BP 2105  Election of Student Member(s)

Reference: Education Code Sections 72023.5, 72103
Board Approved: 04/13/05
Amended: 05/06/09, 08/08/12

The student member of the Board of Trustees shall be chosen by the students enrolled in the District as follows:

The student member shall be elected by all the students of the student body in a general election held for that purpose. Normally an election will be held in the month of April so that the office is filled by May 15. The student member may be recalled by all the students of the student body in an election held for that purpose in accordance with administrative procedures established by the President/Superintendent.

If the seat of a student member becomes vacant during his/her term, the governing board may authorize the officers of student body associations established pursuant to Education Code Section 76060 at each community college in the district to appoint a student to serve the remainder of the term in accordance with procedures established by the governing board.

Special elections shall be held if the office becomes vacant by reason of the resignation, recall, or disqualification of an elected student member, or by any other reasons. Special elections shall be held within thirty days after notice of the vacancy comes to the attention of the President/Superintendent.

Candidates for the position may nominate themselves or be nominated by others by the filing of an application certifying that the candidate is eligible for service under the criteria set forth in California law and these policies. The election shall be conducted in accordance with administrative procedures established by the President/Superintendent.

See Administrative Procedures #2105.

BP 2200 Board Duties and Responsibilities

Reference: ACCJC Accreditation Standard IV (formerly IV.B.1.d)

Board Approved: 04/13/05
Amended: 08/12/09 (previously titled BP 2420, Purpose and Role of the Board)

The Board of Trustees governs on behalf of the citizens of the Ohlone Community College District in accordance with the authority granted and duties defined in Education Code Section 70902.

The Board is committed to fulfilling its responsibilities to:

1. Represent the public interest
2. Establish policies that define the institutional mission and set prudent, ethical and legal standards for college operations
3. Hire and evaluate the President/Superintendent

4. Delegate power and authority to the chief executive to effectively lead the District

5. Assure fiscal health and stability

6. Monitor institutional performance and educational quality

7. Advocate for and protect the District

BP 2315  Closed Sessions

Reference: Government Code Sections 54956.8, 54956.9, 54957, 54957.6, 11125.4; Education Code Section 72122

Board Approved: 04/13/05
Amended: 04/08/09

Closed sessions of the Board shall only be held as permitted by applicable legal provisions including but not limited to the Brown Act, California Government Code and California Education Code. Matters discussed in closed session may include:

- The appointment, employment, evaluation of performance, discipline or dismissal of a public employee;
- Charges or complaints brought against a public employee by another person or employee, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least twenty-four (24) hours written notice of the closed session;
- Advice of counsel on pending litigation, as defined by law;
- Consideration of tort liability claims as part of the district’s membership in any joint powers agency formed for purposes of insurance pooling;
- Real property transactions regarding the proposed price of the transaction;
- Threats to public security;
- Review of the District’s position regarding labor negotiations and giving instructions to the District’s designated negotiator;
- Discussion of student disciplinary action, with final action taken in public;
- Conferring of honorary degrees;
- Consideration of gifts from a donor who wishes to remain anonymous;
- To consider its response to a confidential final draft audit report from the Bureau of State Audits;

The agenda for each regular or special meeting shall contain information regarding whether a closed session will be held and shall identify the topics to be discussed in any closed session in the manner required by law.
Persons attending any closed session should be limited to the Board of Trustees and others specifically invited to attend that closed session as permitted by law.

After any closed session, the Board shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote or abstention of every member present.

All matters discussed or disclosed during a lawfully held closed session and all notes, minutes, records or recordings made of such a closed session are confidential and shall remain confidential unless and until required to be disclosed by action of the Board or by law.

If any person requests an opportunity to present complaints to the Board about a specific employee, such complaints shall first be presented to the President/Superintendent. Notice shall be given to the employee against whom the charges or complaints are directed. If the complaint is not resolved at the administrative level, the matter shall be scheduled for a closed session of the Board. The employee shall be given at least twenty-four (24) hours written notice of the closed session, and shall be given the opportunity to request that the complaints be heard in an open meeting of the Board.

**BP 2330  Quorum and Voting**

Reference: *Education Code Sections 72000(d)(3, 81310 et seq., 81365, 81511, 81432; Government Code Section 53094, 54950 et seq.; Code of Civil Procedure Section 1245.240*

Board Approved: 04/13/05
Amended: 02/13/08, 03/11/09

A quorum of the Board shall consist of four (4) members present.

The Board shall act by majority vote of all of the membership of the Board, present and voting, except as noted below.

No action shall be taken by secret ballot. *The Board will publicly report any action taken in open session and the vote or abstention of each individual member present.*

The following actions require a two-thirds majority of all members of the Board*:

- Resolution of intention to sell or lease real property (except where a unanimous vote is required);
- Resolution of intention to dedicate or convey an easement;
- Resolution authorizing and directing the execution and delivery of a deed;
- Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
- Appropriation of funds from an undistributed reserve;
- Resolution to condemn real property.

The following actions require a unanimous vote of all members of the Board:

- Resolution authorizing a sale or lease of District real property to the state, any county, city, or to any other school or community college district;
Resolution authorizing lease of District property under a lease for the production of gas.

Abstentions—instances when board members are present but do not vote—are not to be treated as votes and are not counted. In the case of an abstention, the Board Secretary will record the name of the board member and record that member as “not voting”. This will occur whether the vote taken is by voice or roll call.

Once the board reaches a decision, it acts as a whole.

If any Board member participates via teleconference, all votes taken must be by roll call.

*The Student Trustee vote is advisory only.

**BP 2410 Board Policies and Administrative Procedures**


Board Approved: 04/13/05
Amended: 7/15/09

The Board may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the District. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction.

The policies have been written to be consistent with provisions of law, but do not encompass all laws relating to District activities. All district employees are expected to know of and observe all provisions of District policies and law pertinent to their job responsibilities.

Policies of the Board may be adopted, revised, added to or amended at any regular Board meeting by a majority vote. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended. The Board shall regularly assess its policies for effectiveness in fulfilling the District’s mission.

Administrative procedures are to be issued by the President/Superintendent as statements of method to be used in implementing Board Policy. Such administrative procedures shall be consistent with the intent of Board Policy. Administrative procedures may be revised as deemed necessary by the President/Superintendent.

The President/Superintendent shall, annually, provide each member of the Board with copies of the administrative procedures including any revisions since the last time they were provided. The Board reserves the right to direct revisions of the administrative procedures should they, in the Board’s judgment, be inconsistent with the Board’s own policies.

Copies of all board policies and administrative procedures shall be readily available to District employees through the President/Superintendent and the College website.

See Administrative Procedure #2410.
BP 2430  Delegation of Authority to the President/Superintendent

Reference: Education Code Sections 70902(d), 72400; ACCJC Accreditation Standards IV.B.5, IV.C.12, and IV.D.1 (formerly IV.B.1.j and IV.B.2)

Board Approved: 04/13/05
Amended: 06/10/09

The Board delegates to the President/Superintendent the executive responsibility administering the policies adopted by the Board and executing all decisions of the Board requiring administrative action.

The President/Superintendent may delegate any powers and duties entrusted to him or her by the Board including the administration of colleges and centers, but will be specifically responsible to the Board for the execution of such delegated powers and duties.

The President/Superintendent is empowered to reasonably interpret board policy. In situations where there is no board policy direction, the President/Superintendent shall have the power to act, but such decisions shall be subject to review by the Board. It is the duty of the CEO to inform the Board of such action and to recommend written board policy if one is required.

The President/Superintendent is expected to perform the duties contained in the President/Superintendent job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions. The job description and goals and objectives for performance shall be developed by the Board in consultation with the President/Superintendent.

The President/Superintendent shall ensure that all relevant laws and regulations are complied with, and that required reports are submitted in a timely fashion.

The President/Superintendent shall make available any information or give any report requested by the Board as a whole. Individual trustee requests for information shall be met if, in the opinion of the President/Superintendent, they are not unduly burdensome or disruptive to District operations. Information provided to any trustee shall be available to all trustees.

The President/Superintendent shall act as the professional advisor to the Board in policy formation.

BP 2431  Selection of President/Superintendent

Reference: ACCJC Accreditation Standards IV. B and IV. C.3 (formerly IV.B.1, IV.B.1.j); Title 5, Sections 53000 et seq.
Board Approved: 04/13/05
Amended: 06/10/09

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.
BP 2435  Evaluation of the President/Superintendent

Reference:  ACCJC Accreditation Standard IV. C.3 (formerly IV.B.1)
Board Approved:  04/13/05
Reviewed and Reapproved: 05/06/09

The Board shall conduct an evaluation of the President/Superintendent at least annually. Such evaluation shall comply with any requirements set forth in the contract of employment with the President/Superintendent as well as this policy.

The Board shall evaluate the President/Superintendent using an evaluation process developed and jointly agreed to by the Board and the President/Superintendent.

The criteria for evaluation shall be based on board policy, the President/Superintendent job description, and performance goals and objectives developed in accordance with Board Policy 2430.