

**Governing Board**

Rebecca Barrett  
Andy Li  
Vicki Gordon  
John E. Márquez  
Greg Enholm

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*Vice President*  
*Secretary*



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Eugene Huff (Interim)

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Susan E. Lamb Diablo Valley College  
Robert Kratochvil, Ed.D. Los Medanos College

July 8, 2020

Ms. Victoria Gordon



**RE: Administrative Determination Regarding Anonymous Complaints Concerning Allegations Made Against Victoria Gordon**

Dear Vicki:

The Contra Costa Community College District ("District") has completed its investigation of two anonymous complaints it received on September 7 and 18, 2019, alleging that you had engaged in various acts of misconduct. The purpose of the investigation was to conduct a fair and impartial analysis as it relates to District policies and your alleged misconduct as Governing Board (Board) President of the District. The complaints were processed pursuant to Board Policy (BP) 1010, Code of Ethics of the Governing Board.

Complaint 1 alleged that you interfered in the Management Council Executive Board (MCEB) agreement, due to a financial conflict of a personal nature. Complaint 2 alleged that you authorized a Pay for Performance raise of \$25,000.00 for District Chancellor Dr. Fred Wood (Dr. Wood) without doing an annual evaluation, as required by both District policy and the terms of Dr. Wood's contract.

The District retained the services of Joie Grimmert, an attorney investigator with The Titan Group, to investigate and render findings in regard to these allegations. To investigate, Ms. Grimmert reviewed relevant documentation and interviewed pertinent witnesses before arriving at her findings. The anonymous complainants were not identified during this investigation.

During the investigation process, Ms. Grimmert received additional evidence to suggest that you had consistently engaged in other areas of potential misconduct, to include making harassing and/or inappropriate communications to other Board members and District employees. The allegations, if sustained, would be in conflict with District policy.

**I. FACTUAL FINDINGS**

I have reviewed the contents of the investigation report and find as follows:

- A. **Allegation # 1: Beginning on or about April 1, 2018, and continuing on, Victoria Gordon refused to adhere to District policy when she directed the Board to complete a narrative evaluation for Dr. Wood in a manner that conflicted with District policy.**  
**Finding: This allegation was not sustained.**

On or about September 9, 2019, the District received an anonymous complaint regarding the Chancellor, Dr. Wood, receiving an eight percent (8%) raise despite not having a comprehensive evaluation completed as required by his contract. The complaint went on

to allege that Dr. Wood was soon to retire, and that the act of giving him a raise was an instance of pension spiking that was endorsed by you.

This investigation determined that a comprehensive evaluation (360 evaluation) was completed in approximately June 2018; however, there was no comprehensive evaluation completed for summer of 2019; only a narrative evaluation was completed. According to Dr. Wood's original contract, dated on or about December 14, 2016, he was to be annually evaluated by the Board in accordance with BPs 1016 and 2030. He would receive a "Pay for Performance" percentage increase based on an evaluation of meets requirements, exceeds requirements, or outstanding. The Board created an addendum on or about August 1, 2018. The addendum amended the "Pay for Performance" increase to a provision that would allow an increase of five percent (5%) if performance was deemed to exceed requirements.

On or about July 23, 2019, you reached out to Gene Huff to inform him that Dr. Wood's evaluation had been completed at the Board retreat and that the Board found that his performance "exceeded requirements." The "exceeded requirement" rating would allow him to receive an eight (8%) percent raise per his contract.

Going in to 2019, Dr. Wood asked you for confirmation if they (the Board) wanted him to just do the narrative and you said, "yes." You told him he did not need to do the 360 or self-evaluation and just asked for the narrative as the Board had previously debated on the change the year before and made an addendum.

The investigation revealed that the narrative evaluation was reflected in the addendum to Dr. Wood's contract based on "meets or exceeds" performance. You explained that you did not remember voting on the change in the evaluation process last year, as it was not placed on an agenda and therefore was not part of an open session vote.

The investigation revealed that the alleged vote on issue of the evaluation was never reduced to writing; that the issue was never "sunshined;" and that despite the lack of writing and/or public disclosure, the Board gave Dr. Wood permission to complete a narrative evaluation in the summer of 2019. Therefore, Dr. Wood's evaluation was conducted in a manner that conflicted with District policy.

The investigation determined that Dr. Wood completed a narrative evaluation during the summer of 2019 and that he presented his narrative to the Board during their retreat. Dr. Wood did offer to do the entire comprehensive evaluation while at the retreat; although he still disagreed with how it was set up. Dr. Wood emphasized that he thought the narrative was better. The Board debated on the issue, [REDACTED]

- B. Allegation #2: Beginning on or about September 1, 2019, and continuing on, Victoria Gordon called several District employees to advocate for them to pull the Management Council Memorandum of Understanding (MOU) from the agenda for her own personal gain, in conflict with District policy. Finding: This allegation was sustained.**

The investigation revealed that there were two witnesses who stated that they received calls from you on or around the same time the MOU was added to the Board agenda for a vote.

Moreover, you admitted to calling one of the witnesses about the MOU and asking him/her to “take a step back.”

Further, you admitted to calling a witness and making statements about the MOU results financially affecting you. You are alleged to have told the witness, “and you know this impacts me. You know I pay a lot more in premiums.”

The investigation revealed that you would be financially impacted if the MOU were to be approved by the Board in that you would pay more in health insurance premiums (approximately another two hundred and twenty-some (\$220.00+) dollars a month, without any compensation to offset the increase in premium).

The investigation found that you called an employee and communicated that you would be financially impacted if the MOU passed and you advocated to pull the Management Council MOU from the Board meeting agenda for your own personal gain.

- C. **Allegation #3: Beginning on or about July 1, 2018, and continuing on, Victoria Gordon called Rebecca Barrett and Andy Li before they were sworn in as Board members to make communications, which would be in conflict with the Brown Act, and in conflict with BP 1010, Code of Ethics of the Governing Board.**  
**Finding: This allegation was sustained.**

The investigation determined that you contacted Ms. Barrett a few days prior to her election and informed her that she would probably win. During the conversation, you told Ms. Barrett that the Brown Act did not yet apply, as she had not been formally elected, and then asked for her support in being Board president. Ms. Barrett told you that since she had not yet been elected, she held no power and could not commit to anything.

The investigation also determined that you contacted Mr. Li soon after he had won his election, but prior to being sworn in as Board member, to congratulate him on his victory and asked Mr. Li if he would support you for the Board presidency. Mr. Li stated to you that he was unsure at that time.

The investigation determined that it is more likely than not that you contacted both Ms. Barrett and Mr. Li in an attempt to garner support for the Board presidency.

- D. **Allegations #4: Beginning on or about January 1, 2017, and continuing on, Victoria Gordon, while intoxicated, called several District employees and Board members to influence, threaten, and/or harass them, in conflict with BP 1010, Code of Ethics of the Governing Board.**  
**Finding: This allegation was sustained.**

The investigation determined that you called employees of the District and other Board members while intoxicated. You admitted to engaging in phone calls with other employees and Board members and having too much wine. You admitted to making “some mistakes” when asked if you had ever made any threatening or harassing phone calls to other Board members. You admitted that during a state of “liquid courage” you contacted a Board member and said some things you should not have.

The investigation also determined, as described in Allegation #2’s findings, that you contacted at least one witness to discuss the MOU and how it would financially impact

you in an attempt to remove the matter from the Board meeting agenda. Numerous witnesses described you as manipulative and/or intimidating and that your behaviors were power-driven.

II. **POLICY DETERMINATIONS**  
**Human Resources (HR) Procedure 2030.13: Evaluation of Academic Contract Administrators**  
**Evaluation of the Chancellor**

Evaluation of the Chancellor is to be based upon performance of the duties outlined in the job description of the Chancellor and upon goals and objectives developed and reviewed annually by the Governing Board and the Chancellor. The evaluation criteria shall necessarily include, but not be limited to:

- the relative degree of success the Chancellor has made in achieving goals and objectives established;
- the competency the Chancellor has demonstrated in timely completing those duties delegated to the Chancellor; and
- the overall motivation and leadership skills the Chancellor has exhibited. Instruments and timelines used in the Chancellor's evaluation will be reviewed periodically and may be revised by majority action of the Governing Board after discussion with the Chancellor.

Evaluations will be conducted annually, with a comprehensive evaluation conducted during each of the first three (3) years of employment as Chancellor, and biennially thereafter. A comprehensive evaluation includes all the components of the standard evaluation and additionally includes input received via a survey of individuals having knowledge of the Chancellor's performance.

The participants in the comprehensive evaluation are detailed below. Evaluation of the Chancellor will be based upon three (3) factors when a comprehensive evaluation is performed and two factors when a standard evaluation is performed (BP 2030).

Evaluation of contract administrators should be an ongoing and systematic process conducted both formally and informally.

Its purpose is to clarify the expectations placed on these positions and to assess performance based upon these expectations. Optimal performance, a clearer sense of direction, and reinforcing recognition are the primary goals of this policy.

The process and criteria used shall be understood by and mutually acceptable to the contract administrators, Chancellor, and the Governing Board. The formal evaluation shall result in a written record of performance upon which the Board or Chancellor will base its annual review of the employment contract.

The Chancellor shall be evaluated annually with a comprehensive evaluation conducted during each of the first three years of employment as Chancellor, and biennially thereafter. The Governing Board may call for a special evaluation of the Chancellor at any time.

For all other contract administrators, evaluations will be conducted annually, with a comprehensive evaluation conducted during each of the first four years of employment as a

contract administrator, and every third year thereafter. The comprehensive evaluation will consist of input as delineated in HR Procedures 2030.13 and 3080.05 (BP 1016).

**BP 1010, Code of Ethics of the Governing Board** provides:

We will uphold standards of good practice that contribute to Board effectiveness, ensure the notion of the Governing Board as a team/unit, guide ethical behavior, ensure the reliability of information to be communicated, and comply with accreditation standards as noted in BP 1022, Governing Board Communication Protocols.

**Integrity:** Adhering to the highest standards of responsibility, integrity and honesty, we will not engage in activities that could be considered a conflict of interest or impair our fair judgment. We will not use the position of trustee for personal benefit. We will represent the District with pride.

**Communications:** We will uphold standards of good practice that contribute to Board effectiveness, ensure the notion of the Governing Board as a team/unit, guide ethical behavior, ensure the reliability of information to be communicated, and comply with accreditation standards as noted in Board Policy 1022, Governing Board Communication Protocols.

**BP 1020, Conflict of Interest, Disqualifying Financial Conflicts** provides:

No Governing Board member or designated District employee shall make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which s/he knows or has reason to know that s/he has a disqualifying conflict of interest (Government Code 87100, Regulation 18730 Section 9)

**BP 1022, Governing Board Communication Protocols** outlines communication protocols between Governing Board members and the Chancellor. Although BP 1022 permits Board members to communicate with the Chancellor directly, it prohibits Board members from making special requests of the Chancellor.

Communications from individual Board members which are a request to the Chancellor to perform special services, provide information/special reports, etc. should be directed through the Board Chair.

This investigation found that your actions as stated herein did not violate HR Procedure 2031.13. Although the investigation determined that HR Procedure 2030.13 was not followed, there was insufficient evidence to support the allegation that you refused to adhere to District policy when you directed the Board to complete a narrative evaluation for Chancellor Wood in a manner that conflicted with Board policy.

The investigation did reveal that you violated BP 1010, Code of Ethics of the Governing Board, specifically integrity, and BP 1020, Conflict of Interest (Disqualifying Financial Conflicts) when you called an employee and communicated that you would be financially impacted and advocated to pull the Management Council MOU from the Board meeting agenda for your own personal gain.

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The investigation also revealed that you violated BP 1010, Code of Ethics of the Governing Board, specifically integrity, and BP 1022, Governing Board Communication Protocols, when you contacted Ms. Barrett and Mr. Li in an attempt to garner support for the Board presidency. You used your position as trustee for your own personal benefit in violation of the Code of Ethics of the Governing Board. In addition, though these calls were not a literal violation of the Brown Act, since both Rebecca Barrett and Andy Li were not yet elected, it was clearly an attempt to skirt around the Brown Act and whip votes in a private setting.

The investigation revealed that you made calls to other Board members and District employees while intoxicated to influence them, annoy, and/or harass them for various improper purposes in conflict with the BP 1010, Code of Ethics of the Governing Board and BP1022, Governing Board Communication Protocols.

### III. CORRECTIVE MEASURES

In conclusion, the alleged issues have been comprehensively covered and the allegations were investigated. It has been determined by the preponderance of evidence standard that three of the four allegations were sustained.

The evidence supported that you engaged in several acts of misconduct, to include failing to adhere to Board policy, and making improper communications to persuade, harass, influence, and/or annoy fellow Board members and District personnel. Moreover, you took steps to intentionally interfere with the negotiation process, and engaged in a financial conflict of interest.

As a result of the findings and policy determinations above, I will schedule a time to meet with you to discuss the violations of BP 1010, Code of Ethics of the Governing Board, BP 1020, Conflict of Interest, and BP 1022, Governing Board Communication Protocols and to attempt to reach a resolution.

In the event we do not reach a resolution, BP 1010 provides:

If resolution is not achieved and further action is deemed necessary, the Board President may appoint an ad hoc committee to examine the matter and recommend further courses of action to the Board. The Board President or ad hoc committee shall make recommendations to the Governing Board for appropriate sanctions which may include censure of a Board member who is determined to have violated this Policy.

Sincerely,



Rebecca Barrett  
Governing Board President  
Contra Costa Community College District

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