

WINTER 2021

TRUSTEE

QUARTERLY

The Voice of Community College Leaders



OPENING DOORS

ACCT Chair David Mathis focuses on ensuring greater opportunities for all students.

ACCT AWARDS PROGRAM

ACCT's awards program is designed to recognize and honor outstanding community college trustees, equity programs, presidents, faculty members, and professional board staff members at regional and national levels. In order to be considered for an Association Award, you must first submit a nomination at the regional level.

REGIONAL AWARDS

Trustee Leadership
Equity
Chief Executive Officer
Faculty Member
Professional Board Staff Member

The Awards committees will select and notify the Awards recipients prior to the ACCT Leadership Congress. ACCT's Awards recipients will be honored at the 2021 ACCT Leadership Congress this October in San Diego, California.

ASSOCIATION AWARDS

M. Dale Ensign Trustee Leadership
Charles Kennedy Equity
Marie Y. Martin CEO
William H. Meardy Faculty Member
Professional Board Staff Member

Visit www.acct.org for specific nomination criteria and to submit nominations online.

Call 202.775.4667 with any questions.
All nominations must be received by June 14, 2021.

WWW.ACCT.ORG

NOMINATIONS DUE

JUNE 14, 2021



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San Diego Community College District, CA

Linda Wah

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From the Chair

The Time is Right



WE HAVE ARRIVED AT 2021 FOR BETTER AND worse, emerging from a year in which nearly everyone has participated in the strangely silent chaos of multiple forces, experienced by most of us from our homes. We cannot tiptoe around what we've been through. There's no point. We've all been through it.

We have all lived through social unrest unlike anything this nation has seen since the 1960s, following unjust police killings of too many Black Americans. Last summer's global response to these alarming events was a resounding wake-up call for anyone who believed the challenge of racial inequity was behind us. For some of us,

this upswelling is both deeply traumatic and inevitable given the injustices we have known intimately. For others, it is an awakening. For still others, it is an awakening yet to happen.

We have all lived through the anxiety, the fear, and sometimes the maddening isolation that has come with a historic pandemic. As I write this column, over 400,000 of us have lost loved ones to it.

We have lived through political unrest of such an extreme magnitude that — no matter your political persuasion — has left all of us jarred, and nearly all of us questioning beliefs we've held all our lives.

Our colleges are a primary saving grace for so many of our students, many of whom face systemic obstacles that make their efforts to attain post-high school educations more difficult. Our students have been through everything we have been through, but their lives are less settled, their futures less certain. The onus is on us to find ways to meet their needs. We have to do that work.

This is where ACCT's values come in. Boardmanship. Advocacy. Student Success. Innovation. Diversity, Equity, and Inclusion. Service. These are our values, and they will power us through a year of great recovery and reinvention.

The visionary Martin Luther King, Jr. famously said that "The time is always right to do what's right." I ask you to think about that as we move through the coming months. We must do what is right by our institutions, our students, and our communities. This includes when times are challenging for all of us. This includes when we may feel divided from others by differences of opinion. *Do what is right*. It's our fiduciary duty — our care, our loyalty, our obedience to our pledge as members of boards.

Over my 40-plus years as a trustee, and through my decades-long participation with ACCT, I have known tens of thousands of trustees and community college presidents. I know that only the most dedicated, caring, and strong individuals last in these deceptively challenging leadership roles. We are united through this association and through our common mission and values.

The time is right to do what's right. I am asking you to help this association through your participation and your guidance. I have faith that we will come through this — all of this — better than we entered into it.

DAVID MATHIS
TRUSTEE, MOHAWK VALLEY COMMUNITY COLLEGE

TRUSTEE QUARTERLY

The Voice of Community College Leaders

WINTER 2021

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TRUSTEE QUARTERLY (ISSN 0271-9746) is published three or four times per year as a membership service of the Association of Community College Trustees (ACCT). ACCT is a not-for-profit educational organization of governing boards of public and private community, technical, and junior colleges. Membership is also open to state coordinating boards, advisory boards, and state associations. The mission of ACCT is to foster greater understanding of and appreciation for community college boards; support boards in their efforts to develop public policies focusing on meeting community needs; help build board governance leadership and advocacy capacity through in-service education and training programs; and support boards through specialized services and programs.

Opinions expressed are those of the authors and do not necessarily reflect the opinions and values of the Association of Community College Trustees.

Non-members may subscribe to TRUSTEE QUARTERLY for \$60.00 per year (plus postage for international subscriptions). Third-class postage paid at Washington, D.C.



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From the President & CEO

We Continue to Serve, No Matter What



IN 2019, WE CELEBRATED A HALF-CENTURY of trustees convening nationally and the many historical events that shaped our nation and colleges during the 50th Annual ACCT Leadership Congress. For many of us, it was a time of reflection, to take stock of our accomplishments, perseverance, and grit. None of us could have predicted the events that shaped 2020 — a once-in-a-century pandemic, social unrest like any we have seen since the 1960s, devastating wildfires, and other natural disasters — all within the span of 12 months. We have lost friends and colleagues and we've seen our economy shattered and our goals for a more perfect union waylaid. But we persevere and continue to serve, no matter what.

For this issue of *Trustee Quarterly*, we take stock of the principles of trusteeship and renew our service vows. I have written about the fiduciary duties that all community college trustees commit to uphold. (See p. 22.) During calmer times, many of us tend to equate the term *fiduciary* with financial responsibilities. At times like these, we remember that the duty of care, the duty of loyalty, the duty of obedience are so much more than dollars and cents: they represent a commitment to the best interests of our communities, our colleges, and our students. With this commitment comes the duty to succeed despite all the seismic shifts that shake us like earthquakes because of those who depend on us.

To help clarify any confusion between *fiduciary* and *financial* responsibilities, ACCT Director of Trustee Education Norma W. Goldstein dedicated the latest issue of her Trustee Talk column (p. 34) to what trustees need to know and do about institutional finances. In his latest “Making of a Community College Trustee” installment (p. 30), trustee and former community college president Eduardo Marti dramatizes how a trustee works with her board chair to navigate a financial crisis.

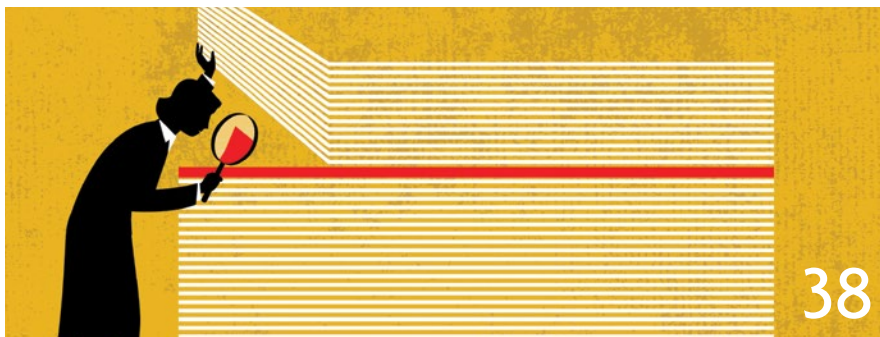
I cannot highlight all of the important information in this issue here, but I do want to draw your attention to the cover story on our newest board chair, David Mathis. Chair Mathis represents everything that community colleges stand for as a person who, when he took his seat the Mohawk Valley Community College board, was the first trustee of color, the youngest trustee, and the first trustee to serve who had attended and graduated from the college. That was over 40 years ago. I have worked with Chair Mathis for decades now, and besides his transformation from first and youngest to among the most experienced, he is also one of the most dedicated and exemplary board members I have known. His story is worth reading.

Chair Mathis also asked us to reprint ACCT's Diversity, Equity, and Inclusion commitment (p. 14) in this issue to emphasize this association's values and our intention to serve the community college mission to offer affordable, high-quality education to *every single human being* who seeks it. If you have not taken the time to read this commitment statement, then I ask you to reflect on the connection between the community college mission and diversity, equity, and inclusion efforts. They are inseparable. And our duty is to serve and empower others, no matter what.

This remains a challenging time for colleges throughout the country. ACCT's commitment is to our members, and we are here to do everything we can to help weather the storm. Please do not hesitate to reach out to me or to our staff or board members and let us know what you need. We are only too happy to help.

J. NOAH BROWN
ACCT PRESIDENT AND CEO

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Trustee Rosaelena O'Neil challenges you to champion the value of community colleges loudly and proudly.

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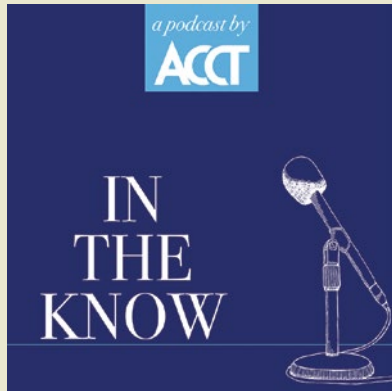
Lone Star College leverages data in new ways to improve student success — and works with other institutions and state boards for even greater impact.

40 High Performance — *By Mary Spilde with Ken Burke*

A new book from ACCT details how boards and CEOs can work well together.



New Podcast Season



In the Know with ACCT has returned for its fourth season! If you haven't kept up with the podcast, we've produced nearly 100 episodes dedicated to the interests of community college advocacy, governance, and special topics.

So far this season, we've released interviews with:

- ACCT Chair **David Mathis**, who has over 40 years of experience of community college governance under his belt;
- Strada Education Network Consumer Insights Director of Research **Andrew R. Hanson**, who discusses the philanthropic foundation's ongoing Public Viewpoints study that gauges public perceptions of higher education;
- Opportunity America President and CEO **Tamar Jacoby**, who discusses the organization's study of noncredit workforce programs at community colleges; and
- ACCT Search Services Vice President **Julie Golder** and Searches Consultant **Jill Wakefield**, who discuss how boards can facilitate the successful transition of new college CEOs.

This season, the podcast will also feature a series of discussions about effective governance, in conversation with the co-authors of the new book *Trusteeship in Community Colleges: A Guide for Effective Governance* (Second Edition).

For listening options, go to www.acct.org/podcast.

NEWS

Annual ACCT Association Awards

ACCT announced the recipients of its annual Association Awards for community college trustees, equity programs, chief executive officers, faculty members, and professional board staff members online during the ACCT Awards Gala on Thursday, October 8. Awardees were announced live during the gala on ACCT's Twitter account (@CCTrustees).



**2020 William H. Mearly
Faculty Member Award
Latoya Reid**

Tacoma Community College, Washington



**2020 Marie Y. Martin
Chief Executive Officer Award
Margaret M. McMenamin**

Union County College, New Jersey



**2020 Charles Kennedy Equity Award
Illinois Central College, Illinois**



**2020 M. Dale Ensign
Trustee Leadership Award
Lydia Santibañez**

Temple College, Texas

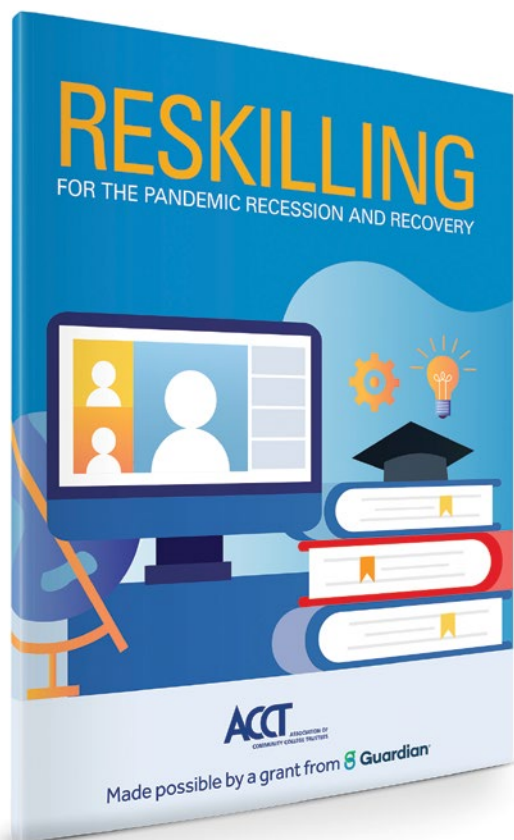


**2020 ACCT Professional Board
Staff Member Award
April Sandoval**

Coconino Community College, Arizona

For more information about the Association and Regional Awards, visit www.acct.org/awards.

New Report Details Community Colleges' Reskilling Efforts During the COVID-19 Pandemic



ACCT, with support from **Guardian Life**, recently released the third report in a four-part series detailing critical issues and strategies related to community colleges' roles in workforce development.

Reskilling for the Pandemic Recession and Recovery focuses on the U.S. economic downturn since the beginning of the COVID-19 pandemic, which has had a disproportionate impact on Black and Hispanic individuals, women, and people without a postsecondary degree. Considering these challenges, the brief details policy proposals for large-scale workforce development initiatives and strategies that community colleges can implement to support unemployed and adult learners.

The report also highlights examples of community colleges' responses to the pandemic, including the Michigan Futures for Frontliners scholarship program for essential workers and healthcare training at **Kirkwood Community College** in Iowa to meet increased demand in this sector.

"The COVID-19 pandemic has amplified community colleges' mission to create educational and training opportunities to support students who are in need of a new career," said ACCT President and CEO **J. Noah Brown**. "Addressing the current health, economic, and social challenges requires bold workforce development policies and community college actions to support student access to the resources they need to pursue postsecondary education, even in our difficult and uncertain environment."

Major takeaways from the report include:

- During the pandemic, the U.S. unemployment rate has reached a high of 13 percent nationally. People without postsecondary education, as well as Black and Hispanic individuals and women, have experienced the highest rates of job loss. In addition, partially due to fewer opportunities for telework, job loss has been concentrated in service and hospitality sectors.
- Community colleges continue to advocate for a new large-scale federal investment in workforce training. Federal legislation for workforce training has stalled; however, some states and localities have started their own programs to address workforce training needs, including using funds from the federal CARES Act.
- Colleges can improve reskilling programs by increasing financial aid, focusing on the unique needs of adult and out-of-work learners, and offering hybrid educational options. Hybrid options are especially important for training programs that require at least some hands-on experience.

"Guardian Life is proud to support community colleges as they continue to evolve their workforce approach by offering students a variety of curriculum pathways for reskilling to advance their careers during the current health crisis," said **Veena Jayadeva**, head of corporate social responsibility at Guardian Life. "Community colleges are well positioned to understand local industry needs to combat unemployment, and they provide flexible approaches and course delivery systems to ensure the best experience for a diverse group of students in our local communities."

Prior reports in this series include ***The College-Work Balancing Act*** (2019) and ***Make it Count: Recognizing Prior Learning for Workforce Development***. In 2021, ACCT will publish one more report as part of this series on the topic of community colleges' roles in workforce development and meeting labor market needs.

Download the report at www.acct.org/publications.

Model Standards of Good Practice for Trustee Boards

In Support of Effective Community College Governance, the Board Believes:

- That it derives its authority from the community and that it must always act as an advocate on behalf of the entire community;
- That it must clearly define and articulate its role;
- That it is responsible for creating and maintaining a spirit of true cooperation and a mutually supportive relationship with its CEO;
- That it always strives to differentiate between external and internal processes in the exercise of its authority;
- That its trustee members should engage in a regular and ongoing process of in-service training and continuous improvement;
- That its trustee members come to each meeting prepared and ready to debate issues fully and openly;
- That its trustee members vote their conscience and support the decision or policy made;
- That its behavior, and that of its members, exemplify ethical behavior and conduct that is above reproach;
- That it endeavors to remain always accountable to the community;
- That it honestly debates the issues affecting its community and speaks with one voice once a decision or policy is made.

**The term "board" refers to a community college board of trustees or appropriate governing authority.*

New Paper Profiles Association Between Student Loan Default, Poorer Academic Outcomes

ACCT, in collaboration with **Valencia College** and with support from the **Seldin/Haring-Smith Foundation**, recently released *Fault Lines in Borrowing: Academic Outcomes of Students in Default*.

"This paper is part of ACCT's ongoing effort to determine why many fully capable and ambitious community college students have difficulty persisting in college and completing their studies," said ACCT President and CEO **J. Noah Brown**. "Though the brief examines data from only one Florida college, the findings demonstrate that loan defaults and their harsh penalties are strongly associated with poorer academic persistence and completion."

"This snapshot of Valencia College shows how student loan default policies hold back dedicated community college students — and make it harder for them to complete their degrees," said Seldin/Haring-Smith Foundation CEO & Co-Founder **Abigail Seldin**. "The Seldin/Haring-Smith Foundation is proud to support this report by ACCT!"

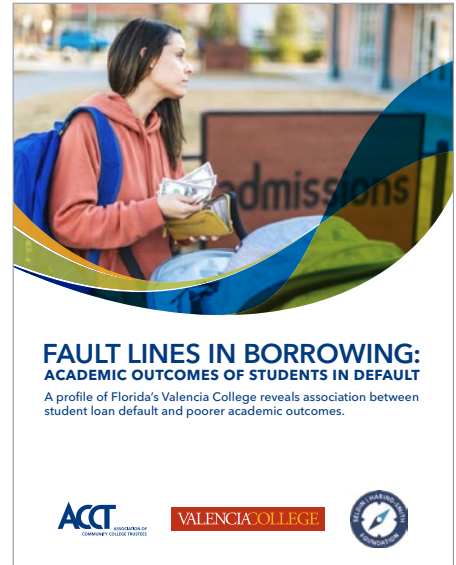
The brief profiles the impact of student loan defaults on Valencia College students, including:

- Students with a record of default are almost three times as likely to delay enrollment as students with no record of default;
- Almost twice as many students with a record of default attempted to enroll in one or more semesters in which they subsequently did not take any classes compared with students with no record of default;
- Students with a record of default had a much lower credit completion ratio relative to students without a record of default; and
- Fewer than half as many defaulters graduate within six years compared to students with no record of default.

"Past ACCT research focused on student borrower behavior in Iowa, Kentucky and Louisiana, and on institutional strategies for reducing default," wrote ACCT Senior Program Manager **Rachel Rush-Marlowe** in the brief. "This analysis found that only 23 percent of Valencia College students who defaulted on their loans graduated within six years of enrolling. In comparison, over 47 percent of Valencia students who never defaulted graduated within this timeframe. Many consequences of student-loan default are unduly punitive and affect students' lives profoundly for years to come."

The paper offers recommended changes to the student debt system to alleviate unnecessary hardships currently placed on student borrowers:

1. Extend mandatory forbearance until at least September 30, 2021.
 2. Automatically enter students into income-driven repayment after a period of delinquency.
 3. Forgive at least \$10,000 in student loans targeted to students most in need, tax free.
 4. Remove prior default from borrowers' credit histories if the loan has been repaid in full or forgiven.
 5. Pass the Protecting JOBS Act to prevent default-related license suspensions.
 6. Streamline the student loan rehabilitation process to make it more accessible.
- Download the report at www.acct.org/publications.



President Biden's Education and Labor Secretary Nominees Announced

This December, President-elect **Joe Biden** nominated Connecticut Commissioner of Education **Miguel Cardona, Ed.D.** to serve as U.S. Secretary of Education in the Biden-Harris cabinet. On January 8, he announced the nomination of Boston Mayor **Marty Walsh** to serve as U.S. Secretary of Labor.

"On behalf of the nation's community college boards, the Association of Community College Trustees congratulates Dr. Cardona and Mayor Walsh on their appointments," said ACCT President and CEO J. Noah Brown. "We are confident that community and technical colleges and their students will be priority areas of interest for Dr. Cardona's Department of Education and Mayor Walsh's Department of Labor, and we at ACCT pledge our support and counsel as they take office once confirmed."

Cardona is the first Latino to hold the position of Connecticut Commissioner of Education. He began his career educating and inspiring Connecticut's youth as a fourth-grade teacher in Meriden's public school system, the same school district he attended as a child. Cardona became the youngest school principal in the state at age 28, serving in the position for 10 years before taking on a role addressing the district's performance and evaluation process and ultimately rising to the position of assistant superintendent.

Walsh, a first-generation child of immigrants, calls himself a lifelong champion of working people. He has created tools for low-income workers, including a "learn and earn" job apprenticeship program and an Office of Financial Empowerment. He is the founding vice-chair of the Cities of Opportunity Task Force at the U.S. Conference of Mayors, elevating the national conversation on income inequality.

"We are confident that community and technical colleges and their students will be priority areas of interest for Dr. Cardona's Department of Education and Mayor Walsh's Department of Labor, and we at ACCT pledge our support and counsel as they take office once confirmed."

LET THE LAW WORK FOR YOU

Timing is everything when it comes to advocacy, but not everyone has time to pay attention to pending legislation day in and day out.

ACCT's Latest Action in Washington (LAW) Alerts do the work for you.

Since 2008, nearly 1,900 people have signed up to receive ACCT's LAW Alert emails — brief summaries of legislative actions emailed to subscribers as legislation happens, giving community college trustees, presidents, and other leaders and advocates time to contact their representatives and exert influence before it's too late.

Please encourage your fellow trustees, presidents, and colleagues to stay up to date about legislation that affects their community colleges by joining the LAW E-Alert network. To join, simply email publicpolicy@acct.org with "LAW Alert" in the subject of the email.

For more information about ACCT's advocacy services, visit www.acct.org/advocacy.



The Sausage That Was Made in 2020

Your advocacy secured big wins for community colleges in 2020, though more challenges lie ahead in 2021.

By Jee Hang Lee

WORKING ON LEGISLATION CAN BE difficult, as the “best time” for action is subjective and disparate items can be mashed together — like the oft-used sausage-making idiom — for a final bill. Even when items move quickly, the hard work of educating and advocating before bills move is paramount to getting final support and passage. There is no better example of this situation than what occurred at the end of the 116th Congress.

Prior to the 116th Congress officially ending, Congress enacted the Coronavirus Response and Relief Supplemental Appropriations Act (H.R. 133), which contained stimulus legislation, year-round funding for the federal government, and changes to a number of higher-education provisions. President Trump later signed the bill into law. From providing additional stimulus funds for colleges to revising the Free Application for Financial Student Aid (FAFSA) and restoring the Pell Grants program to incarcerated individuals, the act was one of the most significant for higher education since the last reauthorization of the Higher Education Act (HEA), including numerous provisions that will benefit community colleges and their students. Here is a list of some of the major changes:

- \$20.2 billion for direct grants to non-profit institutions of higher education based upon a formula (mixture of headcount and full-time equivalent)
- \$1.7 billion for Historically Black Colleges and Universities (HBCUs), American Indian Tribal colleges and universities (TCUs), Hispanic-Serving Institutions (HSIs), and other Minority-Serving Institutions (MSIs)



- Simplifying the FAFSA form from 108 to 36 questions
- Increasing the Pell Grant maximum to \$6,495 (\$150 increase)
- Eliminating the questions on the FAFSA related to drug convictions and Selective Service eligibility
- The Expected Family Contribution (EFC) will now be called the Student Aid Index (SAI). Allow SAI to go up to -1500, allowing students the opportunity for additional aid
- Restoring Pell Grant eligibility for incarcerated individuals, including those serving sentences in federal, state, or local penal institutions

In terms of stimulus funding, it was a major accomplishment for community colleges to have changed the higher education institutional allocation formula from 100 percent full-time equivalent (FTE) to 50 percent FTE and 50 percent headcount. This significant formula change will result in community colleges receiving almost an additional \$1 billion. ACCT could not have achieved this legislative action without the broad support and advocacy of efforts of other community college associations, and most importantly, member colleges. As noted in the last issue of *Trustee Quarterly*, the issue of equity and fairness was crucial in changing the attitudes of legislators. While we were unsuccessful in our efforts to alter the formula to 100 percent headcount, the change to 50 percent headcount will mean the vast majority of community colleges will receive an increase.

On the federal student aid front, ACCT actively advocated for significant changes to the FAFSA and the Pell Grant program. Many of the changes in the act

On the federal student aid front, ACCT actively advocated for significant changes to the FAFSA and the Pell Grant program. Many of the changes in the act will increase financial aid eligibility for community college students. Limiting the number of FAFSA questions and restoring Pell Grant access to incarcerated individuals will result in more students entering higher education.

will increase financial aid eligibility for community college students. Limiting the number of FAFSA questions and restoring Pell Grant access to incarcerated individuals will result in more students entering higher education. But there is still more work to do for the sector as we look to increase additional opportunities for our students, such as allowing Pell Grant access for short-term programs and increasing the number of semesters a student can receive a Pell Grant.

While there was broad action on higher education in 2020, the reauthorization of the Higher Education Act (HEA) still looms. Congress still needs to reauthorize and modernize the act. The Senate Health, Education, Labor & Pensions (HELP) Committee will have a new chair, as Sen. Patty Murray (D-Wash.) is expected to take over for

Sen. Lamar Alexander (R-Tenn.), who retired at the end of the 116th Congress. Within HEA, there is bipartisan support for several provisions, including further streamlining the FAFSA, increasing the Pell Grant maximum, allowing short-term programs to access Pell Grants, and streamlining the loan repayment options. But can Congress overcome the large hurdles that remain? There are strong disagreements about college accountability provisions, including risk sharing and special accountability measures concerning proprietary institutions.

When Congress ultimately decides to move on HEA reauthorization, we will need everyone's advocacy to ensure the bill supports the community college mission. ACCT has a wealth of resources available to understand HEA's role and impact at community colleges. Visit ACCT's Advocacy website (www.acct.org/advocacy) to get additional information.

Make your voice heard by visiting your member of Congress and talking about these key issues. Request a meeting on campus with your legislator and talk about the pressing issues important to your institution. To stay up to date on key legislative items, sign up for ACCT's Latest Action in Washington alerts by emailing publicpolicy@acct.org.



ACCT Senior Vice President Jee Hang Lee can be reached at jblee@acct.org.

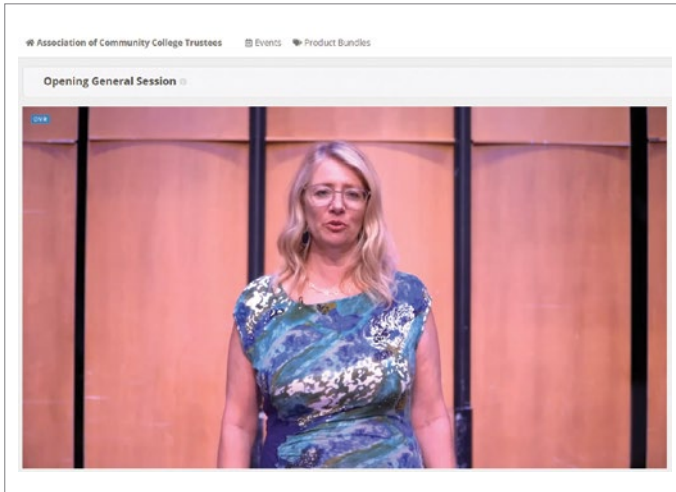
TACKLING UNPRECEDENTED CHALLENGES

The 2020 ACCT Congress virtually connected community college leaders as their institutions tackled the pandemic, a recession, and calls for racial and economic justice.

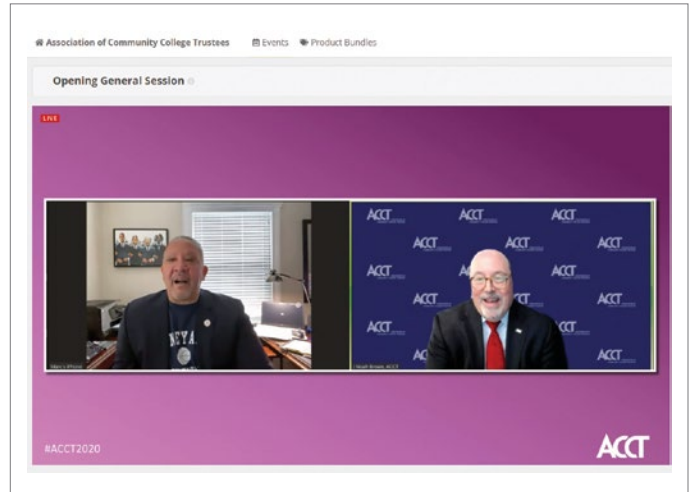
By Mark Toner

THE 2020 ACCT LEADERSHIP CONGRESS BROUGHT THE SECTOR'S LEADERS TOGETHER not in Chicago as originally planned, but on thousands of computer screens across the nation. The virtual shift — made a necessity by the ongoing COVID-19 pandemic — also reflected how community colleges responded to the year's unprecedented challenges in new ways.





2020 ACCT Chair Dawn Erlandson hosted the first-ever Virtual ACCT Leadership Congress.



National Urban League's Marc Morial and ACCT's J. Noah Brown

“One of the ACCT Board’s priority values is innovation,” said 2020 ACCT Board Chair Dawn Erlandson, trustee of Minnesota State Colleges of Universities. “Your loyalty and your commitment to your colleges and your students are commendable during these difficult times.”

The Congress was held as the nation’s community colleges weathered what ACCT President & CEO J. Noah Brown called a “trifecta” of challenges — a pandemic, an economic recession, and renewed calls for social and economic justice. Keynote speaker Marc H. Morial called 2020 “a year of great consequence in American history.”

“We’ve not had a year like this in modern times,” said Morial, president and CEO of the National Urban League.

Morial stressed that the year’s events had fallen disproportionately on people of color, urging community college leaders to ensure that programs and initiatives support Black men and other underserved populations at their institutions.

“Be very intentional about it,” he said. “It can be done. It needs to be done because the country needs every able-bodied person to be able to operate at the highest levels that their God-given talent allows.”

Two Pandemic Paradoxes

Declining enrollments — a 7.5 percent drop for two-year institutions in fall of 2020 — represent another unanticipated disruption for community colleges. Two out of three 18-to-24-year-olds had to change or cancel their education plans because of the pandemic, Andrew R. Hanson, Strada Educational Network’s director of research, told Congress attendees. Unlike past recessions which brought workers back to college for reskilling, Hanson said that safety concerns and the uncertainty of the pandemic had prompted many to “put their lives on hold.”

Carol D’Amico challenged attendees to address the “paradox”

of Americans needing education and training more than ever as enrollments continue to fall.

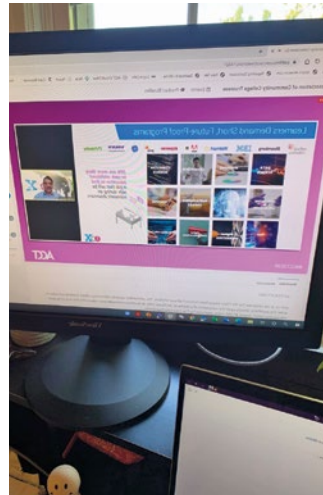
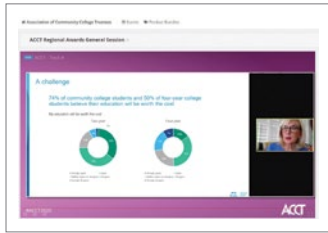
“If the interest is there, why hasn’t it translated into an actual increase in college enrollments?” asked D’Amico, Strada’s executive vice president for national engagement and philanthropy. One possible answer: only one-third of adults without degrees reported having a positive experience with education, D’Amico said.

“If only one-third of your customers had a good experience, it’s a challenge to get them back,” she said. “Combine that negative experience with self-doubt and a lack of understanding of what it will take to be successful, and time, logistics, and money, and you’ve got a formula for why people might not be enthusiastic.”

D’Amico urged community college leaders to meet the growing demand for nondegree programs that address immediate career needs by making them easier to navigate, simplifying enrollment processes, and strengthening advising and career counseling.

Another paradox explored by speakers is that a temporary change at many colleges — the rapid shift to remote learning — may have lasting benefits. “Now is the moment for true transformation for many of the processes you’ve adopted during COVID... to think about adopting them in a more permanent manner for the future,” said keynote speaker Anant Agarwal, founder and CEO of edX.

Noting that edX surveys show that nearly half of all prospective students want to take courses online, Agarwal predicted that institutions “will move towards a blended model of learning that is roughly half online, roughly half in person. The affordances of online learning — the flexibility, the better learning outcomes, the instant feedback — are all mechanisms that make blended learning simply superior to purely online



Clockwise: Strada Education Network's Carol D'Amico; edX's Anant Agarwal; The Joliet Junior College Culinary Arts Program demonstrated its ice sculpting program

A first-ever virtual reception for incoming ACCT Chair David Mathis

or purely in person.” To date, these models have yielded “staggeringly good” results, Agarwal said, noting that retake rates dropped from 41 percent to 9 percent at one community college. Other research suggests that students experience less stress in blended settings and fare as well as their fully in-person peers — and better than fully online ones.

Another rapid shift involved the transition to providing online student services. A survey of 250 community colleges conducted by Edamerica found that more than half weren't able to support live assistance for admissions, financial aid, or both during the pandemic, said Judith Witherspoon, senior vice president. “Schools had to migrate so quickly to a service model that was not anticipated,” she says. Congress speakers in several sessions discussed how they leveraged virtual supports, chatbots, and in some cases, outsourced call operations to meet student needs. At the College of the Mainland in Texas, launching a central call center freed up staff time for individual outreach, contributing to a 4 percent increase in enrollment, said Dean of Students Kris Kimbark.

And Yavapai College used lessons learned from its rapid response to the pandemic in a marketing message to prospective students: “I can't be vulnerable to a disaster, a disease, or the next economic downturn again.” Finding “creative solutions and new ways to deliver courses.... should have been a primary focus all along,” said Lisa Rhine, president of the Arizona college.

Answering The Call

With more than 60 virtual sessions, the 2020 Congress focused on ensuring that institutions emerge from the year's challenges stronger than before.

“There's a real opportunity within this pandemic to take a look at your college, your numbers, and why you're doing what you're doing, whether it's programs or student services,” said Jo

Alice Blondin, president of Clark State Community College in Ohio, where staff made 12,000 calls to students with a simple question: “How are you doing?”

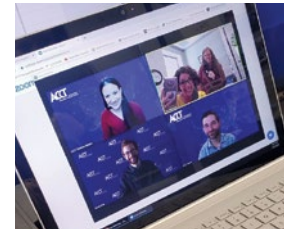
“While COVID shifted some of the conversation, it didn't shift us from the focus around student success or the work we need to do,” Blondin said.

College leaders shared ways they stepped up to meet these needs. At Harper College in Illinois, a makerspace and entrepreneurship center which 3-D printed face shields for health programs and first responders was just one of a dozen emergency student support programs funded by a \$1.2 million board initiative, said chair Pat Stack. In similar fashion, Madisonville Community College in Kentucky bolstered campus security and provided mental health counseling by leveraging community partnerships, Internet resources, and “the expertise of our own faculty and staff,” said Provost Scott Cook.

The challenges, particularly around food and housing security, are great. “COVID highlighted needs we knew were there before,” said Brandon Mathews, co-director at the College and University Food Bank Alliance. But addressing those needs requires more than short-term fixes, stressed Russell Lowery-Hart, president of Amarillo College in Texas: “It's not something that is as simple as just opening a pantry, as critically important as it is, but it's located in a bigger culture that is trying to intentionally see the students that we have and systematically, purposefully, and intentionally lead them to success.”

Ongoing Priorities

Morial reminded community college leaders that they have a unique place in American politics. “There's at least one community college in each of the 435 Congressional districts,” he said. “That creates an opportunity for community colleges to create a broad base of support.”



Participants connected with one another in live chat rooms during the 2020 Congress, and shared photos of their virtual event experiences through social media.

Federal priorities identified earlier in the year were “largely thrown out the window” as lawmakers shifted their focus to stimulus legislation, ACCT Senior Vice President Jee Hang Lee told attendees. The second round of pandemic stimulus, which was ultimately passed in late December, includes \$22.7 billion in aid for higher ed and better reflects the total headcount of community college students than the initial stimulus package passed in the spring. Looking ahead to 2021, ACCT and AACCT policy staff pointed to the significant changes that would come as a result of a new presidential administration and the retirement of Sen. Lamar Alexander (R-Tenn.) as the chair of the U.S. Senate Committee on Health, Labor, Employment and Pensions (HELP). The 2021 National Legislative Summit (NLS), also re-envisioned as a virtual event, will focus heavily on the changing landscape in Washington, D.C.

During Congress sessions, college leaders focused on how they are finding new ways to target student populations, including incarcerated individuals. “It’s an opportunity for students to get a skillset so they can get a job or start their own business,” said Kyle Wagner, president of Northeastern Technical College in South Carolina. Another priority: rural community colleges, which represent two-thirds of the nation’s two-year institutions. “They really are the last beachhead as an onramp to the economy in some of those communities,” said ACCT’s Brown.

The year’s calls for racial justice were reflected by Congress sessions focused on ACCT’s new Diversity, Equity & Inclusion Checklist and Implementation Guide for Community College Boards. The vital role trustees and their boards play in this work was underscored by a session featuring Alamo Colleges and the Austin Community College District, two Texas systems which worked with Achieving the Dream to identify ways to infuse equity into their governance and student success initiatives.

“No one’s going to tell you that they’re being denied access

because of equity, but your processes tell you what you’re doing to deny people access,” said Gigi Edwards Bryant, an Austin Community College District board member.

Changing The Conversation

As the 2020 Congress drew to a close, Amber Angel spoke of her desire to change the conversation around the nearly 4 million student parents like herself across the country, two-thirds of whom are living in poverty.

“We all love an underdog story. We all like to see strength in struggle, but I’d like to challenge the notion that there really needs to be so much struggle to have strength and success,” said Angel, a former high school dropout and mother of two who ultimately graduated from Los Angeles Valley College (LAVC) and California State University, Northridge. “We need a community of care, and we need a culture shift... The solution is having policies and programs in place.”

After taking the gavel as ACCT’s 52nd Chair, David Mathis charged community college leaders to make their institutions’ commitment to equity, diversity, and inclusion a “living promise” to “fulfill the vision of universal access.”

“We are called to change,” said Mathis, a trustee at Mohawk Valley Community College in New York. “My goal is to help trustees lead the changes that will help our colleges build a stronger, better society.” (See profile, p. 18)

“The response to COVID has ripped apart carefully constructed five-year plans and left us, like many of our students, groping for a pathway forward by the guidance of a flickering candle,” Mathis said. “But what is glaringly obvious is that our society needs community colleges to become leaders in diversity and advocacy to promote student success and access. None of us have all the answers, but we are all on this road together.”

ACCT COMMITS TO DIVERSITY, EQUITY & INCLUSION

WE COMMIT TO WORK FOR THE CHANGE WE SEEK.



WE APPLAUD AND CELEBRATE OUR BOARDS AND PRESIDENTS ON THEIR EFFORTS TO DOUBLE DOWN TO HELP STUDENTS SUCCEED, PERSIST, AND MAINTAIN CONNECTIVITY TO THEIR COLLEGES — ESPECIALLY FOR STUDENTS OF COLOR AND OTHERS WHO ARE DISPROPORTIONATELY AFFECTED BY THE PANDEMIC, RESULTING ECONOMIC DOWNTURN, AND HISTORIC RATES OF UNEMPLOYMENT.

MONTHS HAVE NOW PASSED SINCE WE WITNESSED IN horror the brutal murder of Ahmaud Arbery, learned about the tragic killing of Breonna Taylor, and watched the horrific video footage of the murder of George Floyd. Mere weeks ago, as national attention was focused intensely on these unjust killings, a police officer fatally shot Rayshard Brooks after he was found asleep in his car outside of a restaurant. Reports and recordings of African American people being threatened or intimidated by authorities and by average people alike for no other reason than for trying to live their lives, or simply engaging in everyday responsibilities or pleasures afforded all people in a free society, persist despite last summer's protests. These shameful acts have given rise to the current social uprising in the form of countless protests around the nation calling for change, and have again forced us to confront the difficult truths that systemic racism and injustice remain all too frequent occurrences in our society.

What We Stand For

ACCT unequivocally condemns police brutality and systemic racism. We stand with all who protest racism, an inequitable system of justice, and social and economic inequalities of all kinds. We stand with those proposing reforms geared toward achieving diversity, equity, and inclusion not only at the colleges we represent, but in all aspects of American life. We believe change must happen, and we will play an active role in making that happen.

As the international association of community college governing boards, ACCT represents more than 6,500 elected and appointed trustees who govern over 1,200 community, technical, and junior colleges in the United States and beyond. Our colleges serve an estimated 11.8 million students every year, and ACCT and the community college sector take tremendous pride in our diversity, equity, and inclusion values and practices. ACCT's members encompass the smallest rural colleges and the largest urban institutions, among them Historically Black Colleges, Minority-Serving Institutions, and American Indian tribal colleges, all operating in the interests of their students and not-for-profit. Diversity is one of ACCT's core

values. We believe in the promotion of respect and acceptance of diverse individuals and awareness and educational opportunity for underrepresented populations. We believe in and we participate in taking active measures to improve diversity, equity, and inclusion at our institutions and through the work of our institutions in their communities.

We applaud and celebrate our boards and presidents on their efforts to double down to help students succeed, persist, and maintain connectivity to their colleges — especially for students of color and others who are disproportionately affected by the pandemic, resulting economic downturn, and historic rates of unemployment. These efforts have taken on increased urgency.

Rethinking What Works

Statements can be powerful — but only focused actions will achieve real and meaningful change that ensures that Black Americans, and thus every human being in this nation, receives equal justice and opportunities to become fully enfranchised in our great society.

ACCT has much to be proud of in these regards. For example:

- Our executive search services intentionally bring diverse college executive candidates from broad walks of life from far and wide into contact with boards. In many cases, these placements help to introduce diverse points of view among leadership even at colleges whose service areas may not yet have become as diverse as they are certain to in the coming years.
- Our board retreat services emphasize greater awareness of and help to implement diversity, equity, and inclusion as primary interests of all community colleges.
- Our national advocacy efforts focus on our values, and ACCT proudly advocates in the interests of Historically Black Colleges, Minority-Serving Institutions, and tribal colleges, and we have advocated boldly in the interests of Dreamers' rights to access higher education.
- We require hotels throughout the nation to abide by our commitment to diversity in our contracts for large national conferences, incentivizing them to standardize such commitments with all clients.

STATEMENTS CAN BE POWERFUL – BUT ONLY FOCUSED ACTIONS WILL ACHIEVE REAL AND MEANINGFUL CHANGE THAT ENSURES THAT BLACK AMERICANS, AND THUS EVERY HUMAN BEING IN THIS NATION, RECEIVES EQUAL JUSTICE AND OPPORTUNITIES TO BECOME FULLY ENFRANCHISED IN OUR GREAT SOCIETY.

- Our Diversity, Equity, and Inclusion (DEI) Committee continually identifies areas that need improvement and advises our leadership on how we can and must move the needle forward for people of color and others.
- We benefit tremendously from the insights of our diverse Board of Directors, committee members, and our Association staff.
- And, of course, we strive to demonstrate our commitment to diversity, equity, and inclusion through all of our content, including welcoming underrepresented voices to share insights with our membership through events, publications, webinars, podcasts, and other venues, developing and disseminating equity policy guides to member boards and college CEOs, and more.

And yet, this is not enough. We commit to do better.

Steps Forward

In the coming months, we plan to reexamine issues of equity through our actions, programs, and services.

Among many other services, our colleges train and prepare thousands of public safety personnel, including police and first responders. Many colleges are looking at their curricula and investigating how they can redouble efforts to include implicit bias and sensitivity training around issues of racism, and particularly with an eye toward preventing excessive force. We applaud these efforts and believe they are vital to ensuring trust and transparency between our first responders and our communities that depend upon them. ACCT will strive to add value to its membership by highlighting best practices in this regard via multiple platforms, including webinars and live sessions when available. As we collaborate on these reforms, ACCT will not hesitate to speak out against any abuses of power or unjust treatment of any marginalized population.

Further, we commit to using our many platforms to advance discussions on the national current state of affairs in an effort to increase multicultural awareness and sensitivity, and we will more deeply engage our Diversity, Equity, and Inclusion Committee to review board best practices to identify at-risk student populations and how to better serve them.

As an employer, ACCT recommit to sustaining a workplace that values diversity, multi-culturalism, compassion, and embracing the value of differences.

Finally, in recent months, many American people have come to understand that they had been unaware of the prevalence of events such as the killings of Ahmaud Arbery, Breonna Taylor, George Floyd, Rayshard Brooks, Trayvon Martin, Amadou Diallo, and so many others. No one can know what they do not know. We at ACCT pledge to look and to listen, to see and to hear, and to learn and to share. The commitments stated here are small steps forward. We will continually seek opportunities to grow, to become better, and to bring others along as we do this. There is much that we do not yet know.

We pledge action, engagement, and dialogue to help forge a society faithful to our creed and values — a society that works for every person. ACCT is a nationally representative organization that advocates nationwide community college interests at the federal level. At the same time, we are an association of locally elected and appointed officials who have deep ties to veritably every community throughout the nation, and who have power to make great change from the roots of their communities.

Our mission as we move forward is to develop synergy at the national and local levels, and through our determined and noble membership to create real and lasting change to acknowledge and respect all people in the United States as welcome and equal in the same way that the nation's community colleges always have respected and welcome all people equally.



— David Mathis, Chair, ACCT Board of Directors

— Dawn Erlandson, Immediate Past Chair, ACCT Board of Directors

— J. Noah Brown, ACCT President and CEO

A Lifetime of Appreciation

ACCT LIFETIME MEMBERSHIP

Community college trustees give a lot of themselves — time, energy, wisdom — and ask for little or nothing in return. The gift of an ACCT Lifetime Membership is a way to thank trustees for everything they do, and to empower them to keep doing it for as long as they choose.

A lifetime membership is a perfect way to...

- Recognize outstanding trustees whose dedication to your college has made a difference and set an example.
- Thank outgoing members for their service.
- Remain involved with your peers and make a tax-deductible donation to your national association by purchasing a Lifetime Membership for yourself.



7 REASONS TO BESTOW A LIFETIME MEMBERSHIP

- 1 Giving outstanding and retiring board members a Lifetime Membership to ACCT is a way to thank them for their service, recognize them among their peers, and ensure their ongoing interest in your college.
- 2 Lifetime Members receive complimentary registration to all ACCT meetings, including the Annual Leadership Congress and the National Legislative Summit, after retiring from their local boards.
- 3 Lifetime Members receive all of ACCT's award-winning publications, including *Trustee Quarterly* magazine and *Advisor*.
- 4 Lifetime Members are recognized publicly in *Trustee Quarterly*, on the ACCT Web site, and elsewhere.
- 5 The Lifetime Membership program supports and promotes ACCT's continuing trustee education and professional development.
- 6 Colleges that purchase Lifetime Memberships can deduct the expense from taxes to the fullest extent allowed by law.
- 7 It's just a nice thing to do — and haven't your most exceptional trustees earned it?

For more information and to submit an application, go to www.acct.org/membership/lifetime or contact ACCT's Member Services at 202.775.4667 or acctinfo@acct.org.





OPENING DOORS

ACCT Chair David Mathis focuses on ensuring greater opportunities for all students.

BY MARK TONER

IT ALL STARTED WITH A PHONE CALL.

It was January 1977, and David Mathis was working for the Utica City School District when he got a call from the Oneida County Executive's office, asking him to fill an unexpired seat on the board of directors at Mohawk Valley Community College (MVCC), where he had graduated less than a decade before.

"I thought it was a great honor," he says, and with that, Mathis became the first person of color, the first alumnus, and the youngest person to serve on the board of the New York community college. For Mathis, many of these and other personal and professional firsts were the result of unexpected opportunities — he later learned he may have been appointed to the board as the result of disagreements among county leaders. Even so, he says, "you may not get appointed for the right reason, but you have an opportunity. That door was open. Sometimes you wind up at a place you never expected yourself to be."

Nearly a half-century later, Mathis remains on the MVCC board, having served multiple terms as its chair and vice chair. And as the nation faces a prolonged reckoning with racial injustice for the first time since he was a student, ACCT's new chair is emphasizing the importance of diversity, equity, and inclusion for boards to ensure the doors at their institutions are open for all students.

"I love what I've done, but that door had to be open with a college degree," he says.

When he graduated from high school in 1966, Mathis was already working in the mailroom of the local Bendix manufacturing plant and decided not to go on to college. However, he began taking courses at MVCC after the factory's professional staff encouraged him to take advantage of the company's tuition reimbursement program. "You don't want to spend your life working in the mailroom," one told him.

Two years after graduating from high school, Mathis opted to attend MVCC full-time, majoring in retail business management. That year was a tumultuous one in American history, with the assassinations of the Rev. Dr. Martin Luther King Jr. and Bobby Kennedy and the subsequent civil unrest. "College students were taking over campuses, and students of color were demanding better treatment," he says. Against the backdrop of protests at colleges nationwide, MVCC students formed the college's first black student union (BSU). Mathis was elected its first president — because he was older than most of the other students, he says. "Now all these years later, that union is still meeting," he says. Equally importantly, his role organizing the BSU, including meeting with MVCC administrators, introduced



David Mathis has served on the ACCT Board of Directors for many years; pictured at right with former ACCT Chair Bakari Lee.

him to a new role. “I didn’t realize I had leadership qualities until that opportunity came,” Mathis says.

He graduated with an associate degree in winter 1969, ultimately earning a bachelor’s degree from Utica College while working full-time as a janitor in the evenings — “my day would start at 7:30 a.m., and I’d get home at 1 a.m.,” he says. “Without the college, that door that opened for me to have a job, to raise a family, and send my kids to college would never have happened. I’d still be in the mailroom, delivering mail 40 years later.”

Mathis’s first job after graduating was at the non-profit Manpower training program, which led him to the position at the Utica school district where he received the call that would place him on the MVCC board.

At first, the reaction from his fellow board members was less than encouraging, he says. Along with being the first person of color, first MVCC alumni, and youngest member of the board, he was the only board member who had actually attended a community college. “I didn’t fit the norm of a trustee,” he said. “Here I am, a 29-year-old black man showing up on the board. Why was I there?”

Mathis debated resigning, but ultimately decided to stick it out for the remainder of his term and then continue on the board, in large part because he felt he was the sole representative of the experience of the community college student.

“I brought a different perspective to the board, and in many ways, I still do,” he says. “It was an opportunity to represent my community as an alumnus and role model.”

He ultimately became MVCC board chair three times and vice chair twice. During his four-plus decade tenure on the board, Mathis helped select MVCC’s president as part of the college’s search committee two times. The first president’s tenure was nearly a quarter century, and the second — and current — CEO has been at MVCC for a dozen years. “In 43 years, we’ve had only three presidents,” he says, noting that the average tenure for college presidents nationwide is under five years.

Other accomplishments during his time on the MVCC board include converting an extension center in Rome to a full-fledged

campus during his first stint as board chair and adding additional dorm space and academic buildings. He also serves as the chair of the MVCC Dormitory Corporation board of directors and president of the MVCC Alumni Association board. Mostly, Mathis says, he “worked my butt off.”

“To really prove yourself, especially if you’re a person of color, you’ve got to be three to four times better than others,” he says. Despite his rocky start, Mathis credits the MVCC board members he has served with over the years. “It’s been important to have a solid and committed board, and it’s been great to work with them,” he says. “They saw my commitment, my work, my love of MVCC.”

Mathis’s trusteeship at MVCC dovetailed with his career in workforce development. He became director of the Oneida County Office of Workforce Development in 1986, a position he’s held ever since. In a newspaper interview, Oneida County Executive Anthony J. Picente Jr. called Mathis a “consummate professional whose dedication to the betterment of this community is without peer.”

He stresses the importance of community colleges in workforce development, particularly for populations who have typically faced challenges in higher ed. “If you have a job or don’t have a job, if you’re a veteran or someone coming out of prison or struggling with an addiction, the door is open at the college,” he says. “Community colleges are open door, and because that door is open, you should walk through it.”

In similar fashion, Mathis saw the New York Community College Trustees (NYCCT) as another open door — and another environment dominated by older, mostly white peers. “I took advantage of the opportunity to learn about being a trustee,” he says. In 1983, he chaired NYCCT’s first advocacy committee, ultimately serving on the NYCCT board from 1986 to 2018, with two stints as president. Over the years, NYCCT presented Mathis with the Anne M. Bushnell Memorial Award and the Marvin A. Rapp Award for Distinguished Service.

Mathis began attending ACCT meetings in 1982, and seven years later he was appointed to replace a board member with one year left on his term. The following year, he says, the nominating committee rejected his application to run for the open board seat.



Left: Mathis at a 2003 ACCT event; Right: Mathis (lower left) with ACCT Board member Rosaelena O'Neil (center) and the newly formed Student Trustees Advisory Committee.

The rationale given to him — that older trustees were in line and ready to serve and he was “too young” — felt discriminatory and unfair. But other trustees encouraged him to run with support from the floor — which he did, ultimately winning the seat.

He served as vice chair and chair of ACCT’s federal relations committee before stepping off the board in 1996. Mathis remained active with the association in the years that followed, serving as chair and vice chair of the minority affairs committee and ensuring it became part of the executive board structure. Ten years after stepping off the ACCT Board, he was encouraged to run again as a regional director, winning the seat in 2016 and serving as secretary-treasurer, vice chair, and chair elect before assuming his current role last fall. He has received both the ACCT Northeast Leadership Award and the ACCT M. Dale Ensign Leadership Award during his long tenure with ACCT governance.

Nearly a half-century later, though, Mathis still looks back to his willingness to persist after being appointed to the MVCC board as a key to his success in community college governance. “I’ve broken a lot of barriers, and diversity has been critical in opening those paths,” he says. “If I had dropped off the MVCC board, a lot of those firsts would never have happened.”

As ACCT Chair, Mathis has pledged to help his peer trustees make diversity, equity, and inclusion a “living promise” to “fulfill the vision of universal access.”

“We are called to change,” Mathis said during the 2020 ACCT Leadership Congress (see p. 10).

In announcing his priorities during the virtual event, Mathis drew from the year’s experiences, including the deaths of George Floyd, Breonna Taylor, and others at the hands of police. But he also looks back to his own experience as a college student — the pivotal historical events of 1968 he uses as a point of comparison to today’s challenges, but also more personal ones.

“From kindergarten all the way through my bachelor’s degree, I never had a person of color as a teacher, a counselor, or an advisor,” he says. “I’ve been fighting for racial and social justice my whole career. My commitment has been to open the door. We’ve made incredible changes, but in many ways, the challenges are still there.”

Mathis says ACCT is “walking the walk” on meaningful change, pointing to recent efforts including its newly released Diversity, Equity & Inclusion Checklist and Implementation Guide for Community College Boards and multiple statements pledging to support racial justice and DEI (see p. 14). He also points to the ACCT Board as a living example, with half of its membership women, members of color, or both. “That’s the kind of work I’d like to see board members advocate for at the local level,” he says. “We need to do more to educate the public and appointing authorities about the importance of diversity, equity, and inclusion at the board level, because it filters down.” And his own college is also walking the walk — MVCC just appointed its first-ever diversity officer, he says.

Continued advocacy for funding will also be critical as the nation recovers from the pandemic, Mathis says. “If we’re going to turn this country around and deal with the devastation of COVID-19, it’s going to happen with community colleges,” he says. “We’ve lost incredible amounts of funding at the state and local levels, and we need to make sure the federal and state governments are aware that if we as a nation are going to pull ourselves out of this downturn, the vehicle that will do that is community colleges.”

Mathis’ current role as ACCT Chair isn’t the only time he has found himself in the right place to make difficult decisions. In the 1980s, he became the first person of color elected to Utica’s K-12 school board and was ultimately named president of what he calls “my *Profiles in Courage* board.” That’s because the city board made the difficult decision to consolidate the city’s three high schools into one — a necessary but unpopular decision with parents and students, and he ultimately lost the next election.

“As I look at my career, I ended up in places I didn’t think I should be at the time, but maybe I was there for a reason,” he says. “I’ve lived in a challenging community, been involved in challenging boards, and I haven’t walked away. Maybe being chair at this time is walking through the right door.”

The Meaning of Fiduciary

MORE THAN JUST FINANCIAL OVERSIGHT, TRUSTEES' FIDUCIARY ROLE EXTENDS TO STUDENTS, STAFF, AND THE COMMUNITY.

BY J. NOAH BROWN

FIDUCIARY: A PERSON OR ORGANIZATION THAT ACTS ON BEHALF OF ANOTHER person or persons, putting their clients' interest ahead of their own, with a duty to preserve good faith and trust. Being a **fiduciary** thus requires being bound both legally and ethically to act in the other's best interests.¹

The terms “trustee” and “fiduciary” often are used interchangeably. When describing the duties and responsibilities of community college trustees, financial oversight also is often mentioned, as it should be. But being an effective trustee goes way behind just financial oversight. This has been made abundantly apparent during the COVID-19 pandemic.

Community college trustees are appointed or elected and serve as governors of the college, college district, or state community college system. The responsibilities of trustees have been clearly articulated — not just by ACCT, but by countless authors, organizations, and researchers, as well as by students of governance. What we have witnessed over the past 10 months across our members' boards and the colleges they oversee has led us to apply a slightly different lens when seeking to understand the fiduciary aspects of trusteeship.

Implicit in the concept of being a fiduciary as described above is acting on behalf of others and in others' best interests. This goes beyond just simple financial oversight and prudent financial management, but to the heart of how colleges serve and protect their students, their administrators, their faculties, and their staffs. Even more broadly, fiduciary responsibilities also encompass how boards serve their communities — people who support and depend upon a dynamic, responsive, and engaged college.

¹ <https://www.investopedia.com/terms/f/fiduciary.asp>

With the onset of the COVID-19 pandemic last March, boards were confronted with problems at a scale never experienced before by our entire community college sector. Many of these problems were local in nature and required national-level advocacy and coordination to resolve. Within a few short weeks, most colleges had transformed for the first time into online learning institutions. The issues associated with moving students completely online raised a panoply of challenges and choices that went to the heart of boards' fiduciary responsibilities. First and foremost was the imperative to protect the health and safety of both students and faculty from infection, avoiding the very real prospect of colleges becoming super-spreader epicenters. It is important for all trustees to realize that this is a fiduciary imperative — one that could indeed have financial implications, but one that supersedes financial oversight.

As the pandemic intensified, additional, often unanticipated realities surfaced. Many students were ill-equipped for an online environment. Many lacked the necessary hardware or access to broadband or Wi-Fi hotspots. Many, perhaps most, faculty were unaccustomed to teaching primarily online. Person-to-person connectivity was lost with students as too many campus phones went unanswered, and call centers were not equipped to forward calls to off-campus counselors and financial aid administrators. Emergency food pantries and support services were impeded in their efforts to provide critical subsidies to students in need.

Career and technical programs lost access to on-campus labs and training facilities. Nursing and allied health programs experienced real challenges relative to accessing the necessary hands-on clinical and simulated patient care and treatment training afforded through campus health sciences facilities. Confusion arose around nursing graduates' abilities to sit for the NCLEX — a critical step in becoming registered nurses with a license to practice.

All these complexities affect the ability of any community college to fulfill its primary missions of access to high-quality higher education for all students and to empower all students to succeed. This makes them considerations that all boards should prioritize in keeping with their fiduciary duties.

The pandemic certainly did not spare the boardroom, either. Trustees, unable to gather in person, needed to translate board meetings and committee meetings to effective online platforms — not necessarily a natural or intuitive experience for many trustees. Boards quickly discovered fissures in their bylaws or operating policies, not designed for governance at a distance. Figuring out how to hold workable board meetings and allowing the public to attend virtually presented challenges early in the pandemic for many boards. Communication among individual trustees and as a whole board sometimes bumped up against policies and state regulations related to open-meetings laws and prohibitions designed to mitigate interaction and discussion outside of duly convened board meetings and required quorums.

We at ACCT witnessed firsthand boards grappling with conducting retreats, CEO searches, and board and CEO evaluations as they were unable to convene in person. The level of commitment and earnestness exhibited by boards to continue to discharge their duties was nothing short of inspired. The desire to

serve campus and community was not detoured by the pandemic, nor was the extraordinary steps taken to protect health and safety.

The speed with which many boards adapted and amended policies and practices underscored their insistence to meet their fiduciary responsibilities to the larger student, campus, and community populations. No doubt financial oversight and resource pressures have loomed large in board deliberations, but principal concerns to act on behalf of and serve constituents took center stage. For most boards, issues relating to institutional transformation and reaching out to students displaced academically, or experiencing mental health or other personal challenges, served to accentuate the basic fiduciary duties of care, loyalty, and obedience.

As approved novel coronavirus vaccines are now making their ways across the country and hopes are growing that pandemic might yet be brought under control by the middle of 2021, the changes wrought in our colleges and boards rooms alike will not magically disappear overnight — nor should they. The economic devastation created by the pandemic, coupled with shutting down of campuses, is bringing new urgency to vexing issues like educational access, unmet financial needs, other forms of inequality, and enabling student persistence and completion, just to name a few. These strike at the very heart of fiduciary responsibilities of trustees.

As we move into the spring and summer of 2021, boards will need to examine closely their assumptions and decisions that affect students and campus operations. Greater understanding of the impacts — both short and long term — of the pandemic and the economic recession on students, faculty, and administrators will be critical in helping to guide the difficult conversations and decisions boards will need to pursue to ensure that their colleges are sustainable and producing the needed programs and services to ensure vital communities and social and economic mobility.

The decisions focusing on serving students and greater communities are the essence of what it means to be a fiduciary. How to resource and finance the priority considerations moving forward must first be informed by a renewed and reinvigorated sense of mission and purpose, avoiding the pitfalls of first focusing on what has been lost or is immediately at hand. The job for boards moving ahead is akin to what successful entrepreneurs know and understand well: passion to create and serve, to take informed risks, to stake capital to transform and innovate are the ingredients that boards, as fiduciaries, must apply to move the community college sector forward and to demonstrate as it has so many times in the past that there are no educational or economic challenges that are beyond the reach of boards to effect and address.

To better understand the nuances of boards' fiduciary duties, I encourage you to read ACCT's recently published *Trusteeship in Community Colleges: A Guide for Effective Governance*, Second Edition (2020), available at acct.org/publications.



J. Noah Brown is president and CEO of ACCT.

A CALL TO ACTION, FROM ONE TRUSTEE TO ALL TRUSTEES

TRUSTEE ROSAELENA O'NEIL CHALLENGES YOU TO CHAMPION
THE VALUE OF COMMUNITY COLLEGES LOUDLY AND PROUDLY.

BY ROSAELENA A. O'NEIL



AMONG THE MANY CHALLENGES POSED IN 2020, THE PANDEMIC AND THE ASSOCIATED ECONOMIC REPERCUSSIONS have revealed serious shortcomings in the higher education sector with a spotlight on high costs, questionable value, outdated education models, and uneven outcomes. Higher education is under the microscope and one thing is clear: the narrative around community colleges has to shift. For too long, our community colleges have been mired with a perception of “less than” and considered the education option of last resort. As community college trustees, we know better.

Our challenge is to amplify the value proposition of community colleges and to elevate our colleges as agile institutions that are innovative, responsive, and focused on delivering equitable education outcomes and a pipeline of talent. Our call to action as trustees is to connect with our communities and get the word out that our colleges are a beacon of hope and opportunity. We all know the power of messages going viral. We need to seize this unique moment in history and publish bold public statements that lift our colleges and students. As our national and state legislatures prepare to meet, we must push, with one voice, for the policies that will reset our economy and shine the light on equity in education and our colleges as the engine that will propel us forward.

The following is one example of an opinion piece I shared in my community reframing my college by highlighting academic programs, workforce initiatives and resources, and the all-important value proposition of our community college.

Community outreach efforts like these have the power to change perceptions, to demonstrate to those within our communities that our colleges offer great financial value and great educational value. Community colleges are second to none in higher education. As trustees, we know this, we have the platform through which to make it known to others, and doing so is part of our fiduciary commitments to our colleges and our communities.

The op-ed that follows is designed to open eyes and minds to the often-overlooked value of community colleges. It demonstrates this value with multiple *specific* examples of what my community college does for those in our community, including students and area businesses. It demonstrates how Northern Virginia Community College is *connected with*, not divided from, excellent four-year universities and schools in the area. It showcases the successes of some of our typical students — our neighbors and local ambassadors for the college’s value.

I urge you to join me in publishing a similar special piece for your community during or before Community College Month this April. Your voice has great power. Use it!

WANT EQUITY AND VALUE IN HIGHER EDUCATION? LOOK IN OUR OWN BACKYARD.

MY DAUGHTER FINALLY CONVINCED ME TO UPGRADE MY cellphone. I had been operating with a device that was about seven generations behind the times. She said “Mom, it’s an investment worth making. What are you waiting for?” When I fired up the new phone, I couldn’t believe what I had been missing. I have a new appreciation for a “cellphone” – turns out it is a supercomputer!

In a similar vein, when we talk about higher education — and community colleges in particular — some people maintain an outdated, limited worldview. Some believe community colleges like Northern Virginia Community College (NOVA) are “grade 13” or the higher education alternative for those less fortunate.

While the mission has always been to promote economic and social mobility, NOVA has seen an enormous “upgrade” in recent years. NOVA embodies equity and excellence in higher education.

Joel Vargas, a 2011 Wakefield High School alumnus, earned his associate degree in engineering at NOVA. He

is an established business owner and project manager and he notes, “my NOVA education gave me skills and perspective that uniquely positioned me to be successful leading diverse teams. In my business, we like to groom and grow talent. I see a bright future and long-term career in construction management.”

Look at some of the factors that enable equity: *cost* (less than half of the tuition and fees of other institutions); *access* (easy enrollment, flexible schedules, targeted advising, and nearby campuses on public transit); *responsiveness and agility* (wraparound services that meet students where they are and a key partner to the business community). A few examples:

- NOVA is urgently deploying the Reemploy Virginia Initiative launched by Gov. Ralph Northam in October. NOVA already distributed nearly \$2.6 million for tuition and fees to reskill northern Virginians who are unemployed or underemployed due to the pandemic for jobs in high-demand fields.

NOVA IS THE TALENT PIPELINE OF THE REGION, AN INDISPENSABLE REGIONAL ASSET, A UNIQUE AND CRITICAL PARTNER TO THE BUSINESS COMMUNITY AND THE PATHWAY FOR THOSE SEEKING A TRADITIONAL FOUR-YEAR EDUCATION.

- NOVA was awarded the Greater Washington Innovation Award for Jump Start, a tuition-free summer online course program for graduating high school seniors to earn college credit — a pandemic rapid-response program.
- NOVA and Arlington Public Schools are partners. Arlington graduates pursue technical and baccalaureate pathways or launch into ADVANCE — a co-enrollment pathway with George Mason University concluding in a four-year degree at a fraction of the cost. Our high school students benefit from increasingly diverse dual enrollment opportunities — college credit-bearing freshman and sophomore courses in English, social sciences, math, and specialized science labs.

NOVA's engagement with employers builds on our engagement with K-12 partners and ensures our future workforce understands the skills needed for and pathways to successful employment. Developing signature education and apprenticeship partnerships with companies showcases NOVA's ability to quickly respond to the specific needs of critical employers that offer high paying top demand jobs.

Information is power. NOVA's business-engagement team serves as the go-to resource on labor market information for the northern Virginia region. The team provides data reports on the State of the Workforce and on our local Arlington economy and jobs. This research supports businesses and consumers alike. Anyone can see career pathways and coursework that connects education with opportunity.

Kate Bates, president and CEO of the Arlington Chamber of Commerce, notes, "Businesses in Arlington need a well-educated and skilled talent pipeline. NOVA is essential to achieving the goal of an educated regional workforce."

NOVA is *THE* talent pipeline of the region, an indispensable regional asset, a unique and critical partner to the business community and the pathway for those seeking a traditional four-year education. We are an innovator, a partner, an agile, equitable, diverse, and inclusive institution of higher education that serves *everyone* — the high school graduate, the adult learner, the career switcher, our veterans, the person wanting to upskill to maintain a competitive edge. NOVA hosts students with bachelors, masters, and PhD degrees. Our faculty is credentialed, nationally recognized, and experienced.

Arlingtonian Kallan Moore, who says she "wandered" after finishing a liberal arts degree, notes, "I'm more confident today in my ability to gain new skills. I credit NOVA for helping me see

that I was capable of working in a field that I had perceived as inaccessible and intimidating. NOVA took the mystery and jargon out of tech. I can see building a career that connects tech with my current work in the law."

Dr. Villagran-Glover, vice president for student services at NOVA's Alexandria campus, adds, "This is what education equity is all about — open access, guidance, and support — for everyone."

As for the future, NOVA is partnering with Virginia Tech, via its emerging Innovation Campus next to the new Amazon campus, to design a comprehensive pathway that could connect Arlington students as early as middle school on through master's degrees or beyond. Imagine the benefits to an eighth-grader at Williamsburg or Gunston Middle School, a sort of zipline to applied internships and possibly a full-time high paying job.

NOVA has been in our backyard for more than five decades. Today NOVA's enrollment is up — nearly 2.5 percent over last year. It has become the talent pipeline of the region, a critical partner to the business community, and one pathway for those seeking a traditional four-year education.

"Students of all ages and walks of life build their education and high-demand skills here," says Dr. Annette Haggray, provost of NOVA's Alexandria campus. "They build dreams and economic opportunity for themselves and their families."

NOVA is not just an alternative path; it is an education superhighway with many ramps.

This op-ed was adapted from "Want Equity in Higher Education? Look in Our Own Backyard" by Rosaelena A. O'Neil, originally published in ARLnow, December 14, 2020.



Rosaelena A. O'Neil is a longtime educator at Georgetown University, School of Foreign Service. She currently serves as chair of the Northern Virginia Community College Board, representing Arlington County, and serves on the ACCT Board. She is also an active member of the APS Career, Technical, and Adult Education committee and a member of the Workforce and Education Committee of the Arlington Chamber of Commerce. To learn more about any of the information discussed in this article, contact rao@georgetown.edu.

ACCT LAUNCHES A NEW SNAP EMPLOYMENT AND TRAINING INITIATIVE

FUNDED BY THE U.S. DEPARTMENT OF AGRICULTURE, THE INITIATIVE WILL HELP COLLEGES ADDRESS FOOD INSECURITY.

By Allison Beer

IN SEPTEMBER 2020, ACCT LAUNCHED A NEW INITIATIVE TO build capacity for community colleges to offer Supplemental Nutritional Assistance Program (commonly known as SNAP) Employment and Training (E&T) programs. The SNAP E&T program helps SNAP participants gain education and training that will lead towards employment and improve their economic well-being. The new initiative is funded by a grant from the U.S. Department of Agriculture (USDA) Food and Nutrition Services (FNS), awarded to ACCT in partnership with the American Public Human Services Association (APHSA) and the National Community Action Partnership (NCAP).

Over three years, ACCT will engage a selected cohort of states to participate in peer learning and technical assistance that will build their capacities to implement SNAP E&T programs at their community colleges. The association also will develop a series of educational events and resources to inform the broader ACCT membership.

By building capacity for SNAP E&T, community colleges can better meet students' basic needs and increase opportunities for adults to access workforce education and training. According to a 2018 survey by the Hope Center for College, Community, and Justice, nearly half of community college students experience food insecurity. During the COVID-19 pandemic and resulting economic recession, more community college students than ever need to access food, housing, and other necessities. The cornerstone SNAP food assistance program is critical for these students. SNAP E&T is an additional avenue for colleges to provide SNAP participants educational opportunities and supportive services, such as academic and career counseling, childcare, and referrals to community-based organizations. Without these kinds of supports, many more students would be forced to choose between paying for basic necessities or college.

For community colleges, becoming a SNAP E&T provider is an avenue to support their students and take advantage of additional federal funding. Every state is required to operate

E&T programs through community colleges, community-based organizations, or job-training centers. States receive mandatory federal funding to operate their programs; in addition, as third-party providers, participating community colleges are eligible to receive 50 percent federal reimbursement for provided services. Currently, federal funding goes unused in many states, and there is a critical opportunity for more community colleges to become providers.

Over the next three years, ACCT will be working with APHSA and NCAP to help community colleges implement SNAP E&T programs and strengthen partnerships between colleges and state human services, community action, and workforce agencies. ACCT's goal is to work with a cohort of states that are ready to expand existing SNAP E&T programs by adding new colleges within those states as third-party providers or increasing services at existing providers. Cohort members will participate in peer learning opportunities and intensive technical assistance. In addition, ACCT will develop educational opportunities and resources for the entire community college sector to deepen their knowledge of SNAP E&T.

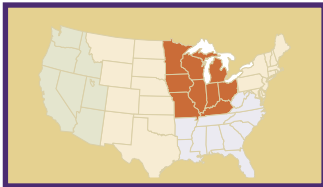
Through this initiative, we aim to help community colleges better serve students facing educational barriers and to deepen the sector's commitment to aligning strategies for addressing basic needs insecurities and workforce development.

Funding for this project has been provided by United States Department of Agriculture (USDA). USDA is an equal opportunity employer and provider. The contents of this publication do not necessarily reflect the view or policies of USDA.



Allison Beer is senior policy analyst for ACCT. For more information about ACCT's SNAP E&T initiative, contact abeer@acct.org.

Around the Regions



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**CENTRAL
REGION**
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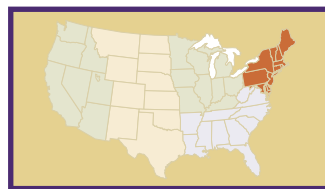
More than 65,000 **Michigan** essential workers without an associate or bachelor's degree applied for tuition-free college as part of the Future for Frontliners programs. Although the application period ended on December 31, the state is launching Michigan Reconnect in February, a new state program that offers tuition-free community college to all Michigan residents who are 25 or older and do not have a college degree.

The **Illinois** Community College Board granted \$18.7 million to 17 state community colleges to support the Illinois Workforce Equity Initiative. Now in its second year, the initiative focuses on providing accelerated occupational training programs and wraparound services including childcare and transportation support to help address education and employment gaps among minority communities.

Six **Minnesota** community colleges began offering

"Z-degree" programs in fall 2019, allowing students to complete an associate degree in selected programs using free educational materials instead of textbooks for all classes.

The **Kentucky** Community and Technical College System launched ALIGN, a 12-month project to develop an improved educational model that more accurately reflects current and future workforce needs within the state. "Our approach to delivering postsecondary education must keep up with the demands of employers and learners. This is about taking bold steps to help learners translate educational experiences into economic opportunity," said KCTCS interim President Paul Czarapata.



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**NORTHEAST
REGION**
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New York expanded eligibility for food stamps to about 75,000 additional community college students, including low-income students enrolled at least half-time in a career or technical education offered at a State University

of New York (SUNY), City University of New York (CUNY), comprehensive, technical, or community college.

New York City proposed a comprehensive overhaul of workforce development, including making CUNY community colleges free for all students, to help respond to the more than 479,000 city workers displaced during the pandemic.

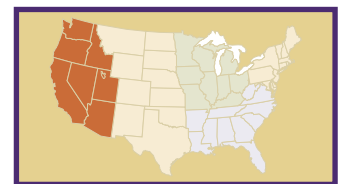
The \$10 million Forward **Delaware** initiative, a rapid training program geared towards high-demand fields in the post-pandemic job market, included \$2.4 million for Delaware Technical Community College, which will offer 11 short-term training programs in the healthcare sector, including certified nursing assistants, care technicians, dental assistants, pharmacy technicians, and other related fields. The institution also will partner with vocational schools to offer short-term construction, logistics, and transportation training programs.

New Jersey Gov. Phil Murphy pledged continued investments in tuition-free community colleges during his state of the state address. The state's Community College Opportunity Grant has covered tuition costs for more than 18,000 students across New Jersey's 18 community colleges.

The **Vermont** legislature approved using \$2.3 million of federal grant money to support the Vermont State Colleges initiative, which provides free college classes and training to residents whose jobs were cut or eliminated as a result of the pandemic.

Montgomery County Community College in **Pennsylvania** launched a new tuition assistance program that offers local residents who have become unemployed due to the pandemic tuition waivers.

Maryland Gov. Larry Hogan allocated \$10 million in federal COVID-19 relief funding to the state's 16 community colleges. The funding will be used to create workforce development programs and expand other educational opportunities.



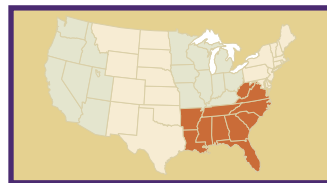
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**PACIFIC
REGION**
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The **California** Community Colleges system received the largest-ever gift to a community college this past fall. The \$100 million gift from the Jay Pritzker Foundation will fund scholarships of

up to \$18,500 for students who have made significant progress towards completing a certificate, degree, or transfer, reflecting the full cost of attending college beyond tuition. The gift also will provide emergency financial aid for students facing unanticipated hardships. It will be administered by the Foundation for California Community Colleges.

California Gov. Gavin Newsom proposed allocating \$15 million for the next phase of the state's "cradle-to-career" data system, which will identify effective strategies to improve student success and provide tools to help students navigate college. More than a dozen state agencies and representatives of K-16 education systems have collaborated in developing a blueprint for the system, which was one of Newsom's campaign pledges.

The San Diego Community College District generates \$4.1 billion in economic activity each year, supporting nearly 42,000 jobs, according to the most recent economic impact report the district commissioned from Emsi, a labor market analytics firm and ACCT Corporate Council member.



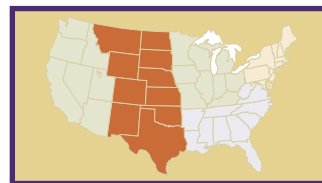
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**SOUTHERN
 REGION**
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Georgia Gov. Brian Kemp announced that he would use \$5 million in federal coronavirus relief funds to provide small grants to up to 10,000 students with unmet financial need to pay their college bills.

Tennessee's TnAchieves celebrated the 100,000th student whose college education the TN Promise precursor and partner has financially supported. Launched in 2008 as a college success program in Knox County, the program now supports more than 18,000 students who attend a TN Promise community, technical, or four-year college each year.

Tallahassee Community College in **Florida** offered \$600 a month and as much as \$1,800 in emergency assistance for enrolled students facing eviction during the fall semester.

Greenville Technical College in **South Carolina** partnered with the YMCA of Greenville to develop classes, programming, and collaborative opportunities to improve the health and well being of students, staff, and stakeholders.



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**WESTERN
 REGION**
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The **Colorado** Department of Higher Education launched a pilot apprenticeship program focused initially on healthcare careers in cooperation with the state's community college system. Funded by a \$12 million U.S. Department of Labor grant awarded in 2019, the program will support at least 5,000 healthcare apprenticeships over the next several years.

More than 26,000 Colorado community college students enrolled in courses using open educational resources (OER) in fall 2013, saving \$2.3 million in textbook costs, according to

the Colorado Community College System, which began adopting OER in 2011.

Part of a \$175 million allocation to the **Texas** Higher Education Coordinating Board will support reskilling grants to cover tuition and fees for displaced workers and students who stopped out of higher education.

Alamo Colleges in Texas received a \$1 million donation that will fund scholarships for students in the Alamo Promise program. The Alvarez Challenge Grant will seek matching funds to provide eligible high school graduates with a free community college education.

Amarillo College in Texas launched the Adams Earn & Learn Program, a work-based apprenticeship program. Funded by a \$1 million grant from the Adams Foundation and operated out of the Amarillo College Innovation Outpost, the program will develop a 12- to 24-month work-based learning model in partnership with local businesses.

Tulsa Community College in **Oklahoma** is launching an early college high school program with Tulsa Public Schools. Two high schools will allow students to receive an associate degree from TCC through the program.

Around the Regions provides an opportunity to share what's happening in the states and around the regions. This section focuses on state legislative and budgetary issues, economic development, and finance. Please e-mail items from press releases or newsletters to ACCT at jbray@acct.org.

THE MAKING OF A COMMUNITY COLLEGE TRUSTEE: CHAPTER FIVE

TRUSTEE PAM SCHIER'S COMMITTEE DUTIES CHALLENGE HER LEADERSHIP DURING A FINANCIAL CRISIS.

BY EDUARDO MARTI

PAM SCHIER WAS SITTING AT HER KITCHEN TABLE WONDERING IF 2021 WAS going to be a better year. Her service as a trustee was almost always rewarding but, at times, taxing. This was one of these times. The COVID-19 crisis and the resulting economic situation had made guiding and supporting President Al Pendleton a more challenging task.

As the recently elected chair of the human resources committee, Schier will be receiving President Pendleton's recommendation on personnel reduction decisions as the college prepares for the spring semester. The state just announced a 5 percent reduction in the per-full-time equivalent (FTE) enrollment allocation, and the college had experienced a 12 percent decline in fall-to-spring enrollment. As a result, the \$55 million that was originally budgeted for the spring semester is now only \$50 million. The reduction must come primarily from personnel cuts, as the discretionary funds available are only 2 percent of the budget. Moreover, the faculty union contract expired, and negotiations for the next contract must commence under less than ideal circumstances.

Pondering the situation facing her, Schier decided to call Board Chair Chuck Frazier and seek some direction.

"Hello, Chuck," she said. "This is Pam. I hope that you had a great holiday season and that you and your family are well. This issue with the COVID-19 virus is horrible, isn't it?" She liked to talk with Frazier. He was a good man who was wise about the workings of the college, and he was someone whom she could trust.

"Pam, it is so nice to hear from you," Frazier replied. "All these Zoom meetings feel so cold and distant. I was thinking about reaching out to all the members of the executive committee to discuss our predicament. Also, I have been in communication with Al Pendleton and asked him to formulate a plan to reduce the spring budget by \$5 million. He is to get back to me within a week."

"Chuck, as chair of the human resources committee, I believe that I am responsible for serving as a sounding board to President Pendleton regarding personnel cuts. I hope that we can make these cuts without having to declare retrenchment of full-time faculty. We need to work with the union to ensure that we keep morale at a reasonable level. Hopefully, as the vaccines are rolled out, our enrollment picture will improve," Schier said with sincere optimism. "We are about to go into negotiations for the new contract, and it would be good if we could extend the present contract until the fiscal situation improves." She paused, unable to gauge his reaction. "It is going to be delicate to convince the union, but I believe that if we are transparent and forthright with all the facts, they will understand. Frankly, this is one of those instances that make or break the trust among the stakeholders of the institution."

"Well, Pam," responded Frazier, "what exactly are you proposing? I am at a loss to provide clear guidance."

"I volunteer to assist Al Pendleton in any way that he wants. It's important that, in this time of crisis, we work in partnership with our president and provide him with a mechanism to bounce off ideas. What do you think?"

"Pam, I think that this is a good idea. Let me call Al and

let him know that you want to work with him during this difficult period."

President Pendleton reacted positively to the suggestion. However, he expressed some reservation about having a trustee directly involved in the formulation of a plan. He felt that Pam could be used in a better way by reacting to the proposals formulated by the administration.

He met with Pam in his office.

"Pam, I trust that you and yours had a good respite over the holidays," he said with a warm smile. "I appreciate your willingness to help and I welcome your suggestions. I do ask, however, that you let me handle the meetings and that I use you as a sounding board as we formulate the plan of action to meet the demands of the crisis."

"Here is what I propose," Pendleton continued. "First, we must keep the lines of communication open with the county, the administration, and the collective bargaining unit. Transparency is essential. You and I can meet with the county fiscal committee chair and explain our situation. Secondly," he added, "we need to preserve all the good will that we have developed over the last five years under my presidency. As I meet with the various campus constituencies, I will keep you informed so that I can forthrightly communicate to everyone that the board will support my recommendations. If we do this, we will get through the fiscal crisis and prevent a crisis of trust that could be created by actions seen as arbitrary and capricious."

Pendleton paused for a moment, then added, "Pam, I am so very glad that you are the chair of the human resources committee! Your experience leading a successful insurance business and your knowledge of human behavior is, in times such as this, invaluable. Thank you for your willingness to help."

"That is very nice of you to say, Al," Schier replied. "I agree that you, as our president, should conduct all the necessary meetings and I will make myself available to you any time, day or night, to discuss the progress you are making. I think that it is very important that we respect your authority as CEO and that we resist the tendency to micromanage in times such as this. As you know, I love this college and want to do whatever it takes to make this a positive experience for everyone involved and, in doing so, strengthen our college. I will await your calls and meet with you whenever you want."

Chair Frazier organized a meeting of the executive committee that included the chairs of all the committees and President Pendleton. At this meeting, Chair Frazier reiterated the need to support the president and welcomed his desire to preserve lines of communications to engender additional trust during this time. President Pendleton proceeded to lay out his plan of action. The president proposed that he would consult with the chair of the faculty senate, the president of

the student government, the president of the union chapter, and the chair of the county commissioners to formulate a plan that will address the necessary reductions in personnel. Upon formulation of the plan, the board would convene in special session to discuss the plan. Finally, upon approval, Chair Frazier and President Pendleton would release a joint statement to college community, the county commissioners, and the press.

As the meetings proceeded, a plan to institute the \$5 million reduction began to take form. Fundamental to the plan was the fact that all actions would be reviewed during the summer as the COVID vaccines most likely would alleviate the impact on enrollment. Even with the per-FTE reduction, the expected increase in enrollment could help reduce the deficit.

At the special meeting of the board, President Pendleton proceeded to present his plan:

“Mr. Chair, I hereby submit for your consideration a plan to respond to existing fiscal realities. It is my belief that, along with a freeze in non-essential expenditures, we will ensure the fiscal integrity of our institution during this crisis. However, I must note that every time we affect the lives of faculty and staff, it lessens the fabric of our community. It my hope that these actions are of a temporary nature. But we believe that this is the responsible reaction to a difficult fiscal situation. I am grateful that our board’s human resources committee helped in the formulation of this response. Also, I am pleased to report after consultation with fiscal affairs committee of the board, the faculty senate, the student government, and the county commissioners, there was no objection to our plan. Therefore, I recommend:

1. Reduction of \$1.5 million in the adjunct budget. This will have a significant impact on offerings for the spring, so we will be furloughing adjunct faculty. It is our hope that most of the adjunct faculty members can be rehired in the fall.
2. Freeze all planned hiring. This will have a temporary and significant impact on faculty offerings, staff, and administration but, again, we are hopeful that we can slowly reinstated the hiring plan during the following academic year. (\$100,000 reduction.)
3. Stop all contract work such as cafeteria services and landscape services and reduce security. (\$487,738 reduction.)
4. As facilities are not being utilized, lock down buildings and reduce heat and electric services. (\$200,000 reduction.)
5. Examine all staff and apply the last-in-first-out formula to furlough non-essential staff. (\$300,000 reduction.)
6. Stop all non-personnel (OTPS) expenditures unless deemed essential. (\$2.5 million reduction.)

“Mr. Chairman, we have formulated this crisis intervention plan with the input of the administration as well as the faculty.

We have informed the county commissioners and the union. We believe that there is understanding of the need to act in this manner and, therefore, I move acceptance of the plan as presented.”

The plan was approved by the board with two trustees dissenting.

As Schier drove home from the board meeting, she reflected on everything she had experienced during her tenure as a trustee: “Being a member of the board of trustees is an awesome responsibility. There are times that one must do what is good for the institution and one must distance oneself, as much as possible, from the emotional difficulties of the task,” she thought. “Chairing this board committee takes a lot of my time, and many times I feel resentful of this time it takes. But, given what I saw tonight, I understand that putting time into planning and strategy, developing relationships, and meeting with people results in a stronger board, a better relationship between the president and staff, and a stronger institution overall. This experience proves to me that the role of a trustee, while demanding, is valuable and my time was well spent. Now, the hard work begins, and we must support our president.”

Questions for Trustees

1. Do you think that Schier and Frazier’s involvement in formulating a plan was too intrusive? Did they engage in micromanagement? What would you do in their situation?
2. Should the board have directed President Pendleton to formulate the plan and then present it to the board? What do you think about the board and president partnering in this manner?
3. Consultation in times of crisis is always difficult, and sometimes it is best to have an action presented rather than provide time for dissent. Do you think that Schier and Frazier’s consultation process was appropriate?
4. How would your board have handled a similar situation? Is your college facing similar constraints?



Eduardo Marti, Ph.D., is a trustee at Teachers College at Columbia University and former president of Queensborough Community College (CUNY), Corning Community College (SUNY), and Tompkins Cortland Community College (SUNY). He also authored a chapter of the second edition of Trusteeship in Community Colleges: A Guide for Effective Governance (2020), available at acct.org/publications.

NEW DIVERSITY, EQUITY & INCLUSION BOARD WORKSHOPS

Is your board ready to take the necessary steps to move your college towards its equity goals?

Does your board reinforce a culture that values and promotes diversity, equity and inclusion?

Do you have policies in place that support an equity agenda?

How do you monitor and evaluate the college's progress on equity goals?

ACCT is proud to introduce a new workshop model dedicated to helping boards develop policies that can support the college's goals, policies, and practices in promoting equitable opportunities.

These workshops use a blend of case studies, exercises, policy examples, policy review, and facilitated discussions to help governing boards address the needs of all members of the community including students, staff, faculty, administrators, and their constituents.

AVAILABLE WORKSHOP FACILITATORS



Helen Benjamin, Ph.D.
Former Chancellor
Contra Costa Community
College District



Charlene Dukes, Ed.D.
President Emerita
Prince George's
Community College

Contact Colleen Allen, Director, Retreat and Evaluation Services at callen@acct.org or 202-558-8682 to schedule a workshop or to learn more about these and other board education opportunities.

TRUSTEE TALK WITH ACCT

ACCT's director of trustee education answers questions about the board's role in financial oversight.

BY NORMA W. GOLDSTEIN, Ph.D.

Question:

What are a board's fiduciary duties with respect to college finances? For financial issues, what is a college's board supposed to know and do?

Answer:

Part of a board's fiduciary responsibilities require fiscal oversight and collaboration with the college CEO. Foremost, boards adopt policies that require "wise and prudent use of funds" (Smith 2000). In times of crisis and economic stress, when enrollments are no longer stable or predictable, boards and presidents particularly need to take care in making major decisions about the financial well-being and viability of the college. When funding is uncertain, boards and college presidents rely on relevant real-time financial data, realistic and appropriate budgeting scenarios, and the trust between each other to make the essential decisions on how the college moves forward.

What does fiduciary mean for board members?

Technically, being a fiduciary means acting on behalf of the college to oversee the appropriate management of assets. According to the Midwest Center for Nonprofit Leadership, a nonprofit board and its members individually have three fundamental fiduciary duties: a duty of care, a duty of loyalty, and a duty of obedience. A duty of care means overseeing management, providing strategic direction, attending and actively participating in board meetings, and being informed about important issues affecting the college. A duty of loyalty means putting personal agendas aside and keeping the college and students at the forefront of board policy. The duty of obedience requires board members to act ethically and comply with board bylaws and codes of conduct, and state and federal laws and regulations.

Without board members micromanaging or "getting into the weeds," trust plays a major role in boards being able to oversee a college's finances appropriately. Most importantly, having a fiduciary responsibility for boards means being entrusted with the welfare of the entire institution and not promoting personal agendas, but rather developing an open, trusting relationship with the CEO who administers college resources based on the board's and the college's priorities. As J. Noah Brown's *Trustee Quarterly* article asserts, boards' "fiduciary duty [is] more than just providing financial oversight" (see p. 22), but understanding your college's finances is still important.

BOARDS' FINANCIAL DUTIES

- Assure independent financial audits and oversight.
- Hold in trust the property and assets for future students.
- Report to appointing authority and follow the law.
- Don't confuse oversight with management.
- Set compensation and purchasing policy.
- Periodically monitor fiscal progress: Revenues received, cash balances and Expenditures spent and encumbered.
- Review financial metrics: Guide and monitor the annual audit.

“Our trustees are the stewards of the college’s personnel, fiscal, and reputational assets. The board is instrumental in establishing our annual budget as we operationalize the college’s strategic plan each year and set student fees,” says Cape Cod Community College President John Cox. “Lately, one of the major financial decisions that my board had to make was accepting the final price tag for our new \$38 million science and engineering center before we moved forward with final design and construction. Through much dialogue, homework, and analyses, we garnered enough supporting materials to enable the trustees to collectively make a decision and commitment for the college. We continue to keep our board apprised of our progress in fundraising and the cash flow associated with the new building construction,” he adds.

Dashboards and Responding to Board Needs

During the August 2020 recent virtual Governance Leadership Institute (GLI) for New Trustees, Ken Burke, CPA, a former trustee from St. Petersburg College and former chair of the ACCT Board of Directors, emphasized that it is important for boards to work with the CEO to develop financial reports that are useful for board members. “Boards have a financial committee that reviews reports regularly. Boards should agree with the CEO which reports to give the board. If something big or unusual happens, unusual items need to be highlighted to the board,” he stated. “The CEO needs to be responsive to board needs.”

GLI presenter Eduardo Marti, a former president of Queensborough Community College, agrees. “Communication should be underscored,” he says. “When the president sends the financial reports, trustees need to have a perspective. The CEO is spending the money, managing the resources. It is up to the CEO tell the board what is happening. The best thing is to have a dashboard with key elements and backed up with documents.”

At Cape Cod Community College, a monthly dashboard is provided to trustees that includes year-to-date performance against the trustee-approved budget and against the same period of the prior year, according to board chair Tammy Glivinski. A presentation of variances is also presented. “This useful tool allows the trustees to understand the financial impact of expanding or declining enrollment, unexpected repairs or changes of educational environments (i.e., COVID) so we can support the president in adjustment planning. Nor are we surprised by year-end outcomes,” she explains.

Which financial documents should be shared with the board?

In addition to the dashboard, top-level financial reports assist boards with comparing monthly revenue and expenses to the budget the board adopts annually. The reports summarize key revenues and expenses in categories such as state funds, county funds, and institutional funds (including revenues from local fees, grants, and contracts). Expenses can include salaries and wages, benefits, services and supplies, capital equipment, institutional scholarships, contingency funds, etc. On a monthly or quarterly basis, boards should expect the college’s finance and budget department to review the general fund, capital projects, physical plant fund and IT, auxiliary fund, board-designated fund, contingency budget allocation, fund balance/reserves and a comprehensive annual financial report (CAFR) with the board and/or the finance committee of the board.

Chair Glivinski feels that her college president and vice president of finance and operations provide thorough and comprehensive fiscal data for trustees to make informed decisions on matters under their stewardship. “To support the most important mission of offering equity of education to all students, all contracts, both budgeted and those that may come up due to unexpected circumstances (i.e., COVID-related technical upgrades and purchases), are reviewed by the trustees and analyzed to ensure ongoing need exists,” she explains. “The relationship between administration and the trustees allows for open dialogue, giving confidence to the trustees to move forward with approving larger obligations such as the \$38 million science and engineering center.”

“We really are blessed to get good information, and the relationship between trustees and cabinet is such that we can and do ask questions and get valid answers,” Glivinski adds.

Alignment with the strategic plan

Trustees are very involved in the annual budget process, including reviewing data to support proposed tuition or program changes, as well as planned project spending. “The budget is where you as a board consider to be the priorities of the college,” Burke says. “It’s an ongoing process and should align with the college’s strategic plan. The budget is not a one-time process, but a continual process. Monitoring the budget is the responsibility of the board.”

“The budget is an expression of the strategic plan. Marry the strategic plan to the budget. If you don’t, you will more likely run into problems,” Burke adds. Marti agrees. “The strategic plan contains the college goals,” he says. “The budget is how to make the goals happen. The strategic plan aligns with the budget. Budgeting should always get back to the strategic plan.”

Asking budget questions

To be able to function appropriately, governing boards pose broad questions regarding their oversight responsibilities in order to show due diligence in following up in the best interests of their institutions. In many cases, this means to broadly oversee the management of the college's financial assets (without getting into the weeds) and ask critical questions about the college's budget. According to a recent survey of college and university presidents by ABC Insights, budget issues that are arising due to the pandemic include the following questions:

- What shape will our finances be in after fall?
- Will administrative, staff, and faculty layoffs be necessary?
- Should the college impose a hiring freeze? How will the college handle position searches already in progress?
- What strategies like early retirement bonuses should the college offer?
- How much more investment in the new infrastructure for online learning do we need?
- How can our online learning environments provide equity for students with disabilities?
- Do we have the economic resources to raise our level of what is needed for virtual learning?
- What level of budget reduction is necessary to ensure sustainability?

These are some of the top-level questions that boards pose when exercising their fiduciary duty of care.

Reduction Planning

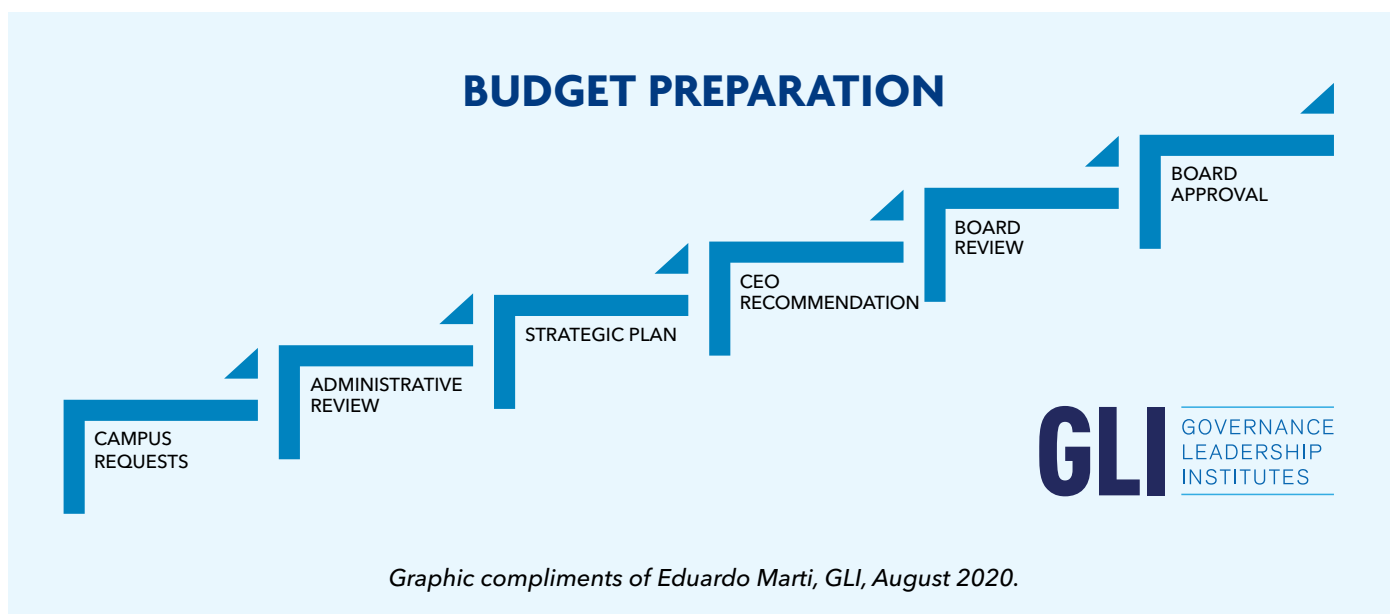
One of the findings in the survey indicates that a top priority for 86.7 percent of two-year community colleges will be administrative cost cutting for an anticipated 33.3 percent cut

to academic programs in FY21. In many cases, community colleges and universities will maintain rather than increase tuition levels. Encouraged by boards to make enrollment easier for the many unemployed and underemployed workers from the pandemic, many colleges are working hard to provide free tuition and scholarships to low-income students. As the coronavirus continues to spread, next steps are not yet clear.

According to long-time college president and subsequent board member of the Colorado State Board for Community Colleges and Occupational Education Byron McClenney, there should be a process to determine how reductions are made. "There's always enough money to do what is most important," he says. "In conversations with the board, and hopefully throughout the college, the CEO and the board should cover what truly needs covering. Reduction planning is an annual process, and the board and CEO spend a lot of time in the realm of planning."

Fiscal Controls

Boards are responsible for ensuring sufficient fiscal controls are in place. Federal and state agencies require colleges to account for how public funds are spent and to report the outcomes of programs supported by state and federal monies. Trustees are responsible for understanding reports submitted to agencies and should review monthly, quarterly, and annual financial reports, including accreditation reports and annual external audits. Local boards of trustees also adopt policies to ensure certain sound fiscal and management practices are in place, such as monitoring budget execution, maintaining systems of internal controls, and ensuring required audits are conducted to ensure prudent use of college funds.



THE BUDGET IS WHERE YOU AS A BOARD CONSIDER TO BE THE PRIORITIES OF THE COLLEGE. IT'S AN ONGOING PROCESS AND SHOULD ALIGN WITH THE COLLEGE'S STRATEGIC PLAN. THE BUDGET IS NOT A ONE-TIME PROCESS, BUT A CONTINUAL PROCESS. MONITORING THE BUDGET IS THE RESPONSIBILITY OF THE BOARD.

The annual audit of a college provides the board a view into the efficacy of the fiscal controls and systems needed to ensure that funds are appropriately secured and accounted. Most states and all accreditation agencies require an institutional audit for the most recent fiscal year prepared by an independent certified public accountant or appropriate governmental auditing agency. The board should assure that the president has a plan to address all audit findings and that appropriate corrections are implemented.

Focus on the Future

When reviewing financial reports and assessing the financial health of the college, boards focus not only on the immediate circumstances but also on the future. Boards have a fiduciary responsibility to ensure the fiscal strength of their colleges by approving annual budgets, understanding the sources of revenue, and reviewing the annual audit. While resources are managed by the college president and top administrative staff, fiscal oversight is the role of the board to ensure sound financial practices that safeguard the college's sustainability.

Boards evaluate how effectively their colleges use resources to foster learning, student success, and an educated citizenry, ensuring that college funds are managed wisely and that fiscal operations meet the board and audit standards. The board's financial oversight role is a critical one. Every person, program, and action impacts or is impacted by the institution's finances. Strong finances foster a strong future for the college.

Resources

For further education on trustees' fiduciary responsibilities, ACCT has useful resources available:

- *Trusteeship in Community Colleges: A Guide for Effective Governance*, ACCT 2020
- *Bridging Financial Wellness and Student Success*, ACCT 2020.
- *Board Buzzwords: Fiscal and Financial*, ACCT 2020.
- *Board Roles & Responsibilities: An Overview*, ACCT 2020
- *Increasing Your Budget Knowhow Checklist* by Cindra Smith, *Trustee Quarterly*, Summer 2017.

- *Lost in the Trillion: A Three-State Comparison of Community College Borrowing and Default*, ACCT 2017.
- *Financial Aid 102: An Updated Guide to Understanding Federal Financial Aid Programs for Community College Leaders and Trustees*, ACCT 2017.
- *The Board's Role in Financial Aid*, ACCT 2015.

Boards can also reference their regional accrediting agencies for detailed information on the requirements (standards) related to a college's fiscal resources. All accrediting agencies specify the governing board's fiduciary and financial oversight of the institution and its programs.

Consult with legal counsel or college president

If readers have questions on this topic, it is best to consult with their college's president and/or legal counsel as the rules vary from state to state and possibly local board practice.

Cited Sources

- Fiduciary Responsibilities of Board Members, *Board Source*, 2020.
Midwest Center for Nonprofit Leadership, Oct 17, 2014
COVID-19 Strategy Survey of AACU Presidents, *ABC Insights*, April 3, 2020.

Disclaimer: *This newsletter is offered for general informational purposes only. It is not offered as and does not constitute legal advice. The views and opinions expressed in this article are those of the author and they do not necessarily reflect the official policy or position of the association.*

If a reader has a question on a *new* topic of interest to community college boards, please email your question to Norma Goldstein at ngoldstein@acct.org.



ACCT Director of Trustee Education
Norma Goldstein, Ph.D. can be reached at
ngoldstein@acct.org.

DATA TRANSPARENCY FOR TEXAS

Lone Star College leverages data in new ways to improve student success—and works with other institutions and state boards for even greater impact.

By Stephen C. Head, Ph.D.



WE BELIEVE THAT WITH A CENTRAL REPOSITORY OF STUDENT DATA, WE COULD BUILD BETTER SYSTEMS THAT LEARN FROM STUDENT EXPERIENCES ACROSS THE STATE.

HIGHER EDUCATION INSTITUTIONS OFTEN CAN BE DATA rich, but information poor. That's why integrating data-informed support services at critical points in a student's educational journey can make the difference in helping them to stay on track and complete their studies.

Lone Star College (LSC) created the Office of Analytics and Institutional Reporting (LSC AIR) to serve as a trusted collaborator, providing data and analytical expertise to support planning and decision-making collegewide. LSC AIR provides an institutional commitment to analytics by pursuing clear, measurable outcomes and focuses on critical institutional goals that lead to the broader use of analytics across LSC.

The data collected by LSC allows us to provide targeted assistance to students who are at risk of dropping out, falling behind academically, or taking classes that are not part of their success plan. By providing support and direction at these key points in their education, we help reduce the cost and time for students and increase their probability of success. It is a tailored approach to student advising that allows us to be successful, but it is only with the right data that we can provide such a customized strategy.

While collecting information is analytically important, it is just as important that the resulting data be available to the right people. LSC has empowered its employees by unlocking the data so they have access to it in real time. This open data mining approach makes Power BI training available for all LSC employees, giving them the tools needed to help them perform their jobs more efficiently. To date, we have more than 3,000 beginners trained, with 365 advanced and expert users. It's exciting to see that many of the data mining reports generated by these users become LSC AIR Official Reports.

LSC also shares data with the Texas Higher Education Coordinating Board (THECB), and in return we receive normalized, or benchmarked, data. These data from the THECB can be informative, but having individualized data would yield even greater returns.

Seeing the need for a statewide effort, the Texas Senate Higher Education Committee recently conducted hearings on the subject of data transparency. Its goal was to explore methods to improve data sharing and comprehensibility among state agencies, school districts, charter schools, and higher education institutions. The committee also was interested in studying best practices to increase the ability

of high schools and higher education institutions to support student postsecondary access and degree completion, as well as providing policymakers with data on each of these important criteria.

Rebecca L. Riley, Ed.D., LSC-Montgomery president and Link Alander, CIO and LSC vice chancellor of college services, presented testimony at the hearing, calling for an information-sharing process by which colleges have access to student data that is already collected by high schools, colleges, and state agencies. The decentralized nature of the current collection and storage processes limit the effectiveness of programs that rely on shared data and creates unnecessary roadblocks to student success initiatives.

To help support these efforts, LSC has already begun conducting data camps to encourage other institutions to determine what kinds of information sharing needs to take place for student success. To date, we've hosted three data camps with a total of 512 attendees from institutions outside of LSC, including The University of Texas M.D. Anderson Cancer Center, University of Houston-Downtown, Mesa Community College, Houston Community College, Coastal Bend College, and Springfield College.

We believe that with a central repository of student data, we could build better systems that learn from student experiences across the state. The larger the sample size, the more predictive our models become. Because the situation at each college is unique, not every college would utilize data in the same way or have the same needs, making it customizable to fit their specific requirements.

Even before the COVID-19 pandemic, the higher education environment was rapidly changing. By incorporating data transparency, having real-time access to individual student information will ensure that enrollment and advising services can be efficiently and effectively done, leading to even greater completion.



Stephen C. Head, Ph.D., is chancellor of Lone Star College in Texas.

HIGH PERFORMANCE

A NEW BOOK FROM ACCT DETAILS HOW BOARDS AND
CEOS CAN WORK WELL TOGETHER.

By Mary Spilde with Ken Burke



SPILDE AND BURKE'S CHAPTER ADDRESSES HOW TO DISTINGUISH BOARD AND CEO ROLES AND RESPONSIBILITIES; ELEMENTS OF A HIGH-PERFORMING BOARD AND CEO; AND THE BOARD'S ROLE AS EMPLOYER, INCLUDING HIRING, SUPPORTING, AND EVALUATING THE CEO.

FOLLOWING IS AN EXCERPT FROM *TRUSTEESHIP IN Community Colleges: A Guide for Effective Governance*, Second Edition, published this fall by ACCT. This selection is derived from chapter 5, "The Board and the Chief Executive," authored by Mary Spilde, Ph.D., former 16-year president emerita of Lane Community College in Oregon, with Ken Burke, a former member of the St. Petersburg College (Florida) board of trustees and a former chair of the ACCT board of directors.

Spilde and Burke's chapter addresses how to distinguish board and CEO roles and responsibilities; elements of a high-performing board and CEO; and the board's role as employer, including hiring, supporting, and evaluating the CEO. Here, we present practical aspects of high-performing boards and high-performing CEOs developed by Spilde, elements of which are described in detail within the text of the book. To order *Trusteeship in Community Colleges*, go to www.acct.org/publications and click "ACCT Bookstore."

Elements of a High-Performing Board and CEO

In executing their board role, many trustees desire to be high-performing and to have a highly effective CEO, yet few have taken the time to clearly define what that means. Those who have, along with the leadership literature on effective boards, suggest that high-performing boards:

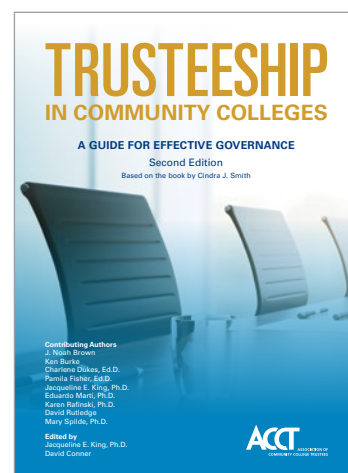
- Focus on the big picture and the future;
- Maintain an external focus;
- Create and maintain the vision, values, and mission of the organization;
- Organize around outcomes and results (the what) not the means (the how);
- Delegate powerfully and unequivocally to the CEO;
- Demand clarity of roles between the board and CEO;
- Require accountability and monitoring;
- Deliberate in many voices, yet speak with one voice once a decision has been made;
- Abide by a shared code of behavior and ethics;
- Are available for consultation with the CEO;
- Publicly support the CEO;
- Identify what information is needed to govern;
- Use everyone's time effectively;
- Have a clear understanding of the CEO's contact and compensation.

In carrying out their statutory, fiduciary, and coordinating roles, they provide leadership, oversight, direction, challenge, support, and protection to the CEO and the institution.

Similarly, high-functioning boards and CEOs have taken the time to clearly articulate what is essential for a high-performing CEO.

High performing CEOs:

- Listen;
- Lead;
- Respect the board and its role;
- Manage the college;
- Engage the board in policy-level discussions;
- Make recommendations that include analysis and options;
- Publicly support the board;
- Adhere to board policy;
- Facilitate trustee involvement in the community and college;
- Do not ask the board to make decisions without advance preparation;
- Provide all board members with the same information;
- Treat all trustees equally;
- Respect the time of the board members;
- Stay out of board politics;
- Keep the board informed of the financial condition of college;
- Provide advance notice of adverse situations;
- Provide each board member a copy of the CEO's contract and current compensation terms on a regular basis.



Mary Spilde, Ph.D., is president emerita of Lane Community College, in Oregon, and a consultant for ACCT Searches and ACCT Retreat Services. Ken Burke is a former trustee from St. Petersburg College and a consultant for ACCT Searches and ACCT Retreat Services.



COVID-19 Rulings and the Courts

Legal challenges raised by the pandemic continue to impact community college operations.

By Ira Michael Shepard, ACCT General Counsel

THE LEGAL ENVIRONMENT CONTINUES to be dominated by the extraordinary challenges raised by the COVID-19 pandemic. In this column, we discuss a number of legal issues related to the pandemic, as well as our continued review of current legal issues impacting community colleges, their staffs, professors, and students.

Court sides with college maintenance employee on email regarding COVID-19 exposure. A federal district court judge recently denied a summary judgment filed by a public college in Pennsylvania seeking to dismiss a complaint filed by a maintenance director who was terminated after sending an email to fellow employees alerting them that a coworker's spouse was diagnosed with the novel coronavirus that causes COVID-19.

After being terminated for defying orders from his supervisor and a human resources representative not to inform coworkers about the diagnosis, the plaintiff filed suit in federal court, alleging unlawful First Amendment retaliatory discharge. He alleged he spoke as a private citizen on a matter of public concern and was not a policy-making employee of the college, and that the topic of his email was not part of his employment responsibilities.

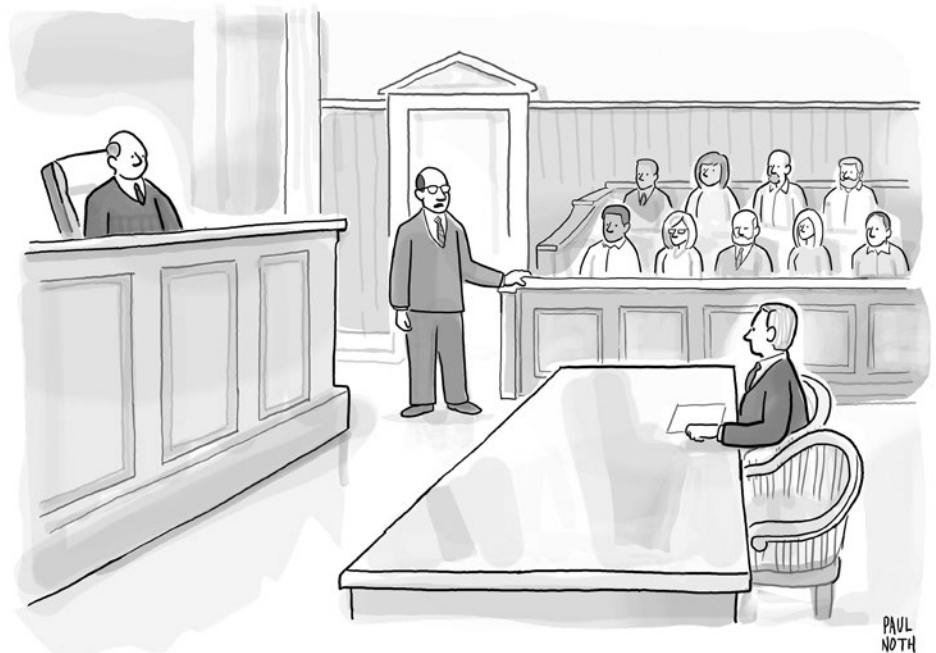
The federal magistrate ruling on the matter concluded, with the approval of the federal district court judge, that the plaintiff had spoken as a private citizen on a matter of public concern which was not part of his employment responsibilities even though the email was sent from his work account to other employees of the university. In siding with the employee, the court emphasized that the matter was a matter of public

concern, i.e., "a colleague's exposure to a highly contagious disease." The court concluded that the public importance of the issue is "underscored by its context." (*Woolslayer v. Driscoll*, 2020 BL 387097, W.D. Pa., No. 2:20-cv-00573, 10/8/20.)

Telework as a reasonable accommodation under the Americans With Disabilities Act revisited by the courts in the COVID-19 era. The pre-COVID era case law firmly upheld an employer's ability to maintain that mandatory in-person attendance at work is an essential element of most jobs and need not be compromised as an accommodation to an employee otherwise entitled to an accommodation due to their disability. However, with the prevalence, acceptance, and

effectiveness of telework in many job settings and industries being proven following COVID-19-related office closures, courts are reassessing prior adverse case law.

A federal district court judge recently granted a preliminary injunction under the ADA allowing an asthmatic social worker employee who had performed essential job functions during the early part of the pandemic from home to continue to do so notwithstanding the employer's position that telework was ending. The federal court concluded that the plaintiff's allegation that losing one's job during the pandemic created the irreparable harm necessary for an injunction. The court also noted that the plaintiff effectively raised public



"In closing, I would like to remind the jury that he says he didn't do it."

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and unique personal health concerns in the request for telecommuting during a pandemic, as the plaintiff's other health conditions made the plaintiff very susceptible to illness during the pandemic. (*Peeples v. Clinical Support Options, Inc.*, 2020 BL 353479, D. Mass., No. 3:20-cv-30144, preliminary injunction granted, 9/16/20.)

Termination of tenured school district teachers for economic reasons upheld. In a case that could have further implications in tenure cases involving state college and university professors, the Third Circuit Court of Appeals (covering Pennsylvania, New Jersey, and Delaware) recently ruled that a Pennsylvania law which expanded the reasons for termination of otherwise tenured school district teachers to include economic reasons passes Constitutional muster and is not an unlawful taking of a property right.

The case involved tenured teachers from the Scranton school district who were suspended to help offset a projected budget deficit. The teachers sued, claiming an unconstitutional taking, and the court sided with the school district, concluding that "if a state law substantially impairs a preexisting contractual relationship, it is still valid if it has a significant and legitimate public purpose and is drawn in an appropriate and reasonable way to advance that purpose." The court also recognized that the school board considered less drastic alternative measures before concluding that the personnel actions were necessary to avoid the budget shortfall. (*Watters v. Board of School Directors of the City of Scranton*, 3rd Cir., No. 19-03061, 9/21/20.)

Workplace COVID-19 protocols and worker protections fall under OSHA

purview. A highly publicized worker lawsuit brought by Amazon warehouse employees in New York alleging that the company's COVID-19 worker protection policies were inadequate and amounted to a public nuisance was recently dismissed by a New York federal district judge. In dismissing the lawsuit, the judge concluded that it is not the place of a federal district court to decide whether an employer is doing enough to protect its workers or whether the employer breached its duty to provide a safe workplace. Rather, the court ruled, it is the purview of the Occupational Health and Safety Administration (OSHA) to assess these cases.

"Courts are not expert in public health or workplace safety matters, and lack the training, expertise, and resources to oversee compliance with evolving industry guidance," the ruling states. The judge further concluded that "Plaintiffs' claims and proposed injunctive relief go to the heart of OSHA's expertise and discretion." The judge also dismissed a related wage claim. (*Palmer et al v. Amazon Inc. et al*, 20-cv-2468 E.D. N.Y., 11/2/20.)

COVID-related jury trial cancellations continue. *Bloomberg News* reports that courts across the U.S. are shutting their doors again due to rising COVID-19 cases. State and federal courts in Texas, New York, Maryland, New Mexico, Illinois, and elsewhere have suspended jury trials. At the beginning of the pandemic, many courts halted most operations, but as health conditions improved, courts began resuming operations, including virtual hearings. The rising tide of infections has reversed that reopening process in many jurisdictions.

The nation's federal courts have had a varied response to continuing ongoing operations, as each federal court is empowered to make its own individual decision. Jury trials, especially long ones, are especially risky as there is a likelihood of having to declare a mistrial if one juror gets infected, which potentially has an impact on the remaining jurors. In addition, it is increasingly difficult to find jurors willing to sit in close quarters during the pandemic. According to the administrative office of the U.S. Courts, more than 25 federal trial courts have canceled or extended orders canceling jury trials in the past few weeks.

EEOC announces record collections for discrimination, fewest lawsuits in 20 years. The U.S. Equal Employment Opportunity Commission (EEOC) recently announced that it collected a record \$535.4 million in its last fiscal year for aggrieved charging parties alleging discrimination in employment. At the same time, it filed the fewest lawsuits in two decades, according to the EEOC's 2020 annual financial report.

The EEOC's total monetary recoveries came from judicial and jury awards, settlements, mediation, and conciliation. EEOC lawsuits accounted for a total of \$106 million, which is the highest annual amount collected through litigation in 15 years.



Ira Michael Shepard is Of Counsel with the law firm of Saul Ewing, LLP, in Washington, D.C., and ACCT's General Counsel.

Executive Searches

The staff and consultants of the Association of Community College Trustees are pleased to have assisted in the search for the following community college executive officers.



Isothermal Community College, North Carolina
Dr. Margaret Annunziata
President

“We welcome Dr. Annunziata’s leadership as we enter the next chapter of Isothermal’s history. She brings a long history of strong

leadership in North Carolina community colleges.”

—Roger Jolly, Board Chair, Isothermal Community College



Frank Phillips College, Texas
Dr. Glendon Forgey
President

“We are excited to welcome Dr. Forgey’s leadership as we enter the next chapter of Frank Phillips College’s history. We are confident Dr. Forgey’s experience and background

are a great fit with the challenges and opportunities that lie ahead for Frank Phillips College.”

—Scott Radach, Board Chair, Frank Phillips College



South Louisiana Community College, Louisiana Community and Technical College System
Dr. Vincent June
Chancellor



Louisiana Delta Community College, Louisiana Community and Technical College System
Dr. Scott Rule
Chancellor

“On behalf of the Louisiana Community and Technical College System (LCTCS) Board of Supervisors, I want to congratulate both Dr. June and Dr. Rule on their selections as the new chancellors of SLCC and LDCC, respectively. We were impressed by the knowledge and experiences of each finalist. After a thorough vetting process, we believe Drs. June and Rule are the perfect fits for the students, the colleges, and the communities they each serve. They will continue leading our efforts to deliver world-class academic and workforce training in the greater Acadiana and Northeast Louisiana regions.”

—Tim Hardy, Board Supervisor, Louisiana Community and Technical College System; Chair, South Louisiana Community College and Louisiana Delta Community and Technical College Search Committees

“As LCTCS board chair, I congratulate Dr. June and Dr. Rule on their selections at the next chancellors of SLCC and LDCC. We are excited about the great work currently occurring at LDCC and SLCC and look forward to what is next for the future of these two colleges and the communities they serve.”

—Paul Price Jr., Chair, Board of Supervisors, Louisiana Community and Technical College System

Executive Searches

The staff and consultants of the Association of Community College Trustees are pleased to have assisted in the search for the following community college executive officers.



Iowa Western Community College

Dr. Daniel Kinney
President

“We had a great process and ultimately the board liked Dr. Kinney’s collaborative leadership style, his familiarity with the Iowa community college system, and his communication skills. I have complete confidence that the next few years will show we made the right decision. I would highly recommend the search services offered by ACCT. The help provided by ACCT was invaluable to our successful hiring process.”

—*Brent Siegrist, Board President, Iowa Western Community College.*

RETREATS & WORKSHOPS

Thank you to the following colleges who have used ACCT to facilitate a board retreat, board self-assessment or CEO evaluation, or other board education service in recent months. We appreciate your trusting ACCT to assist you with your board development needs.

Atlantic Cape Community College, N.J.

Chaffey College, Calif.

Community College of Beaver County, Penn.

Dallas College, Texas

Garden City Community College, Kan.

Hinds Community College, Miss.

Johnson County Community College, Kan.

Kirkwood Community College, Iowa

Los Angeles Community College District, Calif.

Lake Tahoe Community College, Calif.

Lee College, Texas

Ohlone College, Calif.

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SUNY Erie County Community College, N.Y.

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For more information, visit www.acctsearches.org.



CONTACT:

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This interactive virtual event will include opportunities to get to know your peer community college leaders from throughout the country so that you can share ideas and experiences and gain insights into how other

colleges deal with the same challenges you face today or may face tomorrow.

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- The Diversity, Equity & Inclusion Imperative
- Current Trends and Issues Facing Our Colleges

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INTERFACE

A PUBLICATION OF THE COMMUNITY COLLEGE PROFESSIONAL BOARD STAFF NETWORK IN COOPERATION WITH THE ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES

PROFESSIONAL BOARD STAFF NETWORK 2021 EXECUTIVE COMMITTEE

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ACCT Professional Board Staff Network

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www.acct.org/professional-board-staff-network



A Message from the President

By Jeannie Moton
Portland Community College

WHILE THE AGENDA AND SCHEDULE FOR THE PBSN SESSIONS last fall looked normal, nothing about the time was! There had been conversations about what it would take to offer some of our sessions remotely. Little did we know that we would be launched into fully remote sessions within a few months.

To start, I would like to say thank you to my PBSN team and to the ACCT staff for the support this past year. I would not have been able to serve my term successfully without it!

In typical times, this message would be coming from Vice President Benita Duncan as your new PBSN President. I would have handed over the gavel to Ms. Duncan in Chicago at our business session. But you may recall that PBSN held an emergency meeting in September to adjust our bylaws to include a pandemic response. This change allows for a president to serve an additional term for the circumstances we currently find ourselves in. We hope this will allow for a smooth leadership transition when we are able to meet in person.

We will soon start the planning for our sessions this fall. Since we know travel budgets will be impacted by our current state of affairs, we are trying to plan opportunities for remote engagement. Please know that if we are able to meet in person this fall, we are planning spaces that will accommodate social distancing and health guidelines regardless of what may be mandated at the time. Your safety is our utmost concern.

To recap our fall gathering, we held our “normal” meet and greet, workshop, and business meeting — all through remote means. Hosting these sessions while in multiple time zones was a first for me. I have been hosting our local college board meetings online for almost a year, but time zones are not a concern since everyone is in the same area. Having to consider the 3 - 5-hour time difference of our members was challenging. What may have been a lunch for one person was a “happy hour” for another.

The meet and greet was a casual session in which we introduced ourselves and played a drawing game and trivia. Our workshop included useful presentations on how to host safe socially distanced meetings and how to hold engaging and interactive virtual events. The workshop also included breakout rooms with topics that I hope were engaging for the membership. The business meeting included our typical business with an election of a Northeast Region Member-at-Large and Member-at-Large Designee. Larisa Pfeiffer, chief of staff at College of Southern Maryland/Alumna was elected to both positions. Welcome, Larisa!

We also updated our PBSN Bylaws to better reflect the officers’ roles. We hope this will help members understand what the role entails and encourage participation for folks to get engaged. These updates and more can be found on the website at www.acct.org/page/professional-board-staff-network.

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INTERFACE

A PUBLICATION OF THE COMMUNITY COLLEGE PROFESSIONAL BOARD STAFF NETWORK IN COOPERATION WITH THE ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES

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Our keynote address for the session was centered on diversity, equity, and inclusion. Tricia Brand, Portland Community College's chief diversity officer, and Dr. Traci Fordham, program administrator of PCC's learning and organizational development, helped us understand how we can support our board in leading with equity-mindedness. Community college boards across of the nation are engaging in this work. I hope the session helped to inform members, no matter the role they play in this work or the place their boards may be.

Being remote allowed us to also visit new ideas. This year, we broke out our business session by regions. This really engaged our regional officers and the members from their

areas. We plan to continue with this offering as some regions have continued meeting with their peers.

Your full PBSN leadership team for 2021 is listed in the sidebar on the previous page.

I am honored to serve with this amazing group of professionals and happy to serve a second term as your PBSN President. I look forward to working for you all in the next few months.

Please watch for emails from the leadership team on our plans for the fall conference. Whether in person or virtual, you will all be invited to participate. I encourage you all to keep the dates for the 2021 ACCT Leadership Congress, October 13-16 at the Manchester Grand Hyatt in San Diego, on your calendars.

GUIDELINES FOR SAFE BOARD MEETINGS DURING COVID

- 1** Create a COVID safety plan.
- 2** Don't exceed maximum capacity.
- 3** Modify meeting space as needed.
- 4** Pre-screen attendees for symptoms.
- 5** Dedicate one entrance for check-ins.
- 6** Use safety & sanitation protocols.
- 7** Use signs.
- 8** Plan traffic flow.
- 9** Monitor for personal safety.

INTERFACE

A PUBLICATION OF THE COMMUNITY COLLEGE PROFESSIONAL BOARD STAFF NETWORK IN COOPERATION WITH THE ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES

Six Feet Apart How to Conduct Safe Face-to-Face Board Meetings

By Benita Duncan, Lansing Community College

HAPPY NEW YEAR, PBSN MEMBERS! THE YEAR 2020 brought us many challenges and changed the face of how we do business and conduct our board meetings. Many of us are still conducting our board meetings virtually, while others are returning to face-to-face board meetings. With state executive orders and public-health guidelines changing, it's important to have a safety plan in place when you conduct face-to-face meetings again. At our annual ACCT PBSN Workshop convened in conjunction with the 2020 ACCT Leadership Congress, we learned many great tips to help us be prepared for face-to-face board meetings:

1. **Have a safety plan.** Create a safety plan before your meeting. Create a team familiar with local COVID-related requirements and outline how the requirements affect the event. Also be familiar with your state's open meetings requirements.
2. **Consider your maximum occupancy.** Spaces can be measured, and a maximum safe occupancy can be calculated that can allow for freedom of movement while still maintaining good physical distancing. Consider asking only essential employees to attend in-person meetings. Those not presenting or who need not attend in person can be encouraged to participate virtually. Also, consider staggering arrival times and release times to minimize closely shared spaces.
3. **Take special considerations of your meeting space.** Use well-positioned sneeze guards as a secondary barrier to masks when at least six feet of physical distancing cannot be maintained. Remove or move furniture from common areas to help minimize possible congregation. Space your meeting chairs, stagger breaks, and have designated restrooms. If you have a pre-board meeting dinner, consider serving boxed meals and bottled beverages. Make sure a minimum of six feet of physical distancing can be maintained during meal times.
4. **Consider a pre-screening process.** Many colleges are now using QR codes to complete a pre-screening health form. Board members and meeting participants can complete a pre-screening before the board

meeting. Direct people to stay home and not to attend in person if they are sick.

5. **Have a dedicated entrance.** Have a dedicated entrance place where someone can check in attendees at the door. This person(s) would verify that the pre-screening is complete. At the entrance, consider distributing a safety protocol flyer that will lay out expectations. Provide disposable masks, hand sanitizer, and sanitizing wipes to meeting participants.
6. **Implement safety protocols.** Request pre-cleaning of your meeting spaces and post-cleaning of the same spaces. When using microphones, have several available to avoid shared usage. If you're unable to avoid shared usage, consider cleaning microphones between uses or have a box of disposable mic covers. Try to avoid sharing equipment such as computers, and place wipes and sanitizers near frequent touchpoints such as doors, elevators, and vending machines.
7. **Use signs.** Have signage at your meeting entrance that advises participants to maintain at least six feet of physical distancing. Also consider posting this information on the board webpage, meeting agenda, and announcing it at the beginning of the meeting.
8. **Consider creating traffic plans.** Create traffic plans and distribute maps for attendees to follow whenever they must move throughout the facility. You can also utilize floor signage to help serve as a guide.
9. **Consider using safety monitors at the event.** Individuals trained as safety monitors will know the plan and will be there to ensure the plan is being followed. They can ensure that personal protective equipment (PPE) is being worn, sanitation supplies are available, the pre-screening process is being followed, and they will be able to help anyone with questions understanding or following the safety plan.

Taking these steps will ensure that your college remains in compliance with federal and state public health and safety guidelines and, most importantly, will protect your campus community from unnecessary health risks.

advisor

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ACCT DEADLINES

▶ ACCT Awards Nominations

June 14, 2021

▶ Director-at-Large Candidate Nominations

July 1, 2021

▶ Amendments to ACCT Bylaws

July 1, 2021

▶ Submitting Resolutions

July 1, 2021

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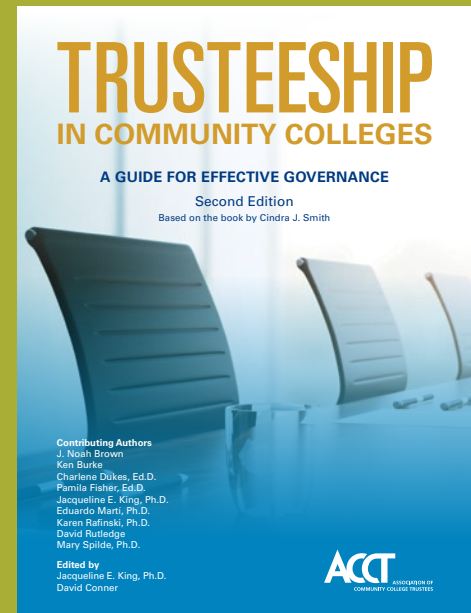


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