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Dramatic testimony shakes up City College of San Francisco trial



Barbara Beno, president of the Accrediting Commission for Community and Junior Colleges, at the City College of San Francisco trial at San Francisco Superior Court on Oct. 27, 2014.

By Nanette Asimov, Wednesday, October 29, 2014

Photo: Liz Hafalia /

The president of the commission trying to revoke accreditation from City College of San Francisco admitted in court Tuesday that she had edited out language in the report favorable to the college and that the college was denied a chance to defend itself as required.

The surprising admissions by commission President **Barbara Beno** made for dramatic testimony in Day 2 of the trial to determine whether the **Accrediting Commission for Community and Junior Colleges** broke the law when evaluating City College in 2012 and 2013 before voting to revoke its accreditation. The college remains accredited pending the outcome of the trial in San Francisco Superior Court.

The question of whether the commission was unfair in the process that could shut down the college of 79,000 students is a key point in the trial. Lawyers for the city of San Francisco are trying to prove that the commission denied due process to the college and broke the California law barring illegal and unfair business practices. They argue its motives were political because students and faculty members opposed statewide college reforms supported by the commission.

No political agenda

The commission's lawyers say there was no political agenda, that the college must be held accountable for its financial and governance problems, and that the commission is immune from that state law.

In court, Deputy City Attorney **Ronald Flynn** asked Beno if, just before the commission voted to revoke accreditation in June 2013, it had identified new deficiencies at the college that it had said were not a problem.

"Yes, it did," Beno said.

When the new problems were identified, Flynn asked: Did the commission give the college additional time to address them as its policy requires for schools in danger of losing accreditation?

Beno spoke about the process, and Flynn cut her off. “Yes or no?” he asked.

Beno paused for several seconds, then said the commission let City College respond in writing.

Flynn asked if that meant the college had been given “additional time,” as required.

Beno began to read something, and then Judge **Curtis Karnow** stopped her. “Ma’am, Ma’am,” he said. “It’s a question about what’s happening in the real world.”

Flynn asked again: “Did the commission afford City College additional time to respond?”

“No,” Beno said, shaking her head.

Flynn’s questioning also revealed that a team appointed by the commission to evaluate the college had come to several positive conclusions that were omitted or changed at Beno’s request. Beno is not a voting member of the commission, but was portrayed as a powerful leader able to influence its decisions.

On the stand, Beno acknowledged that the team’s draft report said City College “demonstrated a high level of dedication, passion and enthusiasm to address the issues, and provided evidence of compelling action to address previous findings.”

Beno said she had asked the team leader, **Sandra Serrano**, to take out the language. “I was concerned with what ‘compelling action’ meant,” Beno testified. “I’m trying to address the clarity.”

Flynn also established that the team’s report found the college had complied with a certain accrediting standard, but that the final report edited by Beno found it hadn’t complied.

'It was riveting!'

Outside in **Civic Center Plaza**, crowds gathered to watch the Giants in the World Series on a huge TV screen. Inside the courtroom, faculty members were thrilled with what they felt was a win for their team.

“Wow! Wow!” said **Janet Carpenter**, an art instructor. “It was riveting! Mr. Flynn showed that they did not provide City College due process. My jaw dropped. I felt that finally we will have the truth.”

The trial resumes Wednesday. Beno remains on the stand to be cross-examined by the commission’s attorneys.

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