

Hodge bucks the board

By Tad Coles

Fallout from a press leak of privileged information by Benjamin Hodge, college trustee, is ongoing. He is still firing shots across the bow of the board, even in the face of overwhelming denouncement by his colleagues.

The other board members resent it.

Referring to Hodge's press leak, Lynn Mitchelson, vice chair, Board of Trustees, voiced his objection on Mar. 26 during the last board meeting.

"I resent the fact that one of the trustees is so immature and irresponsible, that they will take any document that they are given and use it to their own political advantage," said Mitchelson.

The other members of the College Board of Trustees were united in their disapproval of Hodge's actions.

First, Hodge released sensitive budget information used in a closed-session job performance review. Then he justified the leak by blaming the board for violating the Kansas Open Meetings Act (KOMA). Put in place to ensure meetings of public officials are open, KOMA allows for an informed electorate.

But closed-to-the-public executive session meetings for performance reviews of non-elected personnel are permitted under KOMA. Hodge characterized the leaked laundry list of budget-cutting options used during the review of the college president, Terry Calaway, as grey area.

"I don't think there was any grey area," Calaway said. "I believe an individual's evaluation is a private matter. It should be sacred. It is Hodge's responsibility to keep conversations that happen in that private setting private."

Shirley Brown-VanArsdale, chair, Board of Trustees, agreed. She and Calaway sought confirmation, asking Mark Ferguson, board attorney, for a legal opinion on Hodge's KOMA violation allegations.

"After a complete review of the allegations by trustee Hodge, it is my opinion that no violations of KOMA occurred on February 19, 2009," wrote Ferguson in a prepared report. In addition, Ferguson investigated the propriety of Hodge's release of a budget document Calaway provided during the closed session board review of his performance.

"The handout should not have been shared with anyone outside the executive session, because employee names were mentioned and more importantly, because the handout discussed specific criterion for the president's evaluation," said Ferguson.

Hodge shared the handout with Jim Sullinger, reporter, *The Kansas City Star*. Sullinger published some of the sensitive budget cut options on his blog, <http://primebuxx.kcstar.com> on Feb. 27.

As a result Terry Calaway, college president, spent considerable time getting legal advice and responding to questions by the staff and the public. Hodge made the KOMA allegations after Calaway sent to an email to college staff in response to many inquiries about the leaked information.

"The hours that this president spent responding to this is disgusting," Brown-VanArsdale said, referring to the amount of time it took for the board and the president to respond to questions Hodge's allegations spawned. "I recommend anyone who wastes that much time certainly doesn't deserve to have a role as a board member."

“There is a code of conduct that has not been followed,” she also said. “I think it’s a shame.”

Don Weiss, board trustee, and several other board members admitted that as a result of the incident they no longer have the necessary trust to perform their job as Trustees.

“Bonds of trust within the board are broken,” Weiss said. “The board is now dysfunctional. Either this kind of behavior has to change so that trust can be restored or we have to have a change in the board membership.”

That change may come soon with board elections slated for April 7, 2009.

Board members were concerned, even shocked by the breach of trust and objected to Hodge’s accusations of board violations.

“I was blown away to see my name in a blog for something that I was not aware could possibly be construed as a violation of KOMA,” said Brown-VanArsdale. “It was not a violation.”

“I resent allegations that the board did anything that was in violation of Kansas statute,” said Mitchelson. He stressed the importance of maintaining confidentiality during employee evaluations.

Melody Rayl and Jon Stewart, the two other trustees at the meeting, shared their resentment about allegations and their support of Calaway’s response to the situation. They also said there was no grey area regarding KOMA and personnel evaluations. Thus, the board lined up against Hodge; five to one.

“I think he felt like he was under attack,” Rayl said of Hodge later. “To a certain extent I felt kind of bad for him, because he was definitely under the gun.”

He may have been under the gun, but he never backed down. He said he was not sorry. Regarding the fact that the board members said there was no KOMA grey area for the closed meeting budget handout, Hodge said, “I think that is a load of crap.”

In addition, Hodge said the code of conduct was of no value.

“I don’t call it the code of conduct. I call it the code of ‘thought,’” said Hodge. “I am concerned that parts of it are unconstitutional. I give it very little credibility.”

Rather than apologize, Hodge fired another accusation at the board. He was adamant that the board violated KOMA just four months ago. He said he wished he had remembered the incident during the board meeting.

“In December, four board members and Calaway openly broke the KOMA,” said Hodge. “They signed a letter to the editor that was published by the Star. Ferguson, our attorney agreed. He called it a technical violation.”

According to Hodge, those four members, Weiss, Mitchelson, Brown-VanArsdale, and Stewart, met secretly, which violated KOMA.

“I told a couple of them privately at that time, ‘Just so you know, you broke the law,’ I said. ‘But I’m not going to embarrass you publicly,’” Hodge said.