

Office of General Counsel

October 23, 2013

Prof. Eduardo Cairó, President
Academic Senate
Pasadena City College

Dear President Cairó:

We have noted that the Academic Senate's agenda for October 21, 2013 included an information item, "Formation of Ad Hoc Academic Senate Evaluation Committee of the President". You have further called today via email for volunteers for this committee.

The purpose of this letter is to notify the Academic Senate regarding this item that it is in violation of Board policy and of the law in multiple respects.

First, only the Board of Trustees has the authority to evaluate the Superintendent/President. This is clearly set forth in Board Bylaw 1680. Should an ad hoc committee of the Academic Senate attempt to proceed with an evaluation of the Superintendent/President, it would be an unauthorized infringement on the exclusive province of the Board and therefore be ineffectual.

Second, as you are well aware, the purview of the Academic Senate is academic and professional matters described in Board Policy 2000 and AB1725. These do not include a Senate-initiated evaluation of the Superintendent/President. The Academic Senate would be acting completely without authority in undertaking this task, and any action it might take would be void.

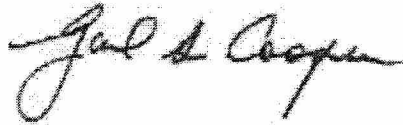
Third, I have explained to you in the past that the evaluation of the Superintendent/President is conducted confidentially by the Board as provided by law and have cited to you the applicable case authority, *Versaci v. Superior Court (Palomar Community College Dist. (2005) 127 Cal.App.4th 805*. Any attempt to conduct a public evaluation of the Superintendent/President would be a violation of his right of privacy in his personnel information.

This violation would be severely compounded if the Senate published any defamatory statement about the Superintendent/President. He would have the right to seek redress in a court of law against any individuals who participated in the making of any defamatory statement. The District insists that the Senate comply with the law and Board policy as concerns evaluation of the Superintendent/President and the confidentiality of evaluations for all employees.

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Many faculty, including yourself, took the opportunity to render your views on this year's evaluation of the Superintendent/President in open sessions of the Board meetings. The Board took all views into consideration in completing its evaluation. This matter is now closed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gail S. Cooper".

Gail S. Cooper
General Counsel

cc: Board of Trustees