

**Massachusetts Association of School Committees**

# **ORIENTATION MATERIALS**

**for the**

## **Quincy Search Committee**

**(Updated with Guidance on Meeting Minutes – 2020)**

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# **SUPERINTENDENT SEARCH COMMITTEE ORIENTATION MEETING**

## **KEY OBJECTIVES FOR INITIAL MEETING**

- 1. Introduce Search Committee Members and Search Personnel**
- 2. Distribute and Confirm Contact Information**
- 3. Identify Key Questions of the Search Committee Members on Search Processes and Protocols**
- 4. Understanding the Search Process**
- 5. Role of the Advisory Committee**
- 6. Review Timelines and Reserve Dates**
- 7. Review or Schedule Focus Group Survey and On Site Meetings**
- 8. Begin Question Development Process**
- 9. Address Any Outstanding Questions**
- 10. Next Meetings**
  - a. Scheduling**
  - b. Candidate Screening**
  - c. Question Development**

NOTE: The law makes no distinction between the statuses of superintendencies. Interim, provisional, temporary or acting superintendents have the same duties and obligations as a superintendent under long term contract. Similarly, the hiring process is treated in the same way. Interim superintendencies are simply superintendents working at the discretion of the school committee or under a short term contract.

## **1. INTRODUCTIONS**

Introduction of Search Committee Members and MASC Resource Staff

Search Committee Chair's Role

Minute Taking Function

Gathering Member Contact Data (addresses, phone #s, e-mail, etc.)

**What questions to you want to make sure get answered this evening?**

## **2. POLICIES AND LAW**

Background Issues That Affect a Search

The Superintendent Employment Environment

Employment Law Related to Searching

Open Meeting Law and Confidentiality

Official Spokespersons and Media Contacts

Dos and Don'ts

> Background Checks

> Candidate Questions\*

## **3. SEARCH TIMELINES AND PROCESSES**

What Happens in a Superintendent Search?

Issues about the Media.

How will we reach decisions on whom to interview and whom to recommend as finalists?

Other protocol issues identified by members.

## **4. INTERVIEW SCHEDULING, PROTOCOLS AND QUESTIONS**

Scheduling Dates for Resume Review, Selection, Interviews

Candidate Interview Protocols

Developing the Questions

Hosts for Sessions

## **5. KEY OPERATIONAL QUESTIONS:**

- Who will notify proper authorities about meetings for posting purposes?
- Scheduled dates for future action.

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\*The following are inappropriate areas for questions of a candidate:

- Questions about age; sex, height or weight, disabilities, sexual orientation, marital status, dependents, or spouses orientation; religion or creed; race, color, or national origin; birthplace, language of origin;
- Questions about residential status (own or rent); arrests; membership in social organizations; military status including draft classification, reserve status, discharge, foreign military experience)

**THE OPEN MEETING LAW**  
**M.G.L. c. 30A**

All **meetings** of a **governmental body** shall be open to the public and any person shall be permitted to attend any meeting as otherwise provided by this section.

No **quorum** of a governmental body shall meet in private for the purpose of deciding on or **deliberating** toward a decision on any matter except as provided by this section.

**“MEETING” IS DEFINED AS:**

Any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall **not** include any on-site inspection of any project or program.

*A Screening committee’s interviews with candidates for job of superintendent constituted “verbal exchange” pursuant to OML even though interviews consisted solely of prepared questions put to candidates and their answers because interviews aided screening committee in deciding which candidates to recommend to School Committee.*

*- Gerstein v. Superintendent Search Screening Comm., 405 Mass. 465 (1989).*

**“GOVERNMENTAL BODY” IS DEFINED AS:**

Every board, commission or subcommittee or any district, city, region or town, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority; provided, however, that this definition shall **not** include a town meeting.

**Subcommittees appointed by any governmental body are covered by the Open Meeting Law (OML).**

**QUORUM IS DEFINED AS:**

A simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body.

## **CALLING YOUR MEETING – GIVING PUBLIC NOTICE**

### **THE NOTICE REQUIREMENT:**

- Notice for all meetings shall be filed with the Clerk of the city or town;
- Notice must be publicly posted in the office of the Clerk or on the principal official bulletin board of the city or town;
- Notice must be posted at least 48 hrs. in advance of the meeting.
  - Excludes Saturdays, not Sundays & legal holidays.
  - Must include items reasonably expected to be deliberated.

### **WHEN THE OPEN MEETING LAW APPLIES**

When quorums of governmental bodies meet, = meeting of each body subject to the OML.

#### **DELIBERATION MEANS:**

- A verbal exchange (via any media) between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.

### **KEEPING AND APPROVING MINUTES**

A SEARCH COMMITTEE like a subcommittee is itself a “public body” under the Open Meeting Law. See General Laws chapter 30A, section 18. Therefore, as a public body, the subcommittee has its own obligation to approve meeting minutes in accordance with chapter 30A, section 22(a). The Attorney General’s Division of Open Government has recognized exceptions in situations where a subcommittee is created for a limited purpose and ceases to exist, in which case the parent body may approve the meeting minutes from the subcommittee’s final meeting. But in general, a subcommittee, or a SEARCH COMMITTEE, should approve its own meeting minutes.

The Attorney General has acknowledged that some subcommittees do not meet as frequently as the parent body. This could be the case with a SEARCH COMMITTEE. The Attorney General’s regulations clarify that timely approval of meeting minutes means within the later of 30 days or 3 meetings. So, a subcommittee that meets less frequently or on an irregular schedule need not worry that it will be in violation of the Open Meeting Law if some time passes before it next meets to approve minutes.

### **MEETING IN EXECUTIVE SESSIONS: HOW TO CONVENE**

1. Gov. body must first convene in open session for which notice has been given;
2. A majority of members vote to enter executive session after roll call vote;
3. Presiding officer must cite the purpose for the executive session (Ch. 30A, Section 21, Subsection (a)(8).
4. Presiding officer must state whether the body will reconvene after the ex. session.

### **CONDITIONS UNDER WHICH EXECUTIVE SESSIONS CAN BE CONDUCTED FOR SEARCH COMMITTEE PURPOSES:**

- To discuss the reputation, character, physical condition or mental health, **but not** the professional competence, of an individual;\*\*
- To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; **PROVIDED**, that this clause shall not apply to any meeting to consider and interview applicants who have passed a prior preliminary screening.

NOTE: The Attorney general has issued two opinions which are important for search committees to note:

1. The search committee may not report out a single person as the sole individual put forth for the public process. At least two candidates must be moved forward.
2. Questions for the candidates must be developed in public session and, therefore, may not be developed in executive session.

**\*\* If you are discussing the character and reputation, physical condition or mental health of an individual, you must comply with the following:**

- Person being discussed must receive written notice 48 hrs. in advance of proposed executive session;
- Person being discussed may request open meeting;
- Person may be present at executive session during discussions or considerations involving him/her;
- Person may have counsel present; and the person may speak on one's own behalf.
- The individual being discussed may record the executive session,

## THE STATE'S CONFLICT OF INTEREST LAW AND SEARCH COMMITTEES

Several parts of the state's ethics statutes apply to search committee members. These include avoiding conflicts of interest should immediate family members become candidates, using the process to advance your own interests, and most importantly, disclosing confidential information such as the names of candidates who do not become finalists.

Confidentiality is not only a legal requirement – violating the confidentiality of executive sessions can damage the reputations and careers of unsuccessful candidates and discredit your search committee and your search. Violating confidentiality can result in action against the person who makes the unauthorized disclosures.

You may not participate in any deliberation that affects:

You	Your Children	Your Parents	Your Siblings
Your Spouse	Your Spouse's Children	Your Spouse's Parents	Your Spouse's Siblings

YOU, AS A SEARCH COMMITTEE MEMBER MAY NOT:

- Act in a manner such that a reasonable person might conclude that you might act with bias.
- Secure unwarranted privileges for yourself or others.
- Use inherently coercive authority.
- Use official resources for private or personal use.
- Disclose confidential information\*.
- Accept inherently incompatible employment.

**Also, search committee members are considered “municipal employees” for the Ethics Commission purposes. As such, if you are already a municipal employee by virtue of paid municipal employment or as an elected official, you must disclose this status using the appropriate documentation.**

## WHAT YOU MAY ASK AND WHAT YOU MAY NOT ASK OF CANDIDATES FOR SUPERINTENDENT

### AREA OF INQUIRY

### LIMITATIONS ON QUESTIONING

#### **EDUCATION**

You should not ask about a candidate's education as a means to ascertain age.

You may ask about schools attended, confirmation (but not year) of graduation, work experience, references.

#### **RACE or COLOR**

Questions about race are not allowed and photographs may not be solicited.

#### **RELIGION**

Questions about religion are not allowed.

You may ask if a candidate can meet your attendance requirements including weekend or evening meetings as long as they are not designed to ascertain religious information.

#### **AGE**

Inquiry about age, including date of birth, is not allowed.

#### **SEX**

Generally no questions are allowed.

#### **SEXUAL ORIENTATION**

Questions, including those about relationships or living arrangements, including marital status, are not allowed.

#### **HEALTH STATUS**

Questions about height and weight may not be asked.

#### **HANDICAP or DISABILITY** Specific questions about whether a candidate has:

- a disability,
- received Workers' Compensation,
- been in a hospital,
- been treated for a mental health condition,
- addicted to or treated for drug abuse or alcoholism,
- been in or completed a rehabilitation for drugs or alcohol,
- been absent from work because of illness.
- You may ask about a previous attendance record at other jobs without referencing illness.

NOTE: if a candidate offers information on an illness or disability, you may not inquire as to the kind, severity, ongoing treatment or likelihood of recovery. You may not ask the candidate to take a physical examination prior to making a job offer. You may, after a position has been offered, require a physical exam to ensure that the candidate will be able to fulfill the job requirements.

## **NATIONAL ORIGIN**

Place of birth, original home of parents, ancestry or ethnicity of applicant or parents.

**You may ask if the candidate may legally work in the USA.**

## **MILITARY SERVICE**

You may not inquire about service connected disabilities, the nature of military discharge, foreign service, draft status or reserve status.

**You may ask if a candidate is a military veteran and about military service history.**

## **RESIDENCE**

Questions about living arrangements, ownership or renting are not allowed. You may ask if a candidate would be willing to move into the district.

## **CRIMINAL RECORDS**

You may not ask about arrests, detention, or case disposition where there is no conviction.

You may not ask about *first* convictions for misdemeanors (i.e., drunkenness, speeding, minor traffic violations, disturbing the peace).

You may not inquire of convictions for **any** misdemeanors within the last five years.

**You may ask the following questions:**

- **Have you ever been convicted of a felony?**
- **(Excluding those listed above), have you been convicted of a misdemeanor within the last five years?**
- **Excluding misdemeanors listed above, have you completed a period of incarceration within the past five years for any misdemeanor?**

All school employees who have unsupervised contact with students, including the superintendent, must submit to a criminal records check every three years.

In Massachusetts it is illegal to administer a polygraph (Lie Detector) to an employee or candidate.

## **ROLE OF THE CHAIR, OFFICERS, AND MEMBERS OF THE SEARCH COMMITTEE**

In general, the chair and other officers (if you have them) of the Search Committee have responsibilities to their colleagues.

The Chair's primary role is to ensure that members are heard and that the will of the majority is pursued, but also that the minority, whatever it is, has a full opportunity to air its views.

- The Chair is the servant of the group, not the master. The chair should expedite the agenda but not impose any additional authority over the board's decision making.
- The Chair has no additional authority other than that specifically given to it by the designating authority (School Committee) or the body itself. In a superintendent search process, the chair has a single vote that he/she may exercise at any time, but no additional authority over other members that might affect the decisions of the group.

It is helpful right from the start that there be clarification about:

- Whether the chair is the chair the spokesperson for the group, or is the media relations in the hands of the School Committee?.
- What the School Committee expects from the group and the chair's role in communicating it.
- Communications with the School Committee, formally and informally.

The Vice Chair, if you have one, covers for the chair in his/her absence.

If there is a secretary, that secretary should keep minutes because the Search Committee is subject to the open meeting law and public records law. MASC can provide technical assistance to the secretary relative to correct form and content. Minutes should include:

- Dates, locations and times of meetings.
- Names of those present.
- Motions made and votes taken.
- General topics discussed (i.e., the group reviewed 21 resumes; the group voted to interview \_\_\_\_ candidates, including \_\_\_\_, \_\_\_\_, \_\_\_\_, etc.)
- It is not necessary to record comments made.
- If the meeting is in executive session, the confidentiality of the minutes should be respected.

## Do's and Don'ts of Running a Hiring Committee

*In this Chronicle of Higher Education article, Chicago executive-searcher Dennis Barden has ten suggestions for search committees as they interview candidates:*

- Understand the job. It's vital to know the day-to-day responsibilities of the position in question before conducting interviews.
- Prepare. Read candidates' materials and decide on the structure and guiding principles. "Group interviews work better when the panel agrees on a line of questioning that is intended to elicit substantive, useful responses and that can be replicated for every candidate..." says Barden.
- Keep the purpose of preliminary interviews in mind. That is, to take an expansive view of possibilities and expand options, not decide on the best candidate.
- Don't represent just a narrow constituency. Every committee member should keep the good of the whole organization in mind.
- Loosen up. "It is deadly when a panel is so focused on process that it feels that it must ask the same questions, using the same words, in the same order, with every candidate," says Barden. "Interview conversations go better, and institutions get a far better sense of the personality of the candidate, when they flow naturally, like a conversation."
- Talk about the elephant in the room. People are sometimes too polite. "For goodness sake, just ask!" says Barden. It's important to address difficult or contentious issues while the candidate is there.
- Recruit as well as interview. "In an optimal search, the institution and the candidate find themselves at the same stage of mutual consideration at the same time," he says. "So, not only should the candidates be telling the institution that they want the job, but the institution should be telling them how interested it is in them."
- Don't treat candidates like supplicants. "Talent is hard to find," says Barden. "It needs to be invited in and to be given a reason to stay."
- Understand that leaders don't make everyone happy. "A search for candidates who have a track record of keeping everyone happy is a search for an appeaser," he says.
- Don't let the process become more important than the outcome. "Process is intended to serve result, not be a result itself," he concludes. "When institutions become so immersed in the process that they come to believe that it's more valuable than the outcome (the hire itself), things tend to go awry – and they do so very, very slowly."

"Treating Candidates Like Supplicants, and 9 Other Recruiting Mistakes" by Dennis Barden in The Chronicle of Higher Education, May 24, 2013 (Vol. LIX, #37, p. A36-37),

<http://chronicle.com/article/Top-10-Mistakes-in-Recruiting/139351/>