

## REPORT OF THE ADVISORY REVIEW COMMITTEE TO THE NON-PARTISAN COMMITTEE

### February 2002 Overview

This Advisory Review Committee ("ARC") was appointed by the 2001 Committee for the Non-Partisan Nomination and Election of School Trustees ("NPC"). The first advisory review committee was formed in 1984, following the first contested election for school board trustees since the NPC was created in 1936. The Advisory Review Committee process was formed to evaluate and consider changes to the rules and procedures for the NPC. Among the changes adopted from the 1984 ARC Report was the requirement that additional advisory review committees be formed to review NPC procedures at least every four years.

This 2002 ARC has eight members and is comprised of two former school board presidents (both of whom interviewed with the NPC before going on the school board), a member of the community who interviewed with the NPC in the past, two current NPC members, and three former NPC members (including one past NPC chairperson). Our ARC Committee meetings were publicized and open to the public, and members of the committee received input from interested members of the Bronxville School community. While our discussions revealed a divergence of views on a number of issues, this Report represents our unanimous recommendations. This report does not purport to change the existing NPC Rules or Plan.

The recommendations in this report were approved by a majority vote of the NPC in March of 2002, except for the recommendations regarding "No Active Solicitation For NPC of Unsuccessful Candidates."

### Confidentiality Acknowledgment

A recurring theme for the NPC is the difficulty of keeping discussions and deliberations about candidates confidential. Breaches of confidentiality have a negative impact on the legitimacy of the NPC process, our recruiting efforts, and our ability to gather candidate feedback "for the record."

Although each NPC member is already bound by confidentiality rules, it is our belief that explicitly signing an undertaking to respect those rules may help reinforce the desired behavior. Each current NPC member, and hereafter each new member, should be asked to sign a statement acknowledging that they understand the NPC's position regarding the confidential nature of candidate discussions, deliberations, and voting. The required acknowledgement would be as follows:

"I have read the NPC Plan and Rules of Procedure and acknowledge the requirement in Rule IV (3) that 'Committee interviews and elections shall be kept confidential by the members.'"



### Information "Not for Attribution"

It has been a long-standing NPC policy to disregard anonymous information about prospective trustees. This practice has solid underpinnings in the prohibition against hearsay in Rule IV (9). This committee acknowledges the difficulty in a small community in asking people to make comments, particularly negative criticism, "for attribution" about others. The concern about speaking for the record is amplified by the community's perception that comments made to a broad group of 21 people will not remain confidential, notwithstanding the confidentiality acknowledgment described above. We believe that these confidentiality concerns cause the NPC to miss important feedback. Our objective is to develop a mechanism to gather this information on a non-anonymous basis, while assuring confidentiality.

Accordingly, this committee recommends a process whereby information about a candidate or an incumbent that comes in "not for attribution" is passed on "for attribution" to the three officers of the NPC who will evaluate said information and if deemed valid, will compile it as a 'general overview' acknowledging the 'source of sources' i.e. 'someone who served on a school council with the candidate' or 'someone who served on an outside community board with the candidate' but not the names of those who provided the information. The officers of the NPC will then communicate the overview to the full NPC. In this way, we feel the best interests of the NPC to fully evaluate a candidate responsibly have been met while still respecting the desired confidentiality of those who proffered the information privately.

"Anonymous" information will continue to be disregarded.

### Candidate Managers

This committee recommends that at least two NPC members be given the responsibility of "following" a candidate up for nomination. This "candidate manager" concept is designed to facilitate a consistent and accurate review process. The managers will be responsible for coordinating references, making other inquiries and managing the investigative process, which can be invasive, in an orderly and rational manner so as to minimize disruption to the candidate's life.

The candidate managers' responsibilities will differ for new candidates and incumbents. With regard to incumbents, the managers should try to obtain a picture of the incumbent in action. This should include attending school board workshops. Such responsibilities would start in the fall before the incumbent's term expires. Reference checks will be more of an emphasis for non-incumbents.

### References

The NPC should ask for references as part of a non-incumbent's application. The NPC should not call current or past employers unless a candidate so requests. NPC members should try to coordinate their efforts with the candidate manager.



### Standard Questions

In order to promote a consistent approach toward each candidate, the NPC should develop several standard questions to begin each interview. Spontaneous questions and discussion should follow the pre-selected questions. It was this committee's view that these questions should not be given in advance so as to allow the NPC to view each applicant's unpracticed response.

### Informal Meeting

Rule III (10) provides that "Each member is responsible for becoming acquainted, either through the interview process or in some other manner, with each nominee." While some members may be comfortable with their degree of familiarity with a candidate after the interview process and discussion, other members may want follow-up time. The same is true of a candidate who may desire an opportunity to amplify or add any points made in the formal interview. Therefore, we have recommended the inclusion of a follow-up informal meeting for each candidate at the candidate manager's home (or similar casual setting). The purpose of the second meeting is to offer the NPC and the candidate the ability to become more familiar with each other outside of a structured interview setting. NPC attendance is encouraged but voluntary.

### No Board Questionnaire

To address the NPC's difficulty in evaluating an incumbent seeking reelection, this committee explored asking the sitting board of trustees to fill out an anonymous questionnaire regarding the performance of the incumbent candidate. Two current board members attended the ARC meeting to express their views on the questionnaire. They voiced unanimous board opposition to this approach. The principal objection was that such a questionnaire would have a chilling effect on the culture the board tries to foster where they "agree to disagree" on many issues in order to find the best solutions to issues. They were also concerned that subjectivity and confidential matters (such as personnel) would inevitably leak into the responses. The two board members present at the meeting voiced a belief that the information being sought could be obtained in other ways, as it had been in the past.

In view of this opposition and the candidate manager approach to incumbents outlined above, we decided to drop the questionnaire. There will be no board questionnaire regarding incumbent board members.

### No Active Solicitation For NPC of Unsuccessful Candidates\*

This committee believes the NPC process may be subject to criticism when the NPC interviews an incumbent who was originally nominated by the NPC in a year when a sitting NPC member unsuccessfully interviewed for the same seat or lost to the

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\* This recommendation was rejected by the 2002 Non-Partisan Committee.



incumbent in a contested election. If the incumbent is not re-nominated, the presence on the NPC of the formerly unsuccessful candidate makes the NPC vulnerable to accusations of partiality.

This committee considered having the conflicted member refrain from the discussion and voting with respect to the incumbent. We rejected that proposal because of the NPC rule requiring a minimum 14-member vote for a candidate's nomination. In order to be neutral, the conflicted member could not vote for any candidate, which would defeat the whole purpose of being on the NPC. Instead, we recommend that the NPC not actively solicit NPC candidates who fail to secure the NPC nomination for school board trustee. This prohibition against active solicitation should remain in effect for as long as the successful candidate is eligible for re-nomination by the NPC. We are aware that the NPC conducts the election for new members of the NPC, but does not endorse candidates. We are also aware of the fact that anyone who presents the NPC with the appropriate petition must be included on the ballot. Nevertheless, we believe a prohibition against active solicitation is the best way to preserve the NPC's objectivity and legitimacy.

#### Review Open Meeting

NPC Rule III (4) suggests that the NPC hold a public meeting to ascertain the needs of the community. The NPC's current practice is to host an open meeting in January. The NPC publishes the open meeting in the Review Press, on the website, and throughout the Village by using flyers. The purpose of the meeting is to gather information from the community, the Board of Education, and the school administration. The NPC seeks to learn from these groups the qualities they are looking for in a trustee, the recent activities of the Board, and the issues facing the school. The meeting is aired on the local cable channel. The format for the meeting has been as follows: the NPC chairperson opens the meeting by describing its purpose and introducing the guests. The guests are the school board president, a relatively new trustee, and the school superintendent. The guests address the NPC and the public from the stage. A question and answer period follows the guests' presentations.

Unfortunately, public participation in the open meeting has practically ceased. This committee recommends that the NPC restructure the open meeting to encourage more community input. This committee leaves it to the discretion of future NPCs to determine the best method to solicit interest and feedback from the community. We recommend, at a minimum, that the NPC sits on the stage and asks that the guests address the NPC from the podium. This would make it clear to the community that this is the NPC's meeting. Members of the public should be asked to speak and ask questions before the trustees and superintendent address the NPC. Finally, in addition to reviewing the open meeting format, the NPC should review its publicity efforts to find a better way to reach the community.

February 10, 2002



Adopted and Respectfully Submitted by the Unanimous Vote of the Advisory Review Committee

Calvin Chrisman  
William Donner  
Laurie Hawkes  
Betsy Harding  
George Michas  
Mary Anne O'Callahan  
Julie Sullivan  
Jane Vergari



## **Recommendations of the 2002 Nonpartisan Committee**

At a meeting held on November 19, 2002, the NPC adopted the following recommendations and changes:

1. The NPC's publicity, particularly its efforts to recruit candidates for school Trustee, should include a description of how the NPC process works. That description should make it clear to the candidates and voters that our local election law (as main mandated by state education law) requires each school board candidate to run for a specific seat. Those who choose to run for school Trustee without the NPC's endorsement must also select a specific seat. The real point is that this requirement is not an NPC rule, but rather a local election requirement.
2. The NPC reaffirmed the principle that it should take an active role to secure the election of its candidates. To that end, it agreed to the changes reflected in paragraphs I (2) (c) and III (7) (a) of the Rules regarding an annual action plan.
3. The NPC recommended that it articulate standard voting procedures for Trustee.
4. The NPC recommended that each potential candidate for school Trustee be advised in writing that the NPC may ask for references from people in the community with whom the candidate has worked in a volunteer capacity.



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