

SPECIAL VISIT REPORT  
NORTHERN MARIANAS COLLEGE

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A confidential report prepared for  
The Accrediting Commission for Community and Junior Colleges  
Western Association of Schools and Colleges

This report represents the findings of the evaluation team  
that visited

Northern Marianas College  
On  
April 13-14, 2010

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# Northern Marianas College Special Visit Team Report

April 13-14, 2010

## Introduction and Overview

The Accrediting Commission for Community and Junior Colleges, at its January 2010 meeting, reviewed the Northern Marianas College Midterm Report of October 2009 and the report of the evaluation team that visited the college in October 2009. The Commission took action to accept the Midterm Report; it also took action to require a Special Visit to determine whether the institution was still in compliance with Eligibility Requirements and Standards.

## Accreditation History

Northern Marianas College's recent accreditation history is outlined to provide context to the April 2010 Special Visit Report. The College underwent a comprehensive evaluation in October, 2006. As a result of that evaluation, the Commission took action at its January 2007 meeting to impose Probation and to require the institution to correct several deficiencies. The College submitted a Progress Report in March 2007 and a second Progress Report in October 2007. The October report was followed by an evaluation team visit. At its meeting of January 2008, upon review of the College reports and the October 2007 evaluation team report, the Commission acted to impose Show Cause on Northern Marianas College. The Commission required the College to submit a Special Report in March 2008 on its actions to resolve some of the deficiencies identified by the accreditation teams. It was also required to submit a Show Cause Report, detailing why its accreditation should not be terminated, by October 15, 2008.

At its June 2008 meeting, the Commission acted to accept the Northern Marianas College March 2008 Special Report and continue the College on Show Cause. Because the institution had not addressed the findings of its external audit in a timely and effective manner, the College was also required to submit a Special Report in October 15, 2008, on its resolution of the 2007 fiscal year external audit findings. The report was to demonstrate that the College had resolved its recommendations on integrated planning and systematic program review (Recommendations 1 and 2). The report was followed by the November 2008 visit of Commission representatives.

At its January 2009 meeting, the Commission reviewed Northern Marianas College Show Cause Report of October 2008 and the report of the evaluation team which visited the college in November 2008. The Commission took action to accept Northern Marianas College Show Cause report, continue the College on Show Cause, and require the College to submit a Show Cause Report by April 1, 2009, with a visit of Commission representatives to follow.

At its June 2009 meeting, the Commission reviewed Northern Marianas College Show Cause Report of April 2009 and the report of the evaluation team that visited the college in April 2009. The Commission took action to accept the Northern Marianas College Show Cause report, remove the College from Show Cause and reaffirm the College's accreditation.

At its January 2010 meeting the Commission reviewed the Northern Marianas College Mid-Term Report of October 2009 and the report of the evaluation team that visited the college in October 2009. The commission took action to accept the mid-term report. Due to receipt of information from Northern Marianas College and from Saipan, the Commission also took action to require a Special Visit to determine whether the institution was still in compliance with the following Eligibility Requirements and Standards: ER 3 - Governing Board, ER 4 - Chief Executive Officer, ER 5 - Administrative Capacity, ER 21 -Relations with the Accrediting Commission, and Standards I.A, III.A and IV.A and B.

As previously noted, the Commission received information from the college and from the local media that the governing board may not have followed its own policies regarding the suspension of the college president and allegations of possible improper grade changes. The Commission was also concerned that Northern Marianas College staff, in comments reported by the press, had claimed that the Midterm Report was false in its statements. This raised Commission concerns about institutional integrity and the institution's adherence to the Commission's Policy on the Rights and Responsibilities of ACCJC and Member Institutions in the Accrediting Process. The visiting team therefore also examined the institution's integrity in its relationship with the ACCJC/W ASC.

On January 12, 2010 the NMC Board of Regents placed the college president on suspension pending an investigation into several allegations. The Board chair appointed Ms. Lorrain Cabrera, previously a mid-level manager at the institution in the role of "interim" president. During the ensuing months between this action and the team visit the Board commissioned two investigations into the allegations against the suspended president; took action to ratify the appointment of the interim president, and on April 12<sup>th</sup>, the day prior to the Special Visit was to commence, the Board took action to dismiss the president.

### April 2010 Special Visit

An evaluation team visit was conducted on April 13-14, 2010, by Dr. Douglas B. Houston, Team Chair, Superintendent/President of Lassen College; and Dr. Steve Maradian, Commission Vice President and former president of Los Angeles City College. NMC was prepared for the visit and the team room had all the necessary documentation. The team met with each Regent individually save one, the Interim College President, Acting Dean of Academic Programs and Services, Director of Institutional Effectiveness/ALO, Chief Financial & Administrative Officer, Human Resources Specialist, Faculty Senate President, ASNMC Student Government, Staff Senate President, and several faculty members of the Regents Human Resources Task

Force. The team also received numerous unsolicited emails from current and former employees as well as reviewed numerous articles in the local newspapers the Saipan Tribune and the Marianas Variety.

Of particular note were the accessibility and responsiveness of the Institutional Effectiveness staff. The Director of Institutional Effectiveness/ALO and his team provided outstanding support, enabling the evaluation team to conduct a great deal of inquiry in a short visit.

**General Observations:** Nearly all individuals interviewed expressed that the college was in a state of confusion and unrest. Students indicated that many staff and faculty seemed morose and fearful. Although the students did note the efforts of some faculty to shield their classes from the campus turmoil, they also expressed that other faculty were using the classroom to rail against the previous administration. Many staff described a climate of fear, although there were clearly camps that attributed this climate to the previous administration and others who attributed this to the recent events. Nearly all those interviewed expressed relief that the Board had finally taken action regarding the former president's employment whether they agreed with the decision or not.

The team determined that during the months between the suspension of the former president and the time of the visit, the Board of Regents appeared to be more focused on an agenda of removing the former president than on ensuring that the College fulfilled its mission. This has either fostered, or exacerbated, what can only be characterized as internecine warfare between faculty and staff factions: some utilize classroom instructional time to discuss the board and its activities while others attempt to shield students from the political tumult by continuing to focus on learning. Interviewed students expressed dismay that they are distracted from their primary educational goals and that staff seem despondent about the college's future.

The team determined, through interviews and documentation presented to the team, that Northern Marianas College is not in compliance with eligibility requirements and Standards of Accreditation in four key areas: Institutional Autonomy from Outside Interference, Institutional Financial Management and Integrity, Institutional Governance, and Security and Handling of Student Records.

## Institutional Autonomy from Outside Interference

The seven member regents of the governing board are appointed by the governor and approved by the Senate. With the appointment of three new regents, the Board was publicly split in its support for the former college president. Individual regents admitted to holding open disregard for each other's opinions. Several interviewed regents expressed the belief that certain Board meetings had been scheduled to minimize full participation of members that were expected to vote in opposition of the majority.

The team heard numerous examples and allegations of governmental interference with college operations. Prior to the team visit, the Commonwealth governor announced a proposal to reduce NMC staffing by nine positions as an austerity measure. When questioned about how Board intended to respond, regents admitted there had been no Board discussion; although several regents further suggested that the Board should try to educate the governor on the impacts of the proposed cuts. There was no recognition, among the interviewed regents, that the Commonwealth government's ability to dictate college staffing infringed on institutional autonomy.

Newly-appointed regents admitted ignorance of long-standing concerns of financial integrity particularly of repeated adverse audit findings. They also expressed a general lack of knowledge of college policy, general rules for the conduct of board meetings, and of the accreditation process and expectations. Numerous interviews, with regents and with staff, revealed a common belief of both direct and indirect political influence. The team determined that there is clear evidence that the Board is not acting autonomously from the Commonwealth government. The College does not meet Eligibility Requirement 3.

The team also heard repeated reports that the governor had given direction to the Board Chair to terminate the employment of the former president because of political differences. It was reported also to the team that at the Board meeting in which the former president was placed on suspension, at least one representative of the Governor's staff was present, lending credence to campus perceptions of external influence. The team has no opinion regarding a governing board's authority to employ or dismiss a college president; governing boards can change presidents for any reason and for no reason but must follow appropriate personnel policies in doing so. Rather, the team is concerned about the fragility of this college if the governing board's priorities can change so radically with one gubernatorial election and that a newly-appointed Board could abandon its policies. The Board is not shielded from undue influence or pressure. The College does not meet Standards IV.B.1.a and IV.B.1.c.

Prior to the visit, the team read reports that the College's October 2009 Mid-Term report had not been prepared by college staff and included false statements. Interviews revealed that an initial report had been prepared by a consultant, but that College management had substantially rewritten the report; it was subsequently distributed for campus review, but without sufficient time for significant input, prior to Board adoption. Interviewed staff

acknowledged that this process was not sufficiently inclusive but did not identify any significant errors in the report.

On the other hand, during the course of the special visit the team determined that individual College employees and several Regents did not provide accurate and honest disclosure. Interview responses by several regents were misleading, inaccurate, and contradictory. Newly-appointed regents have – what appears to be – a total lack of understanding of Commission Eligibility Requirements, Accreditation Standards, and Commission policies. One newly-appointed regent firmly refused to meet with the team despite repeated attempts by team members and college staff to schedule the interview. Following the scheduled on-campus visit the team was alerted by college staff that the regent had changed his mind and was willing to meet with the team; nevertheless he later reported to the local media that he did not intend to be individually interviewed.

Prior to, during and following the visit, the team read transcribed speeches by members of the Commonwealth legislature and editorials and quotations in local news articles by current and former regents that included condemnations of the Commission, personal attacks against Commission staff and denunciations of the accreditation evaluation process. In effect, the team heard a narrative of seemingly two different institutions: one faction supportive of the accreditation process and of maintaining an honest relationship with the Commission and another faction presenting information contrary to evidence and willing to mislead the Commission. The College does not meet Eligibility Requirement 21.

#### Recommendation # 1

To meet the Eligibility Requirement and Standards the governing board should exercise its authority to govern the college and protect the college from undue influence by the Commonwealth government including the government's ability to line-item dictate the college budget. The governing board should act autonomously to govern the college free from indirect interference by Commonwealth governor or members of the legislature; this will defend the college from the vagaries of changes in political power. (ER 3, Standard IV.B.1.a, IV.B.1.c)

#### Recommendation # 2

To meet the Eligibility Requirement, the team recommends that the college ensure that Commission policies are followed at all times and that the institution respond to Commission requests truthfully and accurately. (ER 21)

## Institutional Financial Management and Integrity

The team determined that the College had sufficient resources to carry out its mission at the time of the visit. However, as reported in the media and confirmed by the six regents and the college staff interviewed, the governor's recent budget proposal calls for specific cuts in identified College positions without regard to the College's needs based on program planning and the budget development process. External decisions, identifying which positions will be funded, undermine the College's autonomy and thwart its capacity to plan and allocate resources based on mission, program review, institutional effectiveness and decision-making processes. The College only partially meets Eligibility Requirement 17 and does not meet Standard III.D.1.a.

The team recognized that the College has received adverse findings in recent audits that were remedied as the result of previous Commission recommendations. However, during the visit the team also learned that the separate audits of Federally-funded programs, for both fiscal year ending September 30, 2008 and fiscal year ending September 30, 2009, noted deficiencies with no corrective action taken. Interviewed regents were unaware of these audit findings. The Board's ignorance of these audits and the lack of institutional responses indicate inadequate financial accountability. The College does not meet Eligibility Requirement 18 and Standards III.D.2.a, III.D.2.b, III.D.2.d, and III.D.2.e.

### Recommendation # 3

To meet the Eligibility Requirement and Standard, the team recommends that the college the college integrate financial planning with institutional planning and ensure that fiscal resources are adequate to support student learning programs and institutional effectiveness so that financial stability is maintained. (ER 17, Standard III.D.1.a)

### Recommendation # 4

To meet the Eligibility Requirement and Standards, the team recommends that the college assure the financial integrity and responsible use of its financial resources and ensure that the financial management system has appropriate control mechanisms and widely disseminates dependable and timely information for sound financial decision-making. The College must also correct noted audit findings. (ER 18, Standard III.D.2, III.D.2.a, III.D.2.d, III.D.2.e)

## Institutional Governance

Following the suspension of President Fernandez, the Board Chair appointed an "interim" president. According to an interview with the Board Chair, this appointment was made on the recommendation of a newly-appointed regent who was also the newly-appointed chair of the Board's Personnel Committee. Prior to the appointment, the interim president served as a mid-level manager in the college, supervising the Adult Basic

Education program; evidence presented indicates that she continues to supervise and/or be engaged in some activities associated with her former area of responsibility. Interviews with the interim president revealed that she had no prior senior administration training or experience and seems generally unaware of the scope of the her responsibilities; moreover, it was not clear to the team that she actually had the authority to administer board policies. Both the interim president and the Board Chair admitted to regularly meeting to discuss and review the interim president's decisions. The Board Chair engaged in numerous activities, on behalf of the college, that were actually the responsibility of the college CEO. The interim president set up office in the Board Room and interviewed staff expressed that this has reinforced the belief that she is being closely directed by the Board Chair. **The College does not meet Eligibility Requirement 4.**

The team observed that the College has experienced considerable turnover in all but one senior administrative position. Several positions are staffed with "acting" appointments. The interviewed incumbents expressed that they were unsure of their roles, had no direction from the interim president and had not participated in cabinet meetings or senior management meetings since the removal of the former president. Several stated that they had been contacted directly by regents and given assignments. All indicated that the interim president does not meet with the senior leadership on a regular basis, nor has she met with the College Council, the institution's central governance group. Rather, the interim president bypasses senior administrators and directly assigns tasks to subordinate managers and staff. The team observed that the College lacks sufficient professional staff with appropriate training and experience to implement board policies, support the College's mission and purpose, and advance the College's goals. **The College does not meet Eligibility Requirement 5.**

Staff indicated that meetings of various governance groups, particularly the College Council, have not taken place. Standard I.B.4 calls for a planning process which is broad based and representative of all constituents; Standard I.B.1 expects this to be based on open collegial dialog about the continuous improvement of student learning and institutional processes. These activities have ground to a halt. Per Standard I. B. 6, the College must assure planning is linked to resource allocation; this has been immobilized by government interference and the college's abandonment of its planning processes. Several members of the college leadership are so new in their respective positions that they seem unaware of the college's planning processes. The college only partially meets Standard I.B.; planning processes exist but are being circumvented.

Interviewed students voiced concern that some faculty, rather than engaging in instruction, are using instructional time to rail against the former administration. Students expressed disappointment that this undermines the education process and has resulted in student frustration and lack of focus. **The College does not meet Standard II.A.7.a.**

To effect the recent presidential leadership change, interviewed regents acknowledged that the board ignored existing personnel policies related to the appointment and compensation of an "acting" president. In the case of an absence, college policy allows



the appointment of an “acting” president from among the senior-most administrators and that the “acting president’s” compensation will be adjusted after the incumbent serves in the role for 90 days. Several of the newly-appointed regents readily admitted to no knowledge of personnel policies and moreover that there were no Board discussions regarding whether to follow, or circumvent, existing policies prior to the appointment of the “interim” president. One interviewed regent stated that at a meeting subsequent to the appointment of the interim president that the College’s counsel explained there was no difference between “acting” and “interim.” The Board Chair and interviewed regents indicated that the Chair had made the appointment of the “interim president” and established the salary without Board action at the time and these actions were “ratified” by the Board at a subsequent meeting.

Several interviewed regents expressed the belief that personnel policies could be suspended at whim. Further, it was reported to the team that one or more previously-terminated faculty had been returned to teaching without any employment action. Finally, several of the senior administrators are extremely new in their positions and lack training and experience in the assignments for which they have been given.

Further, interviewed regents indicated that the Board acted in closed session to consider a service contract with an additional law firm despite the fact that this type of action does not qualify for closed session under Board policy, nor does it conform with the Board’s procurement policy requirements. The team further observed that members of the governing board are directly engaged in directing operations. The College does not meet Standards III.A.3.a, IV.B.1.e and IV.B.1.j.

The team was informed of numerous examples of micromanagement by several of the newly-appointed regents, examples included: bypassing the CEO to communicate directly with and assign tasks to individual staff, directing the CEO to establish an ad hoc task force to review draft human resources policies and identifying specific faculty members to serve on the task force, and communicating directly with the press on behalf of the college. Repeatedly the team heard allegations that the interim president is simply following the frequent and operational directives of the Board Chair; many interviewed staff and several regents believed that the interim president was merely a “puppet” of the Board Chair. The College does not meet Standard IV.B.2.

In the interview, the Board Chair expressed a belief that confidential Board emails have been shared with community members. She indicated that the Board has a code of ethics and associated enforcement policy; yet this policy has not been enforced. The College does not meet Standard IV.B.1.h.

#### Recommendation # 5

To meet the Eligibility Requirement and Standard, the team recommends that the governing board immediately initiate a search and hire a qualified chief executive officer (CEO) and ensure that the CEO has full-time responsibility to the institution and possesses the requisite authority to administer board policies. (ER 4, Standard IV.B.1.j)

#### Recommendation # 6

To meet the Eligibility Requirement and Standards, the team recommends that the college ensure that the administrative staff of the college has the appropriate preparation and experience to provide administrative services; this includes the college chief executive. The governing board should delegate the authority to college administration to operate the college and hold the administration accountable for institutional effectiveness and for adhering to adopted policies and governance processes. (ER 5, Standards III.A.3.a, IV.B.1.j, IV.B.2.a, IV.B.2.b, IV.B.2.c, IV.B.2.d, IV.B.2.e)

#### Recommendation # 7

To fully meet the Standards, the team recommends that the college restore ongoing, collegial, self-reflecting dialogue about the continuous improvement of institutional processes. The college should provide evidence that planning is broad based and offers opportunities for input by appropriate constituencies. (Standards I.B.4, I.B.6)

#### Recommendation # 8

To meet the Standard, the team recommends that the college ensure that faculty distinguish between personal conviction and professional views and that information is presented fairly and objectively. (Standard II.A.7.a)

#### Recommendation # 9

To meet the Standard the team recommends that governing board engage training on the proper role and conduct of regents, general governing board relations and practice, college policy and Accreditation Standards and Commission Policy and adhere to its role in establishing policy and strategic-level decision-making; in accordance with its own policy. (Standards IV.B.1, IV.B.1.b, IV.B.1.e, IV.B.1.j, IV.B.1.h)

### Handling of Student Records

Security of student records has been compromised. It was reported that the Board Chair received a copy of transcripts of students' grades. Several of those interviewed assumed this was done anonymously; others claimed that it was done by someone who should not have had access to student records. At least one regent expressed concern about the security of student records. The College does not meet Standard II.B.3.f.

#### Recommendation # 10

To meet the Standard, the team recommends that the college maintain student records securely, and confidentially and that it publish and follows established policies for release of student records. (Standard II.B.3.f)