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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO**

10
11 LEON JAMES PAGE, an individual,

12 Petitioner,

13 vs.

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15 MIRACOSTA COMMUNITY COLLEGE
16 DISTRICT, DR. VICTORIA MUNOZ
17 RICHART

18 Respondents.

CASE No. 37-2007-00055219-CU-WM-NC

**DECLARATION OF
JUDY STRATTAN**

Judge Thomas Nugent
Dept: D-30
Date: August 15, 2008
Time: 1:30 p.m.

Petition filed: August 8, 2007
Trial date: None set

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DECLARATION OF JUDY STRATTAN

I, JUDY STRATTAN, declare as follows:

1. I was elected to the MiraCosta College District Board of Trustees in November 2006. My background is as follows. I hold a doctorate in Educational Leadership from the University of San Diego. From 1978 to 1987 I served as MiraCosta College Dean of Students. Between 1987 and 1993 I served as Vice-President of Student Services at Columbia College. From 1993 to 1997 I was President/Superintendent of Barstow College. I also spent fifteen years in various faculty and administrative positions at the university and community-college levels in the State of Illinois. I personally know the following facts are true except for those that I reference as "information and belief" which I believe are true.

2. I have reviewed the declarations executed by my colleague Trustee Gloria Carranza and vouch for the accuracy of each statement to the extent they refer to events occurring after I joined the Board on December 5, 2006. I have also read many of the pleadings and exhibits submitted by each party and I am familiar with their respective positions. My interest here, as with my work as a trustee, is to promote open, transparent and responsible government. I submit this declaration solely to correct, clarify or explain the events to the best of my ability with that goal in mind.

3. MiraCosta College has enjoyed a fine reputation and long history of collegial relations among faculty, staff and administrators in which district governance is shared and decisions reached in a cooperative and professional manner. The "Collegiality and Shared Governance" concept was more than just a formal policy - it defined the institution's culture.

4. During the months before my term began it became apparent that the district was in the midst of unprecedented conflict between the Board of Trustees and the Academic Senate. The faculty had become disheartened and frustrated that their perceptions and concerns regarding Dr. Richart's management style and some actions taken in the performance of her position as superintendent/president were ignored by the Governing Board. The Academic Senate conducted campus climate surveys among the faculty in 2006

1 and again in 2007. Requests were made to the Governing Board to address the results of
2 these instruments and have discussion with Dr. Richart. Instead, a majority of the Governing
3 Board dismissed the concerns and passed a resolution in support of Dr. Richart. The actions
4 of the Governing Board turned faculty frustration into anger, bitterness and active, open
5 criticism of the Board. It became very evident that the Academic Senate was disappointed
6 that their legitimate concerns were not considered valid or important. The unwillingness of
7 the Board to have discussion with Dr. Richart and address concerns before the situation
8 escalated resulted in additional bad relationships between the Board, Dr. Richart, and the
9 faculty and staff. The period was marked by tumultuous board meetings with standing-room
10 only crowds bitterly complaining about Dr. Richart's handling of the investigation of the
11 donated palm trees and perceived lack of due process in the charges against, among others,
12 highly regarded Vice-President Julie Hatoff and Dean of Career and Technical Studies,
13 Eileen Kraskouskas.

14 5. By late 2006, the sides were hopelessly polarized. The faculty had submitted a list
15 of issues it found particularly troubling and later voted overwhelmingly to publish a resolution
16 of "No Confidence." I strongly believe that, had the initial request of the Academic Senate to
17 have their concerns discussed been followed, the two campus climate surveys, the two votes
18 of "no confidence," and the newspaper publishing of a letter signed by thirty members of the
19 community (including two former MiraCosta superintendents/presidents and several former
20 trustees) criticizing the situation at the College would never have occurred.

21 6. On January 24, 2007, Trustee Charles Adams, wrote to the Academic Senate,
22 purporting to represent the entire board, professing that it unanimously supported Dr.
23 Richart's performance, and, without addressing the many specific issues they raised,
24 suggested that the faculty's criticism of her was less than a constructive use of time.
25 Unfortunately, Mr. Adams did not seek or obtain the approval of Trustees Carranza, Simon or
26 me before issuing the letter. Since it did not accurately reflect our then-current thinking, and
27 since it did not address any issues raised by the Academic Senate, we three Trustees
28 determined to document our concerns in what became known as the "Minority Response."

1 7. While the Minority Response focused on *the board's* continuing failure to address
2 the concerns of the Academic Senate, Dr. Richart took it as a personal affront to her authority
3 and on February 2, 2007, accused me and the other minority trustees, in writing, of violating
4 her rights and stigmatizing her family's good name, raising the specter of litigation. Her letter
5 then closed with the cryptic comment: "*This action causes me to believe that it may be in my*
6 *best interest to publicly reveal all of the misconduct that has occurred at MiraCosta prior to*
7 *my arrival.*"

8 8. On February 20, 2007, during an open meeting of the Board of Trustees, Trustee
9 Fernandez responded to a comment in the audience by asking whether there was, as alleged
10 by the faculty, a "*Climate of fear and intimidation.*" Trustee Carranza and I each addressed
11 communications from Dr. Richart that we believed lent credence to the claim. When my
12 comments were not taken seriously I read aloud, word for word, Dr. Richart's February 2,
13 2007, letter and asked how anyone could rationally conclude the Minority Response was an
14 employment review or that reading her letter of February 2 disclosed any private facts.

15 9. Dr. Richart has since claimed on more occasions that several Trustees including
16 me harmed her by conducting a "public evaluation" of her performance. This is incorrect and
17 grossly exaggerated. By her phraseology, Dr. Richart is cleverly confusing the "yearly
18 performance review," which is conducted in a formal confidential setting designed to
19 encourage open discussion and self examination similar to a medical professional's review
20 committee. The yearly performance review is by its nature a private personnel matter not to
21 be conducted in public. It is entirely different from the daily criticism all public employees,
22 especially administrators, hear from superiors, co-workers, the press and the public. It
23 comes with the job and can be significant during periods of controversy and change. The
24 suggestion that no trustee could voice concern over the actions of a subordinate
25 administrator for fear of being sued is contrary to that trustee's sworn duties to manage
26 administrators, to communicate with their constituents and to effectively act for the benefit of
27 the district as a whole. Under no circumstances should the right to speak freely on matters of
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1 public concern within the context of official proceedings be so easily preempted by a public
2 employee's desire to silence others engaged in the process.

3 10. Having served over 46 years in education and having been a
4 superintendent/president, I know first-hand through experience and knowledge that periodic
5 discussions between a S/P and the full board provides helpful advice and avoids future
6 concerns. Waiting for a formal evaluation is an error and allows specific concerns to become
7 critical issues and is not fair to anyone. I voiced that opinion multiple times.

8 11. Though a contract indicates that the superintendent/president(S/P) has an annua
9 formal evaluation based on established goals, the full board has not only the right, but also
10 the obligation, **any** time to discuss with the S/P identified concerns before they become
11 issues. Dr. Richart claimed that her contract prohibited such a discussion outside the normal
12 annual evaluation session. It is simply not fact, nor is it true, that a discussion of concerns
13 could not be expressed outside the normal evaluation session. Some board members
14 accepted that statement and would not acknowledge that the concerns of campus
15 constituents and public had merit and needed discussion between the S/P and the full board.

16 12. In the case of MiraCosta College, hurt feelings, destroyed professional reputations
17 or careers, growing distrust, community displeasure with actions of the board and negative
18 newspaper articles injured the stellar reputation of the College. All of these things could have
19 been avoided by having dialogue and honest discussion and exchange of opinions between
20 the S/P and the full board at the **initial** time concerns were expressed.

21 13. In reviewing some declarations, pleadings and exhibits, I learned that Dr. Richart
22 claimed that some trustees intended to have her fired. No trustee made such a statement,
23 ever. Rather, following a presentation of a letter from thirty community members at a board
24 meeting and Mr. Adams' letter to the Academic Senate, several of us **again** requested an
25 item be placed on the board agenda to hold a meeting with the S/P in order to give thoughtful
26 treatment to the stated concerns of the community and the Academic Senate. The item was
27 never placed on an agenda.

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1 14. I share in Trustee Carranza's belief that Stutz, Artiano, Shinoff & Holtz failed to
2 properly represent the College. I am concerned that they vigorously defended both the
3 Hatoff and Kraskouskas lawsuits on behalf of the college yet, with respect to Dr. Richart, they
4 did not even raise a defense, require her to file a government claim, or bring the matter
5 before the Court. I also question why the college's own attorneys never advised us the buy
6 out of Dr. Richart's contract significantly exceeded the maximum cash settlement allowable
7 under California law or that there is an abundance of legal precedent upon which to
8 successfully defend against Dr. Richart's incredible claims. Likewise, I question why the
9 college's attorneys organized a surprise all-night negotiation session with a private mediator
10 in an environment out of public view. Lastly, I am deeply disturbed that Mr. Shinoff
11 succeeded in having me and the other two minority trustees "disqualified" from the Brown Act
12 "revote" and question why he advised we had a "conflict of interest."

13 15. Neither I, nor my colleagues in the minority, are attorneys and we must, by
14 necessity, rely on the advice we receive from the professionals retained to protect the
15 interests of the college and assist us in the performance of our duties. Regrettably, we were
16 not given the tools to make the appropriate decisions on June 20, 2007.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed July 30, 2008, in Oceanside, California.

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21 _____
22 Judy Strattan
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