

Brawl over OCC chancellor ends in stalemate

BY TIM RICHARD
STAFF WRITER

A five-hour brawl Monday ended in a stalemate when Oakland Community College trustees failed to fire Chancellor Patsy Calkins but did agree to give her an overdue performance evaluation by Oct. 16.

Board chair Janice Simmons, one of two Calkins supporters, gavelled down motions to terminate Calkins, to begin a rule change allowing the five insurgents to oust the board officers, and a parliamentary challenge to appeal the chair's decision.

"I'm dying to discuss it in public. I'm dying to discuss it in public what we've been accused of discussing in private," said board vice chair Judith Wiser, a Calkins opponent.

Wiser shocked trustees and the audience when she threw to the floor a plaque used by Simmons as a sounding board for the gavel, along with Simmons' nameplate. At another point, Wiser addressed the chancellor as "Dolly."

Wiser also tried to take over the meeting from Simmons, started a roll call vote and even declared,



Patsy Calkins

"The chancellor is removed."

Donald Tucker, legal counsel from the Bloomfield Hills firm of Howard and Howard, advised Simmons against considering several motions by the anti-Calkins group because:

"Both factions have brought litigation. Both allege the Open Meetings Act has been violated. Both have involved the Oakland

Circuit Court . . . It's proper to rule out of order all these motions until the allegations are resolved. Any such vote would be deemed null and void. A rush to judgment will delay you procedurally."

Trustee Carol Crew, a Calkins opponent, said, "He (Tucker) butts in whenever he wants, and we the board can't? . . . We will go around you."

Here are the major developments as the battle enters its third month:

■ George Mosher and Richard Blomde, former trustees, filed a second petition form with the Oakland Election Commission to recall Wiser, Crew, Sandra Ritter, Pamela Davis and Douglas Wakefield. That panel on Sept. 12 rejected one petition form, but Blomde said corrections have been made. Once a form is approved, the recall group, Alliances for OCC's Future, will have 90 days to collect 101,000 voters' signatures demanding a recall election.

■ The anti-Calkins faction filed a counter-suit against Simmons and trustee Anne Scott, charging the chair with violating the Open Meetings Act by refusing to allow

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Judith Wiser
board vice chair

a vote on Calkins' future. That case has been assigned to Circuit Judge Edward Sonick.

Said Tim Patterson, Scott's attorney in an Open Meetings Act suit against the anti-Calkins quintet before Judge Jessica Cooper: "The allegations are improper and should have been brought up in Anne's litigation. There are court rules."

■ The board held a 70-minute closed session with attorneys from the firm of Dickinson Wright to discuss "interpretation" of Calkins' contract. Asked under what section of the Open Meetings Act such a closed meeting could be held, attorney George Ashford said, "I'm not going to answer, sir. I don't have to answer you, sir." (After consulting another lawyer, Ashford later said the authority to close lay in the attorney-client privilege in the Freedom of Information Act.)

Scott boycotted the closed session. Part-way through, trustees ousted Calkins and the attorneys from Howard and Howard. Said Calkins: "I can't have an interpretation of my own contract. That's

absolutely ludicrous." Calkins asked for an open meeting on any charges against her.

Reporters for two other newspapers said they would consult their counsel on challenging the closed meeting.

■ The board majority asked the Dickinson Wright firm to advise it on amending the bylaws, which currently have no provision whereby the anti-Calkins faction can oust Simmons as chair before the end of her two-year term.

■ The board turned down a motion to "receive and file" an audit report from the firm of Deloitte & Touche LLP. Ritter complained that an Internal Revenue Service audit of some payroll taxes wasn't reported to the board and wasn't covered in the budget.

Replied Calkins: "We have nothing (final) on that. It's not anything we are keeping from you." The amount in question is \$170,000 in taxes over three years — less than two-tenths of a percent of one year's spending. Another administrator said the sum could even be waived by the IRS. Calkins said it was the first time

in 30 years the IRS had questioned the procedure.

■ The board rejected, 5-2, several staff appointments after Crew complained to Calkins, "There's no staffing plan. How can we approve these with no staffing plan? . . . These are small things in the scheme of the '96 budget. Tell me the big picture so I can tell where you want to go."

On reconsideration, the board agreed to two faculty hirings: Michael Volbach in behavioral science at the Royal Oak campus, to replace an instructor on disability; and Kathleen Emmenecker, English-as-a-second-language instructor at Orchard Ridge, to replace an instructor who resigned. Calkins, a business educator from Texas, has been chancellor of the five-campus, two-year college since 1991. The board was due to evaluate her in June but failed to do so.

Among the 30,000 students, Calkins is perceived as a heroine for leading OCC's first successful millage campaign in 30 years. Under the evaluation procedure, she will receive a form by Sept. 25, list her accomplishments by Oct. 11, and receive the board's evaluation Oct. 16.

Under the Open Meetings Act, only the employees being evaluated may ask that that meeting be closed. So far, Calkins has said she wants an open procedure.

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