

All Fields Report

Program Overview	
Program	Compliance, Insurance, and Liability Services
Does this program have a CTE component?	Yes
Academic Year	2014/2015
Review Period	6 Year
Service Areas	

Program Description and Goals

This section addresses the big picture. Prompts should help you describe your program and goals and the relationship to the institutional mission, vision and goals, and how the program is funded.

1. Describe the program and/or service area under review and how the program supports the mission of Santa Monica College.

Campus Counsel supports Santa Monica College’s mission by providing legal services on a broad range of legal matters.

Prior to 2009, all College legal services were provided on a transactional basis and there was no attorney assigned to provide day-to-day legal services to the College. College legal services were fragmented with no person responsible for overseeing the big picture. This was an expensive model, yet it did not provide most college managers with access to regular legal assistance.

In 2009, Campus Counsel was charged with coordinating all legal services for the College and delivering day-to-day services. He is a member of the College’s senior administrative staff and reports directly to the Superintendent/President as shown on the organizational chart for the District:



Campus Counsel regularly performs the following duties:

- Attends all meetings of the Board of Trustees and provides needed advice and consultation
- Attends all senior staff meetings and provides needed advice and consultation

Attends all Personnel Commission meetings and Merit Rule Advisory Committee

- meetings and provides need advice and consultation
- Is a member of the Crisis Prevention Team and attends all meetings
- Is a member of the Safety Committee, Emergency Preparedness Committee and DPAC Technology Planning Committee
- Is a member of the College’s Emergency Management Team
- Advises the Associated Students as necessary
- Responds to claims for damages and coordinates all litigation against the District
- Serves as the District’s chief negotiator in labor negotiations with the Faculty Association, CSEA, and Santa Monica College Police Officers Association
- On a daily basis responds to telephone and email requests for legal advice

One of Dr. Tsang’s charges to Campus Counsel was to reduce legal expenditures. Starting with the 2009-10 fiscal year, campus counsel began scaling back outside legal services to rein in expenditures. The following table shows the results of this effort.

Fiscal Year	Budget Fund 1	Actual Fund 1	Fund 2	Total
2007-2008	\$646,380	\$898,667.90	\$315,569.61	\$1,214,237.51
2008-2009	\$779,837	\$945,187.38	\$574,080.96	\$1,519,268.34
2009-2010	\$535,636	\$679,702.49	\$66,757.34	\$746,459.83
2010-2011	\$708,790	\$423,414.92	\$33,812.34	\$457,227.26
2011-2012	\$605,832	\$676,838.15	\$46,025.29	\$722,863.44
2012-2013	\$605,832	\$568,469.61	\$69,644.50	\$638,114.11
2013-2014	\$548,075	\$498,664.39	\$51,265.46	\$549,929.85

The decision to use additional law firms to assist in the College’s legal work is made by Campus Counsel in consultation with senior administrative staff. The decision to deploy such firms is dictated by two factors: (a) the specialized nature of the work; and (b) the resources needed to be devoted to the project. In the first category, specialized services

include bond counsel which must be provided by recognized specialists; the College has used the same attorney for many years. Other specialized services include patent and copyright services for software developed by the College. In the second category, outside firms will be deployed when the nature of the service would prevent Campus Counsel from providing day-to-day legal services. For example, an extensive administrative hearing will be handled by outside counsel. The number of firms engaged in outside services for the College has been reduced by over 50%.

It should be noted that events will often dictate the need to deploy legal services. For example, when the Bread Factory stopped paying required rent, the College was required to commence eviction proceedings and also defend litigation commenced by the owner of the Bread Factory.

Because of such unpredictable expenditures, the legal services budget varies from year to year.

With 40 years of legal experience, including past service as Santa Monica City Attorney, Campus Counsel has substantial range and breadth of legal experience that facilitates relatively fast delivery of legal services. Throughout his career,

Campus Counsel has been required to exercise sound judgment to resolve problems. The wrong answer can have significant consequences. Do you go to trial or do you settle? Do the facts support termination of an employee? Does the contractual language adequately protect the institution? There is, therefore, a sense in which the individual experience of the attorney, as with any effective general counsel at a complex institution, constitutes the core component of program effectiveness.

2. Identify the overarching goal(s) or charge/responsibilities of the program or service area. If appropriate, include ensuring/monitoring compliance with state, federal or other mandates.

The overarching goal of Campus Counsel is to provide comprehensive legal services to the College community. The needs of the institution dictate the work of Campus Counsel. Because of his participation at all senior staff meetings, Campus Counsel is aware of all major issues impacting the College and can proactively ensure compliance with all legal requirements.

3. If applicable, describe how the Institutional Learning Outcomes (ILOs), Supporting Goals, and/or Strategic Initiatives of the institution are integrated into the goals of the program or service area.

Campus Counsel provides support to all campus operations. He provides whatever legal services are needed to support ILOs, Supporting Goals, or Strategic Initiatives.

4. If your program receives operating funding from any source other than District funds identify the funding source. If applicable, note the start and end dates of the funding (generally a grant), the percentage of the program budget supported by non-District funding, and list any staff positions funded wholly or in part by non-District funds. Do not include awards for non-operational items such as equipment (ex. VTEA) or value added activities (ex Margin of Excellence).

Some legal work in the areas construction and environmental compliance are charged to the College's bond program. For example, legal work related to the Environmental Impact Report being prepared for the proposed Malibu campus is charged to the bond program. The amount charged to the bond program varies from year to year.

Populations Served

In this section you will provide information that describes who your program or service area serves. When comparing data from different periods, use a consistent time frame (ex. Compare one fall term to another fall term)

Saved Information For Populations Served

Area/Discipline Information Pertains To

Regulatory Compliance

1. Describe who your area serves (students, staff, etc.) – both directly and indirectly. If pertinent, indicate variables such as ethnicity, race, gender, age of your client base.

Campus Counsel is the attorney for the Santa Monica Community College District. The District acts through its employees and these individuals encounter a broad range of legal issues as they perform their jobs. Campus Counsel serves as an on-call resource to advise campus managers on the legal questions that arise throughout the day on legal issues that are beyond the scope of their position. The ongoing consultation among Campus Counsel and college managers allows for efficient resolution of minor legal issues and early detection of more substantial legal challenges that may need to be addressed.

2. Discuss any significant change(s) in the population(s) served since the last full program review and the possible reasons for the change(s).

Not applicable

Risk Management

1. Describe who your area serves (students, staff, etc.) – both directly and indirectly. If pertinent, indicate variables such as ethnicity, race, gender, age of your client base.

See other report.

2. Discuss any significant change(s) in the population(s) served since the last full program review and the possible reasons for the change(s).

See other report.

Workman's Comp

1. Describe who your area serves (students, staff, etc.) – both directly and indirectly. If pertinent, indicate variables such as ethnicity, race, gender, age of your client base.

See other report.

2. Discuss any significant change(s) in the population(s) served since the last full program review and the possible reasons for the change(s).

See other report.

Program Evaluation

In this section programs/units are to identify how, using what tools, and when program evaluation takes place. Evaluation must include outcomes assessment as well as any other measures used by the program. Please use Section D to address program responses to the findings described in this section.

Programs/units with multiple disciplines or functions may choose to answer the following questions for each area. If this is your preferred method of responding, begin by selecting a discipline/function from the drop down, answer the set of questions and click "Save", your answers will be added to the bottom of page. Do this for each discipline/function. If you would like to answer the questions once, choose "Answer Once" from the drop down.

How would you like to answer these questions?

Saved Information For Program Evaluation

Area/Discipline Information Pertains To

Regulatory Compliance

1. List your administrative unit UOs.

UO statements focus on service or operational outcomes such as:

- *Volume of unit activity*
- *Efficiency (responsiveness, timeliness, number of requests processed, etc.)*
- *Effectiveness of service in accomplishing intended outcomes (accuracy, completeness, etc.)*
- *Compliance with external standards/regulations*
- *Client/customer satisfaction with services*

UO 1: Deliver prompt and reliable legal services to the College community.

Campus Counsel is available around the clock to respond to the College's legal needs. These needs are multifaceted. Some can be resolved by a telephone call or email response. Others may require more detailed legal research or drafting of documents.

One measure of Campus Counsel's volume of activity is email traffic. The following table contains a five-year summary of Campus Counsel's email activity related to college business.

Year	Received	Sent	Total
2010	5,793	1,615	7,408
2011	6,067	1,737	7,804
2012	6,266	1,980	8,003
2014	6,929	2,241	9,170
2015	7,661	2,496	10,157

UO 2: Provide training to the College community on legal compliance issues.

Campus counsel provides a variety of training to the campus community, ranging from one-to-one instruction to group training. The objective is educate the College community on legal compliance issues.

2. Describe when and how the program assesses these UOs and uses the results to inform program planning including:

- **how outcomes are assessed and how often**
- **the assessment tool(s) used**
- **the sample (who gets assessed)**
- **how and when the program reviews the results and who is engaged in the process**

On a weekly basis, Campus Counsel reviews the status of any outstanding projects and prioritizes his time to address them.

Campus Counsel attempts to respond to most requests for legal services within 24 hours. For example, this paragraph was written on Sunday, February 8, 2015. At 2:05 p.m., Vice President Lorenz emailed Campus Counsel concerning placing an employee on paid administrative leave. At 3:19 p.m., Campus Counsel emailed her a proposed letter to accomplish this objective. At 2:33 p.m., Vice President Lorenz sought input on a draft letter concerning another employee matter. At 3:33 p.m., Campus Counsel sent her a revised letter.

Some matters require more time because of their complexity. In some cases, timeliness is not in the interests of the College. For example, in some circumstances delay can work to the benefit of the institution. Yet the ability to provide immediate feedback and advice to College managers provides them with a high level of support as they perform the multifaceted job objectives with which they are each tasked.

3. What other evaluation measures does your administrative unit use to inform planning? (For example, completion of program goals, program activity, content review, opinions of clients, etc.) Note your target goals and whether your unit is meeting them.

Campus Counsel relies on the feedback from the users of legal services.

Risk Management

1. List your administrative unit UOs.

UO statements focus on service or operational outcomes such as:

- *Volume of unit activity*
- *Efficiency (responsiveness, timeliness, number of requests processed, etc.)*
- *Effectiveness of service in accomplishing intended outcomes (accuracy, completeness, etc.)*
- *Compliance with external standards/regulations*
- *Client/customer satisfaction with services*

See other report.

2. Describe when and how the program assesses these UOs and uses the results to inform program planning including:

- **how outcomes are assessed and how often**
- **the assessment tool(s) used**
- **the sample (who gets assessed)**
- **how and when the program reviews the results and who is engaged in the process**

See other report.

3. What other evaluation measures does your administrative unit use to inform planning? (For example, completion of program goals, program activity, content review, opinions of clients, etc.) Note your target goals and whether your unit is meeting them.

See other report.

Workman's Comp

1. List your administrative unit UOs.

UO statements focus on service or operational outcomes such as:

- *Volume of unit activity*
- *Efficiency (responsiveness, timeliness, number of requests processed, etc.)*
- *Effectiveness of service in accomplishing intended outcomes (accuracy, completeness, etc.)*
- *Compliance with external standards/regulations*
- *Client/customer satisfaction with services*

See other report.

2. Describe when and how the program assesses these UOs and uses the results to inform program planning including:

- how outcomes are assessed and how often
- the assessment tool(s) used
- the sample (who gets assessed)
- how and when the program reviews the results and who is engaged in the process

See other report.

3. What other evaluation measures does your administrative unit use to inform planning? (For example, completion of program goals, program activity, content review, opinions of clients, etc.) Note your target goals and whether your unit is meeting them.

See other report.

D1: Past year's Objectives

As part of the planning process, programs are expected to establish annual objectives that support the program's goals. Please document the status of the program/function's previous year's objectives. Add comments if you feel further explanation is needed.

Objectives

No Objectives have been defined

Looking Back

In this section, please document what you did last year as a result of what you described in Section C.

1. Describe any accomplishments, achievements, activities, initiatives undertaken, and any other positives the program wishes to note and document.

Much of what Campus Counsel does is confidential and cannot be publicly discussed.

The following are some recent activities of note that can be reported:

- Designed an on-line classroom removal form to make it easier for faculty to remove disruptive students from the classroom and worked with Information Technology on implementing it.
- Assisted the Campus Disciplinarian and Crisis Prevention Team in implementing a new software system (Maxient) to streamline the work of these areas.
- Assisted in the implementation of the Singlewire Emergency Notification system.
- Provided Brown Act training to the Associated Students and assisted them on developing a new Elections Code.
- Completed a draft of a new Emergency Operations Plan.

- Successfully completed a complex land exchange with the City of Santa Monica and Expo Rail Authority.

2. Summarize how the program or service area addressed the recommendations for program strengthening from the executive summary of the previous six-year program review.

The College’s legal services program has not been the subject of program review in the past.

3. Describe any changes or activities your program or service area has made that are not addressed in the objectives, identify the factors (e.g., licensure requirements, state or federal requirements, CCCO mandates, regulations, etc.) that triggered the changes, and indicate the expected or anticipated outcomes.

None

4. If your program received one time funding of any kind indicate the source, how the funds were spent and the impact on the program (benefits or challenges).

Not applicable

Moving Forward

Discuss and summarize conclusions drawn from data, assessments (SLO, UO) or other evaluation measures identified in Section C and indicate responses or programmatic changes planned for the coming year(s) including:

- how the assessment results are informing program goals and objectives, program planning, and decision-making
- specific changes planned or made to the program based on the assessment results

No programmatic changes are planned.

D2: Coming year's Objectives (Moving Forward)

Objective #1

Objective:

Objective 1: Provide a training session to the 2015-16 incoming Associated Students Board of Directors on compliance with the Brown Act.

Area/ Discipline/ Function Responsible: All

Assessment Data and Other Observations:

External Factors:

Other Factors
n/a

Timeline and activities to accomplish the objective: n/a

Describe how objective will be assessed/measured: n/a

Comments: n/a

Objective #2

Objective:

Objective 2: Provide at least two training to Crisis Prevention Team members on use of new case management system.

Area/ Discipline/ Function Responsible: All

Assessment Data and Other Observations:

External Factors:

Other Factors
n/a

Timeline and activities to accomplish the objective: n/a

Describe how objective will be assessed/measured: n/a

Comments: n/a

Objective #3

Objective:

Objective 3: Develop a training manual for the Office of Student Judicial Affairs on procedures for the conduct of student discipline hearings.

Area/ Discipline/ Function Responsible: All

Assessment Data and Other Observations:

External Factors:

Other Factors
n/a

Timeline and activities to accomplish the objective: n/a

Describe how objective will be assessed/measured: n/a

Comments: n/a

Community Engagement

In the prompts that follow, please delineate the partnerships you have with the rest of the SMC community as well as those you have with external organizations.

1. If applicable, describe how your department staff members engage in institutional efforts such as committees and presentations, and departmental activities.

Campus Counsel serves on the following College committees:

- Crisis Prevention Team
- Safety Committee
- Emergency Preparedness Committee
- Emergency Management Committee

- DPAC Technology Planning Committee

In addition, Campus Counsel regularly attends meetings of and provides advice to the Board of Trustees, Personnel Commission, Merit Rules Advisory Committee, Senior Administrative Staff, and Management Association. He provides Brown Act and FERPA trainings to a variety of campus groups.

As part of the program review process, Campus Counsel asked major users of legal services to provide a snapshot of the work he does for them. Set forth below are the responses:

Jere Romano – Sergeant, Santa Monica College Police Department

Since Campus Counsel joined the College's management team, the Santa Monica College Police Department has had access to timely legal advice around the clock. As a former prosecutor, Campus Counsel understands law enforcement issues and has been an important resource in assisting the Department in keeping the campus community safe. He understands technology issues and has been a strong advocate for modernizing our security systems.

Tina Fieger, Ph.D. – one of the College's Ombudspersons

The SMC Ombuds Office has had the good fortune of having Robert Myers to consult with over the last couple of years because of a number of issues. In specific he wrote our new administrative regulation and helped us with a couple of extremely difficult student cases.

Administrative Regulation 2427, which covers the scope and functions of the Ombuds office, clearly outlines our standards of practice, code of ethics, and highlights confidentiality under which we function. We, in our office, were quite surprised when he sent a draft to us. It was the first time on our campus that our role, function, and boundaries had been so clearly understood by an outsider. He did the necessary research, checking websites from other campuses, and the website for our International Ombuds

Association in order to craft the document to reflect our practices. We now have a document that we can truly use to both protect our students, our cases, and our work. Even more importantly, when I have attended professional conferences, and I have described the administrative regulations we now operate under, I have heard sighs of jealousy from other ombuds who do not have a document such as this. And, who do not have the same kind of legal support for their work on their campus.

In regards to students I would like to describe a couple of cases with which Counsel Myers was extraordinarily helpful. One case, a student and parent had threatened a lawsuit, and named our office, and Counsel Myers was able to deflect attention away from our office so that we did not have to reveal conversations. He is able to do this because he understands how our office operates, and how, in general, we handle our cases. In yet another case, a student became threatening to one of the Ombuds during an appointment. After the incident, Counsel Myers actually came to our office to look at how our office was laid out. He then made recommendations for actual physical changes to increase our safety. Furthermore, he understood the threatening experience and responded with support. It was a great relief.

Overall, Campus Counsel Myers has been an enormous help for us in letting us do our work, and, when necessary backing us up.

Brenda Benson – Dean, Counseling and Retention

Bob Myers, SMC Campus Counsel, serves an instrumental role on the SMC Crisis Prevention Team as our legal consultant. The SMC Crisis Prevention Team is a thirteen person team that meets for two hours twice a month and

considers on average 10 – 15 student cases per meeting. Our cases are typically multi-dimensional and complex, and frequently involve discussion of appropriate interventions and/or disciplinary sanctions which can include suspension and/or expulsion. Bob not only gives us legal interpretations and advice, but drafts letters and policy statements as needed. He has become a vital member of our team which functions more expeditiously since he became a member two years ago.

Additionally, Bob serves as an important legal resource for our academic counselors and licensed psychologists. Bob can always be counted on to deliver requested information in a timely and helpful manner.

Bruce Wyban – Director of Facilities Management

The Facilities department uses the services of the Campus Counsel in several different ways. Facilities uses outside contractors for a variety of services; such as fire protection, elevator maintenance, emergency plumbing, electrical and HVAC services. Campus Counsel helps review the need for these services to insure that all contracted services do not constitute a transfer of bargaining unit work.

With a department membership of over 70 employees, labor relations are critical to maintaining the proper work environment. Campus Counsel assists in reviewing issues that may arise, helping avoid the use of the grievance process by amicably resolving most disputes, bringing solutions to satisfy both parties.

Campus Counsel is also closely involved with the disciplinary process, working with both managers and staff to bring effective solutions to improve performance, attendance and behavior, helping marginal employees become productive employees, or assists in the continuing application in the disciplinary process to help the department remove employees who will not improve. This is a critical function which helps maintain discipline and morale among both staff and management.

Deyna Hearn – Dean of Students

Campus Counsel has been a tremendous resource and works with me on a daily basis. Some of the highlights of his work include:

- Played an instrumental role in the revision of Administrative Regulations 4410 (Rules of Student Conduct), 4411 (Code of Academic Conduct), 4412 (Honor Code/Honor Council). Advised the Academic Senate Student Affairs Joint Committee regarding appropriate and legal language for various aspects of the regulations.
- Provides legal interpretation and clarification of Administrative Regulations 4410, 4411, and 4412 and other College Board Policies and Administrative Regulations to Student Judicial Affairs administrator and staff, students, and other college personnel when necessary.
- Prepares various letters to students, staff and community individuals regarding complex cases that could lead to litigation.

Represents the Office of Student Judicial Affairs in student meetings and student appeal hearings when the student brings

- in a legal advisor.
- Represents the District in Student Contact Appeal Hearings when the College Disciplinarian serves as a witness.
- Provides legal advice and recommendations when the Dean and/ or the disciplinary counselor are dealing with extremely difficult and unusual cases.
- Currently serves as the System Administrator for Office of Student Judicial Affairs' and Crisis Prevention Team's student conduct software program, Maxient.
- Provides Maxient training to staff.
- Takes calls, and responds to text and emails from the Dean of Students throughout the week, including weekends,

- regarding urgent judicial affairs and related Crisis Prevention Team matters and students cases.
- Represents the Office of Student Judicial Affairs, and the Associated Students when these departments are faced with legal directives or questions.
- Provides Brown Act and other related training to the Associated Students and Student Life staff in order to avoid future litigation.

Bob Dammer – Director of Network Services

I've had privilege to work with Campus Counsel on a number of technology projects and on the Emergency Management team. His knowledge, expertise and experience was critical to the successful implementation of the new Emergency Notification System and the development of new emergency preparedness procedures and protocols. Additionally, as President of the Management Association, I've worked with Campus Counsel on a broad range of other items and have always admired his professionalism and appreciated the support he has given to me and my fellow managers.

Sherri Lee-Lewis – Dean, Human Resources

Human Resources is dependent upon Campus Counsel to assist and provide guidance in many areas, including but not limited to:

- Complaints – District employees and students
- Interpretation of the language in the collective bargaining agreements – Faculty/District Contract, CSEA Contract and the Police Officers Association Contract
- Merit rules interpretation
- Benefits rules interpretation
- Retirement related issues
- Various payroll related issues
- All employee/employer relation matters
- Review and development of employment and sabbatical contracts
- Review of policies and procedures District-wide

Campus Counsel has been available around the clock, including weekends to answer questions and resolve problems before they escalate. Due to the dynamics in HR and the institutional politics, the service provided has been invaluable and has enabled the HR department to operate more efficiently and make informed decisions.

Kiersten Elliott – Dean of Community and Academic Relations

- In my role as the Dean of Enrollment Services, I relied heavily on the support and consultation from Bob Myers, the legal counsel for Santa Monica College. There were many staff related incidents that required a great deal of attention and guidance from Human Resources personnel under the direction of Bob Myers. When possible, Mr. Myers and Sandy Chung worked very hard to proactively address the staffing issues in the Admission and Assessment Offices to avoid unnecessary grievances and disciplinary actions. When necessary, detailed written documentation regarding staff issues was reviewed for accuracy and thoroughness to ensure that the District was represented adequately.

Mr. Myers was also extremely instrumental in the updating of the campus Administrative Regulation regarding Student Record Retention and FERPA (Family Educational Right to Privacy Act). These are very important

regulations for the college and his assistance and guidance were greatly appreciated. Additionally, Mr. Myers also crafted the FERPA training module (with the support of HR staff) which is still the foundation for the training that all new faculty and staff must complete.

Mr. Myers's assistance and ongoing support for the managers at Santa Monica College provides an environment where all employees feel that they are valued members of the community.

Alison Brown, Ph.D. – Licensed Psychologist, Psychological Services

As a psychologist in the Psych Services office, I (as well as my colleagues) rely heavily on Robert Myers's legal expertise to assist us with confidential situations that are often legally and ethically ambiguous. He has always responded promptly to our questions and is respectful, helpful and extremely knowledgeable. We are so grateful for his assistance, and perceive him as a valuable and necessary resource, allowing us to provide the best care for our students. I cannot say enough about how helpful he has been over the years and how fortunate we feel in Psych Services to be able to count on his vast expertise, knowledge, sensitivity and approachable manner.

Don Girard – Senior Director, Government Relations and Institutional Communication

Bob Myers first worked with Santa Monica College in 1999 on a project-by-project basis, starting with the entitlement process for the building of the Madison Theater (known today as the Broad Stage). He also worked with the college on a series of community initiatives resulting ultimately in a settlement between the Santa Monica-Malibu Unified School District (“SMMUSD”) and the City of Santa Monica and separately in a settlement between Santa Monica College and the City of Santa Monica. A third major project involved entitlements for the Bundy Campus and access agreements with the City of Santa Monica and the City of Los Angeles. Taken together, these three projects provided SMC with the assurance and ability to meet the increasing demand from its students and District voters for its programs and services. The complexity of these projects persuaded the college to establish the Campus Counsel position in 2009, which provides program management for the college's efforts involving land use, real estate, labor law, personnel matters, compliance with statute, contracts, collective bargaining, conflict resolution, crisis intervention, and other matters as may arise. Bob comes to the position with extensive management experience and breadth of knowledge across a broad spectrum of law.

Let me provide specifics about the three projects mentioned above. I will also provide some specifics about various efforts since the establishment of the position in a section to follow.

1. Madison Theater, CEQA, and Land Use. College building projects must satisfy the requirements of the California Environmental Quality Act (“CEQA”). Prior to the Madison Theater project, SMC had deferred to the City of Santa Monica to act as lead agency for the necessary review and approvals. Bob guided SMC through the steps needed to qualify the Santa Monica Community College District (“District”) as the lead agency. Bob also implemented and oversaw a team approach to completing the environmental documents, including the steps necessary to comply with local zoning and the exemptions provided under law for state agencies. The project, which was controversial at the time, was approved without further challenge.

2. Community Initiatives, Charter Law, State Law, and Redevelopment. Bob initiated an approach accepted by SMC administration that provided the legal basis and an economic rationale for increased City of Santa Monica funding for its schools, and for assistance from the City's Earthquake Recovery Redevelopment Project Area (ERRPA) to rebuild certain college structures damaged or destroyed by the Northridge earthquake. The community conversation that ensued was complex; included legal, political, and public relations activities; and achieved many of the envisioned outcomes, including an agreement between SMMUSD and the City to provide approximately \$6 million ongoing in new funding to K-12, and \$10.2 million of one-time ERRPA funding to SMC for its earthquake recovery efforts.

3. Bundy Campus, CEQA, Contract Law, Litigation. The Bundy Campus opened in Fall 2005, however the addition of the campus met with significant community opposition, including denial of vehicle access by the City of Santa Monica and resistance to traffic safety access improvements by the City of Los Angeles. Bob provided the legal support for the environmental approval of the Bundy Campus Master Plan, and within the document established the legal basis to regain vehicle access through eminent domain, should matters continue to deteriorate further. In coordination with SMC

administration, Bob also provided the City with SMC's legal claim and evidence of an existing easement. This second approach proved persuasive, the vehicle access to the campus was reestablished in time for the Spring 2006 semester. Eventually, agreements were worked out independently with the City of Santa Monica to maintain vehicle access to Airport Avenue on a continuing basis and separately with the City of Los Angeles to proceed with a traffic signal to the campus from Bundy Drive.

4. Ongoing CEQA and Real Estate Projects. The Campus Counsel has continued to guide the District in CEQA and land use issues. Two full Environmental Impact Report studies have been completed without challenge (a Final EIR for the 2010 Facilities Master Plan Update and a Mitigated Negative Declaration (MND) for the Student Services building and parking structure). A third EIR is in draft form for the Malibu Campus project. Campus Counsel has also guided the District in identifying certain projects as categorically exempt from CEQA, thereby saving tens of thousands of dollars and hours of administrative time, including the Theater Arts building, the Olympic Shuttle Lot, and various additions and improvements to the Bundy Campus and Airport

Arts Campus. Other savings have come from using the Campus Counsel for real estate transfers, including the acquisition of properties on Pico Boulevard, the acquisition of the Olympic Shuttle Lot, and the acquisition of the property at 919 Santa Monica Boulevard.

5. City of Santa Monica, Expo Construction Authority, and SMC Land Swap (Contract, Real Estate, Federal Law). The Los Angeles Metropolitan Transit Authority ("Metro"), as part of its entitlement process to build the second phase of the Exposition Light Rail Line to Santa Monica, identified the Verizon property adjacent to SMC's Olympic Shuttle Lot as its preferred site for a maintenance facility. It was evident that Metro would also require SMC's property, as the Verizon site was too small. Campus Counsel, in coordination with SMC administration, prepared various documents to defend against the taking of the property by Metro through eminent domain. At the same time, SMC indicated its willingness to trade properties if a suitable exchange could be found. The resulting swap of properties between the City of Santa Monica, the Expo Construction Authority, and SMC has provided SMC with an additional three acres of property adjacent to its Bundy Campus. The negotiation and trade were complex, involving an exchange of properties, an exchange of leases, provision for interim arrangements, and legal protections to account for Federal Aviation Administration ("FAA") interests. Campus Counsel's persistence resulted in agreements very favorable to the College.

6. Contract Education (Contracts, Education Law). The State reduced the number of Full Time Equivalent Students (FTES) it funded by about ten percent after 2008-09. Campus Counsel provided the SMC administration with legal research and a legal opinion on contract education as a partial substitute, both to assist California resident students and to assist nonresident students. That research showed that the historical legislative record and current law provided a way forward. SMC deferred to the Community College Chancellor's request to hold off on providing contract education classes to its resident students, but did go forward with a contract education program for its nonresident students. The nonresident contract education program protected SMC from additional funding losses, and partially as a result of retaining this revenue, SMC was able to serve as many as 1,000 additional FTES students annually over and above the number funded by the State. The contract education program has protected jobs and kept classroom seats available indirectly for resident students and directly for nonresident students during the five years of recession.

7. Services Agreements (Contracts, FCC Law). SMC envisioned its new performing arts theater at the Madison Campus to include a resident arts presenting organization providing a season of high quality performances, as well as serving as a student performance venue. Campus Counsel provided the work needed to create the service agreement contract between SMC and the new 501c3 nonprofit organization. This new venture had many complexities, and this structural work provided the necessary framework that contributed to the extraordinary success of the Broad Stage now in evidence. A second effort to formalize the relationship between the KCRW Foundation and SMC has also been accomplished, a project that had proved elusive despite a number of earlier attempts in years past. The new services agreement has provided KCRW with one of the tools needed to acquire capital grants in connection with the building of the new station.

There are certainly other projects that could be detailed, but I hope that I have been able to provide the Program Review Committee with a sense of the enormous contribution that the Campus Counsel has made to institutional advancement here at SMC.

2. If applicable, discuss the engagement of program members with the local community, industry, professional groups, etc.)

Campus Counsel has the following community involvement:

- Chair, Wilderness Training Committee, Sierra Club – Angeles Chapter
- Navigation Chair, Leadership Training Committee, Sierra Club – Angeles Chapter
- Outings Reviewer, Safety Committee, Sierra Club – Angeles Chapter
- Outings Leader, Sierra Club – Angeles Chapter (leading approximately 20 days of outings each year)
- Board of Directors, Death Penalty Focus
- Executive Board, National Lawyers Guild – Los Angeles Chapter
- Member, American Bar Association
- Member, Los Angeles County Bar Association

3. Discuss the relationship among program staff and unit engagement with other units or areas of the college.

As discussed throughout this report, Campus Counsel is involved in all areas of the College.

Current Planning and Recommendations

The following items are intended to help programs identify, track, and document unit planning and actions and to assist the institution in broad planning efforts.

1. Identify any issues or needs impacting program effectiveness or efficiency for which institutional support or resources will be requested in the coming year. [This information will be reviewed and considered in institutional planning processes but does not supplant the need to request support or resources through established channels and processes].

At this point in time, there are not any issues or needs impacting program effectiveness or efficiency for which institutional support or resources will be requested.

2. If applicable, list additional capital resources (facilities, technology, equipment) that are needed to support the program as it currently exists. [This information will be reviewed and considered in institutional planning processes but does not supplant the need to request resources through established channels and processes].

None

3. If applicable, list additional human resources (staffing, professional development, staff training) needed to support the program as it currently exists. [This information will be reviewed and considered in institutional planning processes but does not supplant the need to request resources through established channels and processes].

None

Future Planning and Recommendations

The following items are intended to help programs identify, track, and document unit planning and actions and to assist the institution in broad planning efforts.

1. Projecting toward the future, what trends could potentially impact the program? What changes does the program anticipate in 5 years; 10 years? Where does the program want to be? How is the program planning for these changes?

The College's legal services program is prepared to meet whatever challenges are confronted in the coming years.

Campus Counsel forecasts that more resources will need to be expended in the area of campus security and threat assessment. The events of June 7, 2013, highlight the importance of quick law enforcement response. The ongoing work of our Campus Police Department and Crisis Prevention Team indicates that we have a number of individuals on our campus that present a risk of future violence. In the past year alone, two College police officers were attacked on campus.

Because of these concerns, Campus Counsel devotes substantial effort supporting the work of College officials charged with keeping our campus safe. Campus Counsel will be paying for threat assessment training for the Crisis Prevention Team in March 2015 and is working closely with College personnel on implementing the security infrastructure improvement project approved by the Board of Trustees.

2. If applicable, list additional capital resources (facilities, technology, equipment) that will be needed to support proposed changes. [This information will be reviewed and considered in institutional planning processes but does not supplant the need to request resources through established channels and processes].

Not applicable.

3. If applicable, list additional human resources (staffing, professional development, staff training) that will be needed to support proposed changes. [This information will be reviewed and considered in institutional planning processes but does not supplant the need to request resources through established channels and processes].

Campus Counsel does not need additional staffing. The College has a flexible legal services delivery model that does not require permanent staffing with College employees.

Campus Counsel assumes responsibility for his own professional development needs and participates in a variety of programs every year. For example, since July 1, 2014, Campus Counsel has participated in the following continuing legal education programs:

Title of Program	Hours
Protecting the Rights of Students and Student Organizations in Public Schools	1
Discrimination in Schools	1.5
International Arbitration: What You Need to Know About When to Choose Arbitration and How to Select an Arbitration Seat and Institution	1
Client Confidential: The Attorney-Client Privilege, the Work Product Doctrine and the Rule of Confidentiality	1
Labor and Employment Law in the NCAA: A New Chapter?	1

Identifying Ethical, Bias, and Substance Abuse Issues in Your Practice	3
Ethics In The Electronic Age: Be Careful When Using That Smart Phone, Tablet, Blog, Social Network	2.75
California Employment Law: Latest Developments & Trends	1
Legal Aspects of Cyberbullying: Case History and Trends	1
Controversial School Liability Issues	1.5
The Freedom of Speech Since World War I, Part 1 (of 2)	3.25
The Freedom of Speech Since World War I, Part 2 (of 2)	3.25
The Alien Tort Statute: Risks, Concerns and the Recent Supreme Court Kiobel Decision	1
Recognizing the Rights of Nature in Law: A Movement Whose Time Has Come?	1.25
Managing Mismanagement: Fraud, Misconduct, and Conflicts of Interest in the Research Realm	3
Supreme Court - A Year in Review	2.5
Cyber Security: Regulatory Update and Litigation Management	1
Where Mental Health Meets the Law: Ethnicity, Culture and Mental Illness	1.25
Food Allergies and the ADA in Schools	1.5
Title IX: Representing Students and Teachers in Gender Discrimination Cases	1
Title IX and Sexual Violence: What Every School Needs to Know	1.5

The Ethical Implications of NSA Surveillance for Lawyers	1.5
Corporate Investigations and Background Checks	1.25
Securing Utilities in an Insecure Age: Cyber and Physical Security Challenges in 2014	1.5
Contract Drafting and Definitions: Do "Indemnify" and "Hold Harmless" Mean the Same Thing	1.0

Campus Counsel also participates in professional development activities at the College and has attended several trainings offered by the Crisis Prevention Team (e.g., Mental Health First Aid), along with programs offered by the Professional Development Committee on opening day and flex day.

4. If applicable, note particular challenges the program faces including those relating to categorical funding, budget, and staffing.

Not applicable

5. Summarize any conclusions and long term recommendations for the program resulting from the self evaluation process.

The Superintendent/President's decision to make legal support as an integral part of the senior administrative staff has paid dividends in reduced legal expenditures and greater legal support for the College community.

6. Please use this field to share any information the program feels is not covered under any other questions.

Nothing to add.

Evaluation of Process

Please comment on the effectiveness of the Program Review process in focusing program planning.

Campus Counsel is focused on a daily basis on achieving his charge of delivering quality legal services to the College. Campus Counsel will be available to answer any questions when he meets with the Program Review Committee.

Executive Summary

These fields to be filled out by the Program Review committee. Reports will be sent to the program and will be available on-line to populate relevant fields in the annual report and the next 6 year report.

Narrative

This is the first time that Legal Services has been reviewed as a program area. Prior to 2009 the College employed legal services on an as needed or transactional basis with no one person responsible for overseeing the bigger picture. The College has engaged an attorney to serve as Campus Counsel charged with coordinating all legal services for the institution

and to serve as a resource day-to-day. This change in approach has resulted in a much more cohesive and cost effective model that offers greater engagement and support to various areas and bodies than had ever been available.

Campus Counsel reviews, recommends and negotiates contracts with multiple legal firms selected for their area of legal expertise. Different specialties for which outside counsel is contracted include labor relations, land use, and litigation. The oversight for all legal work provided by Campus Counsel ensures appropriate input and review of all legal activity occurs in a timely manner.

This current model has also resulted in significant reductions in expenditures for legal fees. It should be noted, however, that events often dictate the need for legal services so this is an area of expenditure that generally varies year to year. The increased level of service and engagement with campus entities Campus Counsel provides has contributed to cost containment. Campus Counsel is a member of the campus senior staff, and works closely with bodies such as the Crisis Prevention Team, Emergency Management Team, Office of Student Judicial Affairs, and Safety Committee to name a few areas. It is clear from manager feedback that many areas have benefitted greatly from consistent and easy access to Campus Counsel resulting in improved service response and preventative action.

Training and individual consultation are effective strategies employed by Campus Counsel that has benefitted both specific areas and the college at large. For example, these can range from Brown Act training for Associated Students and managers to recommendations for physical changes in offices for increased safety, from drafting of policy statements and administrative regulations to advice on appropriate interventions and disciplinary sanctions, from review of proposed contracts to ensure bargaining unit agreements are not violated to human resources issues.

Santa Monica College has limited land resources and therefore has multiple small satellite sites, some of which are leased. Building activity, including land exchanges, on these sites has required navigation of multiple external processes, challenges, and engagement with legal requirements. Moving to a Campus Counsel model to provide a unifying vision and oversight has enabled the College to achieve desired results more effectively and efficiently.

In the past year the College has taken a number of steps to increase campus security and emergency preparedness. However, as the College has recently experienced a number of significant threats Campus Counsel has identified these areas as needing additional resources to further reduce risk and increase preparedness.

Program Evaluation

Legal Services has developed broad UOs for measuring effectiveness and efficiency. Although data needs to be collected longitudinally, feedback indicates unit outcomes are being achieved. Manager testimonials attest to the positive impact the Campus Counsel model has had on directly supporting various operations and reducing legal services expenditures. There are multiple descriptions detailing the invaluable outcomes resulting from consistent legal participation in service and operational bodies. Campus Counsel has contributed to improved College operations through identification of areas in which training would better prepare staff and reduce the overall need for legal services in areas such as litigation, safety, emergency preparedness, and labor relations.

Commendations

The committee commends Legal Services for:

1. Providing a coordinated approach for all legal services.
2. Significantly reducing overall expenditures for legal services.
3. Broad engagement and provision of direct access and support to many campus areas.
4. Quantity and diversity of professional development activities and training provided.

Recommendations for Program Strengthening

The committee acknowledges the many improvements achieved by the Campus Counsel model for Legal Services and recommends the office consider the following to further strengthen the area:

1. Develop a calendar for intermittent or regularly occurring training that addresses areas of Campus Counsel oversight.

Work with the Office of Student Judicial Affairs to develop a training manual on procedures for the conduct of student discipline hearings.

Recommendations for Institutional Support

None

Attached File Upload

Attached Files

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