

[https://www.dropbox.com/sh/be49g2o1fq4r5nn/AAAR8erD3mM4B\\_bC7oAe2gHQa/Vote%20of%20No%20Confidence%20Evidence?dl=0](https://www.dropbox.com/sh/be49g2o1fq4r5nn/AAAR8erD3mM4B_bC7oAe2gHQa/Vote%20of%20No%20Confidence%20Evidence?dl=0)

### **Evidence: Vote of No Confidence against Mr. Baron, Chancellor**

Evidence can be located by following the links and going to the appropriate page number. In some instances, as in the Self-Study, additional evidence is cited in the text. Evidence that cannot be linked in may be found in the accompanying file. Evidence of a personnel/confidential nature will not be made public.

#### **1. Leadership and vision (including hiring practices and HR issues)**

- 1.1. Mr. Baron allows HR Department to operate in violation of hiring policies
- 1.2. Mr. Baron himself violates hiring policies
- 1.3. Mr. Baron is responsible for nine violations of law and policy during the hiring of the SBVC President.
- 1.4. Mr. Baron did not take disciplinary action permitted under AP 3430 when presented with evidence of sexual harassment of a student
- 1.5. Mr. Baron's hiring process for VC of Fiscal Services was done against policy (background incomplete) (Anonymous e-mail containing District Documents. These documents will **not** be publically disclosed)
- 1.6. Mr. Baron's hiring process for Chancellor was done against policy (Self-Study p. 379)
- 1.7. Mr. Baron's performance reviews as Chancellor have been done against policy (Self Study pp. 242, 243, 377)
- 1.8. Mr. Baron has not implemented CBT Three Year Staffing Plan recommendation "3. Consider initiating an organizational climate survey to determine strategies the District can institute to improve the organizational culture and build employee confidence. (p. 59)" In fact, the "warning" from the ACCJC based on the 4 recommendations to remedy District deficiencies and the Commission recommendation regarding 3<sup>rd</sup> party comment has done more to demoralize the campuses.
- 1.9. District Recommendation 3 to resolve a deficiency in the ACCJC Action Letter illuminates the lack of leadership and vision in Human Resources (ACCJC Action Letter)

- 1.10. Lengthy negotiations between District and CTA regarding compensation for Student Learning Outcomes contributed to College Recommendation 1 to resolve a deficiency in the ACCJC Action Letter (Self Study p. 75)
- 1.11. Inconsistency in hiring processes for Classified Professionals (Self-Study p. 239)
- 1.12. Mr. Baron has not taken action to guarantee that Commission Recommendation 1 “ensure that the President holds an appropriate degree” will be fully resolved when the Follow-Up report is due on 3/15/16. Mr. Baron states that Dr. Beno has verbally assured him that the plan for Ms. Fisher to earn the appropriate degree will be sufficient. However, Dr. Beno has also stated that ACCJC does not tell colleges and districts how deficiencies should be resolved.
- 1.13. The evaluation of personnel is not always completed timely. An initial draft of the SBCCD Three Year Staffing Plan showed a significant proportion of staff and management evaluations were over 60 days past due, and nearly half the evaluations of probationary Classified employees were not completed. The College Brain Trust, the consultant group that developed the plan, cited the lack of District tracking and follow-up and a lack of Management accountability for past-due evaluations as the reasons for the District’s high number of past-due evaluations (III.A.12 p. 6). CHC Self Evaluation Report p. 247
- 1.14. The chancellor has been invited to attend all of the CHC Academic Senate meetings, however he has not done so.
- 1.15. It is the duty of HR to inform the campus when faculty are in their 4th year of review and need to be reviewed for tenure. HR failed to submit this information to CHC admin, thus putting us out of compliance with the contract.
- 1.16. Human Resources - Underpayment of salary, No consistent policy on step placement, Customized job description to hire/promote pre-selected candidates (see attachment)
- 1.17. Campus Climate Surveys show disconnect between District and Campuses.

## **2. Training and informing the board**

- 2.1. District Recommendation 2 to resolve a deficiency in the ACCJC Action Letter indicates that the Board is not fully educated by the Chancellor on Board Policies and

Administrative Procedures, nor are those policies and procedures followed (ACCJC Action Letter).

### **3. Respect for and knowledge of collegial process**

3.1. Mr. Baron does not follow collegial consultation processes

3.1.1. AP 6610 (evidence SBVC Self-Study)

3.1.2. MOU – K-12 Bridge Project (Self-Study p. 385-386)

3.2. Resolution SP 13.02 was read to the board. The CHC Academic Senate position on and support of to the collegial decision making process

3.3. Resolution FA 12.01 SBVC Academic Senate position on and support of the collegial decision making process.

3.4. Resolution SP 13.01 was read to the board. The CHC Academic Senate urged the board to add the 13-14 budget deficit to the agenda to engage in discussion to develop a funding plan that will support CHC's anticipated growth.

3.5. Board policy BP & AP 2510 In issues related to academic and professional matters the Board will rely primarily on the Academic Senate. Other areas of decision-making in regard to Board Policy are to be mutually agreed upon between the Governing Board, the Academic Senate, administration, staff and student.

3.6. The CHC Academic Senate stated that the timeline for consideration of the proposed CBA program should have provided adequate time for effective vetting by to the CHC Academic Senate as well as all other district shared governance groups. The Academic Senate recommended that the District: Conduct a complete and detailed analysis of Community Benefit Agreements (CBAs) in order to identify and assess the pros, cons, benefits, costs and other impacts of implementing and maintaining a CBA program for Measure M projects. Share such research, studies and its findings with the Academic Senate to enable its members to fully understand the pros, cons, benefits, costs and other impacts of the proposed CBA. Delay consideration of approval of the CBA to allow ample opportunity for the Academic Senate to discuss the CBA and its impacts; and, to provide recommendations, if any, to the Board. This request was not followed and there were no reasons forwarded as to why this recommendation was not followed. (CHC AS Address to the Board, Nov. 2014)

- 3.7. On November 19<sup>th</sup>, 2014 the CHC Senate voted to forward a recommendation to the SBCCD Board of Trustees to reject the proposed CBA. The chancellor and board did not provide a response to our recommendation. (CHC AS Address to the Board, Dec. 2014)
- 3.8. Whereas, as established by Board Policy 2225 for purposes of academic and professional matters, “the Board shall rely primarily on the advice and judgment of the senate when adopting policies and procedures on ‘academic and professional matters’ and if the Board has a compelling reason for not accepting the advice of the Academic Senate, it shall provide that reason in writing upon request of the Academic Senate.” Resolved, the Crafton Hills College Academic Senate reaffirm their right to participate effectively in collegial consultation in particular areas where they have responsibility and expertise as specified in Title 5 regulations and as established by Board policy 2225; and (Board Agenda Minutes, May 2013 meeting)
- 3.9. The governing board delegates full responsibility and authority to him/her to implement and administer board policies without board interference and holds him/her accountable for the operation of the district/system or college, respectively (ACCJC Self Evaluation pg 330)
- 3.10. Board Policies and Administrative Procedures are the foundation by which the San Bernardino Community College District is to be governed. The periodic and timely update of Board Policies and Administrative Procedures was too long neglected. Faculty consultation is essential on those Board Policies and Administrative Procedures involving academic and professional matters. And finally the unrealistic timeline as established by the Chancellor to review over 400 BPs and APs including more than 100 new BPs and APs, has resulted in an inability for the Academic Senate to conduct an appropriate evaluation with any meaningful feedback (CHC Resolution S15 03).
- 3.11. The governing board created a policy subcommittee on March 14, 2013 to consider and recommend changes to outdated policies (IV.B.24). Since the creation of this board subcommittee, numerous new policies and procedures have bypassed the district assembly collegial consultation process: BP 2140 Public Participation at Board Meetings, BP 6610 Local Hire Policy, and BP 6320 Investments (IV.B.25; IV.B.26; IV.B.27; IV.B.28)( ACCJC Self Evaluation pg 353)
- 3.12. INTERNATIONAL PROGRAM**
- 3.12.1. Per BP/AP 2510 The Academic Senate makes recommendations with respect to academic and professional matters to the Board of Trustees including Educational program development and Standards and policies regarding student preparation and success. This

would include the development of an international program. The CHC Academic senate has not been consulted, and has not participated in any discussions related to the development of an international program at CHC.

3.12.2. Bruce said he was hoping that we would already be working on expanding the number of international students attending our colleges, however, over the summer he learned that the district is not yet prepared to assume an international students program based on the information gathered by Jeanne Marquis. He acknowledged and thanked her for her work. Steps are being taken to address the issues and to move ahead with the expansion of international students. (District Assembly 9-4-2014).

3.12.3. MOUs are being prepared between SBCCD and the University of Redlands and Cal State University San Bernardino, we move closer to increasing recruitment of more international students to the district. The MOUs are for guaranteed admittance to the colleges for international students who meet certain criteria. This is an important "selling point" in recruiting students from other countries to a community college. We are working on a similar agreement with UCR (Chancellor's Chat 11-31-14).

3.12.4. Currently, Dr. Glen Kuck has stepped into the leadership role to continue the development and expand this program. Glen has developed MOUs with University of Redlands and Cal State University San Bernardino for the smooth articulation of international student graduates into programs at those schools. Agreements with University of California Riverside and Loma Linda are in the works. In addition, Glen has updated the district's materials that can be used for recruitment of international students and is working on an update of the district's website as well. In December, Glen will be attending the nation's largest recruitment gathering for international students where recruiters who work in many countries will be present and can be signed-up to recruit on behalf of SBCCD. Our goal is to add 25 additional international students next year with more ambitious goals for the following years as we get our program running smoothly (Chancellor's Chat 12-24-14).

3.13. Inconsistency in reporting out of actions of closed sessions. [Board Minutes 7-12-12](#)

#### **4. Interference with college process and purview**

4.1. Mr. Baron does not follow college process/policies for field trips

4.2. Interference with WST Program - Requests for Public Reports

4.3. ACCJC Action Letter findings were reported in the Riverside Press Enterprise on 2/6/15 and the article included quotes from Board Members prior to notifying campuses of results. SBVC Campus was informed on 2/9/15 (RPE Article)

4.4. **AB 955** The decision to participate in AB 955 was made by the chancellor without any collegial process. The college was not asked if they wanted to participate.

4.4.1. SBVC Student Trustee voice concerns and relayed complaints from students about AB 955. CHC Student Trustee had sent letters to Senators opposing AB 955

4.4.2. 17 members of the public voiced their concerns and oppositions for AB 955. Trustee Williams asked for the item to be Agenized.

4.4.3. Request from CHC AS to remove CHC from all language of the law with respect to AB 955. SBVC and CHC Associated Students took official stand against AB 955.

4.4.4. Board asked for a special meeting for October 29<sup>th</sup> at 4pm to address AB 955.

4.4.5. An 'Redlands Daily Facts' article regarding 'Students protesting AB 955 requiring to pay more for higher demand courses, and Crafton Hills College is listed as one of the pilots'. No one is aware that CHC is piloting in this program. More follow-up needs to be made to confirm if we are or not.

4.4.6. CHC Student Trustee spoke in opposition to AB855

4.4.7. CHC and SBVC Presidents requested the district take a public position in opposition to AB955. CTA made the same request. The district took no such action

4.4.8. Trustee Williams asked for dialogue on the subject – perhaps a study session. Trustee Henry concurred stating the board needed to find a better way to communicate and dialogue with stakeholders and make sure that everyone is included in the discussion. Trustee Ferracone asked to agenize AB955

4.4.9. CHC Academic Senate has taken an official stand against AB 955. (statement to board from CHC AS)

4.4.10. AB 955 is a perfect example of why we felt it was necessary to draft and present a resolution on Collegial consultation to the board. The CHC AS learned via several emails (from organization opposing AB 955 - the CHC Student Senate, the statewide AS, the State CTA) that the Chancellor, Bruce Baron had submitted CHC as an interested college and to allow CHC to that be included in the language of the legislation, along with 5 other

California Community College. The decision to offer up CHC as a beta campus was made without campus-based input or any type of collegial consultation.... This is unacceptable. We would like to hear from the board about this issue and would encourage the board to do everything in its power to withdraw CHC from the list of eligible Community Colleges in the language of the law. We also asked the board to forward a copy of the agenda date and agenda item number when this action was approved – and an explanation as to why the CHC Academic Senate was not consulted on this matter. The CHC AS concerns (and requests) were not addressed. (CHC AS Report to the Board, Sept 2013).

- 4.5. The Chancellor gives full responsibility and authority to the presidents of the colleges to implement and administer delegated district/system policies without his/her interference and holds them accountable for the operation of the colleges. (ACCJC Self-Evaluation)

## **5. Fiscal management**

- 5.1. The Hay Group Study for a Classification and Compensation Study approved on April 11, 2013 for \$197,500.00 has, according to public statements by Mr. Baron not yet been completed indicated poor judgment in the choice a consulting firm and waste of fiscal resources. (p. 201 of Board of Trustee agenda 4/11/13)
- 5.2. Mr. Baron commissioned multiple studies from the College Brain Trust then totaling in excess of \$ 135,000.00 and has failed to fully implement the recommendations of the College Brain Trust and/or the recommendations of the District Budget Committee.

### **5.3. CBT Resource Allocation Model**

- 5.3.1. January 2014 CBT provided a report on the Resource Allocation and Utilization for SBCCD. The January report contained 9 financial recommendations. Of those the district, as of the Nov update had only implemented one fully.
- 5.3.2. With regard to the distribution of funded FTES between the colleges in the RAM. The CBT had provided recommendations to bring stability to and “confidence in” the resource allocation process, however as of Nov 2014 the responses to these recommendations were inconclusive and did not reflect a directed approach to the issue.

### **5.4. CBT Three- Year Staffing Plan**

- 5.4.1. Contrary to recommendation 7 of the College Brain Trust Three-Year Staffing Plan (p.62), Chancellor Baron has not increased the number of FT Faculty. Instead

there is a hiring freeze and even replacement faculty positions are not immediately filled.

5.4.2. Under Chancellor Baron's leadership, \$218,000 has been lost due to failed recruitments (Three-Year Staffing Plan p. 20)

5.4.3. Chancellor Baron reported the recruitment has begun for the Vice Chancellor of Fiscal & Business Services. The Chancellor is pleased with enrollments across the District with the aggressive 6% goal. Brain Trust Report has been worked on collegially and we will revolutionize the way we look at budget and funding for the colleges. There are recommendations in the report that will benefit the District as a whole. Bruce asked campus presidents to schedule time for the Chancellor to meet with managers, classified senates, and academic senate on campus to give updates and answer any questions.

5.4.4. The Brain Trust consultants recommended that the CHC reduce the cost of administrators by about \$250,000. However, the District Chancellor's Cabinet argued against a reduction in administrators since the College is now in a growth mode.

5.4.5. The validity of the data in the College Brain Trust Three-Year Staffing Plan has been questioned.

## **5.5. CBT Enrollment Management Plan**

5.5.1. Another key factor noted by CBT. Bond funds were allocated to CHC to grow to support a much larger student populations and this work is either done or underway. However this was done without a real plan on how the additional FTES would be generated. The costs of the new facilities coming on-line are a big part of the reason for the anticipated operating deficits at CHC. The status quo approach to FTES management is a passive approach to dealing with a real problem created by past actions of the organization.

5.5.2. CHC is in the midst of a building program that will add over 46,000 ASF of instructional space, increasing the instructional capacity by 50% resulting in an estimated new annual operating cost of \$750,000 for maintenance and operations of the new buildings. The consultants are unaware of any plan to increase the funded FTES of CHC to correspond to the increase in structural capacity created by the current building program. Why was this funded FTES plan not developed prior to constructing the buildings?

5.5.3. The new facilities increase instructional capacity by 50% so in order to fully utilize the new facilities, CHC funded FES would need to be increased to 6,000 FTES. This means a growth

- of funded FTES by 1,000 which allows for 50% use of the new capacity and should provide adequate marginal net revenue to offset the new maintenance and operating costs
- 5.5.4. There needs to be a district commitment to find a way to increase CHC funded FTES to 5,000 by 2020 or this exercise is pointless.
- 5.5.5. The first order of business is to gain a commitment or decision by the Board of Trustees. This needs to begin by having the Chancellor provide an “education session” with the Board on the financial status of CHC. (Nov 14 recommendation)
- 5.5.6. The Board has authorized an extensive capital outlay program at CHC that will increase its instruction space by 50% without developing a plan as to how the district will pay for a corresponding increase in the college’s FTES
- 5.5.7. The Board must make an additional decision to increase the funded FTES of CHC or plan on an even larger subsidy. It would be politically unacceptable to not put additional classes in the new facilities to absorb a portion of the excess student demand.
- 5.5.8. The stage has been set to talk about solutions. If everyone agrees about the definition of the problem, the solutions can look at the options.
- 5.6. Gloria Fisher has been paid a Doctorial stipend without possessing a Ed.D or Ph.D.
- 5.7. As Jack Miyamoto was paid \$ 120,159.60 for a **6 month** consulting contract, December 2014-June 2015 ( [Board Agenda](#) 11-13-13) which is more than a 50% increase on the [annual salary](#) for the position which is \$ 152,713.
- 5.8. Mr. Baron purchased software and failed to fully implement the software on both campuses.
- 5.9. The faculty at CHC believe it is time for the campus to grow – We fully support the boards’ directive for establishing two “comprehensive colleges” within the San Bernardino community college district. The 10 taxpayer funded bond projects as identified in the October 2000 MAAS Company report are either completed, under way, or in the cue to be built over the next 3-4 years. Again, these bond funded projects will add over 85,000 net assignable square feet of building space, which will accommodate the an underserved student population in excess of 10,000 - The campus has been working hard to meet this mark and is now asking the board to clarify the district plan to accommodate the growth as promised to the taxpayers in the East end of the Valley. We look forward to working with the board and district staff on this issue.

No Action Was Taken in Reponse to our May 2013 request. (CHC AS Statement to the Board, May 2013)

- 5.10. Whereas, the identified local taxpayer funded bond projects will add 84,000 net assignable square feet of new building, lab, and classroom space which when completed will accommodate at least 10,000 FTES;
- Resolved, the Crafton Hills College Academic Senate requests the San Bernardino Community College District Board work with the chancellor to re-evaluate the allocation model and develop a plan to support an anticipated Crafton Hills College student population increasing to more than 10,000 students, and
- Resolved, the Crafton Hills College Academic Senate requests the San Bernardino Community College District Board work with the chancellor to re-evaluate the allocation model and develop a plan to support student success at Crafton Hills College, including the addition of new and expanded courses, programs, services, and full-time faculty positions (CHC Resolution SP1301)
- 5.11. For 2013-2014 there is still a need for CHC to have an increased allocation of about \$300,000 to meet their current commitments and to move toward the comprehensive campus status. This would need to be allocated from district reserves. We will have more information on this at the Board of Trustees Budget Workshop on May 30th at about 4pm (immediately following the 3pm closed session). (Chancellor's Chat 5-28-13).
- 5.12. The CHC AS asked for an explanation as to why the \$300,000 included in our 13-14 budget to "address access, comprehensive college, and new construction strategic issues" (quote taken from the 5-30-13 Budget presentation to board) had in fact, been withdrawn. The CHC AS wanted know why this was done and how the board expected the college to resolve the 13-14 budget deficit created as a result of this action.
- We urged the board to add this item to one of their upcoming agendas, so that our elected representatives would engage in a discussion and develop a funding plan that would support CHC's anticipated growth in excess of 10,000 students. This was never done and was in fact noted as an deficiency in the fall 2014 CBT report: "The consultants are unaware of any plan to increase the funded FTES of CHC to correspond to the increase in structural capacity created by the current building program. Why was this funded FTES plan not developed prior to constructing the buildings?" (CHC AS Address to the Board, May 2013)
- 5.13. Lack of budget planning example –Agreements reached with bargaining units in May 2014 resulted in salary increases of 4% for 2013-14 and 4% for 2014-15. These cumulative

increases of 8.16% were expensed to the college budgets, resulting in deficits. The college had not budgeted for an 8.16% increase in the salary line. (CHC ACCJC Self-Evaluation Update).

5.14. Mismanagement of funding (Perkins)

5.15. HLS Ventilation