

Mavericks

By
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“Maverick: An independently minded person who refuses to abide with the dictates of or who resists adherence to a particular group.”

A board is more than a collection of individuals. Every respected authority on the functioning of boards suggests that in order for a board to be effective as an entity entrusted to govern an organization on behalf of its owners, it must act as a single unit. By definition, that means group action rather than individual member action.

Yet, as we survey the landscape of school boards across America, it is painfully clear that a growing number of them are populated by at least one member who refuses to function as a member of a larger group. Rather, these “mavericks” resist anything resembling teamwork, insisting that they have some constitutionally-protected right to behave in any manner they choose, regardless of the toll such behavior takes on the board, the district it governs, the students it serves and the citizens it represents.

Maverick behavior can assume several looks. It can manifest itself as:

- Silence during board meetings, and open assault the next day;
- Constant disruption and challenges to the board president, the superintendent or staff, the agenda, or something else during meetings;
- Dominating discussion and deliberation, effectively shutting down contributions by others;
- Open, public criticism of the board or superintendent, and decisions made by either;
- Violating confidence by publicly revealing content of executive session discussions;
- Consistently negative actions and behaviors, including voting against most issues;
- Refusal to participate in board events and activities;
- Circumventing the superintendent to give individual directives to staff;
- Undermining board and superintendent decisions in public and with staff;
- Trying to “fix things” for complaining members of the public, **refusing to** refer complaints to the district staff.

What’s going on here?

Why is it that bright people, individuals who usually are accomplished in some field and gifted with a measure of ability that could reap enormous benefit for the board and district, choose to strike out on their own and refuse to be constructive members of a board team?

Are they oblivious to the harm they cause? If not, do they care whether they leave collateral damage in their wake?

Are they permanently committed to such behavior, or can they be redirected?

And probably the most important question: if their behavior cannot be changed, what do their colleagues do about it?

Clarity: who is not a maverick?

It is important to understand that we are NOT including board members who simply speak or vote against an issue before the board – something every board member will and must do at times if open and truly representative governance is to prevail in our democratic society. That would be the antithesis of our intent. For clarity, we are not speaking about those:

- well-intended members who simply have an opinion that differs from that of the majority;
- members who periodically find it impossible to be enthusiastic about a decision the board makes;
- members who vote against a motion, either based upon principle or some other rational basis.

Why do they do it?

Why do mavericks behave as they do? There may be a few reasons, but our belief is that one reason they do what they do is because they enjoy doing it. By no means are they oblivious to their actions. They know exactly what they are doing, and they fully understand the misery they cause other members of the board, the majority who are frustrated by their behavior. Mavericks go home after a board meeting and sleep like babies. Meanwhile, other members go home and wake their spouse for cathartic debriefing; watch brain-numbing television into the wee hours; take the dog for a long walk, or imbibe in that half-gallon of ice cream or their favorite spirits – or both!

We've seen mavericks literally run from a board meeting to their favorite newspaper reporter to share the "real story," usually criticizing other members of the board for their ill-conceived action or the superintendent for his general incompetence. How reporters love to hear from them! This behavior tends to perpetuate itself: the reporter has a never-ending source for juicy stories, while the maverick has a never-ending vehicle to get his name in print.

More and more we see and hear mavericks leaning on their First Amendment rights as license to do and say anything they choose, regardless of decisions made by the board majority. They argue that their free-speech rights cannot be taken from them by the board or anyone else, and that no board policy can or will prevent them from freely expressing their differing positions publicly, often caustically. Rarely do mavericks talk about the responsibilities they undertook when they joined as one member of the board.

Let's clarify a couple of things here: first, we are not advocating always-unanimous votes, nor suggesting that every member must subordinate his personal views or stifle his disagreement during board debate. Conversely, it is at the board table that such disagreement must be encouraged and voiced. Individuals are not expected to sheepishly follow the leader during board discussion of a matter. If they have a different view, they have an *obligation* to say so, before the decision is made. Then, they have an obligation to respect the decision made by the board. By their nature, mavericks may disagree with this last statement.

Secondly, if an issue becomes a contest between a board policy or behavioral agreement among board members and the First Amendment, the Constitution will win every time. No contest; each individual indeed can exercise his free-speech rights up to the point of crossing established legal barriers.

But do reasonable people always choose to exercise all the rights they have? Most of us recognize and adhere to some self-imposed limits on the extent to which we do or say things that may be harmful to other people or to groups of which we are members. We usually expect grownups to act the part, and elevate themselves to the point that they can promote organizational change in constructive ways as opposed to tearing down not just the board of which they are a member, but literally every part of the organization it serves.

Maybe the key word in the above paragraph is "reasonable." Mavericks truly do believe they are reasonable people. They tend to be driven to make some well-defined—although many times unstated-- change in the organization, and believe their behavior is reasonable as long as it is directed at that desired change. The fact that other members of the board may not share that same objective matters not to them. Their mission is of greater importance than the obstacles that limit its achievement. Therefore, the obstacles—in this case, other members of the board—are little more than human speed-bumps to them. Thus the behaviors that seem unreasonable to other members of the board are considered quite reasonable to them.

Can Maverick Behavior be Changed?

We would love to suggest that these maverick tendencies can be changed with training and very focused group norming and coaching. In a few cases, that may be possible. But the truth is, for the most part, the problem is what it is, and no amount of training or group-effectiveness coaching will change it.

Mavericks are wired differently. They are motivated by different objectives and purposes. They see the world, especially their little part of it, through different lenses, lenses clouded by their very narrow agenda. They tend to be bright, and believe their own thought processes are superior to those of other members of the board. They trust their own decisions more than they trust those of the board as a whole. If they can't change the board, they will "do their own thing." And remember, they consider "their own thing" to be perfectly reasonable, and thus they have no reason to change anything.

The Dilemma

This, then, is the dilemma: the majority of the board, as well as the entire district, constantly are frustrated by behavior they can do little about. They are faced with a limited range of choices to deal with it. The makeup of the board is what it is: the citizens have chosen this "board" and members are joined to each other, at least until the next election or round of appointments.

We have seen boards comprised of good people, motivated to make a positive difference in the districts they serve, allow themselves to be completely taken over by a single board member who refuses to be a responsible and contributing member of the board. In their effort to be "nice" to each other, they have allowed behaviors they detest, and that they know to be destructive to both the board and district, to continue unchecked. They have allowed a single member to:

- dictate what they will and will not spend their time doing;
- limit or delay significant actions that need to be taken;
- direct major staff activities without board authorization;
- take over agendas with unrelated and irrelevant motions and comments;
- repeatedly remove items from the consent agenda—even though there is no evidence of advance effort to resolve the concerns and no other member has a question about the matter;
- left unchallenged public comments demeaning to other members of the board and staff.

What to Do?

If a board majority is frustrated by such maverick behavior, what should it do about it? It can't remove the offending member, at least in most states. But there are a number of actions the board can take, some before the problem manifests itself, some after. Some of the corrective choices may seem draconian, but we

believe the board should not be reluctant to take them, especially if individual behaviors reach a certain level of disruption.

Consider these:

1. The board can and should resolve to govern as a body, not as individuals. This commitment should be written in policy, and it should be self-monitored routinely by the board to assure full compliance. Then the board majority must faithfully practice the commitment; *never* should any single board member be allowed to dictate the actions, the timing, the agenda, or any other aspect of the board's or staff's operations.
2. A board member code of conduct should be developed and approved by the board as board policy, then routinely monitored for compliance. Members should be expected to comply with the approved code, without exception. If they fail to comply, the board has every reason to challenge the behavior as a violation of board policy.
3. If a board determines that it has a maverick member, it first should make every reasonable attempt to get the member to work as a contributing member of the board. This could mean conversations with the chairman or president, discussions with the full board, facilitated retreats, and any other reasonable attempt to establish full understanding of group behavioral expectations. As we mentioned earlier, the chance of success may be slim, but this is a step that usually must be taken before more difficult remedies are considered.
4. While in most states the board is not permitted to remove one of its members from office, the board usually can take some form of censuring action for members who repeatedly violate established behavioral norms. A censure, in effect, is a public statement signifying that, while the board may not be able to fully control certain detrimental, unethical or disruptive behaviors – and those in violation of the board's own governing values or policies - it has chosen to publicly separate itself from the members who practice those negative behaviors. This may not be an easy choice to make, and it certainly is one that the board will want to exhaust every option before taking. However, failure to act at some reasonable point is to allow the misery to go without challenge and the organizational damage to remain unchallenged. More importantly, the image and effectiveness of the board as a whole are sullied with distrust, fear and unprofessionalism, reducing its hope for excellence to a condition of being a body only tolerated.

5. Along with public censure should be consideration of removing the member from any positions to which he or she has been appointed, such as committee membership.

In effect, when steps 4 and 5 are taken, the board is considering itself to be a four-person board (assuming five total members). The censured member should be treated courteously and respectfully, but otherwise ignored. His or her comments should not be responded to, and by no means should the board allow itself to be dragged into a public debate or argument by the member's challenging behaviors or comments.

6. The board should reaffirm to its superintendent that he or she is not expected to perform any work directed by a single board member. If such demands or requests are presented to the superintendent, they should be referred to the full board for a decision.

In summation:

We are not advocating warfare. Boards present more than a sufficient number of examples of that problem, too. But boards can, and many do, err in the other direction by trying to avoid controversy at any cost, especially among members of the board. In their effort to preserve an image of dignity and respect for one another, many boards tolerate far more unacceptable behavior from their members than they should, certainly more than they would tolerate from any employee.

We can't tell any board when enough is enough; that usually is a self-identifying condition. When the members realize they are receiving less and less satisfaction from their board work; when they understand that they are being dominated and hindered by a single member; when it becomes apparent that the effectiveness of the board and the district are being compromised by one member, it is time to act.

Advance attention to some of the policy suggestions can and should be considered by all boards, whether they have maverick issues or not. Establish together the Rules of Engagement – in policy - for how the board will define its role, how it will govern, how it will establish agendas for work and conduct meetings to maximize effectiveness. Deliberate and agree on what makes sense for a body attempting to exercise authority and responsibility over an organization without splintering due to lack of discipline and maturity.

Hopefully, your board has been, and will continue to be, able to avoid the maverick problem. It is not a pleasant or productive environment in which to try to

govern a school district. If you find yourself there, our best advice is this: don't allow it to go unchallenged for the sake of peace and harmony. Peace and harmony are virtuous aspirations, but in the long term, the consequences of doing nothing are far too great.

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