BP 2010  Board Membership

References:
Education Code Sections 72023, 72103, and 72104;
ACCJC Accreditation Standard IV.C.6

NOTE: This policy is legally required.

The Board shall consist of [ # ] members elected by the qualified voters of the District. Members shall be elected [ at large or by trustee area as defined in BP 2100 titled Board Elections].

Any person who meets the criteria contained in law is eligible to be elected or appointed a member of the Board.

An employee of the District may not be sworn into office as an elected or appointed member of the governing board unless he/she resigns as an employee.

No member of the Governing Board shall, during the term for which he/she is elected, hold an incompatible office.

NOTE: Attorney General (AG) Opinion 01-112 (8/3/01) clarified employment of a board member as a part-time or substitute instructor. Education Code Section 72103(b)(2) makes an exception for individuals who are usually employed in an occupation other than teaching and who are employed by the district to teach no more than one course per semester or quarter in the subject matter of the individual’s occupation. The AG Opinion states that this exception applies only when the contract to teach has already been executed at the time of the election to the board.

Government Code Sections 1090 and 87100 and common law principles of conflict of interest prohibit such office-holding, and inclusion of this exception is not recommended.
BP 2510 Participation in Local Decision-Making

References:
Education Code Section 70902(b)(7);
Title 5 Sections 53200 et seq. (Academic Senate), 51023.5 (Staff), and 51023.7 (Students);
ACCJC Accreditation Standards IV.A and IV.D.7

NOTE: The language below reflects the minimum policy requirements of the Education Code and Title 5. It is legally advised that districts insert their current policies here.

The Board is the ultimate decision-maker in those areas assigned to it by state and federal laws and regulations. In executing that responsibility, the Board is committed to its obligation to ensure that appropriate members of the District participate in developing recommended policies for Board action and administrative procedures for [CEO] action under which the District is governed and administered.

Each of the following shall participate as required by law in the decision-making processes of the District:

Academic Senate(s) (Title 5 Sections 53200-53206)
The Board or its designees will consult collegially with the Academic Senate, as duly constituted with respect to academic and professional matters, as defined by law. Procedures to implement this section are developed collegially with the Academic Senate.

Staff (Title 5 Section 51023.5)
Staff shall be provided with opportunities to participate in the formulation and development of District policies and procedures that have a significant effect on staff. The opinions and recommendations of the [name(s) of recognized group(s)] will be given every reasonable consideration.

Students (Title 5 Section 51023.7)
The Associated Students shall be given an opportunity to participate effectively in the formulation and development of District policies and procedures that have a significant effect on students, as defined by law. The recommendations and positions of the Associated Students will be given every reasonable consideration. The selection of student representatives to serve on District committees or task forces shall be made after consultation with the Associated Students.

Except for unforeseeable emergency situations, the Board shall not take any action on matters subject to this policy until the appropriate constituent group or groups have been provided the opportunity to participate.
Nothing in this policy will be construed to interfere with the formation or administration of employee organizations or with the exercise of rights guaranteed under the Educational Employment Relations Act, Government Code Sections 3540 et seq.
BP 2715  Code of Ethics/Standards of Practice

Reference:
ACCJC Accreditation Standard IV.C.11 (formerly 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.]

**NOTE:** The code must contain a clearly defined statement for dealing with behavior that violates its code. The sample language on the following page reflects the accreditation standards.

**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.

The Governing Board will promptly address any violation by a Board member or Board members of the Code of Ethics in the following manner:

**Sample 1**

The Superintendent/President and Governing Board President are authorized to consult with legal counsel when they become aware of or are informed about actual or perceived violations of 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. Violations of law may be referred to the District Attorney or Attorney General as provided for in law.

Violations of the Governing Board’s Policy 2715 (Code of Ethics) will be addressed by the President of the Board, who will first discuss the violation with the Board member to
reach a resolution. If resolution is not achieved and further action is deemed necessary, the Governing Board President may appoint an ad hoc committee to examine the matter and recommend further courses of action to the Board. Sanctions will be determined by the Governing Board officers [or committee] and may include a recommendation to the Governing Board to censure the Board member. If the President of the Governing Board is perceived to have violated the code, the Vice President of the Governing Board is authorized to pursue resolution.

Sample 2

Charges by any person that a Governing Board member has violated laws and regulations Governing Board behavior or the Board’s Code of Ethics shall be directed to the Governing Board President or the Governing Board itself. The Governing Board President may establish an ad hoc committee to examine the charges and recommend further courses of action to the Board. Possible courses of action include:

- If alleged behavior violates laws Governing Board behavior, legal counsel may be sought and the violations referred to the District Attorney or Attorney General as provided for in law.
- If the alleged behavior violates Board Policy on ethical conduct, the President of the Governing Board shall alert the Board member in question regarding the violation of policy, the Governing Board may discuss the violation at a Board Meeting and affirm its policy expectation, and/or the Board may move to censure the trustee.

Sample 3

All Governing Board members are expected to maintain the highest standards of conduct and ethical behavior and to adhere to the Board’s Code of Ethics. The Governing Board will be prepared to investigate the factual basis behind any charge or complaint of Board member misconduct. A Board member may be subject to a resolution of censure by the Governing Board should it be determine that Board member misconduct has occurred. Censure is an official expression of disapproval passed by the Governing Board.

A complaint of Board member misconduct will be referred to an ad hoc committee composed of two Board members not subject to the complaint. In a manner deemed appropriate by the committee, a fact-finding process shall be initiated and completed within a reasonable period of time to determine the validity of the complaint. The committee shall be guided in its inquiry by the standards set forth in the Code of Ethics as defined in Board Policy. The Board member subject to the charge of misconduct shall not be precluded from presenting information to the committee. The committee shall, within a reasonable period of time, make a report of its findings to the Governing Board for action.
BP 2740  Board Education

Reference:
ACCJC Accreditation Standard IV.C.9 (formerly IV.B.1.f)

The Board is committed to its ongoing development as a Board and to a trustee education program that includes new trustee orientation.

**NOTE:** Local districts may insert their own policy here regarding their programs of Board development. A general statement is:

To that end, the Board will engage in study sessions, provide access to reading materials, and support conference attendance and other activities that foster trustee education.

**NOTE:** The Community College League has resources to assist Boards in further developing a local new trustee orientation program as well as ongoing development for the Board and experienced trustees, including the Community College League’s Excellence in Trusteeship Program.

BP 2745  Board Self-Evaluation

Reference:
ACCJC Accreditation Standard IV.C.10 (formerly 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 [month] 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 [insert position, such as Board President or Board Secretary].

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.

**BP 3225  Institutional Effectiveness**

**References:**
- Education Code Sections 78210 et seq. and 84754.6;
- ACCJC Accreditation Standard I.B.5 - 9

**NOTE:** This policy is legally advised for those districts that receive funds under the Seymour-Campbell Student Success Act of 2012, Education Code Sections 78210 et seq.

The Board is committed to developing goals that measure the ongoing condition of the District’s operational environment. The Board regularly assesses the District’s institutional effectiveness.

**BP 3430  Prohibition of Harassment**

**References:**
- Education Code Sections 212.5, 44100, 66252, and 66281.5;
- Government Code Sections 12940 and 12950.1;
- Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

**NOTE:** This policy is legally required.

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics.
The District seeks to foster an environment in which all employees, students, unpaid interns, and volunteers feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student, employee, unpaid intern, or volunteer who believes that he/she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the [CEO] shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The [CEO] shall establish procedures that define harassment on campus. The [CEO] shall further establish procedures for employees, students, unpaid interns, volunteers, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, students, unpaid interns, and volunteers particularly when they are new to the institution. They shall be available for students, employees, unpaid interns, and volunteers in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Unpaid interns who violate this policy and related procedures may be subject to disciplinary measure
up to and including termination from the internship or other unpaid work experience program.