaluation

18. Adjournment

M/s (Long/Kranenburg) to recess to closed session to continue the discussion of the Superintendent/President’s evaluation after a 10-minute break. Motion carried by unanimous vote of 7-0, plus and advisory aye vote by Student Trustee Blood.

The Board recessed to closed session at 9:06 p.m.

The Board reconvened to Open session at 9:25 p.m. and reported that there was no action taken in closed session.

Meeting was adjourned at 9:29 p.m.
To: Stephanie Obrien  
Fr: Kerry Mazzoni  
Re: Legislative Update  
Date: June 12, 2012

The state budget is due from the legislature to the governor by midnight, June 15. At this point an on-time budget is expected but as has been the case in the past, unless agreement by the governor and the legislature is made on a number of budget cutting issues, the budget may be delayed. The most contentious issue is the safety-net for low-income families. Those negotiations are on-going but as of the writing of this report the legislature plans on rejecting the governor’s cost savings proposals in those areas. Senator Darryl Steinberg, President Pro Tempore of the Senate has indicated that the legislature may send the governor an “on-time” budget and let him “blue-pencil” items in order to meet his cost savings goals.

July 6 is the policy committee deadline for bills to be reported to the respective fiscal committees or the respective house floors. The fiscal committee deadline is August 17. Once the fiscal deadline occurs, the legislature will spend the remainder of the legislative session on the floor of their respective houses taking up bills. The legislative session concludes at midnight on August 31 at which time the governor will have 30 days to sign bills. The legislature goes on summer recess on July 6 and returns on August 6.

Following is an update on the bills of interest:

AB 1500 (Perez)—This bill establishes the Middle Class Scholarship Fund and directs how the revenues will be derived. It is designed to work with AB 1501 (Perez).
http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1451-1500/ab_1500_bill_20120525_amended_asm_v96.pdf

AB 1501 (Perez)—This bill is the companion bill to AB 1500 and establishes the Middle Class Scholarship Fund under the administration of the Student Aid Commission. Beginning with the 2012-13 academic year the bill would appropriate $150,000,000 from the fund to the Chancellor of the California Community Colleges for allocation to community college districts. The allocation would be based on calculations of full-time equivalent students and be for the purpose of scholarship grants to students to reduce the impact of enrollment fees or to help cover the cost of textbooks and other educational expenses. The bill would only become operative if AB 1500 is chaptered and would take effect immediately.
AB 1741 (Fong)—This bill establishes the California Community Colleges Student Success and Support Program Act of 2012 and provides for counseling and instructional infrastructure to ensure that students have access to support services and in turn increase their likelihood of success. It requires the Board of Governors to develop a yearly plan for supporting the goals of the act and to complement the Seymour-Campbell Student Success Act of 2012 (SB 1456 below). The goals are to increase the ratio of counselors to students, increase funding for categorical programs that provide student support services, increase the percentage of hours of credit instruction that are taught by full-time instructors, and expand part-time faculty office hours.

SB 1052 (Steinberg)—This bill by the President Pro Tempore of the Senate establishes the California Open Education Resources Council under the administration of the Inter-segmental Committee of the Academic Senates of the University of California, the California State University and the California Community Colleges. The council would determine a list of the 50 most widely taken lower division courses and review and approve developed open source materials. It would also promote strategies for production, access and use of open source textbooks to be placed on reserve at campus libraries. The bill would require the council to establish a competitive RFP process in 2013 in which faculty, publishers and other interested parties would apply for funds to produce 50 high-quality, affordable, digital open source textbooks and related materials. The bill would only become operative if funds are provided through state, federal or private funds or a combination of.

SB 1070 (Steinberg)—This bill establishes the Career Technical Education Pathways Program with a sunset of June 30, 2018. It requires the Chancellor of the California Community Colleges and the Superintendent of Public Instruction to assist with competitive grants and contracts to be let to economic and workforce regional development centers and consortia, community colleges, middle schools, high schools and regional occupational centers and programs to improve linkages and career technical education pathways between high schools and community colleges. The bill also would require an outcome-based evaluation.

SB 1280 (Pavley)—This bill would allow bid evaluation and selection for contracts for goods, materials or services to be determined by “best value” for the University of California or California Community Colleges. “Best value” would be determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability and required
services. The bill would sunset on January 1, 2018 and would require a report to the legislature by the Legislative Analyst.

SB 1456 (Lowenthal)—This bill establishes the Seymour-Campbell Student Success Act of 2012 and would require that a student qualifying for a fee waiver meet academic and progress standards determined by the Board of Governors with the purpose of increasing community college access and success by providing core matriculation services of orientation, assessment and placement, counseling and education planning and academic interventions. The act would be operational only if funds are appropriated for its purposes.
The College of Marin faculty, the Office of Instructional Management, and the Curriculum Committee have been extremely busy over the last few months as evidenced by your board packet. You have probably noticed numerous revisions, deletions and additions to courses, degrees and certificates.

The major thrust of this effort addresses two requirements on updating curricula:

**Title 5: §55003.** The course requisites are reviewed every two (vocational) or six years (all other courses).

**WASC: Standard IIA.1.c.** The Institution identifies student learning outcomes for courses, programs, certificates and degrees; assesses student achievement of those outcomes; and uses assessment results to make improvements.

The faculty has been working to update courses that were in some cases as old as 1988. Courses outlines this old could put articulation of student work in jeopardy. You have been receiving outlines monthly for a couple of years. This semester it came to a head. After being put on warning, I told the faculty that some had asked what they could do to help get us off warning and I said that making sure that our curricula was up to date would be something we could all do. And do – we have!

The Office of Instructional Management started keeping a file that they could put into your board packet in one fell swoop! This is why you are seeing so many. The faculty has stepped up since February and has updated close to 350 outlines. There are more in progress. All but 13 course outlines have SLOs now. Disciplines spent time together discussing their curriculum and their degrees and certificates. Those that students were not really getting were deleted. Those disciplines that had several degrees mostly combined them into one degree while keeping the shorter certificates. What has resulted is a tighter curriculum. We will be starting to create "student pathways" in the fall to map out degrees and certificates. Having an updated curriculum will make this much easier. In addition, the General Education Committee has revised the Statement of Philosophy for the GE Program and the list of classes has been reformatted. I’ll bring this to you in July.

The other driving force for this effort has been the WASC requirements for SLOs in all degrees, certificates and courses and the assessment of such. As faculty realized the enormity of this task, the idea of streamlining offerings became quite attractive.

A couple of notes: The communications department consists of Speech, Journalism and Film. The film courses had always been listed under "communications". You will note a number of Communications courses have been deleted, but you will find them again in the "new courses" section as FILM instead of COMM. In Biology – they have pulled some courses from the Biology heading to "Environmental Sciences" ENVS. In the same way, these have been deleted and then added under the new heading.
SLOs at the Proficiency Level from the ACCJC Rubric for Evaluating Institutional Effectiveness – Part III: Student Learning Outcomes

- Student learning outcomes and authentic assessments are in place for courses, programs, support services, certificates and degrees.

As of June 19th, 2012, our courses, degrees and certificates are here. I’m tracking down the last 13 courses and should have this to 100% on the courses soon. In addition, we have SLOs for the support service areas and for the Library. Authentic assessments are in place and are being implemented.

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<th>Percentage of Courses that have Expected Student Learning Outcomes</th>
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<tr>
<td><strong>Total Courses</strong></td>
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<td>1,197</td>
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<table>
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<th>Percentage of Degrees and Certificates that have Student Learning Outcomes</th>
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<tr>
<td><strong>Total Degree</strong></td>
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<td>90</td>
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- There is widespread institutional dialogue about the results of assessment and identification of gaps.

The primary institutional dialog over the last year has concerned the gaps of underprepared incoming students and gaps in student achievement in the Math and English sequences. Various strategies are being proposed to address this and with the rebirth of the Student Access and Success Committee in May, we hope to be able to be more intentional in this starting Fall 2012.

- Decision-making includes dialogue on the results of assessment and is purposefully directed toward aligning institution-wide practices to support and improve student learning.

If one counts final grades and retention as part of “assessment”, the college has been able to achieve this on a broader scale since the development of the data dashboard last fall. At the same time, assessment is also being done at a department/discipline level. It has also been done by analyzing data across program reviews from all programs. As we develop more data from the assessment results being gathered now and from the data dashboard, this will become more prevalent.
• Appropriate resources continue to be allocated and fine-tuned.

As PRAC vets the many requests for resources, one of the most important justifications made concerns how it will affect student learning and access. This is an integral part of the program review process and has been fine-tuned (and continues to be) over the last five years.

• Comprehensive assessment reports exist and are completed and updated on a regular basis.

The Student Learning Outcomes Assessment Council (SLOAC) created the rubrics which I passed out at your last meeting. These rubrics are being used and results entered into Chialin’s tracking tool. These results will be aggregated to show college-wide achievement of college-wide/GE outcomes.

• Course student learning outcomes are aligned with degree student learning outcomes.

The is fulfilled with the matrices which map the college-wide/GE SLOs with degree/certificate SLOs and with course level SLOs

• Students demonstrate awareness of goals and purposes of courses and programs in which they are enrolled.

Faculty have been requested to include the COR SLOs on the syllabus for each class. Most do, but some feel that this is an infringement of their Academic Freedom. This summer I will be working with Dong Nguyen and OIM to create a report for each course from the database that includes the course description and its SLOs. This will be made available through a link on the student drop-down menu of the College’s website.
Good Evening.

Along with the beginning of the summer season is the start of our summer session. The class load may be smaller, but as you all know, we are involved in accreditation work, as well as preparing for the next academic year.

To extend the breadth of our representation, the Senate presented a proposal to our constituency to increase the number of Senators from 10 to 12. This was approved and a call for nominations was held which resulted in exactly the number of volunteers necessary for a full slate of senators. We are happy to have our 12 senators in place to represent the voice of Classified Professionals in various College governance and decision-making groups. We are busy with new tasks and our leadership positions will be assigned in September.

The impact of our representation was illustrated during the annual College luncheon in May, where in addition to our awards for individuals; a department, PE; and our exceptional service award, which went to Sara McKinnon; we recognized 71 Classified Professionals for formally volunteering in various Participatory Governance roles during the past academic year. As we collected that information, we realized that 38 percent of our Classified Professionals made the commitment last year to serve in an ongoing capacity, above and beyond their position responsibilities.

We express appreciation to the President and administration for their support and sponsorship along with the leadership of the CSEA and SEIU in celebration of Classified Employees Appreciation week, at the BBQ held on June 4. In the midst of an extremely busy and demanding semester, it was nice to take a few minutes to share the company of our colleagues across both campuses.

We saw some of you at the Retirement Ceremony, where we bid farewell to six of those hard-working professionals along with 10 faculty members. They left us a legacy of service which we look forward to continuing.

Respectfully submitted,

Alice L. Dieli

Classified Senate Vice President
COLLEGE OF MARIN
AND
COLLEGE OF MARIN
FOUNDATION
ISSUES AND CONCERNS

June 19, 2012
Background

- The College of Marin Foundation was incorporated as a non-profit corporation in July 1964 and obtained its tax exempt status under IRC Section 501(c)(3).
- The Foundation amended its Articles of Incorporation to change its name from College of Marin Foundation to Marin Community College Foundation in October 1988.
- The relationship between the District and the Foundation has been maintained through various Memorandums of Understanding throughout the years.
- The COM President and the President of the Board of Trustees serve as ex-officio, non-voting members of the Board.
Memorandum of Understanding

- Last MOU signed in December 2005
- Mission of the Foundation
- Purpose of the Foundation
- In consideration for the efforts of the Foundation, District to provide support to the Foundation by providing – office space, telephone, printing, duplicating, mailing, postage services, and joint publications.
- On an annual basis, the Board of Trustees will establish priorities and initiatives for funding. Superintendent/President will communicate those priorities at an annual joint meeting of the Foundation and District.
- Agreement may be terminated by either party with 90 days written notice
COM Funds Held by Foundation

Records indicate that Foundation currently manages approximately $1.8 million on behalf of District.

Funds Transferred

- 9 Accounts Totaling $292,557.38 as of February 2012
- 3-5% annual administrative fee
Program Funds

- Foundation has served as a fiscal custodian on behalf of District in maintaining 91 program accounts totaling approximately $491,014.04 as of December 2011
- Funds raised by COM faculty, staff, students
- Includes grants from organizations like MCF, 10,000 Degrees and Marin General Hospital
- 5% one-time administrative fee
Endowment Funds

- Two endowments were created for the sole purpose of supporting specific COM programs:
  Hal & Joy Mays Fund for Nursing - $79,818.55 as of December 2011
  R. A. Brown Fund for Journalism - $988,494.40 as of December 2011

- 3-5% annual administrative fee
## Foundation Assets

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<th>FYE 2009</th>
<th>FYE 2010</th>
<th>FYE 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash &amp; Investments</td>
<td>$2,970,695</td>
<td>$3,915,730</td>
<td>$4,583,821</td>
</tr>
<tr>
<td>Net Assets (Net of Liabilities)</td>
<td>$2,891,848</td>
<td>$3,862,317</td>
<td>$4,508,784</td>
</tr>
<tr>
<td>Total Contributions</td>
<td>$ 749,162</td>
<td>$1,247,072</td>
<td>$ 642,412</td>
</tr>
</tbody>
</table>
DWC’s Annual Goals & Objectives

Goal #3 - Further position College of Marin for long-term sustainability and success *(WASC Standard III - Resources)*

Expected outcome: Long term fiscal stability, adequate reserves, effective and efficient operations of the District.

Key Performance Indicators:
Development of a comprehensive plan of action to support the generation of alternative sources of fund development.
- Complete feasibility study pertaining to internal advancement operation (alumni, grants, planned giving, major gifts, etc.) by March 2012
- Develop organizational structure for internal advancement operation by January 2012
Introduction of Advancement Office

- August 10, 2011, Memo to Ann Hill and Diana Conti

- August 18, 2011, Breakfast meeting – Hill, Elliott, Conti and Coon

- September 1, 2011, Board of Trustees Fund Development Committee – Dr. Coon introduces Advancement Office concept
Advancement Office (Continued)

- September 8, 2011, Foundation Meeting – Dr. Coon discusses Advancement Office concept

- Until this time, no opposition had been expressed.

- Attorney Eric Sternberger, Ragghianti Freitas LLP, was present at the meeting.

- Following presentation, Dr. Coon and President Conti were asked to leave so the Foundation Board could convene in closed session with legal counsel.
Issues/Concerns

- Foundation Directors expressed concern to Board President Conti.
- President Conti requested clarification from Foundation on multiple occasions concerning: 1) specific concerns about Dr. Coon, 2) the basis for those concerns, 3) specific concerns about the fiscal management of COM.
- No response received.
Foundation Transitions


- Margaret Elliott resigns as Foundation Executive Director effective February 23, 2012, after nearly 20 years of service to the Foundation and College.

- David Eastis is appointed Foundation Executive Director effective February 27, 2012.

- David Eastis is terminated effective April 30, 2012.
Foundation Transitions (Continued)

• Subsequent to Mr. Eastis being terminated, Superintendent/President Coon was copied on a letter from the law offices of Mayor Joseph Alioto & Angela Alioto.

• Ms. Alioto, who is representing Mr. Eastis, asserted he has a claim against the Foundation for fraud/misrepresentation, wrongful termination, wrongful retaliation, discrimination, breach of contract, detrimental reliance on a promise, and intentional infliction of emotional distress.
Allegations of Mismanagement and Misuse of Funds
Dan Shiner, Foundation Bookkeeper

• Blank checks removed from Foundation Office, checks written without back-up documentation totaling $30,000.

• More blank checks removed from the Foundation Office.

• Eight (8) withdrawals totaling approximately $20,000 for payroll without providing information to bookkeeper to account for withdrawals.
Allegations (Continued)

• Documents required to prepare tax reports withheld from bookkeeper.
• Other irregular financial practices included a cash withdrawal in the sum of $7,500 without proper authorizing documentation.
• Foundation’s expenditures far exceeded Foundation’s budget.
• Restricted funds have been expended for inappropriate, unrestricted expenses.
• Foundation made considerable payments without authorizing documentation to a party who has a business relationship with a Foundation director.
May 15, 2012 Board Meeting

• Board took action in Closed Session (and subsequently reported in open session) to direct the Superintendent/President to seek return of District Funds that are managed by the Foundation and to commence with the annual audit of the Foundation.

• It was later determined the agenda contained a clerical error in the reference to the Government Code.

• The Academic Senate presented a resolution supported by the Classified and Student Senates expressing concern about the current management of the Foundation and encouraged action on the part of Dr. Coon and the Board. The Student Trustee also read a letter he wrote to the Foundation expressing his concerns.
June 2, 2012 Special Board Meeting

- In the first Closed Session the Board determined, based on two legal opinions, that there were existing facts and circumstances presenting significant exposure to litigation against the District.

- The Board then met in Closed Session with legal counsel regarding exposure to litigation against the District and initiation of litigation by the District. No action was taken.
Two actions were taken in open session:

1. Due to a clerical error in the agenda for May 15, 2012, the Board of Trustees voted to rescind the action taken in Closed Session on that date.

2. In recognition of the long-standing partnership with the Foundation and to try to resolve concerns with the Foundation and the return of District funds without litigation, the Board of Trustees took action to: 1) direct the Superintendent/President to send a letter to the Foundation to return the District funds that have been entrusted to the Foundation for management purposes only and to include in the communication minutes of Board of Trustees’ meetings directing the transfer of funds, and 2) direct the District’s auditors to commence the annual audit of the Foundation.
June 7, 2012 Letter to Foundation

- Letter sent to Joan Bennett, Foundation President, with instructions to return/secure District funds. The letter also confirmed the commencement of annual audit.
Audit

- Foundation Bylaws Article 18 provides that the Foundation will annually participate in an audit in conjunction with the District.

- Foundation has been treated as a component unit in the District’s annual audit since 2003 pursuant to GASB No. 39.

- This year’s audit was initiated by Mr. Jeff Jensen, Crowe Horwath LLP through a June 4, 2012 communication to the Foundation.
Audit (Continued)

- June 14, 2012 communication from Foundation president indicated the Foundation would not provide the records requested until the conclusion of the KPMG investigation and audit.
- District requested clarification on scope of KPMG audit and the requested records be provided to Crowe Horwath.
- No response has been received to District’s request for return of funds.