

**BOARD POLICY - Chapters 1, 2 & 3  
PROPOSED CHANGES – NOT RECOMMENDED**

**CHAPTER 1 – THE DISTRICT**

**1. BP 1100 - The Ohlone Community College District**

*Addition Not Recommended* – The District named the Ohlone Community College District, formerly Fremont-Newark Community College District.

*Original Text* – The District is named the Ohlone Community College District.

**Comments:** It is not recommended that policy reflect historical references, only current conditions should be cited.

**CHAPTER 2 – BOARD OF TRUSTEES**

**2. BP 2015 – Student Member of the Board of Trustees**

*Suggestion* – Need to note only privilege to make and second motions adopted for 2004 – 2005 year.

**Comments:** The Ed. Code requires the Board to annually decide on the privileges of the student trustee. What is decided for a specific year should not be policy.

**3. BP 2100 – Board Elections**

*Request for Clarification* – If Board Member moves out of area, into another area, would the Board Member no longer have the ability to participate on the Board?

*Original Text* – The election of a Board Member residing in and registered to vote in the trustee areas he or she seeks to represent shall be by the registered voters of the entire community college district.

**Comments:** Board members are required to maintain their residence in the trustee area they have been elected to represent.

**4. BP 2210 - Officers of the Board**

*Addition Not Recommended* - With the consent of a majority of the Board, at least 72 hours in advance cancel a scheduled meeting of the Board.

*Addition Not Recommended* – The Board has an unofficial system of rotation of officers; it elects the officers each year from among all its members.

*Original Text* - The Board does not have an official system of rotation of officers; it elects the officers each year from among all its members.

**Comments:** For emergency reasons, Board meetings may be cancelled by the President of the Board. A vote of the Board is not required to cancel, only to change the order of business of the Board.

“Unofficial” practices cannot become part of Board policy. If the Board wants to have a system of officer rotation, it must vote to adopt it, then it goes into policy.

**5. BP 2310 – Regular Meetings of the Board**

Request for Clarification – May not need to be specific in regards to time and location of meeting. A change would require a formal change in Board Policy Statement.

Original Text – Regular meetings of the Board shall be held at 7:00 p.m. or otherwise specified in the call for the meeting on the second and fourth Wednesdays of each month. The date and time of a regular meeting may be changed by action of the Board at any previous meeting provided that every member is notified either by letter or by distribution of the minutes carrying a record of the change. Regular meetings of the Board shall normally be held at Ohlone Community College District (43600 Mission Boulevard, ECE Building classroom), except that two (2) Board meetings (one each semester) will be in Newark at a location to be designated by the Secretary.

**Comments:** Ed. Code requires that each year at the annual organizational meeting the Board shall set the time and location of its regular meetings for that ensuing year.

**6. BP 2330 – Quorum and Voting**

Addition Not Recommended – A quorum of the Board shall consist of four (4) members in addition to Student Member.

Original Text – A quorum of the Board shall consist of four (4) members.

**Comments:** Students are not allowed to be counted in the quorum since their vote is only advisory (if granted). Suggested language may imply rights of the student member that cannot be granted.

**7. BP 2340 - Agendas**

Addition Not Recommended – Agendas shall be developed by the President/Superintendent, after being reviewed by the Board President the agendas shall be mailed and present by the President/Superintendent.

Original Text – Agendas shall be developed, mailed, and presented by the President/Superintendent.

**Comments:** The original text is in keeping with the President/Superintendent job description. As a practical matter, not all Board presidents have wanted to be directly involved in (formal) review of the agenda and Board presidents are not always available on the close schedule of agenda preparation and mailings that take place twice per month.

**8. BP 2345 – Public Participation at Board Meetings**

Addition Not Recommended – Whenever there are five or more members of the public wanted to speak or when requested by the Board President, members wishing to present such items shall submit a written request at the beginning of the meeting to the President of the Board that summarizes the item and provides his or her name and organization affiliation, if any. No Action may be taken by the board on such items.

Original Text – Members wishing to present such items shall submit a written request at the beginning of the meeting to the President of the Board that summarizes the item and provides his or her name and organization affiliation, if any. No action may be taken by the Board on such items.

**Comments:** It is not recommended that the Board place constraints upon its own prerogatives by adding specific numbers and conditions for hearing from the public.

**9. BP 2350 – Speakers**

Proposed Change Not Recommended - Each speaker will be allowed a maximum of five minutes per topic. Thirty minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one board meeting. At the discretion of a majority of the Board, these time limits may be extended or shortened.

Original Text - Each speaker will be allowed a maximum of five minutes per topic. Thirty minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one board meeting. At the discretion of a majority of the Board, these time limits may be extended.

**Comments:** Setting time limits is legally advised as part of this policy. Whatever time limits are stated in policy must be adhered to. It is not legally advised to both set a limit and also indicate the limit could be shortened (which would be a violation of policy).

**10. BP 2360 – Minutes**

Suggestion – Record each person vote on each item.

Original Text – The minutes shall also record the name of the person making a motion, the name of the person seconding it, and the vote. Voting will be via voice or by roll call. A member voting for or against a proposition may state the reasons and may have them recorded in the minutes if the member so requests at the time of voting. Minutes will be recorded as indicated in Robert’s Rules of Order.

**Comments:** Board policy adopts Robert’s Rules of Order to govern how votes are taken and recorded. The current Board wishes to have a roll call vote on every matter that comes before it, including approval of the minutes and the consent agenda. This is not normal practice of other boards and is not required by Robert’s Rules of Order. Board

policy should not be more restrictive than Robert's Rules unless a compelling case is made.

#### **11. BP 2410 – Policy and Administrative Procedures**

Request for Clarification – Will the District be printing out a 2 year catalog?

Original Text – The Board shall adopt annually the College Catalog.

**Comments:** Having the Board adopt the College Catalog is not required by Ed. Code. It is a local practice. At this time the District has no plans to print a 2 year catalog, but if it did there would be no concern about changing the wording to bi-annual or dropping the practice altogether (how many Board members carefully read the catalog before approval?).

#### **12. BP 2420 – Purpose and Role of Board**

Addition Not Recommended – Hiring consultants;

**Comments:** The Board has policies and statutes for their approval of contracts, including those for services of professionals such as consultants, architects, lawyers, etc. It is not recommended to specify any or all of these in this policy.

#### **13. BP 2431 – Selection of President/Superintendent**

Proposed Change Not Recommended – Schedule President/Superintendent Evaluation to take place December each year.

Original Text – The term of office of the President/Superintendent may be a period of four years. It will be the duty of the Board to renew the contract of the President/Superintendent or in the last year of incumbency to present notification in writing prior to the first of January that the President/Superintendent's services will not be required for the next succeeding contractual term. In the case of a President/Superintendent vacancy, the Board shall establish a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations.

**Comments:** The common practice is for Boards to conduct President/Superintendent evaluations at the end of the academic year (in the late spring/early summer). Goals are set at the beginning of the academic year and reviewed at the end. Commonly the evaluation serves as the basis for setting the compensation for the ensuing year. The January notice date is for the purpose of not renewing the four year contract. If such a circumstance arises, it would be better to have the evaluation around July 1 and give the CEO one year's notice of non-renewal. Furthermore, the Board is not limited to conducting only one evaluation each year. Special circumstances can give rise to an interim evaluation taking place in December.

#### **14. BP 2710 - Conflict of Interest**

Suggestion: Suggestion was made to reference code in a footnote of the text listed below.

Original Text – Acquisition or Disposal During Reporting Period: In the case of a statement filed under Section 8.3.E, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of the acquisition or disposal.

**Comments:** Code sections are referenced at the beginning of each policy, not in footnotes.

Proposed Changed Not Recommended – In compliance with law and regulation, the President/Superintendent shall establish administrative procedures to provide for disclosure of assets of income of board members who may be affected by their official actions, and advise members from making or participating in the making of board decisions which may foreseeably have a material effect on their financial interest.

Original Text – In compliance with law and regulation, the President/Superintendent shall establish administrative procedures to provide for disclosure of assets of income of board members who may be affected by their official actions, and prevent members from making or participating in the making of board decisions which may foreseeably have a material effect on their financial interest.

**Comments:** Code references are consistent with a legal responsibility to prevent conflict of interest when it becomes apparent. The Board may want to add this additional language to the policy: “Board members are encouraged to seek counsel from the District’s legal advisor in every case where any question arises.”

### **CHAPTER 3 – GENERAL INSITUATION**

#### **15. BP 3250 - Institutional Planning**

Original Text – The President/Superintendent shall submit those plans for which Board approval is required by Title 5 to the Board.

Suggestion: Suggestion was made to reference code in a footnote.

**Comments:** Code references at beginning of policy, not in footnotes.

#### **16. BP 3310 – Records Retention and Destruction**

Original Text – The President/Superintendent shall establish administrative procedures to assure the retention and destruction of all District records, including but not limited to student records, employment records and financial records, that comply with Title 5.

Suggestion: Suggestion was made to reference code in a footnote.

**Comments:** see previous note.

**17. BP 3520 - Local Law Enforcement**

Request for Clarification – Do these agreements exist?

Original Text - Each campus or center of the District shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

**Comments:** Yes, we have these agreements.

**18. BP 3710 – Intellectual Property and Copyright**

Suggestion – There may be an Ohlone Policy on this issue which was part of the on-line class authorizations that may need to be referenced.

**Comments:** This is included in the collective bargaining agreement, not policy.

**19. Proposed Suggestion**

Suggestion - Include resolution date if reference to resolution was made.

**Comments:** This is workable if date is known and resolution is actually a policy statement.

**20. Proposed Suggestion**

Suggestion – List Title code section in addition to number.

**Comments:** League service provides all code references for policy. Local college staff do not have time or resources to make additional listings.

**21. Proposed Suggestion**

Suggestion – List title code references of the word “shall”. May want to use “may” instead.

**Comments:** League service uses “shall” when policy is required and “may” when it is optional or recommended best practice but not law.