

Board Policies

Chapter 2

Board of Trustees

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BP 2010 Board Membership

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

Board Approved: 04/13/05

Reviewed and Reapproved: 05/06/09

Amended: 06/10/15, 09/14/16

The Board shall consist of seven members elected by the qualified voters of the District. Members shall be elected at large as defined in Board Policy 2100.

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 or she resigns as an employee.

No member of the governing board shall, during the term for which he or she is elected, hold an incompatible office.

No member of the Governing Board shall, during the term for which he or she was elected, be eligible to serve on the governing board of a high school district whose boundaries are coterminous with those of the community college district.

BP 2015 Student Member of the Board of Trustees

Reference: *Education Code Section 72023.5*

Board Approved: 04/13/05

Amended: 05/11/05, 02/22/06, 05/10/06, 02/11/09, 03/09/11, 08/08/12

The Board shall include one non-voting student member. The term of office shall be one year commencing May 15.

The student member shall be enrolled in and maintain a minimum of five (5) semester units in the District at the time of nomination and throughout the term of service. The student member is not required to give up employment with the district. The student shall maintain the minimum standards of scholarship.

The student member shall be seated with the Board and shall be recognized as a full member of the Board at meetings. The student member is entitled to participate in discussion of issues and receive all materials presented to members of the Board (except for closed session). The student member shall be entitled to any mileage allowance necessary to attend board meetings to the same extent as publicly elected trustees.

On or before May 15 of each year, the Board shall consider whether to afford the student member any of the following privileges:

- The privilege to make and second motions;
- The privilege to attend closed sessions, other than closed sessions on personnel or collective bargaining matters;
- The privilege to receive compensation for meeting attendance at a level equivalent to the elected trustees. See BP 2725;
- The privilege to serve a term commencing on May 15;
- The privilege to cast an advisory vote, although the vote shall not be included in determining the vote required to carry any measure before the Board.

BP 2100 Board Elections

References: *Education Code Sections 5000 et seq., Elections Code 13307, 13309, 13310*

Board Approved: 04/13/05

Amended: 02/10/10, 06/13/12, 05/08/13

The term of office of each trustee shall be four years, commencing on the first meeting in December following the election. Elections shall be held every two years, in even numbered years. Terms of trustees are staggered so that, as nearly as practical, one half of the trustees shall be elected at each trustee election.

Eligibility for candidacy will be defined as in Education Code 72103.

The Board of Trustees has provided for the election of trustees by trustee areas.

Effective December 14, 2011, the trustee seats are:

Area 1: City of Newark and the Fremont and Union City precincts west of I-880 (two seats)

Area 2: City of Fremont and Union City precincts east of I-880 (five seats)

The election of a board member residing in and registered to vote in the trustee areas he or she seeks to represent shall be only by the registered voters of the same trustee areas. Voters will be instructed to vote for the appropriate number of candidates from their area.

The President/Superintendent shall submit recommendations to the Board regarding adjustments to be made to the boundaries of the District or the two areas after each decennial federal census and at any time adjustments are deemed necessary. The President/Superintendent shall submit the recommendation in time for the Board to act as required by law.

The Board of Trustees has determined that the Ohlone Community College District shall pay in excess of \$800 (increased by 4% each year), for any candidate's statement in English and/or another language to be sent to the voter.

The Registrar of Voters, County of Alameda, has been directed to provide a written copy of this policy to each candidate's representative at the time nomination papers are picked up.

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, 05/13/15

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.

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 2110 Vacancies on the Board

Reference: *Education Code Sections 5090, et seq , Government Code 1770.*

Board Approved: 04/13/05

Amended: 03/11/09

Vacancies on the Board may be caused by any of the events specified in Government Code Section 1770 or any applicable provision in the Elections Code, or by a failure to elect. Resignations from the Board shall be governed by EC 5090.

Within sixty days of the vacancy or filing of a deferred resignation, the Board shall either order an election or make a provisional appointment to fill the vacancy.

If an election is ordered, it shall be held on the next regular election date not less than 130 days after the occurrence of the vacancy.

If a provisional appointment is made, it shall be subject to the conditions in EC 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for district governing board members, when the election shall be held to fill the vacancy for the remainder of the unexpired term.

The provisional appointment will be made by a majority public vote of the Board members at a public meeting.

The President/Superintendent shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board will determine the schedule and appointment process, which may include interviews at a public meeting.

See Administrative Procedures #2110.

BP 2130 Term Limits

Reference: *Education Code Section 72103(c)*

Board Approved: 04/13/05

Reviewed & Reapproved: 03/11/09

The Board may, by a vote of the membership of the Board, act to submit to the electors of the District a proposal to limit the number of terms a member of the governing board may serve on the Board. Any proposal to limit the number of terms a member of the Board may serve shall not become operative unless it is submitted to the electors of the District at a regularly scheduled election and a majority of the votes cast on the question favor adoption of the proposal. Any such proposal shall be subject to the administrative procedures set forth in the California Elections Code, Section 9500 et seq.

Any such proposal shall, if adopted by the electors of the District, apply prospectively only.

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, 05/13/15 (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 2210 Officers of the Board

Reference: *Education Code Section 72000*

Board Approved: 04/13/05

Amended: 03/11/09

At the annual organizational meeting, the Board shall elect from among its members a President and Vice President of the Board. The Board shall designate the President/ Superintendent as Secretary of the Board. For all purposes other than the election of officers, the Board President and Vice President shall be referred to as Board Chair and Vice Chair.

The terms of officers shall be for one year.

The duties of the President of the Board are:

- Preside over all meetings of the Board;
- Call emergency and special meetings of the Board as required by law;
- Consult with the President/Superintendent on Board meeting agendas;
- Communicate with individual Board members about their responsibilities;
- Participate in the orientation process for new Board members;
- Assure Board compliance with policies on Board education, self-evaluation and President/Superintendent evaluation;
- Represent the Board at official events or ensure board representation.

The duties of the Vice President of the Board are:

- Perform the duties of the Board President in the President's absence;
- Attend the agenda planning meeting with the Board Chair and President.

The duties of the Secretary are:

- Notify members of the Board of regular, special, emergency and adjourned meetings;
- Prepare and post board meeting agendas;
- Have prepared for adoption minutes of board meetings;
- Conduct the official correspondence of the Board;
- Certify as legally required all board actions;
- Sign, when authorized by law or by board action, any documents that would otherwise require the signature of the Secretary or the Clerk of the Board.

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

BP 2220 Committees of the Board

Reference: *Government Code Section 54952*

Board Approved: 04/13/05

Amended: 06/10/09, 05/09/12

The Board may by action establish committees that it determines are necessary to assist the Board in its responsibilities. Any committee established by board action shall comply with the requirements of the Brown Act and with these policies regarding open meetings.

Board committees that are composed solely of less than a quorum of members of the Board that are advisory are not required to comply with the Brown Act, or with these policies regarding open meetings, unless they are standing committees.

Board committees that are only advisory have no authority or power to act on behalf of the Board. Findings or recommendations shall be reported to the Board for consideration.

The Board has established the following committee(s):

Audit Committee

BP 2305 Annual Organizational Meeting

Reference: *Education Code Section 72000(c)(2)(A)*

Board Approved: 04/13/05

Amended: 06/10/09

The annual organizational meeting of the Board will be held the first regular meeting in December. The purpose of the annual organizational meeting is to elect a President (Chair) and Vice President (Vice Chair), ratify the designation of a Secretary (see BP 2210), and conduct any other business as required by law or determined by the Board. Parliamentary procedure and rules followed in Robert's Rules of Order shall be followed except where specifically amended by the Board.

BP 2310 Regular Meetings of the Board

Reference: *Education Code Section 72000(d); Government Code 54952.2, 54953 et seq.; 54961*

Board Approved: 04/13/05

Amended: 02/11/09, 02/09/11

Regular meetings of the Board shall be held on the second Wednesday 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 either Ohlone College Fremont campus (43600 Mission Boulevard, Fremont, CA 94539) or Ohlone College Newark Center for Health Sciences and Technology (39399 Cherry Street, Newark, CA 94560).

A notice identifying the location, date, and time of each regular meeting of the Board shall be posted at least ten (10) days prior to the meeting and shall remain posted until the day and time of the meeting. In case the date, time, and/or place of a regular meeting is changed, the Secretary will notify each member of the change and a notice identifying the location, date, and time of the meeting shall be posted 72 hours prior to the meeting and shall remain posted to and including the time of the meeting. All regular meetings of the Board shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency or is meeting with its attorney to discuss pending litigation if the attorney's office is outside the District.

All regular and special meetings of the Board shall be open to the public, be accessible to persons with disabilities, and otherwise comply with Brown Act provisions, except as required or permitted by law.

Meetings may be recessed by the chairperson without reannouncement with the consent of the majority of the member's present.

A public meeting on the budget will be held during or before the first week in September as required by law.

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, 05/13/15

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 2320 Special and Emergency Meetings

Reference: *Government Code Sections 54956, 54956.5, 54957;*
Education Code Section 72129

Board Approved: 4/13/05

Reviewed & Reapproved: 03/11/09

Special meetings may from time to time be called by the President of the Board or by a majority of the members of the Board. Notice of such meetings shall be posted at least 24 hours before the time of the meeting, and shall be noticed in accordance with Brown Act. No business other than that included in the notice may be transacted or discussed.

Emergency meetings may be called by the President of the Board when prompt action is needed because of actual or threatened disruption of public facilities under such circumstances as are permitted by the Brown Act, including work stoppage, crippling disasters, and other activity that severely impairs public health or safety.

No closed session shall be conducted during an emergency meeting, except as provided for in the Brown Act to discuss a dire emergency.

The President/Superintendent shall be responsible to ensure that notice of such meetings is provided to the local news media as required by law.

See Administrative Procedure #2320.

BP 2330 Quorum and Voting

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

Board Approved: 04/13/05

Amended: 02/13/08, 03/11/09, 05/13/15

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 2340 Agendas

Reference: *Government Code Sections 54954 et seq., 6250 et seq.; Education Code Sections 72121, 72121.5*

Board Approved: 04/13/05

Amended: 03/11/09, 09/13/17

An agenda shall be posted adjacent to the place of meeting as well as on the District's Internet website at least 72 hours prior to the meeting time for regular meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

No business may be acted on or discussed which is not on the agenda, except when one or more of the following apply:

- a majority decides there is an "emergency situation" as defined for emergency meetings;
- two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the Board subsequent to the agenda being posted;
- an item appeared on the agenda of and was continued from a meeting held not more than five days earlier.

The order of business may be changed by consent of the Board.

The President/Superintendent shall establish administrative procedures that provide for public access to agenda information and reasonable annual fees for the service.

Members of the public may place matters directly related to the business of the District on an agenda for a board meeting by submitting a written summary of the item to the President/Superintendent. The written summary must be signed by the initiator. The Board reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.

Agendas shall be developed by the President/Superintendent, in consultation with the Board President.

Agenda items submitted by members of the public must be received by the office of the President/Superintendent at least 10 days prior to the regularly scheduled board meeting.

Agenda items initiated by members of the public shall be placed on the Board's agenda following the items of business initiated by the Board and by staff. Any agenda item submitted by a member of the public and heard at a public meeting cannot be resubmitted before the expiration of a 90 day period following the initial submission.

See Administrative Procedure #2340.

BP 2345 Public Participation at Board Meetings

Reference: *Government Code Sections 54954.3, 54957.5; Education Code 72121.5*

Board Approved: 04/13/05

Amended: 04/08/09, 9/8/10

The Board shall provide opportunities for members of the general public to participate in the business of the Board.

Members of the public may bring matters directly related to the business of the District to the attention of the Board in one of two ways:

1. There will be a time at each regularly scheduled board meeting for the general public to discuss items not on the agenda. There will be a five-minute limitation for each speaker, which may be extended by the Board President or by other Board action.
2. Members of the public may place items on the prepared agenda in accordance with Board Policy 2340.

A written summary of the item must be submitted to the President/Superintendent at least 10 days including Saturdays, Sundays, and holidays to assure compliance with the Brown Act prior to the board meeting. The summary must be signed by the initiator, contain his or her residence or business address, and organizational affiliation, if any.

Members of the public also may submit written communications to the Board on items on the agenda and/or speak to agenda items at the board meeting. Written communication regarding items on the Board's agenda should reach the office of the President not later than two working days prior to the meeting at which the matter concerned is to be before the Board. All such written communications shall be dated and signed by the author, and shall contain the residence or business address of the author and the author's organizational affiliation, if any.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board under this rule, but shall be submitted to the District.

See Administrative Procedure #2345.

BP 2350 Speakers

Reference: *Government Code Sections 54950, et seq.; Education Code Section 72121.5*

Board Approved: 04/13/05

Amended: 04/08/09

Persons may speak to the Board either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board.

Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.

Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public comment.

Those wishing to speak to the Board are subject to the following:

- The President of the Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.
- Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.
- No member of the public may speak without being recognized by the President of the Board.
- 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.
- Each speaker coming before the Board is limited to one presentation per specific agenda item before the Board, and to one presentation per meeting on non-agenda matters, exceptions may be made at the discretion of the Board Chair.

BP 2355 Decorum

Reference: *Education Code Section 72121.5; Government Code Section 54954.3 (b)*

Board Approved: 4/13/05

Reviewed & Reapproved: 03/11/09

The following will be ruled out of order by the presiding officer.

- Remarks or discussion in public meetings on charges or complaints which the Board has scheduled to consider in closed session.
- Profanity, obscenity and other offensive language.
- Physical violence and/or threats of physical violence directed towards any person or property.

In the event that any meeting is willfully interrupted by the actions of one or more persons so as to render the orderly conduct of the meeting unfeasible, the person(s) may be removed from the meeting room.

Speakers who engage in such conduct may be removed from the podium and denied the opportunity to speak to the Board for the duration of the meeting.

Before removal, a warning and a request that the person(s) curtail the disruptive activity will be made by the President of the Board. If the behavior continues, the person(s) may be removed by a vote of the Board, based on a finding that the person is violating this policy, and that such activity is intentional and has substantially impaired the conduct of the meeting.

If order cannot be restored by the removal in accordance with these rules of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and may continue in session. The Board shall only consider matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this rule.

BP 2360 Minutes

Reference: *Education Code Section 72121(a); Government Code Section 54957.5*

Board Approved: 04/13/05

Amended: 02/11/09

The Secretary shall cause minutes to be taken of all meetings of the Board. The minutes shall record all actions taken by the Board. The minutes shall be public records and shall be available to the public. If requested, the minutes shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

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 usually state only that a motion was passed or not passed; if a count was ordered, the number of votes on each side; for roll call votes, the names of those voting on each side.

Minutes will be recorded as indicated in the current edition of Robert's Rules of Order, newly revised.

BP 2365 Recording

Reference: *Government Code Sections 54953.5, 54953.6; Education Code Section 72121(a);*

Board Approved: 04/13/05

Amended: 03/11/09, 04/10/13

Any audio or video recording of an open and public Board meeting made by or at the direction of the Board shall be subject to inspection by members of the public in accordance with the California Public Records Act, Government Code Sections 6250, *et seq.* The President/Superintendent is directed to enact administrative procedures to ensure that any such recordings are maintained for at least three years following the taping or recording.

Persons attending an open and public meeting of the Board may, at their own expense, record the proceedings with an audio or video tape recording or a still or motion picture camera or may broadcast the proceedings. However, if the Board finds by a majority vote that the recording or broadcast cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings, any such person shall be directed by the President of the Board to stop.

See Administrative Procedure #2365.

BP 2410 Board Policies and Administrative Procedures

Reference: *Education Code Section 70902; ACCJC Accreditation Standards IV.C.7, IV.D.4, I.B.7, and I.C.5 (formerly IV.B.1.b & e)*

Board Approved: 04/13/05

Amended: 7/15/09, 05/13/15

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 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, 05/13/15

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, 05/13/15

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 2432 President/Superintendent Succession

Reference: *Education Code Sections 70902(d); 72400; Title 5 Section 53021(b)*

Board Approved: 04/13/05

Amended: 8/12/09

The Board delegates authority to the President/Superintendent to appoint an acting President/Superintendent to serve in his or her absence for short periods of time, not to exceed 30 calendar days at a time.

In the absence of the President/Superintendent and when an acting President has not been named, administrative responsibility shall reside with (in order):

Vice President, Academic Affairs/Deputy Superintendent

Vice President, Administrative Services

Vice President, Student Development

Associate Vice President, Academic Affairs

Associate Vice President, Human Resources

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: 5/6/09

Amended: 05/13/15

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.

BP 2510 Participation in Local Decision Making

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

Board Approved: 04/13/05

Amended: 8/12/09, 06/10/15, 04/11/18

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 President/Superintendent 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:

Delegation of Authority and Responsibility to the Faculty Senate (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. As defined in Title V, Section 53200(d), "consult collegially" means that the District Governing Board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

1. Relying primarily upon the advice and judgment of the Faculty Senate; or
2. That the District Governing Board, or such representatives as it may designate, and the representatives of the Faculty Senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the Governing board effectuating such recommendations.

Method of Collegial Consultation in the Specific Areas Defined to be Academic and Professional Matters

1. Curriculum, including establishing prerequisites and placing courses within disciplines...consult by relying primarily upon the advice and judgment of the Faculty Senate
2. Degree and certificate requirements... consult by relying primarily upon the advice and judgment of the Faculty Senate
3. Grading policies...consult by relying primarily upon the advice and judgment of the Faculty Senate
4. Educational program development--consult by reaching mutual agreement
5. Standards or policies regarding student preparation and success...consult by reaching mutual agreement
6. District and college governance structures, as related to faculty roles...consult by reaching mutual agreement
7. Faculty roles and involvement in accreditation processes, including self-study and annual reports...consult by reaching mutual agreement
8. Policies for faculty professional development activities... consult by relying primarily upon the advice and judgment of the Faculty Senate
9. Processes for program review...consult by reaching mutual agreement

10. Processes for institutional planning and budget development...consult by reaching mutual agreement

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 CSEA and SEIU 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.*

See Administrative Procedure #2510.

BP 2610 Presentation of Initial Collective Bargaining Proposals

Reference: *Government Code Section 3547*

Board Approved: 04/13/05

Amended: 06/13/12

The President/Superintendent is directed to enact administrative procedures that assure compliance with the requirements of Government Code Section 3547 regarding the presentation to the Board of initial proposals for collective bargaining.

Collective bargaining begins when either an exclusive representative or the District itself presents an initial proposal for consideration in accordance with the following timelines:

- United Faculty of Ohlone contract collective bargaining commences with submission of its Initial Contract Proposal during December for contract modification.
- The California School Employees Association Local 490 contract collective bargaining commences with submission of its Initial Contract proposal by March 1.
- The Service Employees International Union Local 1021 contract collective bargaining commences with submission of its Initial Contract Proposal by March 31.

See Administrative Procedure #2610.

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, 03/05/08, 05/06/09, 09/14/16

Board members and employees shall not be financially interested in any contract made by them in their official capacity, or in any body or board of which they are 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.

BP 2715 Code of Ethics/Standards of Practice

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

Board Approved: 04/13/05

Amended: 02/12/07, 05/06/09, 03/12/14

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.
- 7) Maintaining confidentiality of closed sessions.
- 8) Preventing conflicts of interest or the appearance of conflicts 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.
- 9) Using appropriate channels of communication, authority and responsibility.
- 10) Devoting adequate time to board work.
- 11) Being informed about the District, educational issues, and responsibilities to trusteeship.
- 12) Promoting a healthy working relationship with the President/Superintendent through supportive, open, and honest communication and regular evaluation.

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

- 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 2716 Political Activity

Reference: *Education Code Sections 7054; 7054.1; 7056; Government Code 8314*

Board Approved: 04/13/05

Reviewed & Reapproved: 03/11/09

Amended: 04/10/13, 01/15/14

Members of the Board shall not use District funds, services, supplies or equipment to urge passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board.

Initiative or referendum measures may be drafted on an area of legitimate interest to the District. The Board may by resolution express the Board's position on ballot measures. Public resources may be used only for informational efforts regarding the possible effects of District bond issues or other ballot measures.

BP 2717 Personal Use of Public Resources

Reference: *Government Code Section 8314; Penal Code Section 424*

Board Approved: 04/13/05

Reviewed & Reapproved: 03/11/09

No trustee 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 2720 Communications Among Board Members

Reference: ***Government Code Section 54952.2***

Board Approved: 04/13/05

Reviewed & Reapproved: 03/11/09

Amended: 05/09/12

A majority of the members of the Governing Board shall not, outside a regularly scheduled meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board. This policy shall not be construed as preventing an employee or official of the District from engaging in separate conversations or communications with members of the Board outside of a meeting in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the Board, if that person does not communicate to members of the Board the comments or position of any other member or members of the Board.

BP 2725 Board Member Compensation

Reference: *Education Code Section 72024*

Board Approved: 04/13/05

Amended: 02/22/06, 03/14/07, 11/12/08, 04/08/09, 01/15/14, 03/12/14

Members of the Board, including the student member, who attend all board meetings shall receive \$306.31 per month. A member of the Board who does not attend all meetings held by the Board in any month shall receive, as compensation, an amount not greater than the pro rata share of the number of meetings actually attended.

A member of the Board may be paid for a meeting when absent if the Board, by resolution, adopted and included in the minutes finds that at the time of the meeting the member is performing services outside the meeting for the community college district, is ill, on jury duty, or the absence is due to a hardship deemed acceptable by the Board. The compensation shall be a charge against the funds of the District.

The Board may, on an annual basis, increase the compensation of board members by five percent. However, any increase is subject to rejection in a referendum by a majority of the voters in the District.

BP 2730 Board Member Health Benefits

Reference: *Government Code Sections 53201 and 53208.5*

Board Approved: 04/13/05

Reviewed & Reapproved: 04/08/09

Amended: 08/08/12

Current members of the Board* shall be permitted to participate in the District's health benefits programs. The benefits of members of the Board through the District's health benefits programs shall not be greater than the most generous schedule of benefits being received by any category of non-safety employee of the District.

*Note: Upon leaving the Board, former members of the Board may continue to participate in the District's health benefits programs for themselves, their spouse and dependents, without cost to the District, and subject to the authority of the District to modify such coverage as modified for the active employees, if the following criteria are met: the member must have served on the Board after January 1, 1981; the member must have been first elected to the Board before January 1, 1995; and the member must have served at least 12 years.

There is no continuance of benefits for the surviving spouse of the Board member.

BP 2735 Board Member Travel

Reference: *Education Code Section 72423*

Board Approved: 04/13/05

Amended: 04/08/09

Members of the Board shall have travel expenses paid whenever they travel as representatives of and perform services directed by the Board.

Board Member requests for District payment of any expenses associated with out of state Board Member travel must be pre-authorized by the Board.

Reimbursable expenses follow the same guidelines as those of the administrative staff.

See Administrative Procedure #2735.

BP 2740 Board Education

Reference: *ACCJC Accreditation Standard IV.C.9*

Board Approved: 04/13/05

Reviewed & Reapproved: 04/08/09

Amended: 10/08/14, 06/10/15

The Board is committed to its ongoing professional development as a Board and to a trustee education program that includes newly elected or appointed trustee, student trustee and Chair orientation as a first priority.

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

Trustees shall provide a brief report on the conference attended and/or professional development activity at the regular meeting of the Board of Trustees following the attended event.

BP 2745 Board Self-Evaluation

Reference: *ACCJC Accreditation Standard IV.C.10*

Board Approved: 04/13/05

Amended: 05/06/09, 06/10/15

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:

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 proposed. The results will be used to identify accomplishments in the past year and goals for the following year.

BP 2750 Board Member Absence from the State

Reference: *Government Code Section 1064*

Board Approved: 06/13/12

No member of the Board shall be absent from the state for more than 60 days, except in any of the following situations:

- Upon business of community college district with the approval of the Board.
- With the consent of the Board for an additional period not to exceed a total absence of 90 days. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.
- For federal military deployment, not to exceed an absence of a total of six months, as a member of the Armed Forces of the United States or the California National Guard. If the absence of a member of the Board pursuant to this subdivision exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of the circumstances described in this subdivision, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities.
- The term of an interim member of the Board appointed as set forth above may not extend beyond the return of the absent member, nor may it extend beyond the next regularly scheduled election for that office.