

WHEN THE DISSENTER BECOMES THE DISRUPTOR

A longtime board retreat facilitator discusses how to know when the behavior of a board member has gone too far and what to do about it.

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IN 2024, THE ROLE OF A SUCCESSFUL PUBLIC COMMUNITY college board member is both more important and more challenging than ever in our more than 120-year history. Unfortunately, some individuals who serve on boards do not respect the foundational principles upon which public community colleges were developed and guide how a trustee is expected to fulfill their responsibilities. A few even question the comprehensive community college mission. These differences are exacerbated by a recent cultural shift through which disrespectful and uncivil behavior are more common and tolerated. When individuals who hold any of these views are appointed or elected to a community college board, their behavior can disrupt an otherwise successful board and college.

Fortunately, those who feel this way are in the minority and have not caused widespread disruption to our colleges' abilities to fulfill their missions as public, open-access providers of high-quality higher education. Unfortunately, there are signs that the number is increasing. In a recent ACCT survey of member board members, some of the highest-priority concerns cited by respondents included these three areas:

- Colleagues on boards do not understand or accept their respective roles, responsibilities, and limitations as trustees.
- Trustees (new and long-term) attempt to impose their religious views on college-wide decisions.
- Political divisiveness throughout the country has reached the college boardroom, making it more challenging to focus on the college mission and operate as a cohesive team.

Far more common are the many instances of individual trustees, or occasionally small groups of two or three trustees, who simply behave in ways that disrupt a governing board's operation. These behaviors range from minor annoyances to seriously destructive conflict. Whether intentional or not, these behaviors have a negative impact on the college. When board members do not follow legal guidelines, college policies, and accepted best practices, the following can occur:

- Other board members and their president or chancellor are distracted from the critical issues of the day.
- The board's dysfunctional behavior becomes a role model for some college staff.
- The board's reputation in the community suffers, harming the community's faith in the quality and value of the college itself.

- The board's actions jeopardize the college's accreditation status, bringing harm to the institution's reputation and stability, and jeopardizing the perceived value of credentials earned at the college by students.

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Prevention

As always, prevention of a problem is the preferable approach. There are many ACCT resources available to help boards understand and adopt best practices that encourage effective trusteeship.

A quick checklist to assess how well your board has prepared follows:

Does your board...

1. Engage in regular professional development for all members?
2. Provide extensive orientation for new members?
3. Develop and regularly review key board policies related to conduct?
4. Conduct annual board self-assessments?
5. Participate in annual retreats where serious open discussion occurs?
6. Focus all decisions on the college mission and what is best for students?

Warning Signs

There are signs of inappropriate behavior that should not be ignored. The following is a sampling, not an exhaustive list, of such behaviors:

- Violating legal guidelines related to open meeting laws and confidentiality
- Ignoring formal college policies
- Engaging in daily operations or micromanaging
- Not honoring a decision once it is made by the board
- Improper communication with employees
- Inappropriate use of social media
- Speaking "for the board"
- Yielding to undue outside influences and special interest groups
- Undermining the president or chancellor
- Being hostile and disrespectful to colleagues and staff
- Using their role to promote their political career

Ideally, a board should already have a policy on recourse that spells out when and how it will act if the board finds a serious breach of legal or policy guidelines has been alleged or has occurred. Such a policy need not be long and is often included in, or follows, a college board's code of ethics or conduct.

- Advocating for an ideological position contrary to the college mission
- Behaving unethically and dishonestly
- Tolerating board meetings that are obviously dysfunctional

Intervention

Every board member is responsible for the effectiveness of his or her board. At some point, one or more trustees will go from being disappointed to being appalled to being genuinely concerned for the college's future if a colleague's behavior fails to live up to the standard expected of a trustee. Since most trustees are genuinely nice people who love their college and are honored to serve on the board, they rarely are the kind of person who finds confrontation an easy thing to do. And yet confrontation must be the first step toward intervention and conflict management.

In general, a good place to begin is a private conversation with a colleague about how their behavior affects others. That can be done by the board chair, or the chair may ask another colleague to do that if their personal relationship with the disruptor is better. Confrontation in private is always best if possible. An exception is if something destructive has been said in public. In that case, the chair must clarify immediately, in public, that what was just said is not the view of the board. This is essential because it is understood that every board speaks as a collective with "one voice," and if an inappropriate or damaging comment goes uncorrected in public, then that comment is likely to be perceived as the view of the board as a whole. Correcting the comment publicly communicates that the individual spoke only on his or her own behalf, and this can prevent public perception that a board is working against the interests of the community and the mission of the college. It can also be helpful to ask the person who misspoke if they would like to rephrase or apologize for their comments.

When private conversations with the difficult person have not worked, a conversation that includes a third trustee may be more effective if that does not constitute a quorum.

When informal conversations do not work, it is a good idea to review the previously mentioned prevention checklist and ask if all those activities have occurred in a meaningful way. If not, back up and start there. Sometimes, a review of a college's statement of roles and responsibilities and code of ethics as well as your board self-assessment results is all that is needed to improve the behavior, along

with reviewing the mission and core values that should be guiding every board decision.

Frequently, outside assistance in the form of a facilitated retreat can be helpful. An independent facilitator can establish guidelines that allow all participants to participate fully. Taking time to really get to know one's colleagues in a way that is not possible in a formal board meeting is often a significant step toward creating a safe environment for discussing sensitive issues. Once that happens, a facilitator can help defuse any tension or hostility, but not the emotion, so members can openly express their concerns. Once everyone feels they have spoken and been heard (even though they still disagree), it is possible to discuss techniques for successful conflict management, both then and in the future. However, do not expect a single retreat to resolve all the issues that may have been at play for months or even years. It takes time to build trust. But learning strategies for handling future conflict is doable if it includes an action plan for further communication skills development.

Recourse

In rare situations, no intervention strategies will change a particular person's behavior. Some people will never accept that they are the outlier. They believe they are right and everyone else is wrong. They feel disrespected even when they may themselves be a bully. Or they may have a single agenda (not consistent with the college mission or best practices), and they will not let it go.

When all else has failed, a board may conclude it is necessary to take recourse to indicate their disapproval of said behavior. This is a major step and should not be taken lightly. But there are reasons when it may be advisable. One of the most common reasons boards have decided to take this step is to make it known to the public (college staff and community) and their respective accrediting commission that they do not approve of the behavior in question. While a board may be hesitant to do this, in serious situations it may be a necessary step to reassure the college's community that the institution's leadership is responsible and committed to public service.

Ideally, a board should already have a policy on recourse that spells out when and how it will act if the board finds a serious breach of legal or policy guidelines has been alleged or has occurred. Such a policy need not be long and is often included in, or follows, a college board's code of ethics or conduct. When a board is considering such an action, it is important to

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IS THIS YOU?

1. Do you sometimes share confidential information about the college, but only with your significant other or another trusted confidant?
2. Do you call other board members to share how strongly you feel about an upcoming vote?
3. Do you reach out to college staff when you need information because you do not want to bother the president?
4. When you notice something on campus that needs attention, do you contact the facilities administrator?
5. Do you receive more calls from concerned employees than other board members?
6. During board meetings, do you surprise staff or the president with questions some of your colleagues interpret as disrespectful or condescending, or questions that should have been raised ahead of time?
7. Do you find it necessary to speak about almost every item on the board agenda?
8. When a vote is taken and your opinion was in the minority, do you believe you need to explain to the campus and public why you were correct and your colleagues were wrong?
9. Do you find yourself frustrated or even angry that your colleagues do not listen to you, even though you are more experienced and knowledgeable?
10. Have you expressed your dissatisfaction with other members of the board and/or the president with employees, the public, or the press?
11. Has one or more members of the board asked you to change specific behaviors?
12. Do you feel isolated and no longer enjoy being on your college board?

Disruptive board members often do not recognize that they contribute to board dysfunction because their intentions are good and they are confident about their opinions. If you answered “yes” to several of these questions, you may want to reflect on what it means to be part of a collaborative community college governing board. Changes in your behavior could enable you to be a more successful contributor and influencer in the accomplishment of the college's mission.

follow your own policy and procedures and advisable to seek legal counsel as well.

Most states limit what a board can do as a sanction against a board colleague, whether elected or appointed. The most common response is a public letter of reprimand. Sometimes, the sanction includes removing the offender from an officer position on the board, or another appointed role the board has granted them. Sometimes, the response may be a refusal to approve travel for the member. Whatever actions are taken, the board dynamics will be changed, and the board majority should have a plan for how they will move forward.

Preparing for the Future

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