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CONFIDENTIAL: ATTORNEY-CLIENT PRIVILEGED

Lane Community College Investigation
Completed by: Rebekah R. Jacobson Garrett Hemann Robertson, P.C.

I. Introduction

This investigation was initiated in response to four total complaints: two submitted by anonymous sources, as well as one by Lane Community College ("LCC") Board of Education Vice Chair Kevin Alltucker, and one by student [redacted]. The bulk of the complaints concern the conduct of LCC Board Chair Zach Mulholland; one anonymous complaint expresses concern about all LCC Board members with the exception of Board Member Julie Weismann. The scope of the investigation was to make factual findings for the submission to the College's general counsel for further handling.

II. Investigation Process

I conducted the following interviews during the course of my investigation:

1. [redacted]/Complainant, via Zoom, on April 30, 2025;
2. **Julie Weismann,** Board Member, via Zoom, on April 30, 2025;
3. **Kevin Alltucker,** Board Vice Chair/Complainant, via Zoom, on April 30, 2025;
4. **Steve Mital,** Board Member, via Zoom, on May 1, 2025;
5. **Austin Fölnagy,** Board Member, via Zoom, on May 5, 2025;
6. **Stephanie Bulger,** President, in person, on May 8, 2025, Continuation, via Zoom on May 14, 2025;
7. **Celia Wright,** Board Secretary, in person, on May 8, 2025, Continuation, via Zoom on May 9, 2025;
8. **Denise Diamond,** Board Member, via Zoom, on May 13, 2025; and
9. **Zachary Mulholland,** Board Chair/Respondent, in person with his counsel, Frank Bishop, on May 20, 2025.

All interviews were recorded with the consent of the participant.

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I reviewed the following documents during the course of my investigation:

1. March 7, 2025 Complaint ("Complaint 1"), Submitted Anonymously through the College's Maxient System (Ex. A)
2. April 2, 2025 Complaint ("Complaint 2"), Submitted by Vice Chair Kevin Alltucker (Ex. B)
3. April 4, 2025 Complaint ("Complaint 3"), Submitted by Student [redacted] Ex. C)
4. April 15, 2025 Complaint ("Complaint 4"), Submitted Anonymously (Ex. D)
5. April 26, 2025 Alltucker Communication re: Retaliation; referenced email (Ex. E)
6. Information from Alltucker (Ex F)
7. Information from Weismann (Ex. G)
8. Information from Bulger (Ex H)
9. Information from Wright (Ex I)
10. Information from Mulholland (Ex J)
11. LCC Board Meeting Agenda- March 5, 2025; Redlined Draft of Board Operating Agreement (Ex K)
12. LCC Board Work Session Agenda- March 19, 2025 (Ex. L)
13. LCC Board Meeting Agenda- April 2, 2025 (Ex M)
14. Transcripts of March 5, 2025 Meeting (Ex. N)
15. Transcript of April 2, 2025 Meeting (Ex. O)[1]
16. Relevant Board Policies (Ex. P)
    a. LCC Board Policy 2210 Board of Education Officers
    b. LCC Board Policy 2211 Chairperson's Role
    c. LCC Board Policy 2340 Agendas
    d. LCC Board Policy 2715 Code of Ethics / Standards of Practice
    e. LCC Board Policy 2722 Communication and Support to the Board
    f. LCC Board Policy 3410 Nondiscrimination
    g. LCC Board Policy 3430 Prohibition of Harassment
    h. LCC Board Policy 3431 Harassment
17. April 25, 2025 Letter from Eugene-Springfield NAACP (Ex. Q)

I also reviewed the recorded footage of the public March 5, 2025, and April 2, 2025, LCC Board meetings available online at: https://go.boarddocs.com/or/lanecc/Board.nsf/Public#

The preponderance of evidence, or more likely than not standard, was used to make these factual findings.

[1] Note: the transcripts were created by LCC's IT department utilizing AI technology; therefore, they have not been updated to reflect spelling or contextual errors.

III. Applicable Board Policy

The following LCC Board Policies apply to the four complaints; relevant excerpts are included below:

BP 2210: Board of Education Officers

The duties of the Chairperson of the Board of Education are:

- Preside over all meetings of the Board of Education;
- Consult with the President on Board of Education meeting agendas;

The duty of the Vice-Chairperson of the Board of Education is to function in place of the Chairperson, with all duties thereof, should the Chairperson be unable to fulfill their role as Chairperson for any formal or informal meeting of the Board of Education.

BP 2211 Chairperson's Role[2]

The chair is responsible for setting the board meeting agenda and facilitating the board meeting to ensure that the board remains proactive, forward-looking, and value-added in its deliberations.

BP 2340: Agendas

Agendas shall be developed by the President in consultation with the Board of Education Chair and Vice Chair; in addition, the board may designate an additional member to the agenda setting group.

BP 2715 Code of Ethics / Standards of Practice[3]

The Board of Education maintains high standards of ethical conduct for its members. Members of the Board of Education are responsible to:

- Act only in the best interests of the entire community.
- Ensure public input into board deliberations; adhering to the law and spirit of the open meeting laws and regulations.
- Prevent conflicts of interest and the perception of conflicts of interest.
- Exercise authority only as a Board.
- Use appropriate channels of communication.
- Respect others; acting with civility.

[2] Previously BP 320; no material change in versions.
[3] Previously BP 313; no material change in versions.



- Be informed about the college(s), educational issues, and responsibilities of Board membership.
- Devote adequate time to board work, including preparing for Board deliberations by reviewing the agenda and materials prior to meetings.
- Maintain confidentiality of executive sessions.

All Board of Education members are expected to maintain the highest standards of conduct and ethical behavior and to adhere to the Board's Code of Ethics. The Board of Education will be prepared to investigate the factual basis behind any charge or complaint of Board member misconduct. A Board of Education member may be subject to a resolution of censure by the Board of Education should it be determined that trustee misconduct has occurred. Censure is an official expression of disapproval passed by the Board.

A complaint of Board of Education member misconduct will be referred to an ad hoc committee composed of three Board of Education members not subject to the complaint. In a manner deemed appropriate by the committee, a fact finding process shall be initiated and completed within a reasonable period of time to determine the validity of the complaint. The committee shall be guided in its inquiry by the standards set forth in the Board of Education's Code of Ethics as defined in policy. The Board of Education member subject to the charge of misconduct shall not be precluded from presenting information to the committee.

The committee shall, within a reasonable period of time, make a report of its findings to the Board of Education for action.

Each member of the Board of Education will reaffirm adherence to the Code of Ethics by signing a statement at the annual organizational meeting.

BP 2722: Communication and Support to the Board[4]

The president shall assure that the board is informed and supported in its work.

Accordingly, the president shall:

3. Advise the board if, in the president's opinion, the board is not in compliance with its own policies on Governance Process and Board-President Linkage, particularly in the case of board behavior that is detrimental to the working relationship between the board and the president.

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[4] Previously BP 330; no material change in versions.



BP 3410: Nondiscrimination

Lane Community College is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities. Lane Community College, and each individual who represents Lane Community College, shall provide access to its services, classes, and programs without regard to the individual's legally protected status. Legally protected status is defined as: race, color, religion, sex, pregnancy, sexual orientation, gender identity, gender stereotypes, parental status, national origin, perceived shared ancestry or ethnic characteristics, age, limited English proficiency or English learner status, physical or mental disability, record of or regarded as having a disability, genetic information, family relationship, marital status, expunged juvenile record, veteran status or political affiliation or association with any member of these protected groups.

BP 3430: Prohibition of Harassment

All forms of harassment are contrary to basic standards of conduct between individuals. State and federal law, and this policy prohibit harassment and Lane Community College will not tolerate harassment. This policy applies to all members of Lane Community College community including Board of Education members, employees, students, volunteers and interns.

Lane Community College is committed to providing an academic and work environment that respects the dignity of individuals and groups. Lane Community College shall be free of all forms of unlawful harassment. Harassment is unlawful if it is based on any of the following statuses: race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, age, disability, or genetic information.

* * *

Lane Community College seeks to foster an environment in which employees, students, and other members of the campus community feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, Lane Community College also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. Lane Community College will investigate all allegations of retaliation swiftly and thoroughly. If Lane Community College determines that someone has retaliated, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

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BP 3431: Harassment

> Lane has a zero tolerance policy regarding all forms of harassment. Any proven harassment will result in immediate and appropriate action to stop the harassment and prevent its recurrence, including employee discipline consistent with collective bargaining agreements, or student sanctions. Remedial action will be designed to stop the harassing behavior. Any remedial action will be in keeping with the educational mission of the college. Whether or not the alleged harassing behavior is sufficiently severe or pervasive to be judged a violation of this policy, the college may take action to address a complainant's concerns and to ensure that Lane, as a workplace and as an academic institution, maintains a respectful environment. All forms of harassment, including student-to-student harassment, are covered by Lane's harassment policies. Incidents of harassment may bring about sanctions up to and including termination of employment or expulsion from the college.
> * * *
> Harassment Based on Race/Ethnicity, National Origin or Sexual Orientation Harassment based on race, ethnicity, national origin or sexual orientation is defined as unwelcome verbal, written or physical conduct based on a person's actual or perceived race, color, ethnicity, perceived shared ancestry or ethnic characteristics, national origin, limited English proficiency or English learner status, gender identity, gender stereotypes or sexual orientation that unreasonably interferes with an individual's work or academic performance, adversely affects the targeted individual's or others' work or learning opportunities, or creates an intimidating, hostile or offensive environment.

IV. Brief Interview Summaries

1. [redacted] **Student** [redacted] **/Complainant.**

[redacted]. [redacted] stated that she did not have any concerns related to Board Chair Mulholland prior to the April 2, 2025 interaction that led to her complaint, although she stated that "Chair Mulholland acted inappropriately in meetings generally." [redacted] described the interaction with Chair Mulholland on April 2, which is detailed in the factual findings below. Regarding the other race and sex discrimination complaints, [redacted] perspective is that she has found Chair Mulholland to act in an aggressive and controlling manner towards the President, which she does not believe would have occurred if President Bulger were a man. [redacted] has observed Chair Mulholland having less trust in the abilities of both President Bulger and vice president of finance and operations Kara Plath than male employees of the College. [redacted] also noted that, generally, Chair Mulholland is not respectful to anyone.

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2. **Julie Weismann, Board Member.**

Director Weismann was appointed to the Board in July 2024. She has served on many boards and has a background in Board governance and non-profit law. Director Weismann felt, and continues to feel, that the Board does not adhere to Roberts Rules, and attempts to address these issues in real time during the meeting. Director Weismann has been concerned about an escalation of Board Chair Mulholland's conduct generally, and particularly toward women, stating that her perception is that he has the "power and authority to verbally abuse anyone-- a board member or a President, an employee, a community member at the podium." Director Weismann felt that Board Chair Mulholland had his own agenda as it related to the baseball turf field issue and she was appalled by his conduct at the November Board meeting, in that she felt he bullied and berated the female Director of Facilities. Director Weismann felt the tipping point occurred at the December 18, 2024 Board meeting when Chair Mulholland became so angry and inappropriate during the meeting related to the appointment of a seventh board member, that he walked out of the meeting. Director Weismann drafted a statement following that meeting, which is included as Exhibit G, but was not ultimately sent. Director Weismann believes Board Chair Mulholland's conduct toward President Bulger constitutes microaggressions based upon race and sex. Specifically in Board meetings, Board Chair Mulholland is generally dismissive of the President and will not acknowledge her, will not look at her, interrupts her, and will not thank her for contributions.

3. **Kevin Alltucker, Board Vice Chair/Complainant.**

Vice Chair Alltucker has been on the Board for two years, and has served as the vice-chair for the past year. Vice Chair Alltucker stated that he realized early on that it would not be a collaborative relationship with Board Chair Mulholland despite his best efforts. Vice Chair Alltucker felt Board Chair Mulholland brought his own personal issues into the Board room, citing the baseball turf issue, the Bigfoot beverage labor dispute and the repeated efforts to appoint Jesse Maldonado to the vacant position. Vice Chair Alltucker noted there was a continued dispute over the Board Chair's role in setting the agenda; Board Chair Mulholland utilized an older policy that had been superseded by a newly adopted policy to state his belief that he as Board Chair was able to set the agenda, versus using the current policy that states the development of the agenda is a collaborative process between the President and Board leadership. Vice Chair Alltucker described the interaction with Chair Mulholland at the March 27, 2025 agenda setting meeting which is detailed in the factual findings below. Vice Chair Alltucker felt the actions of the Board Chair during the agenda setting meetings served as an example of systemic and structural racism— "a group of generally well-meaning white folks, acting in dismissive and unprofessional ways toward a woman of color." Vice Chair Alltucker expressed regret he was too slow to react. Vice Chair Alltucker expressed concern about Board Chair Mulholland's demeanor toward all female employees who interface with the Board, stating that there is a common theme of Board Chair Mulholland not honoring the skill and expertise of those who are running the College. Vice Chair Alltucker also discussed a concern that Director Diamond had acted in a retaliatory manner after he submitted his complaint on April 2, 2025, citing Director Diamond's April 23, 2025 email related to LCC Foundation's letter (Vice Chair Alltucker's wife is associated with LCC's Foundation).



4. Steve Mital, Board Member.

Director Mital described a pattern of conduct that began with Austin Fölnagy's term as Board Chair and continued with Zack Mulholland's term. From Director Mital's perspective both directors acted in a dismissive and condescending manner toward President Bulger, by interrupting her, not checking in with the President or asking for her opinion. Director Mital does not believe they would have acted the same way if President Bulger was a white man and believes the conduct of Board Chair Mulholland is based on President Bulger's race and sex. Director Mital describes it as Chair Mulholland acting as if President Bulger is not in the room, even though she is the person who has the substantial expertise accrued over decades. Over time, that has set a tone that those observing board meetings have felt is odd at best.

5. **Austin Fölnagy, Board Member.**

Director Fölnagy served as Board Chair during the 2023-24 school year. He described the agenda setting meetings during his tenure as collaborative in nature. Director Fölnagy expressed that when serving as Board Chair, the Chair must be cognizant of time—therefore, while it may appear the Chair is being abrupt and cutting people off, it is usually attributed to the need to stay within the timeframe allotted for the discussion. Director Fölnagy expressed that he does not believe Board Chair Mulholland has acted in a discriminatory manner toward President Bulger;

Director Fölnagy stated that he did not agree that the President would be treated differently if she were a white man. He stated that generally the President does not have a role in the conversation at the Board meetings because she is not a board member, and the President does not have the right to participate as a Board member; he stated this is not the same as ignoring or dismissing the President during these board meetings. He expressed his belief that Vice Chair Alltucker should have assumed positive intent of Board Chair Mulholland during the agenda setting meetings as Director Fölnagy knows that Board Chair Mulholland is not sexist or racist.

6. Stephanie Bulger, President

President Bulger started with the College in July 2022. She described a decreasingly collaborative relationship with Board leadership over the course of the past three years. President Bulger described the March 27, 2025 agenda setting meeting, detailed below. She noted that Board Chair Mulholland had been dismissive of her since the beginning of his term, describing several encounters, and noting that dismissiveness can look like racism and sexism, "because he will go to a man to get the answer he wants." President Bulger described Board Chair Mulholland's conduct in the Board room in which he will demonstrate deference to male staff members, and be dismissive or ignore the contributions of female staff members. President Bulger described that Board Chair Mulholland has a tone of condescension that he knows more than her and that it does not matter that she is the President because he is the authority, and she is not. President Bulger described her experience as an African-American female leader in Eugene, Oregon, indicating that biases can take different forms. Here, it is taking the form of dismissiveness based upon the assumption that President Bulger is not smart



or competent because of her race and sex. President Bulger described Board Chair Mulholland's conduct as wanting to dominate President Bulger (i.e. "you can work for me, but you better do exactly what I tell you to do.") President Bulger also described feeling discriminatory conduct from Director Fölnagy, in that he also would only speak to men on her team, and the President would have to jump in and redirect that she would take care of the request. She also described concerns that Director Fölnagy has become increasingly less communicative and will not respect the working agreement that board members notify the President when they are on campus. President Bulger also expressed her concern that Director Diamond has largely refused to meet one on one with President Bulger, as is the custom with other board members.

7. Celia Wright, Board Secretary

Ms. Wright has served as the board secretary since 2022; thus, she has seen three different approaches to Board leadership, with Board Chair Mulholland's leadership being the most authoritative and demanding, with little collaboration. Ms. Wright described increasingly hostile board meetings and agenda setting meetings leading up to the March 27, 2025 agenda setting meeting, which is described below. Ms. Wright expressed that Board Chair Mulholland has a short fuse, so he will raise his voice and be very hostile and directive. Ms. Wright stated it is uncomfortable to be in a room with him and that campus security was asked to attend future board meetings because of Board Chair Mulholland's erratic conduct. Ms. Wright did not feel she could speak to whether Board Chair Mulholland acted in a racist manner toward President Bulger as she herself has not experienced systemic racism, but did feel that Board Chair Mulholland acted in a sexist manner toward President Bulger and other female employees, providing an example of an email in which Board Chair Mulholland asked her male colleague the same question after Ms. Wright had answered it. (Exhibit I)

8. Denise Diamond, Board Member

Director Diamond is a former community college faculty member who is completing her term on June 30, 2024. For that reason, she considers herself the elder on the board and has no skin in the game, as she believes the complaints are politically motivated and she resents being called racist and sexist by the anonymous complainant. Director Diamond felt that Vice Chair Alltucker's complaint was inappropriate. She stated that she later learned that Vice Chair Alltucker's wife is on the LCC Foundation Board and there were a lot of foundation board members in the audience during the April 2, 2025 board meeting. She believes there is a connection between the Foundation's statement and Vice Chair Alltucker's complaint. She also believes there is a connection between the NAACP's letter and the two anonymous complaints. Director Diamond stated that there is a lot more going on politically than it appears and does not believe any Board meeting has exhibited discriminatory animus on the basis of sex or race toward the President.

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9. Zachary Mulholland, Board Chair/Respondent

Board Chair Mulholland described his past experience prior to coming to LCC's Board and serving as Board Chair. Board Chair Mulholland described his conduct during meetings as trying to move the conversation forward—he facilitates the discussion and questions from board members and does not believe it is his place to acknowledge President/staff responses or to solicit the President's opinion during the Board meeting. Board Chair Mulholland believes that the second anonymous complaint is AI generated and reported the College previously received an AI generated complaint against the LCCEA President. Board Chair Mulholland stated that Vice Chair Alltucker's complaint was the first time he had heard concerns about racism and sexism, denying that was his intent and stating he had tried to be supportive of the President despite the College's issues with finances and the faculty union. Board Chair Mulholland discussed the work he had done to review how other colleges handle agenda setting and his belief that the Board Chair must retain the final authority. Board Chair Mulholland did not believe he had engaged in verbal abuse of the President. He believes his frustrations were reasonable and valid and did not believe he engaged in bullying—he was frustrated and argued passionately. He does not believe curse words are inappropriate for private meetings with people he trusts and respects enough to be frank. Board Chair Mulholland described that in the March and April time period he had a lot of personal pressures that contributed to his decreased ability to regulate his emotions. Board Chair Mulholland stated that he no longer trusts the President because she deleted the authority of the board chair to be the decision-maker on agendas; it was a major breach of trust combined with ongoing issues related to morale at the college and persistent budget issues. Board Chair Mulholland stated he no longer assumes that the President is the best person for the job. Board Chair Mulholland responded to the examples provided of when he would ask a male employee rather than a female employee for information; he explained that the female employee in both situations had not answered his question so he went straight to the person who could answer the question to get things done quickly. Board Chair Mulholland stated that he reports to women of color in his job. He said it is possible to have friction without the additional context of racism and sexism, and this is the first time he has been accused of this in his life—he said he has strived to fight against the specters of racism and sexism.



V. Factual Finding

Involved Parties

1. Zachary Mulholland is the current LCC Board Chair and has served in that role since the July 2024 Board Meeting. Board Chair Mulholland was first elected to the Board on July 1, 2023, for a four year term expiring in June 2027. Board Chair Mulholland lists his occupation as a "Non-Profit Environmental Justice Consultant/Advocate," for Beyond Toxics, which is "working to reduce toxic air portions and address climate change." Board Chair Mulholland has served on other boards prior to joining the LCC Board.

2. Board Vice Chair Kevin Alltucker has served in this leadership position since 2024; he also ran for the Board Chair position for the 2024-2025 cycle. Vice Chair Alltucker was originally elected to the Board in May 2023.

3. [redacted]

4. Board Director Denise Diamond was elected in May 2023 and is a resident of Florence, Oregon. Her term expires June 30, 2025 and she did not run for reelection.

5. Board Director Julie Weismann was appointed to the Board in July 2024 to fill a vacancy through June 30, 2025. Director Weismann was reelected for a four-year term commencing July 1, 2025. Director Weismann has extensive board experience and has been an instructor for Futures Without Violence, which specialized in "board governance and equity."

6. Board Director Austin Fölnagy was elected in May 2021 and reelected in May 2025 for a second four-year term. Director Fölnagy served as LCC's Board Chair during the 2023-24 school year. Director Fölnagy is currently President of the Oregon Community College Association.

7. Board Director Steve Mital was first elected in May 2021 and his term expires June 30, 2027. He served as the Board's vice chair during the 2023-24 school year, and previously served as a commissioner for the Eugene Water and Electric Board.

8. President Stephanie Bulger has served as President of Lane Community College since 2022.

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Relevant Actions at Board Meetings Leading to the March & April 2025 Meetings

9. At the September 17, 2024 Work Session, the Board received a parliamentary procedures training from Vincent Adams, a Board Development Specialist for the Oregon School Board Association.

10. At the October 9, 2024 Board Meeting, the Administration provided responses to question from Board members, including a response to multiple questions from Board Chair Mulholland regarding the environmental impacts of the construction of the turf baseball field.

11. At the October 22, 2024 Board Meeting the Administration provided responses to Board Chair Mulholland's questions about the College's budget generally and the environmental impacts of the construction of the turf baseball field. There was also a panel discussion on baseball and turf that included the following panelists: Allan Benavides, General Manager, Eugene Emeralds Professional Baseball Club; Greg Sheley, Athletic Director, Lane Community College Athletics; Matt Koehler, Principal Landscape Architect, Cameron McCarthy; Rob Gloeckner, Vice President Western Region, Tarkett Sports; Jeff Frost, Materials Technical Lead, Brightworks Sustainability. Multiple interviewees mentioned a concern about Board Chair Mulholland's frustration level at this meeting. Specifically, at 1:48 in the meeting, Board Chair Mulholland began asking several follow-up questions of Mr. Gloeckner:

> **Mulholland:** So, 6-PPD, it sounds like that cannot be removed from the rubber infill material? Correct? That would have to be an alternative to try to avoid 6-PPD?
>
> **Gloeckner:** No, in the recycling process, the 6-PPD, in all of our studies is not an issue.
>
> **Mulholland:** So, you specifically studied for PPD?
>
> **Gloeckner:** Yes.
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> **Mulholland:** Jeff, did you have a question?
>
> **Jeff Frost:** I would just say maybe share the testing data with us; that would be great.
>
> **Mulholland:** Next on PFAS. I saw in your document here that the EPA would define some of your materials as PFAS. . .Do you want to speak to that? . . .
>
> **Gloeckner:** Yes, there's PFAS in there but they're at a level that is not of concern.



Mulholland: Ok, thank you. From your perspective, ok.

Gloeckner: Actually, no, not from my perspective. From the EPA's RCRA hazardous constituent list. Not from my perspective, I'm not smart enough.

Mulholland: Thank you. Did you want to speak Jeff?

Frost. I was just going to say, I'll share some information with you after regarding the limitations on those testing methodologies and what we're encouraging manufacturers to be doing today.

12. Also, at the October 22, 2024 board work session, at-large board member Lisa Fragala announced her resignation from the board effective November 6, 2024.

13. Multiple people expressed concern about how Board Chair Mulholland treated facilities director Jennifer Hayward at the November 2024 board meeting, as she tried to answer his questions related to the turf field, and he interrupted her, and acted in a rude and antagonizing manner toward her.

14. At the December 4, 2024, meeting the Board was asked to take actions on BP 275- Interfund Loans and BP 280- Interfund Transfers.

15. At the December 16, 2024 Board Meeting the Board approved the process for filling the Board vacancy.

16. The Board interviewed potential candidates for the Zone 7 position. The Board could not reach a majority consensus on a candidate following multiple motions. Ultimately, Board Chair Mulholland moved to postpone the agenda item to fill the Zone 7 position indefinitely. Multiple interviewees expressed concern about the rapid-fire nature of the Board Chair's motions in this meeting and general tone.

17. At the January 8, 2025 Board Meeting, Board Member Fölnagy made a motion to rescind the December 18, 2024 action, which was seconded by Board Member Diamond. Ultimately, the motion was rescinded and did not pass.

18. At the January 22, 2025 Board Retreat, the Board met with OSBA Board Development Specialist Vince Adams, who led the discussion on the Board Roles and Responsibilities and the Board Operating Agreement Formative Process.

19. The discussion of the board Operating Agreement was continued at the February 19, 2025 work session; the Board reviewed the draft prepared by Mr. Adams. At this meeting, the Board also reviewed Board Policies, including BP 275- Interfund Loan, BP 320- Chairperson's Role, BP 2210- Board of Education Officers and BP 3340- Agendas. The staff suggestion related to these Board Policies were:



BP 320 Chairperson's Role: Staff recommend retiring this policy. BP 320 was last reviewed in October 2019. In December 2020, the board adopted BP 2210 (Board of Education Officers) but did not retire BP 320. Most of the chairperson's duties from BP 320 were already incorporated into BP 2210. Additionally, in June 2021, the board adopted BP 2340 (Agendas), further covering responsibilities outlined in BP 320. To eliminate duplication, prevent confusion, and ensure policy alignment, staff recommend retiring BP 320 and updating BP 2210 and BP 2340 as needed to integrate any remaining relevant duties.

BP 2210 Board of Education Officers: The proposed revisions consolidate and clarify the Chairperson's responsibilities by incorporating key duties from BP 320, which staff recommend retiring. These additions ensure that all Chairperson duties are clearly outlined in a single policy document, eliminating redundancy and preventing potential policy conflicts. BP 3340 Agendas: The suggested revision incorporates a provision from BP 320, which is proposed for retirement. Specifically, the addition clarifies that at the outset of Statements from the Audience, the Chair will explain that the board may not respond directly to public comments but will refer issues to the President for appropriate action.

March 5, 2025 Meeting- <u>Complaint 1</u>

20. On March 7, 2025 a complaint ("**<u>Complaint 1</u>**") was submitted anonymously through the College's Maxient System related to the Board's conduct during the March 5, 2025 regular meeting. The Complaint alleged that the conduct of all Board members, with the exception of Director Weismann, during the discussion of the Board Operating Agreement was disrespectful of President Bulger and would not "have taken place if President Bulger was a white man." Complaint 1 alleges that only the female board members (Julie Weismann and Denise Diamond) expressed their preference for Option 1, which was perceived by the Complainant to be more inclusive of the President's role, while the remaining male board members preferred Option 2.

21. The Board had been working on the development of the "Board Operating Agreement" over the course of the past several months and had several decisions to make regarding specific language to finalize the Agreement.

22. Under the "Communications and Collaborations" section, the Board was asked for their feedback on two options:

Option 1: The Board will support the President and "publicly demonstrate confidence in the President's leadership <u>to advance the success and well-being of the campus community</u>."
Option 2: The Board will support the President and "publicly demonstrate confidence in the President's leadership <u>to achieve the President's Goals and the Strategic Plan approved by the Board</u>."



23. The relevant dialogue from the March 7 meeting is included below:

Weismann: So, I look at that a little differently. This is under communications and collaboration under our board agreements. So, this is about us, right? And the, the statement is that we would actively support and publicly support the President in executing the college's mission and demonstrate confidence in the President. So that's our employee. We hired her where we are working with her to do the President's goals and strategic planning all of that. And so publicly we should be demonstrating confidence in her leadership.

And so, and not when you start to then devolve it down to these very specifics. Then the only thing we're publicly confident is her leadership in achieving those goals and strategic plans. It's like, no, I'm confident in her leadership, period, because that's what we do. If there's a problem with that that should be doing a conversation in closed session. So, this is about publicly demonstrating confidence in our leaders and the leadership of our President of this college.

And so, therefore, I think it should be number one, because it's the advancing the success and well-being of the entire campus community. And that's what we should publicly be doing if we're going to demonstrate that confidence. So that's my view, and take on that statement why, I choose one.

Mulholland: Okay, as of this moment, I have caught Kevin, Austin and Steve that have suggested number 2. I have Julie and Denise that, suggested Number One and Sophie, I'd heard you had on number 1 first, and then maybe for number 2.

Gibson: I could see the both sides of this. And so, yeah, I, I think that we should definitely be, you know, focused on being open to the community and using that inclusive language, while also, you know, having the this number 2 outline. So: I'm really, yeah.

Mulholland: How would folks feel about . . .

Weismann: Just in the middle? [Directed at Gibson]

Gibson: Yeah. [In response to Weismann]

Mulholland: How would folks feel about simply putting these 2 together and doing both, having both of them saying, having an end, and then having them both there?

Mital: Sure.

Diamond: Sure.



Weismann: Can I ask the President what her thoughts are?

Mulholland: Sure.

Bulger: Well, not to make this difficult. (laughing) Not to make it difficult at all. I favor the first one, and because it is it is broader, and the advancing the success and well-being of the campus community includes the goals of the President, whatever they happen to be that are approved by the board, and then, and also the strategic plan, which, as everyone knows, is approved by the board. So, I think there's a those are implied in the first one. But there are other matters in the first one as well, that happen along the way in the leadership of the President. So, I would favor the first one. If you're, if you're, asking.

Weismann: Thank you. Just curious.

Mulholland: I mean, I saw that we have, you know, people that sort of 3 are fallen on this side 3, maybe on the other side, but that generally folks were okay with us, adding both of these things. And so, I think we should just go ahead and have "advance the success and well-being of the campus community, and to achieve the President's goals and strategic plan approved by the board." Unless I have a significant somebody saying, "That's not appropriate." I think that will. Let's go with that.

Okay, let's loop back for one moment to the second page. And just to say that Kevin and I met with Vince Adams this morning, and for meeting structure and content. We, we, added the 5th bullet in red to say so. So, we, we accepted the bullet. Just before that we came to agreement on it. And then we said that in general, once a board agenda goes public, we're only going to adjust it if it's needed for operational purposes, as requested by the President, or there is a urgent, pressing need that we need to change for the good of the order as determined by the Board.

Bulger: I was there at the meeting as well; just wanted to let everyone know.

Mulholland: And so, Kevin and I and the President met with Vince this morning, and we thought this was a, a good option.

Factual Finding Complaint 1: The anonymous complainant who submitted Complaint 1 alleged that the Board's discussion of the Board Operating Agreement and the subsequent lack of acknowledgement and dismissal of the President's feedback on the option she preferred would not have occurred if the President were a white man. The complainant stated their perception that the Board does not treat the President "with the respect that her position deserves, but instead treats her how our society treats women and people of color. She was ignored and dismissed."

The Complainant's perception aligns with the impact the March 5, 2025 discussion had on

President Bulger. President Bulger indicated she is unaware of who filed the complaint, but she has heard from College employees a concern about the lack of support demonstrated from the Board; President Bulger speculated that the person who filed this complaint thought, "enough is enough. If you're doing this to the leader of the College, [the employee] feels it too." President Bulger indicated race is an omnipresent filter and likely the entire dynamic with the Board would be different if she were a tall, white man.

While this board meeting dialogue, taken in isolation, may not evidence race or sex-based micro-aggressions, the complaint is substantiated as an example of dismissive conduct toward the leader of the College based upon her race and sex. Specifically: (1) the omission by the Board (with the exception of Director Weismann) to solicit feedback from the President on a topic that concerned her; (2) the lack of acknowledgment of the President's feedback when provided; (3) Board Chair Mulholland's failure to mention the President's involvement in the meeting that had taken place earlier that day to develop the Board Operating Agreement; (4) Board Chair Mulholland's subsequent restatement using the first names of "Kevin" and "Vince," while the reference to the President is in the third person, without an apology to President Bulger for the omission.

March 5, 2025 Meeting- Complaint 4

24. The second anonymous complaint, **Complaint 4**, submitted on April 9, 2025, alleged discriminatory conduct towards President Bulger by the Board Chair at the March 5 and April 2, 2025 board meetings. The timestamps throughout Complaint 4 were inconsistent with the recorded dialogue, as the timestamps occurred during the public comment section. In an effort to be thorough, both board meetings were reviewed for a possible correlation to **Complaint 4** and both President Bulger and Chair Mulholland were asked to provide their perspective on the interactions.

25. **Complaint 4** alleges that at ~00:32:20 in the March 5, 2025 meeting the "Chairman interrupts President mid-sentence" while the President was clarifying a budget issues; however, this time was reserved for public comment. This may be the portion of the meeting referred to by the complainant:

> At ~01:58:30, Kara Flath, the Vice President of Financial Operations for LCC, presented the "2nd Quarter Financial Update" to the Board. After her presentation, Ms. Flath opened up the floor to questions regarding the financial report.
>
> **Mulholland:** "okay so in this slide where we're we're looking at our projected resources um you said that was based upon actuals for fall and winter term and projections for spring term."
>
> **Flath**: "correct."

Mulholland: "okay so what was our enrollment growth 1:58:17 in fall and winter for compared to last year?"

Flath: "7%."

Mulholland: "Okay and what are we projecting for spring term?"

President Bulger: "It's too early to tell isn't it I mean you may be projecting something but it's incredibly early to tell even though it's what four weeks out or so yeah it's really early to tell."

Colm: "Sorry uh I believe we had a 3.5 expected enrollment growth per term uh um with the aspiration HS of maybe 5%.

Mulholland: "So this is assuming that we'll have enrollment growth of three and a half relative to the year before. Which is less than what we've seen these first two terms."

Flath: "In the in the forecast for fiscal year 2025 what we did is work with our in um institutional research expert to look at previous patterns and she provided an estimate of what she thinks the spring term looks like based on all of the current things and that's what we have built in there so it's not it's built on a number with her and I can get her exact get you exactly what that percentage is I didn't write that one down."

Mulholland: "Okay, just we had the 7% the last two terms knowing what percentage is built into this analysis would be be helpful to know for sure."

> **Response from Chair Mulholland: "**See previous responses. President Bulger's point related to it being too early for actual enrollment numbers and did not answer the question that I had asked about what assumptions were used in the financial projections. I followed up on the point in Colm's response that seemed related to my question about the assumptions used. Kara then stated she could get the information I was asking for and I stated those things would be good to know. I didn't know the President wanted me to acknowledge her point, which was not germane to the question I had asked, rather than asking follow-ups to the presenters - who offered the information I had inquired about.

March 19, 2025 Work Session

26. The Board agenda included further discussion of Board policies previously presented for Boar review, including BP 275 Interfund Loans, BP 320 Chairperson's Role, BP 2210 Board of Education Officers, BP 2340 Agendas. The Board also included an agenda item for the baseball field environmental analysis, in preparation for the Approval

of the Baseball Field Turf Contract to come before the Board at the April 2nd board meeting.

March 27, 2025 Agenda Setting Meeting- Complaint 2

27. At the April 2, 2025 Complaint Vice Chair Kevin Alltucker read a complaint ("**Complaint 2**") related to Board Chair Mulholland's pattern of conduct toward President Bulger, including the Chair's conduct during the March 27, 2025 Agenda Setting Meeting. Vice Chair Alltucker alleged the following in relevant part:

> During the past seven months as vice chair of the board, I have attended biweekly agenda scheduling meeting with the chair, the President, and the staff liaison to the board. During these meetings, the board chair has become increasingly verbally abusive to the President, often attempting to bully the President by raising his voice and using profanity. The chair has repeatedly used language that is offensive, derogatory, and profane, often challenging the President's position with condemning and dismissive statements.
>
> On March 27, I ended an agenda-setting meeting after the chair repeatedly raised his voice and swore at the President. My opinion was the chair created an unsafe and hostile environment, and I was concerned about the President's well-being, so I asked the meeting to end immediately. I based that decision on observing the President's facial expressions and body language, and listening to her suggestion that perhaps the meeting should be ended.

28. Vice Chair Alltucker alleged he tried to solve these issues with the Board Chair before filing this complaint, but the agenda setting meeting on March 27, 2025, made it clear to Alltucker that Board Chair was a threat to President's well-being. Vice Chair Alltucker alleges the Board Chair's pattern of hostile behavior towards President Bulger is consistent with institutional discrimination. Vice Chair Alltucker demanded an improvement in leadership from the Board Chair and an apology. If the Board Chair failed to do so, Vice Chair Alltucker requested he step down from his position.

29. The agenda setting meetings are held virtually the week prior to the regular board meeting and work session between the Board Chair, Vice Chair, President and Board Secretary. Vice Chair Alltucker reported that the meetings were increasingly aggressive, in which Board Chair Mulholland was emotionally and verbally abusive towards the President. Vice Chair Alltucker observed Board Chair Mulholland dismissing President Bulger's authority, consistently talking over her and interrupting her.

30. Based upon the notes of Vice Chair Tucker and President Bulger and the interviews of the four attendees, I find it more likely than not that the following occurred during the March 27, 2025 Agenda Setting Meeting:



a. The discussion in the agenda setting meeting related to Board Chair Mulholland's desire to add to the agenda the Motion to Rescind the December 18, 2024 Board Action to table the appointment of the Zone 7 board member. This had been attempted at the January 8, 2025 meeting unsuccessfully; however, because the filing deadline had passed and only one person, Jesse Maldonado, had filed to run for the election of the seat, Board Chair Mulholland believed it was appropriate for the Board to appoint Mr. Maldonado. Placing this issue on the agenda had been discussed in multiple agenda setting meetings since the January 2025 board meeting.
b. In response to the objection from Vice Chair Tucker and the offer of President Bulger to seek further clarification from OCCA's legal counsel, Board Chair Mulholland stated that he had the authority to add the proposed action to the agenda, and that was what he intended to do. He stated that he was done talking about it and he was "tired of the President disrespecting the authority of the Board." Board Chair Mulholland stated, "I'm fucking over this." Board Chair Mulholland stated his belief that the President believed she knew what was best and it was inappropriate for a staff person to make decisions, and that the President refuses to accept the authority of the Board to make such a decision. Board Secretary Celia Wright also recalls that Board Chair Mulholland stated he was not going to have a "pissing match" over the Board Chair's authority; this stood out to Ms. Wright as she had never heard the use of that term in a professional capacity. President Bulger noted that Board Chair Mulholland referred to her in a third-party sense rather than specifically communicating to her, which furthered the dismissiveness and the feeling that she was invisible.
c. Using hand gestures, he said to the President, "Can – you- take- a – freakin' hit, man?!" Vice Chair Alltucker interpreted this as Board Chair Mulholland essentially telling the President to shut the fuck up; President Bulger also interpreted these words in a similar manner.
d. Vice Chair Tucker responded that the President was not unilaterally acting on this. The Chair responded, in this case "I think she has."
e. The President was observed visibly reacting to Board Chair Mulholland, with a surprised look on her face, saying "whoa" and suggested that they end the meeting. Vice Chair Alltucker, Ms. Wright and President Bulger all believed they pressed the button to end the Zoom meeting, which means they likely all simultaneously exited the meeting.
f. The President, Vice Chair and Board Secretary all observed that Board Chair Mulholland raised his voice; all three participants noted they had never been part of a meeting in their careers that had included conduct of this nature.
g. Vice Chair Alltucker believed this was an appalling exhibition of bullying towards a woman of color. Ms. Wright concurred Board Chair Mulholland was bullying the President during this meeting—noting that it appeared he wanted to take power from her.
h. Since the March 27, 2025 meeting, all agenda setting planning have taken place over email rather than a meeting.



Factual Finding Complaint 2: Vice Chair Alltucker's complaint alleged that Board Chair Mulholland "had become increasingly verbally abusive to the President, often attempting to bully the President by raising his voice and using profanity. The chair has repeatedly used language that is offensive, derogatory, and profane, often challenging the President's position with condemning and dismissive statements." The complaint alleged that Board Chair Mulholland's conduct during the March 27, 2025 agenda setting meeting created an unsafe and hostile environment for the President based upon the Board Chair swearing and raising his voice at the President and is consistent with institutional discrimination. Based upon the above findings, Vice Chair Alltucker's complaint is substantiated.

April 2, 2025 Board Meeting

31. Several significant events occurred at the April 2, 2025 Board Meeting, including Vice Chair Alltucker reading his complaint at the end of the meeting. Most interviewees present for the April 2nd meeting reported it was contentious throughout, resulting in the need for the Board to take multiple breaks to relieve this tension. Vice Chair Alltucker, Directors Weissman and Mital all reported that the issue of appointing the seventh board member and baseball turf contract continued to be contentious issues during this meeting. For additional context, below is a summary of significant events at the April 2, 2025 meeting.

32. Following the public comment period, Board Chair Mulholland, with a second from Director Fölnagy, requested that the Board Chair (himself) add an item to the agenda. Board Chair Mulholland then made a motion to rescind the December 2024 motion to postpone the appointment of a seventh Board member, in order to appoint an unopposed candidate, Jesse Maldonado.

33. Vice Chair Alltucker objected to the Board Chair's motion, as it violated the new agenda setting policy. Directors Weismann and Mital, along with Ms. Gibson all expressed their disfavor for Board Chair's motion. The vote on the Chair's motion stalled at a 3-3 split.

34. Board Chair Mulholland called for a five minute break at 1:37:09.

35. The next item on the agenda was to vote on the baseball field turf contract. Board Chair Mulholland made a motion to delay the contract rather than to vote. This new motion was not on the agenda.

36. Vice Chair Alltucker objected and expressed that the Board Chair is ignoring the agenda by placing his own matters above the Board's. Director Weismann explained that the contract proposal expired in June 2025, so a delay would effectively cancel the baseball field contract.

37. Directors Mital and Diamond expressed confusion as to why Board Chair Mulholland would be making a motion to remove an item from the agenda, as the agenda listed an

item to hear the baseball contract ten-minute presentation, as that is what was printed on their agenda. 1:55:40.

38. Board Chair Mulholland asked how much the baseball coaches' salaries were, in which Vice Chair Alltucker responded with a point of order that it was irrelevant to the conversation. Board Chair Mulholland continued speaking as an objection to the point of order. Director Weismann appealed the objection, stating that Board Chair's actions were not in compliance with Robert's Rules.

39. All Board members, except the Board Chair Mulholland, voted to appeal his objection to Vice Chair's point of order, disallowing Board Chair Mulholland from asking further questions about the baseball coaches' salaries.

40. All Board members, except Board Chair Mulholland, then voted no to delay the baseball contract.

41. In a vote for the initial baseball contract, the Board Chair Mulholland tried to ask the same questions regarding salaries, in which a point of order is called, and the same disagreement occurs.

42. Director Mital requested another five minute break to convene. 2:02:55.

Complaint 3- Student [redacted]

43. During the course of the April 2, 2025 Board Meeting, multiple breaks were taken by the Board. The April 4, 2025 Complaint ("**Complaint 3**"), submitted by [redacted] arose from an interaction she had with Board Chair Mulholland during one of these breaks.

44. [redacted] went outside during the break on the April 2, 2025, meeting. [redacted] described the area outside of Building 3. [redacted] stated that Chair Mulholland was already outside when she went outside. She said she walked by him to a concrete post to have space. [redacted] stated that Chair Mulholland was sitting on a metal railing and got off of the railing to come speak to her.

45. When Board Chair Mulholland approached [redacted], he continued the conversation of the baseball turf issue. During this interaction, Board Chair Mulholland insisted that the baseball turf was "already decided" before he got on the board and there was nothing he could do. He stated, "It's a rope and pony show" and that it "only benefits 30 students." [redacted] explained that it was not just 30 students. [redacted] stated it was like he almost got in her face repeatedly saying "yes, it will" when [redacted] tried to rebut his argument. [redacted], generally, did not understand why Board Chair Mulholland was so elevated about the turf issue as it had been discussed for months at prior board meetings.

46. Board Chair Mulholland then moved into another topic, stating, "When I want to make a class that will benefit hundreds of students, I get told no." [redacted] Board Chair Mulholland also stated that the turf is a cost burden to the College and will require a million dollars every few years to replace it. [redacted] responded that it was "Apples to oranges" and ended the interaction by walking back inside.

47. Based upon the account of [redacted], Board Chair Mulholland spoke in a hostile, aggressive and intimidating tone towards [redacted]. [redacted] stated that Board Chair Mulholland was "uncomfortably close" and estimated he was one to two feet from her during this interaction, leaning into her. [redacted] noted that she works at a youth shelter, so she is aware when someone is off baseline, which is how she perceived Board Chair Mulholland based upon the tone of his voice, facial expression and encroachment on her space. [redacted] left the incident feeling stressed and disrespected and went into the gallery immediately after the interaction to share what had occurred with her friends and colleagues from [redacted] stated that the incident has continued to impact her as she has dreaded going to board meetings and interacting with the Chair, as she feels unsafe and does not believe any student, particularly a female student, should have to experience something like this from a board member.

48. Board Chair Mulholland largely agreed with [redacted] version of the conversation, noting he was embarrassed, wanted to apologize to her and should not have had the conversation when he was elevated from the frustration of the board meeting.

Factual Finding Complaint 3: [redacted] alleged in her complaint that Board Chair Mulholland's conduct toward her during the April 2, 2025 meeting break left her feeling "intimidated, disrespected and deeply unsettled." [redacted] described Board Chair Mulholland's tone as "overwhelmingly aggressive, unprofessional and intimidating." Based upon the above-factual findings, [redacted] complaint is substantiated.

Anonymous Complaint 4

49. The second portion of the anonymous complaint submitted on April 15, 2025, related to the alleged conduct of Board Chair Mulholland at the April 2nd meeting. **Complaint 4.** As noted above, the timestamps throughout Complaint 4 were inconsistent with the recorded dialogue, as the timestamps occurred during the public comment section. Below is the section reviewed for a possible correlation to Complaint 4 and both President Bulger and Chair Mulholland were asked to provide their perspective on the interactions.

50. **Complaint 4** alleges that during the April meeting at ~00:47:10, the Board Chair "question[ed] the president's motives" and "insinuate[ed] a lack of transparency without allowing a response". At ~1:11:00, during a discussion of Interfund Loans, board

[5] The issue of [redacted] had been mentioned by President Bulger to Board Chair Mulholland as a possibility; this was confidential information that should not have been disclosed per [redacted] and President Bulger.

member Julie Weismann asked a question clarifying whether loans can be used from the retirement fund:

Board Chair Mulholland: I've got Julie and then Denise.

Director Weismann: So, um I'm under the impression that you know this is just um a cleanup of a policy um getting some policy language I believe um correct me if I'm wrong please but I believe that the policy that is current currently been approved and on the books gives uh the finance department the authority to actually do this um and the new language is just kind of actually improving the language so correct me if I'm wrong

Board Chair Mulholland: "I think that is incorrect Julie. The current language does not currently allow funds uh transfers from or sorry loans from the retirement fund. That's being added to the new policy which is what's being voted on tonight."

President Bulger then comments: "If I could just check in with Kara on that, Kara, could you clarify?"

Kara Flath then clarifies that under existing policy, the Board does have flexibility, if voted upon, to approve loans from the retirement fund. "Yeah, I can yes I can clarify um the policy adds language that would allow the flexibility for the board to approve an in fund loan that would include the early retirement fund, but it does have to be board approved either way."

There is a slight pause after Ms. Flath's response. Board Chair Mulholland abruptly calls on board member Denise Diamond, who sits adjacent to him, to ask her question without an acknowledgement of President Bulger or Ms. Flath's responses.

Director Diamond: Um, it's because um I think the discussions that we've been having and um I believe um Trustee Mital's um summary of it is quite accurate that that we've had discussion on it because of the um newness because it now includes the um uh retirement fund and opening up that door so I understand that the protections include that the board will have a final say and that there will be only certain conditions but I am um moved by um the testimony given today and also the potential conflict with collective bargaining agreements which is not an area we need to get into at all I think. The reason why this has been a um blind in the sand okay it is um in order not to put not to be in a situation in which we would have to make any decisions that would cross over into an early retirement fund that that is um kind of a non-starter for many people.

Board Chair Mulholland: So, uh when we discussed this two weeks ago there was basically two options on the table the current option says that the board would adopt a timeline for repayment and a rate of interest and that the loan would have to be repaid the following year uh in the following fiscal year. I had put forward an alternative that uh would have meant that the loans could only be taken from the early retirement fund for purposes of covering the eighth quarter payment and that that would be have to be repaid uh I believe I I said within 30 days of receiving the state uh eighth quarter payment when

that gets made up or within the first quarter. I I don't recall exactly um so what I I guess I would ask is um of my colleagues is would that alternative be acceptable or should we come back to this in two weeks uh for a longer discussion when maybe we can get some additional questions answered regarding uh contractual requirements uh or any other questions that board members may [have]?

Vice Chair Tucker: Point of order we have a motion and a second on the table.

Board Chair Mulholland: Okay if you would like if discussion is over we can go ahead and move to the uh to the vote I was just trying to make sure we got through all of our discussion first okay.

Director Mital: um so I'm going to reveal my the extent to which I don't fully understand Robert's Rules of Order but nonetheless um I think at this point in time if we were to proceeded we would stalemate at a 3-3 that's my sense of where this is headed um and I don't know what happens in that um case but I worry that we would not be allowed to bring the um the same or similar um motion uh this the same a revised version of 275 back uh a month from now so my preference would be at given where we find ourselves now is to to uh pull back from the stated motion bring this to the next work session try to see if we can work through whatever remaining concerns there are so that it can come back to the board in a consent agenda item a month from now just given where we are.

Vice Chair Tucker: Thank you Trustee Mital I rescind my motion.

Board Chair Mulholland: Is that accepted?

Director Mital: Accepted by me.

Board Chair Mulholland: Okay we will bring this uh up again in our mid-April meeting and hopefully uh we can get to a consensus point and get it onto the consent calendar for next month.

51. Board Chair Mulholland's perspective was that the Board was in the middle of a round robin discussion, and he was moving from Director Weismann's question to Director Diamond's question:

> I [Board Chair Mulholland] honestly thought Julie was done with statements and questions, so went to the next person in line. If you watch the video, I waited approximately 3 seconds to see if Julie was making a move to ask an additional question or follow-up before saying Denise's name. I am not sure who was supposed to acknowledge those responses as it was Julie's floor until I passed it to Denise. I have been modeling my round robin discussion based on Eugene City Council discussions where the Chair, in their case the Mayor, rarely responds to what staff say during other Council Members' question and answer time. In this case, I was moving on to the next Board Member after one Board member had their question answered and appeared not to be making a move to ask additional



questions. I offered a response to Board Member Weissman's question so they understood what we were voting on, that approving this Board Policy as written would allow transfers from the early retirement fund - which was a factually accurate statement. The President asked her staff to clarify, and Kara provided additional details that supplemented my earlier response, that it would allow transfers from the early retirement account, but these loans would still need to be approved on a case by case basis. When it appeared Board Member Weissman was done, I then moved to the next person in line to ask questions. I didn't know there was an expectation that I would ask President Bulger and/or Julie if they had follow up comments or questions regarding Kara 's responses to Julie's question before moving on. I don't know how I was supposed to know that expectation existed after giving them enough time to jump in before moving on to the next Board Member.

52. President Bulger's perspective on both anonymous complaints is that a third-party was observing the dismissive conduct of Board Chair Mulholland in these moments and decided enough was enough.

Factual Finding Complaint 4: An anonymous complainant submitted complaints about the Board Chair's conduct toward President Bulger during the March 5 and April 2, 2025 Board Meetings, as well as concerns related to Roberts Rules violations. The timestamps did not match up with the alleged conduct. In an attempt to be thorough, potentially relevant sections of the Board meetings were reviewed with both President Bulger and Board Chair Mulholland. Neither the excepts from the listed timestamps nor the identified sections from the March 5 and April 2, 2025 meeting support the complainant's overarching statements related to the Board Chair's conduct; for that reason, Complaint 4 is not substantiated

In summary, the factual findings support a conclusion of a pattern of conduct from Board Chair Mulholland of dismissive and disrespectful conduct toward President Bulger, which have been perceived by President Bulger and others who have witnessed the conduct to be microaggressions based upon President Bulger's race and sex. The substantiated complaint from [redacted] likewise relates to Board Chair Mulholland's use of his position as Board Chair, and the knowledge and power that comes with that position, to intimidate and act in an unprofessional manner toward [redacted].

Respectfully Submitted,

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Enclosures (Via ShareFile)