



Resolution regarding a Vote of No Confidence for GWC President Tim McGrath

WHEREAS, the Academic Senate of Golden West College does not have confidence in the current President's abilities as a college President based on, but not limited to, response to the following events or displays of inadequate leadership as evidenced by:

1.) "Communication" – Lack of adequate communication for effective participatory governance with the Academic Senate and displayed lack of respect for faculty input on various student success matters

- Campus-wide initiatives were selectively shared with AIC and in some cases after he had made the decision to pursue such initiatives showing lack of respect and understanding of the shared governance process to address college-wide matters
 - Use of showers by persons experiencing homelessness, authorized by President McGrath
 - This was brought forth by President Martie Ramm Engle, and was discussed in Senate
 - Use of Music Department facilities by a church against protests by Music faculty

[BP 6700 Civic Center and Other Facilities Use](#)

- Other campus-wide and non-academic issues as they arose
- Inadequate communication with the Academic Senate on Vision, Mission, and Goals for the college
- Inadequate leadership of the Planning and Budget committee meetings to effectively plan for and developing budget processes
- Inadequate engagement with the campus committees and understanding of their roles and responsibilities
 - Academic Issues Council (AIC)
 - Institutional Effectiveness Committee (IEC)
 - Safety, Sustainability, and Facilities Committee (SSFC)
 - Recruitment to Completion Committee (RCC)
 - College Technology Committee (CTC)
- Inadequate engagement or interest in current initiatives/services/protocols
 - Guided Pathways
 - Non-Credit
 - AB705 activities/results/next steps
 - STEM/MESA grants
 - Program Review and funding request processes
 - GWC established decision-making guide
 - Dual enrollment protocols

(10+1) District and college governance structures as related to faculty roles (Mutual Agreement)

(10+1) Processes for institutional planning and budget development

(10+1) Other academic and professional matters as are mutually agreed upon between the governing board and the Academic Senate.

WHEREAS, The President exhibited poor financial stewardship of the institution and lack of respect for shared governance was displayed with regard to the GWC Magazine contract. The Academic Senate disagreed with some of the initial content published. After attempting to work with the President by establishing an Oversight Committee, those recommendations were ignored, and objectionable content was published anyway.

2.) GWC Magazine (Fall 2020) No participatory decision-making process followed to fund the Cost for the magazine (\$375,000)

- Hiring of Brad Wright (childhood friend) to represent Golden West College in publishing the GWC Magazine
- Allowed publisher to publish content not representative of the college's goals and values, specifically a paid article from a controversial political group and an advertisement containing inappropriate nudity
- Inadequate oversight of the costs/benefits of the magazine
- Unnecessary added pressure and time that was spent by the small staff of the Marketing office to prepare for GWC's share of the magazine

[November 24, 2020 - Academic Senate Resolution to Board of Trustees regarding GWC Magazine](#)

[BP 3050 Code of Professional Ethics for all District Employees](#)

- District employees shall: Avoid conflicts of interest, or even the appearance of conflict of interest between their obligations to the District and private business or personal commitments and relationships

(10+1) Other academic and professional matters as are mutually agreed upon between the governing board and the Academic Senate.

(10+1) Processes for institutional planning and budget development

(10+1) District and college governance structures, as related to faculty roles (Mutual Agreement)

WHEREAS, The President displayed lack of respect for shared governance with regard to the Technical Review Group (TRG) in the Request for Proposal (RFP) process, making his recommendations for allocations ahead of Planning and Budget's review/recommendation (2020/2021)

3.) Did not follow shared governance protocols with the Technical Review Group (TRG) in the Request for Proposal (RFP) process in 2020/2021.

- ESTABLISHED PROCESS:

Ratings for Request for Proposal (RFP) were supposed to be scored by the Technical Review Group (TRG), who then would present the scores to the Recruitment to Completion Committee (RCC) who then would make recommendations and send forth to Planning and Budget. Planning and Budget would then make their final recommendations and send to the President.

- The President skirted the process and presented his recommendations for allocations to Planning and Budget without their review or recommendation.

(10+1) Processes for institutional planning and budget development

WHEREAS, The President displayed lack of respect for shared governance, with respect to faculty roles, adherence to the CFE Contract, and management in the scheduling of Counseling and Library vs. Instructional faculty, "requiring" that Counselors and Librarians return to campus 100% without a needs assessment.

4.) Violation of the CFE Contract in Process of Scheduling (Fall 2022)

- Counselors and Library faculty expected to return to campus 100% vs. Instruction at 50%
- Counseling and Library Deans not allowed to approve remote schedules as developed by Counseling and Library faculty based on student need (70%, 50%, 40%)
- The President did not solicit the department's plan for serving students

[CFE Contract: Section 12.13a Schedules](#)

- Disregard for: individuals that may have had the following circumstances:
 - Immunocompromised
 - Taking care of older parents at home
 - Those with children – Vaccines for children had not been yet FDA approved
- Counseling contacted the Union vs. filing grievances against the Counseling Dean, as she was prepared to approve schedules
 - Ultimately resolved between District HR and the Union

(10+1) District and college governance structures, as related to faculty roles

WHEREAS, dissatisfaction among faculty, staff and management has been growing over the past years, as made evident in the HEDS Campus Climate Survey, and Leadership Surveys

5.) HEDS Campus Climate Survey (Spring 2021 - Summer 2022)

- Focus on Administration, Management results – Culture of Management feeling “unsafe”, specifically female managers seen as “other” or “less than”
- Results indicated a “less than inclusive environment” for female administrators

[BP 3050 Code of Professional Ethics for all District Employees](#)

- District employees shall: Maintain a working and learning environment free from incivility, aggression, bullying, mobbing, and unlawful harassment

6.) Leadership Survey results (November 2022)

- 76 full-time faculty (out of 152 – exactly 50%) responded to a survey on campus leadership
- 70% of respondents were dissatisfied with leadership skills and qualities citing “poor communication skills and lack of respect for shared governance.”

(10+1) Other academic and professional matters as are mutually agreed upon between the governing board and the Academic Senate.

WHEREAS, the President continues to mishandle the student incidents and the dissemination of information to the campus at large, including issuing an apology email on March 16, 2023, regarding his handling of the student incidents only after a Vote of No Confidence was discussed at Academic Senate on March 14, 2023, and again at the Board of Trustees meeting on March 15, 2023

7.) Student Incident(s) (February - March 2023)

- Campus administration, specifically President Tim McGrath and Vice President Janet Houlihan, continue to systemically fail in their response to two recent student incidents in their failure with regard to planning protocols, and communication with the campus at large: faculty, staff, and students

- **February 25/26, 2023** - Jaguar Lai, former student and employee of Golden West College, contacted 21+ female employees (faculty and administration) sending sexually aggressive emails
 - Student contacted multiple employees through other platforms as well including Facebook, Instagram, LinkedIn, and phone calls
- **March 6, 2023** - Jaguar Lai came to campus and was subsequently removed in handcuffs by Public Safety and HYPD and delivered the “cease-and-desist” letter which had previously been drafted
 - Campus administration failed to notify the campus at large that this person was restricted from being on campus
 - The photo of Jaguar Lai was released to faculty and staff
- **March 17, 2023 – Student Services Town Hall**
 - Attended by President Tim McGrath, Vice President Janet Houlihan, Robert Toyer, new Public Safety Director (GWC), and Jim Rudy, Director of Public Safety (OCC).
 - President Tim McGrath did not answer any direct questions from faculty
 - Vice President Janet Houlihan did not answer any direct questions from faculty
 - The District Public Information Officer (PIO), Erik Fallis, dismissed questions being asked with the response “Thank you, next question.”
 - It came to light that the photo of Jaguar Lai was NOT sent to students alerting them that he was restricted from campus
 - Robert Toyer, the new Director of Public Safety (GWC) admitted to a Student Services Town Hall that he has not yet read the content of the emails but commented on the “lighter content” as if he had
 - A threat assessment for Jaguar Lai has not yet been conducted
 - Jim Rudy (Director of Public Safety - OCC) – Interim Director for GWC prior to hiring of Robert Toyer, admitted that “timely warning” did not occur with response to the individual with the gun
- **March 9, 2023** - A follow-up incident three days later where a student brandished a gun to two CTE Automotive students.
 - Faculty in those areas of the campus not notified until the following day
 - Notification to the campus went out the following day, but not to students until an email inquiry was made
- Potential violation of the Clery Act in terms of notifying the campus appropriately regarding the above incidents
 - According to the guidelines listed in the [CCCD Annual Security and Fire Safety Report](#), as required by the Clery Act, the campus must release a **Timely warning** when there is a serious or continuing threat, as determined by the Campus Director of Public Safety, and in consultation with the College Vice President of Administrative Services and/or College President when time permits. This should have happened regarding the sexually aggressive emails as:
 - A cease-and-desist order was drawn up, illustrating the seriousness of the situation
 - Some recipients felt threatened, meaning that a reasonable person would fear for the recipients' safety or further infliction of emotional distress

[AP 6800: Occupational and Workplace Safety](#)

- Definitions: A “threat of violence” includes any behavior that by its very nature could be interpreted by a reasonable person as intent to cause physical or emotional harm to self, another individual or property
- Similarly, an **Emergency notification** is to go out when there is an immediate threat to the health or safety of students or employees occurring on the campus, including an armed/hostile intruder. This then would have applied both to the situation where the aggressive student was found on campus as well as the armed intruder. These notifications were not sent immediately.
- Either the threats were not considered significant enough at the time to warrant the relevant notifications or procedures were not followed. In either case, a serious lapse of leadership occurred,

resulting in dangerous situations to our campus community and potential violations of the Clery Act, which has the express purpose of keeping campuses safe.

- **These notifications were to go out via the Regroup system, which was not used.**

[CFE Contract 2020-2023](#)

- Section 12.1 Safety: Education, prevention, protection and communication plans for active campus safety threats will be created and disseminated to all faculty by the Colleges and updated regularly.
- Golden West College's Emergency Operations Center Activation Guide has not been updated since 2016 (approved 8/15/16)

(10+1) Other academic and professional matters as are mutually agreed upon between the governing board and the Academic Senate.

THEREFORE, BE IT RESOLVED, the Academic Senate of Golden West College does not have confidence in President McGrath to lead the college and make decisions appropriately in the best interests of the campus, as evidenced by the reasons above.

Approved by GWC Academic Senate: March 21, 2023