

BP 2710 Conflict of Interest

Reference: *Government Code Sections 1090, et seq.; 1126; 87200, et seq.; Title 2, Sections 18730 et seq.*

Board Approved: 04/13/05

Amended: 02/22/06

Amended: 03/05/08

CONFLICT OF INTEREST POLICY

Board members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members

A Board member shall not be considered to be financially interested in a contract if his or her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A Board member who has a remote interest in any contract considered by the Board shall disclose his or her interest during a Board meeting and have the disclosure noted in the official Board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his or her duties as an officer of the district.

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.

Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

Each designated employee shall file an annual statement disclosing that employee's

interests in investments, real property, and income designated as reportable by the

Political Reform Act of 1974. The positions listed in this section are designated positions.

Officers and employees holding those positions are designated employees and are

deemed to make, or participate in the making of, decisions which may foreseeably have

a material effect on a financial interest of the designated employee.

PLACE AND TIME OF FILING

- All designated employees required to submit a statement of financial interests shall file the original with the Secretary to the President/Superintendent.
- A copy of the College President/Superintendent's Statement of Economic Interests (Form 700) shall be filed with the Alameda County Board of Supervisors.
- A designated employee required to submit a statement of financial interest shall submit an initial statement disclosing all reportable investments and interests in real property, but not income, within thirty (30) days after the effective date of this Code.

- All employees of the District appointed, promoted, or transferred to designated positions shall file initial statements not less than ten (10) days before assuming office, unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed within thirty (30) days thereafter.
- Annual statements shall be filed by all designated employees. Such statements shall cover the period of the preceding calendar year and shall include income for the preceding calendar year as well as investments and interest in real property.
- A designated employee required to file a statement of financial interest with any other agency, which is within the same territorial jurisdiction, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate document.

CONTENTS OF DISCLOSURE STATEMENTS

Disclosure statements shall be made on forms supplied by the Alameda County Clerk and shall contain the following information:

Contents of Investment and Real Property Reports: When an investment, or an interest in real property, is required to be reported, the statement shall contain:

- A statement of nature of the investment or interest;
- The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- The address or other precise location of the real property;
- A statement whether or not the fair market value of the investment, or interest in real property, exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

Contents of Personal Income Reports: When personal income is required to be reported, the statement shall contain:

- The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
- A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1,000); and whether it was greater than ten thousand dollars (\$10,000);
- A description of the consideration, if any, for which the income was received;
- In the case of a gift, the name and address of the donor and the amount or other description of the gift, and the date on which the gift was received.

Contents of Business Entity Income Reports: When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

- The name, address, and a general description of the business activity of the business entity;
- In the case of a business entity which provides legal or brokerage services, the name of every person, who is a reportable source of income, who paid fees to the business entity, if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);

- In the case of a business entity not covered by paragraph 2, the name of every person, who is a reportable source of income, from whom the business entity received payments, if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year;
- For purposes of disclosure, a financial interest in any business or indirect investment or interest includes any investment or interest owned by the spouse or dependent child of a designated employee, an agent on behalf of a designated employee, any business controlled by the designated employee, or by a trust in which he or she has a substantial interest. A business is controlled by a designated employee if the designated employee, his or her agents, spouse or dependent children hold more than 50 percent of the ownership interest in the business. A designated employee has a substantial interest in a trust when the designated employee, his or her spouse or dependent children have at present or future interest worth more than one thousand dollars (\$1,000).

Contents of Management Positions Reports: When management positions are required to be reported, designated employees shall list the name of each business entity not specified above in which they are a director, officer, partner, trustee, employee, or in which they hold any position of management.

Initial Statement: The initial statement filed by an employee appointed to a designated position shall disclose any reportable investments and interests in real property.

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 acquisition or disposal.

Disqualification: Designated employees must disqualify themselves from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any reportable interest of that employee, except sources of gifts less than \$250 or any other financial interest as defined in Government Code Section 87103. No designated employee shall be prevented from making or participating in the making of any decision to the extent his/her participation is legally required for the decision to be made.

- Manner of Disqualification: A designated employee required to disqualify himself or herself shall notify the President/Superintendent in writing. A copy of this notice shall be retained by the President/Superintendent who shall forward the original to the Alameda County Board of Supervisors. Upon receipt of such statement, the President/ Superintendent shall immediately reassign the matter to another employee.

DESIGNATED POSITIONS

Persons occupying the following positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest of the designated employee. Each designated employee shall file an annual statement disclosing that employee's interests in investments, real property, and income designated as reportable by the Political Reform Act of 1974.

EXHIBIT A

- Members of the Board of Trustees: Responsible to the electorate to consider and pass upon the recommendations of the President/Superintendent in all matters of policy pertaining to the welfare of the College, including, but not limited to, approval of the annual budget, and approval of the expenditure of all District funds.
- President/Superintendent: The Chief Executive and Administrative Officer of the Board of Trustees. Recommends on all matters relating to facility acquisition and development including sites, buildings, and equipment necessary to provide for the educational program of the College. Implements such acquisitions and developments when approved.

- Vice President, Administrative Services: Member of Management Team. The chief fiscal officer of the District. Responsible to the President/ Superintendent for fiscal and technology planning and management of all District financial resources, disbursements, accounting and technology services. Represents the District's interest in relationship to all vendors, construction contractors, and agencies concerning plant and property matters.
- Vice President/Deputy Superintendent, Academic Affairs: Member of Management team. Provides primary leadership responsibilities for planning, implementing, and coordinating the educational program of the College. The Vice President /Deputy Superintendent will serve as advisor to the President/Superintendent in matters related to curriculum and instruction.
- Vice President, Student Development: Member of Management Team. Provides primary leadership for the wide array of student services and support activities at Ohlone College, which support and complement the instructional program. The Vice President, Student Development, will coordinate the activities of the office with that of the Vice President/Deputy Superintendent, Academic Affairs; the Vice President, Administrative Services; and the President/Superintendent.
- Director, College Foundation: Member of Management Team. Responsible for developing, managing, and implementing a comprehensive advancement program that achieves fund development objectives. Serves as the executive director of the Ohlone Foundation.
- Director of College Advancement: Member of Management Team. Coordinates and implements marketing strategies to promote the College and its programs; responsible for public and media relations, and external and internal communications. Identifies, writes, prepares and supports grant proposals according to institutional guidelines, goals and priorities. Disseminates information on funding sources and otherwise works with college staff to develop successful grant projects. Coordinates grants development for all units of the college district.
- Dean of Business Services: Member of Management Team. Responsible for the District's finance and accounting functions; prepares financial statements, projections and analyses.
- Director of Purchasing, Contract Administration, and Auxiliary Services: Member of the Management Team. Under direction, plans, directs, manages, supervises, and coordinates programs and projects with the Business Services Division; coordinates assigned activities with other District departments and outside agencies; and provides highly responsible and complex administrative support of the Vice President, Administrative Services.
- District Buyer: Writes specifications and bid documents, checking purchase requisitions, selecting and assigning vendors for various supplies and equipment.
- Bookstore Manager: Member of Management Team. Plans, organizes, and supervises the operation of a college bookstore, recommends policies and procedures to be followed.
- Bookstore Merchandise Buyer: Purchases materials, selecting vendors without significant intervening review.
- Bookstore Textbook Coordinator: Under direction, coordinates the ordering of textbooks for the College to assure students and instructors have the necessary textbooks and the materials for classes; train and provide work direction to assigned staff.
- Chief –Safety and Security: Member of Management Team. Under general direction, directs, manages, supervises, and coordinates the programs and activities of the Campus Safety and Security Department.
- Community Events Coordinator: Responsible for the coordination and operation of the Flea Market and other on-campus community fund-raising events.

- Dean of Human Resources: Member of Management Team. Manages the operations of the Human Resources Department, payroll, and staff development. Acts as the District's Equal Opportunity Officer; serves as a District representative in collective bargaining with classified and certificated staff.
- Director of Facilities: Member of the Management Team. Responsible for all campus facilities, including the areas of maintenance, operations, grounds, transportation, and energy conservation, long-term facility planning and oversight of major capital building and repair projects.
- Assistant Director of Facilities: Member of the Management Team. Under direction, is responsible for assisting the director in organizing, planning, assigning, and directing work in the buildings and grounds program.

See Administrative Procedures #2710.

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Title 2, Sections 18730 et seq.

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A board member who has a remote interest in any contract considered by the Board shall disclose his or her interest during a board meeting and have the disclosure noted in the official board minutes. The board member shall not vote or debate on the matter or attempt to influence any other board member to enter into the contract.

A board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his or her duties as an officer of the district.

In compliance with law and regulation, the [CEO] 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.

Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

Note: Although the following is not legally required it is legally advised.

Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

See Administrative Procedures [#].

BP 2715a Code of Ethics/Standards of Practice

Reference: *Accreditation Standard IV.B.1.a, e, & h*

Board Approved: 04/13/05

Board Revised: 02/12/07

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

- 1) Acting only in the best interest of the entire community and adhering to District Policies and Procedures.
- 2) Protecting the interests of students in every decision and assuring the opportunity for high-quality education for every student.
- 3) Using the powers of the office honestly and constructively, communicating and promoting the needs of the community to the College, and the needs of the College to the community.
- 4) Maintaining an atmosphere in which controversial issues will be debated openly and fairly, protecting the dignity of individuals. Respecting others; acting with civility.
- 5) Exercising authority only as a Board and conducting their relationships with college staff, students, local citizenry, and the media on that basis.
- 6) Ensuring public input into board deliberations; adhering to the law and spirit of the open meeting laws and regulations. As prescribed in the Brown Act, a majority of the members of the Board shall not communicate among themselves by the use of any form of communication (e.g., personal intermediaries, e-mail, or other technological device) in order to reach a collective concurrence regarding any item that is within the subject matter jurisdiction of the Board. (BP 2720)
- 7) Maintaining confidentiality of closed sessions.
- 8) Avoiding situations that may constitute a conflict of interest or the appearance of a conflict of interest and informing the entire Board or the Board President when a matter under consideration might involve such a conflict, as stated in the District's Conflict of Interest Code. No member of the Board shall make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest in investments, real property, and income under the District's Conflict of Interest Code. (BP 2710)
- 9) Using appropriate channels of communication, authority and responsibility. Assuring the orderly operation of the College by encouraging employees to make use of established organizational channels before bringing their concerns to the Board. Individual Board members shall not instruct staff to conduct investigations, prepare reports, or undertake extensive analysis of information. However, individual Board members can make requests through the President/ Superintendent.
- 10) Devoting adequate time to board work. Being informed about the District, educational issues, and responsibilities of trusteeship. Attending all scheduled Board meetings insofar as possible, and being well-prepared concerning the issues to be considered at those meetings. Notifying the President of the Board or the Secretary to the Board of an expected absence from a Board meeting.
- 11) Promoting a healthy working relationship with the President/Superintendent through supportive, open, and honest communication and regular evaluation. Individual Board members shall inform the Superintendent/President of significant concerns expressed by members of all constituencies whether or not action is requested. In turn, the Board shall be kept informed of significant concerns by the Superintendent/ President. It is desired that sensitive or controversial events do not become the subject of public comment before the Board and the administration have knowledge of the facts in the case.

- 12) No member of the Board shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law. (BP 2717)

BP 2715b Procedure to Address Violations of the Code of Ethics, Standards of Practice, Laws, or Regulations Concerning Elected Board Members

Board Approved: 02/12/07

- 1) The Board Officers and President/Superintendent are authorized to consult with legal counsel when they become aware of or are informed about actual or perceived violations of the Code of Ethics, pertinent laws and regulations, including but not limited to conflict of interest, open and public meetings, confidentiality of closed session information, and use of public resources. Potential violations of law may be referred by College legal counsel to the District Attorney or Attorney General as provided for in law.
- 2) Alleged violations of the Board's Code of Ethics/Standards of Practice BP 2715 will be addressed by the President of the Board, who together with the Vice President of the Board will first discuss the alleged violation with the Trustee to reach a determination of the potential existence of a violation. If it is determined that a potential violation of BP 2715 has occurred, the Board President will appoint an ad hoc committee to examine the matter and identify further courses of action to the Board. Sanctions, including censure of the Board Member, may be considered by the full Board. If either the Board President or Vice President is perceived to have violated the Code, they will be replaced with another Board member selected by the other unaffected Board officer authorized to pursue appropriate processes.
- 3) Consideration by the full Board of any and all actions under the Provisions of this Policy shall be in a formal and open meeting of the Board of Trustees, under an agenda item with appropriate and legal Notice, as required by State Law.

BP 2715 Code of Ethics/Standards of Practice

Reference:

Accreditation Standard IV.B.1.a, e, & h

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

[Insert the current board code of ethics or standards of board practice. The code must contain a clearly defined statement for dealing with behavior that violates its code]

Note: The Community College League of California has resources to assist boards develop codes or standards. It suggests that standards address the following areas:

- Acting only in the best interests of the entire community.
- Ensuring public input into board deliberations; adhering to the law and spirit of the open meeting laws and regulations.
- Preventing conflicts of interest and the perception of conflicts of interest.
- Exercising authority only as a board.
- Using appropriate channels of communication.
- Respecting others; acting with civility.
- Being informed about the district, educational issues, and responsibilities of trusteeship.
- Devoting adequate time to board work.
- Maintaining confidentiality of closed sessions.

Revised 9/05

BP 2745 Board Self-Evaluation

Reference: *Accreditation Standard IV.B.1.e & g*

Board Approved: 04/13/05

The Board is committed to assessing its own performance as a board in order to identify its strengths and areas in which it may improve its functioning.

To that end, the Board has established the following processes:

- An annual performance self-evaluation will be conducted by the Board of Trustees and will be maintained in the files of the President/Superintendent's office.
- A committee of the Board shall be appointed in May to determine the process to be used, including any evaluation instruments to be developed.
- The process for Board self-evaluation shall be recommended to and approved by the Board.
- The Board self-evaluation will be conducted at a board session specifically scheduled for that purpose. The results will be used to identify accomplishments in the past year and goals for the following year as well as improvements in the process of the conduct of Board meetings and related activities.

BP 2745 Board Self-Evaluation

Reference:

Accreditation Standard IV.B.1.e & g

The Board is committed to assessing its own performance as a board in order to identify its strengths and areas in which it may improve its functioning.

To that end, the Board has established the following processes:

Note: Local districts may insert their own process here. The Community College League has resources to assist boards in developing processes. A sample process is:

A committee of the Board shall be appointed in [May] to determine the instrument or process to be used in board self-evaluation. Any evaluation instrument shall incorporate criteria contained in these board policies regarding board operations, as well as criteria defining board effectiveness promulgated by recognized practitioners in the field.

The process for evaluation shall be recommended to and approved by the Board.

If an instrument is used, all board members will be asked to complete the evaluation instrument and submit them to [*the Board Chair*].

A summary of the evaluations will be presented and discussed at a board session scheduled for that purpose. The results will be used to identify accomplishments in the past year and goals for the following year.