

San José/Evergreen Community College District

Board Policies

Chapter 2

Board of Trustees

BP 2010	Board Membership
BP 2015	Student Member(s)
BP 2100	Board Elections
BP 2105	Election of Student Member(s)
BP 2110	Vacancies on the Board
BP 2130	Term Limits
BP 2140	Partial Reimbursement for Candidate Filing Fee
BP 2210	Officers
BP 2220	Committees of the Board
BP 2305	Annual Organizational Meeting
BP 2310	Regular Meetings of the Board
BP 2315	Closed Sessions
BP 2320	Special and Emergency Meetings
BP 2330	Quorum and Votes
BP 2340	Agendas
BP 2345	Public Participation at Board Meetings
BP 2350	Speakers
BP 2355	Decorum
BP 2360	Minutes
BP 2365	Recording
BP 2410	Policy and Administrative Procedures
BP 2430	Delegation of Authority to Chancellor
BP 2431	Chancellor Selection
BP 2432	Chancellor Succession
BP 2435	Evaluation of Chancellor
BP 2510	Participation in Local Decision-making
BP 2510.1	Academic Senate
BP 2510.2	Academic and Professional Matters
BP 2510.3	Collective Bargaining Matters
BP 2510.4	Fiscal Support for Academic and Professional Matters
BP 2510.5	The Participation of Recognized Employee/Student Representative Groups in Policy Development.
BP 2510.6	Appointment of Representatives
BP 2610	Presentation of Initial Collective Bargaining Proposals
BP 2710	Conflict of Interest
BP 2715	Code of Ethics/Standards of Practice
BP 2716	Political Activity
BP 2717	Personal Use of Public Resources
BP 2720	Communications among Board Members
BP 2725	Board Member Compensation
BP 2730	Board Member Health Benefits
BP 2735	Board Member Travel
BP 2740	Board Education
BP 2745	Board Self-Evaluation

BP 2010 Board Membership

Reference: Education Code Sections 72023, 72103; 72104

The Board shall consist of 7 members elected by the qualified voters of the District. Members shall be elected by trustee area 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.

See Administrative Procedures [#].

BP 2015 Student Member(s)

Reference: Education Code Section 72023.5

The Board shall include 2 non-voting student members, one from each college campus. The term of office shall be one year commencing May 15 of each year.

The student member shall be a resident of California at the time of nomination, and during the term of service, and 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 shall maintain the same standards of scholarship required by the district for all students in the district.

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 of \$200 or 50% of the regular Board Member compensation for any given month 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 approve any measure before the Board.

See Administrative Procedures [#].

BP 2100 Board Elections

Reference: Education Code Sections 5000 et seq.

The term of office of each trustee shall be four years, commencing at the first Board meeting in December following the November 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.

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

Effective November 2004, the trustee areas (as defined by the "Trustee Area Map") are as follows:

Area 1	November	2004, 2008, 2012...
Area 2	November	2006, 2010, 2014...
Area 3	November	2004, 2008, 2012...
Area 4	November	2006, 2010, 2014...
Area 5	November	2004, 2008, 2012...
Area 6	November	2006, 2010, 2014...
Area 7	November	2004, 2008, 2012...

The election of a Board member residing in and registered to vote in the trustee area he or she seeks to represent shall be only by the registered voters of the same trustee areas.

The Chancellor shall submit recommendations to the Board regarding adjustments to be made to the boundaries of each trustee area, if any adjustment is necessary, after each decennial federal census. The Chancellor shall submit the recommendation in time for the Board to act as required by law.

See Administrative Procedures [#].

BP 2105 Election of Student Members

The student members shall be chosen by the students enrolled in the district as follows:

Student members shall be elected by all the students districtwide in a general election held for that purpose. Normally an election will be held in the Spring semester so that the office is filled by May 15th.

Special elections shall be held if the office becomes vacant by reason of the resignation or disqualification of an elected student member, or by any other reasons. Special elections shall be held within thirty (30) days after notice of the vacancy comes to the attention of the Chancellor.

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 will be conducted in accordance with administrative procedures established by the Chancellor and adhering to the election codes of the Associated Students.

See Administrative Procedures [#].

BP 2110 Vacancies on the Board

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

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 60 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 Chancellor 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 [#].

BP 2130 Term Limits

Reference: Education Code Section 72103(c)

There shall be no limit placed on the number of years or terms that an individual may serve as a member of the Board of Trustees.

See Administrative Procedures [#].

BP 2140 Partial Reimbursement for Candidate Filing Fees

The district shall reimburse the Register of Voters for 3/4s of the filing fees and the candidate would pay 1/4th of the filing fees.

Revised 1/10/06

See Administrative Procedures [#].

BP 2210 Officers

Reference: Education Code Section 72000

At the annual organizational meeting, the Board shall elect from among its members a President and Vice President of the Board.

The terms of officers shall be for one year.

The duties of the President of the Board are:

1. Preside over all meetings of the Board
2. Call emergency and special meetings of the Board as required by law
3. Develop the Board meeting agenda with the Chancellor
4. Communicate with individual Board members about their responsibilities
5. Participate in the orientation process for new Board members
6. Assure Board compliance with policies on Board education, self-evaluation and Chancellor evaluation
7. Represent the Board at official events or ensure Board representation

The duty of the Vice President of the Board will be to serve in the place of the Board President in the absence of the President of the Board.

The Chancellor shall serve as Secretary to the Board.

The duties of the Secretary are:

1. Notify members of the Board of regular, special, emergency and adjourned meetings
2. Prepare and post Board meeting agendas
3. Have prepared for adoption minutes of Board meetings
4. Attend all Board meetings and closed sessions, unless excused, and in such cases to assign a designee
5. Conduct the official correspondence of the Board
6. Certify as legally required all Board actions
7. 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 will not have an official system of rotation of officers; it elects the officers each year from among all its members.

See Administrative Procedures [#].

BP 2220 Committees of the Board

Reference: Government Code Section 54952

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 and do not have authority that may lawfully be exercised by the Board itself, are not required to comply with the Brown Act, or with these policies regarding open meetings.

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

See Administrative Procedures [# BP2220].

BP 2305 Annual Organizational Meeting and Annual Budget Meeting

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

Annual Meetings:

1. Annual Organizational Meeting: The annual organizational meeting of the Board will be held at the first regular meeting in December. The purpose of the annual organizational meeting is to elect a president, a vice president and a secretary and conduct any other business as required by law or determined by the Board.
2. Budget Hearing: A Public Hearing of the budget shall be held as required by law. (Education Code, Section 85003.)

See Administrative Procedures [#].

BP 2310 Regular Meetings of the Board

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

Regular meetings of the Board shall be held on the second Tuesday of each month. Regular meetings of the Board shall normally be held at 4750 San Felipe Road, San Jose, 95135.

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. 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. At least 3 meetings per year shall be held at or in close proximity to each campus.

See Administrative Procedures [#].

BP 2315 Closed Sessions

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

Closed sessions of the Board shall be held only 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:

1. the appointment, employment, evaluation of performance, discipline or dismissal of a public employee
2. charges or complaints brought against a public employee, unless the accused public employee requests that the complaints or charges be heard in an open session. Such complaints shall first be brought through existing district policies, procedures, and collective bargaining agreements pursuant to due process rights and the state and federal law. Changes brought before the Board in closed session or by election in open session shall first exhaust all administrative remedies. The employee shall be given at least 7 days written notice of the closed session
3. advice of counsel on pending litigation, as defined by law
4. consideration of tort liability claims as part of the district's membership in any joint powers agency formed for purposes of insurance pooling
5. real property transactions
6. threats to public security
7. review of the District's position regarding labor negotiations and giving instructions to the District's designated negotiator
8. discussion of student disciplinary action, with final action taken in public
9. conferring of honorary degrees
10. consideration of gifts from a donor who wishes to remain anonymous
11. 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.

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 of every member present.

Any written materials over 5 pages in length for any closed session item will be submitted for consideration in closed session at least 72 hours before the closed session.

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.

See Administrative Procedures [#].

BP 2320 Special and Emergency Meetings

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

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

See Administrative Procedure [#].

BP 2330 Quorum and Voting

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

A quorum of the Board shall consist of four of the seven Board members.

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

No action shall be taken by secret ballot.

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

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

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

1. 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
2. Resolution authorizing lease of District property under a lease for the production of gas

See Administrative Procedures [#].

BP 2340 Agendas

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

An agenda shall be posted adjacent to the place of meeting at least 72 hours prior to the meeting time for regular meetings. Agendas will also be placed on each campus adjacent to the President's Office where it is freely accessible to the public. Each agenda shall also be electronically posted on the District's web site. 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 Chancellor 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 Chancellor and the Board President. 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 Chancellor in consultation with the Board President.

Placing an Item on the Agenda by members of the public:

It is the intent of the Board that members of the public be able to place matters directly related to District business on the agenda of Governing Board meetings by submitting a written summary of the item to the Chancellor and Board President. The written summary must be signed by the initiator. Agenda items submitted by members of the public must be received by the Chancellor's Office by the district's published deadline prior to the regularly scheduled Board meeting at which the submitted item is to be addressed.

The item shall be placed on the Board's agenda following the items of business initiated

by the Board and staff. Any agenda item submitted by a member of the public and reviewed by the Board at a public meeting cannot be resubmitted by the member of the public before the expiration of a 90-day period following the initial submission.

See Administrative Procedure [#].

BP 2345 Public Participation at Board Meetings

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

The Board shall provide opportunities for members of the general public to participate in the business of the Board. The opportunities to participate could be at the start of the meeting, the beginning of the agenda item before Board discussion, or just prior to the Board vote.

Members of the public may bring matters directly related to the business of the District to the attention of the Board in one of 4 ways:

1. Public Comments on Items not on the Agenda

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

2. Placing items on the Board Agenda

See BP 2340

3. Public oral comments on Agenda Items

The Board also intends that members of the public be able to address the Board regarding items on the agenda as such items are taken up. At each meeting, citizens attending the meeting shall be allowed to address the Board on agenda items as those matters are discussed by the Board—Members of the public who wish to address the Board on items on the agenda shall complete a written request to the Chancellor at the beginning of the meeting at which they wish to speak. The request shall note the item on which they wish to speak and identify the submitter by name and by organizational affiliation, if any. A phone number is also requested to allow the presenter to be contacted for further communication.

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.

No member of the public may speak without being recognized by the President of the Board.

Each speaker will be allowed a maximum of three 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.

The Board recognizes the need to encourage public participation but also recognizes the need to preserve order and the proper functioning of the meeting. Citizens addressing the Board at meetings shall therefore conduct themselves at all times in a manner appropriate to the setting.

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.

4. Public written comments on Agenda Items

Members of the public also may submit written communications to the Board on items on the agenda. Written communication regarding items on the Board's agenda should reach the office of the Chancellor not later than three 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 [#]

BP 2350 Speakers

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

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.

The policy covering oral presentations to the Board are covered in BP 2345.

See Administrative Procedures [#].

BP 2355 Decorum Civility at Board Meetings

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

The SJECCD Board of Trustees seeks to conduct public meetings in an atmosphere of honest communication, accountability, and respect. Every attempt will be made to conduct business with utmost civility, caring, and honesty to build trust, positive relationships, and shared solutions.

To that end, the following behavior is not acceptable and will be ruled out of order by the presiding officer:

1. Remarks or discussion in public meetings on charges or complaints which the Board has scheduled to consider in closed session
2. Profanity, obscenity and other hateful or other offensive language
3. 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.

See Administrative Procedures [#].

BP 2360 Minutes

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

The Chancellor 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 names of Board members and District leadership representatives present, all motions, names of those making and seconding motions, votes and major discussion points.

See Administrative Procedures [#].

BP 2365 Recording

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

If the Board creates any tape or video recording of a meeting, the recording 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 Chancellor is directed to enact administrative procedures to ensure that any such recordings are maintained for at least thirty days 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 [#].

BP 2410 Policy and Administrative Procedure

Reference: Education Code Section 70902; Accreditation Standard IV.B.1.b & e

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 the provisions of law pertinent to their job responsibilities. The District shall be responsible for providing the necessary training where appropriate.

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.

Administrative procedures are to be issued by the Chancellor 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 Chancellor.

The Chancellor shall annually provide each member of the Board with 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 policies and administrative procedures shall be readily available to District employees through the Chancellor.

See Administrative Procedure [#].

BP 2430 Delegation of Authority to Chancellor

Reference: Education Code Sections 70902(d), 72400; Accreditation Standard IV.B.1.j; IV.B.2

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

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

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

The Chancellor is expected to perform the duties contained in the Chancellor 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 Chancellor.

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

The Chancellor 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 Chancellor, they are not unduly burdensome or disruptive to District operations. Information provided to any trustee shall be provided to all trustees.

The Chancellor shall act as the professional advisor to the Board in policy formation.

See Administrative Procedure [#].

BP 2431 The Selection of the Chancellor and the College Presidents

Reference: Accreditation Standard IV.B.1, IV.B.1.j.: Title 5, Sections 53000 et seq.

In the case of a vacancy for the position of Chancellor or College President, the Board shall establish a search process to fill the vacancies. The process shall be fair, open and comply with relevant regulations. It shall include input from students and constituency groups.

See Administrative Procedure [#].

BP 2432 The Temporary Replacement of the Chancellor

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

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

The Board shall appoint an acting Chancellor for periods exceeding thirty (30) calendar days.

See Administrative Procedure [#].

BP 2435 Evaluation of the Chancellor

Reference: Accreditation Standard IV.B.1

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

The Board shall evaluate the Chancellor using an evaluation process developed by the Board with input from the Chancellor.

The process shall provide opportunities for input from all constituency groups listed in Board Policy 2510.5.

The criteria for evaluation shall be based on Board policy, the Chancellor's job description, and performance goals and objectives developed in accordance with Board Policy 2430.

See Administrative Procedure [#].

San Jose/Evergreen Community College District
Board Policies
Chapter 2
Board of Trustees

BP 2510 Participation in Local Decision Making

Reference: Education Code Section 70902(b)(7); Title 5, Sections 53200 et seq., 51023.5, 51023.7; Accreditation Standard IV.A

BP 2510.1 Academic Senate

Legal Reference: Education Code Sections 70901, 70902; Title 5 Sections 53200-53204.

Chapter 973, Statutes of 1988 enacted a new structure of governance for the California Community College system. In accord with this directive as implemented by Administrative Code, Title 5, it shall be the policy of San Jose/Evergreen Community Colleges Governing Board to consult collegially with the San Jose and Evergreen Academic Senates when adopting policies and procedures on academic and professional matters.

The Governing Board or their designee or Academic Senate or their designee, shall initiate the consultative process. While consulting collegially, the Academic Senates shall retain the right to present their views and recommendations directly to the Governing Board.

In consulting collegially, the Governing Board will rely primarily upon the advice and judgment of the Academic Senates on all policies and procedures related to Academic and Professional Matters listed as numbers one through eight in Board Policy 2510.2. For Academic and Professional Matters numbers nine, ten and eleven of Board Policy 2510.2, collegial consultation shall be defined as mutual agreement between the Senates and the Governing Board or their representatives.

Where the governing Board has elected to rely primarily upon the advice and judgment of the Academic Senate, the recommendations of the Senates will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If the recommendations are not accepted, the Governing Board or its designee shall promptly communicate its reasons in writing to the Academic Senates.

Where the Governing Board has elected to provide for mutual agreement with the Academic Senates, and agreement has not been reached, existing policy shall remain in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires policy to be changed, the governing Board may act, after good effort to reach agreement and only for compelling legal, fiscal, or organizational reasons.

The appointment of faculty members to serve on college or district committees, task forces, or other groups dealing with academic and professional matters, shall be by the Academic Senate. Faculty appointed to committees shall follow procedures established by the Academic Senates.

See Administrative Procedures [#].

BP 2510.2 Academic and Professional Matters

The Chancellor or his/her designee or the Academic Senate Presidents or their designees are responsible for the initiation and facilitation of appropriate collegial consultation on “academic and professional matters,” as follows:

1. Curriculum, including establishing prerequisites and placing courses within disciplines
2. Degree and certificate requirements
3. Grading policies
4. Educational program development
5. Standards or policies regarding student preparation and success
6. District and college governance structure, as related to faculty roles
7. Faculty roles and involvement in accreditation processes, including self-study and annual reports
8. Policies for faculty professional development
9. Processes for program review
10. Processes for institutional planning and budget development, and
11. Other academic professional matters as mutually agreed upon between the Governing Board and the Academic Senate

BP 2510.3 Collective Bargaining Matters

Board policies and procedures shall not interfere or conflict with any legal rights of the officially recognized collective bargaining representatives. Nothing in these policies shall be construed to infringe upon the due process rights of faculty.

BP 2510.4 Fiscal Support for Academic and Professional Matters

The Academic Senate presidents shall receive adequate reassigned time to perform required duties. The San Jose/Evergreen Community College District shall provide an adequate account in each college budget to support the participation of the Academic Senates in governance activities.

BP 2510.5 The Participation of Recognized Employee/Student Representative Groups in Policy Development.

Note: all of the rights granted in this section are subject to the special requirements of Policy Sections 2510.1, 2510.2 and 2510.3

2510.51 The following officially recognized District employee/student representative groups shall be given the opportunity to participate in the development of Board policies and Board adopted procedures: Academic Senates, Classified Senates, Management, Supervisory and Confidential Employee Council, Associated Student Councils, FA-AFT 6157, CSEA 363 and Executive Management. The opinions and recommendations of these groups will be given every reasonable consideration.

2510.52 Except for unforeseeable emergency situations the Board shall not take action on new Board policies and procedures without giving the above-mentioned representative groups reasonable time to meet with their members and discuss those proposals.

2510.53 All of the representative groups mentioned herein may initiate and participate effectively in the formulation and development of proposals for new policies or Board adopted procedures. The representatives initiating such proposals shall first consult with the chief executive or President as appropriate or her/his representative. Proposals initiated by the representative groups are subject to all the requirements of the Board Policies contained in section 2510.

BP 2510.6 Appointment of Representatives

When there is to be representation from a specific constituency group mentioned in Section 2510.51, those groups shall appoint all of their own representatives.

See Administrative Procedure [#].

BP 2610 Presentation of Initial Collective Bargaining Proposals

Reference: Government Code Section 3547

The Chancellor 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 timelines outlined in the collective bargaining agreements.

See Administrative Procedure [#].

BP 2710 Conflict of Interest

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

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 Chancellor 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 foresee ably 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.

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

See Administrative Procedures [#].

BP 2715 Code of Ethics/Standards of Practice

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

The San Jose/Evergreen Community College District is committed to the principle that access to higher education should be available to every person. All Board members are committed to maintaining the highest standards of conduct and ethical behavior. The Board believes that such standards promote trust, confidence, and integrity in the working relationship between Trustees and staff. Therefore, the Board and its individual members are committed to the following:

1. Trustees are elected to represent the interests and serve the needs of the entire District and to promote the mission of the San Jose/Evergreen Community College District
2. Trustees are a part of the team of trustees, administrators, faculty, classified staff and students working in the best interest of the District and its students. Trustees encourage open, mutually supportive, and accountable participation of students, faculty, administrators and classified staff
3. Trustees have as their function the establishment of the policies by which the District is to be administered. The Board's duties also include the selection of the Chancellor, the establishment of policies for the District's current and long-range planning, the preservation of assets, the expenditure of funds, and the determination of a governance structure. The Board holds the Chancellor accountable for the administration of the educational program and the conduct of District business
4. Trustees uphold the letter and spirit of the Ralph M. Brown Act and make all official decisions and actions of the Board of Trustees in open and public meetings
5. Trustees recognize that authority rests with the Board majority in legal sessions and not with individual members
6. Trustees respect the confidentiality of all privileged information
7. The Board is made up of individuals with differing values and beliefs: debate is expected and natural. Although there are individual expressions, there are no individual decisions. Trustees work with fellow Board members in a spirit of harmony and cooperation in spite of differences
8. Trustees communicate and promote the needs of the community to the District and the needs of the District to the community

9. Trustees assure the orderly operation of the District by encouraging employees to use established channels before bringing their concerns to the Board
10. Trustees avoid all conflicts of interest and the appearance of conflicts of interest.
11. Trustees enhance their potential as Board members through participation in educational conferences, workshops and training sessions offered by local, state and national organizations. They participate in state and national community college trustee associations
12. Trustees devote the time to activities which will enhance their ability to function effectively as an educational governing board member

See Administrative Procedures [#].

BP 2716 Political Activity

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

Members of the Board shall not use District funds, services, supplies or equipment to urge the 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 express the Board's position on ballot measures and legislation. Public resources may be used only for informational efforts regarding ballot measures.

See Administrative Procedures [#].

BP 2717 Personal Use of Public Resources

Reference: Government Code Section 8314; Penal Code Section 424

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.

See Administrative Procedures [#].

BP 2720 Communications among Board Members

Reference: Government Code Section 54952.2

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.

See Administrative Procedures [#].

BP 2725 Board Member Compensation

Reference: Education Code Section 1090, 35120, 72425

Compensation

Members of the Board who attend all Board meetings shall receive \$400 per month. Student trustees shall receive half of the compensation paid to Board members. 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, 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, on work related travel, or the absence is due to a hardship deemed acceptable by the Board.

Communications Costs

\$100 per month shall be provided to Board members for district work related communications needs.

Half of the costs paid to Board members shall be provided to student trustee members for district work related to communications needs.

The Board may, on an annual basis, increase the compensation and communications costs 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.

See Administrative Procedures [#].

BP 2730 Health Benefits

Reference: Government Code Section 53201

Members of the Board shall be permitted to participate in the District's health benefit programs with the same level of coverage as full-time employees. Student trustees will not receive this benefit.

Premiums for health insurance benefits shall be paid by the District for each former member of the Governing Board and his/her spouse of record subject to all of the following conditions 1 through 4:

1. The trustee must have been elected/appointed to the Governing Board on or before June 30, 1983. Trustees who were elected/appointed after June 30, 1983, shall not be eligible for these benefits
2. The trustee must be 55 years of age or older at the time he/she leaves office
3. The trustee must have provided continuous (uninterrupted, except by authorized leave) service to the District as a member of the Governing Board for 12 or more years immediately prior to leaving office
4. The only spouse eligible to receive any District retirement benefit shall be the spouse legally married to the eligible former trustee (spouse of record) at the time the trustee leaves office. Coverage of the spouse commences at the time the trustee leaves office and ceases upon either the death of the former trustee or divorce from the former trustee. If the spouse was legally married to the former trustee from the time the former trustee left office until the time of death, the surviving spouse may remain as a member of the District medical health plan by reimbursing the District quarterly, in advance, for the full cost of such benefit. Such benefit ceases upon remarriage

See Administrative Procedures [#].

Revised:

2/12/09

BP 2735 Board Member Travel

Reference: Education Code Section 72423

Members of the Board shall have reasonable travel expenses paid for district authorized travel when they act as representatives of and perform services related to the duties of the Board.

See Administrative Procedure [#].

BP 2740 Board Education

Reference: Accreditation Standard 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.

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.

See Administrative Procedures [#].

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:

The Board shall at least once a year conduct a self evaluation. A process and/or instrument may be used. 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 secretary of the Board.

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 challenges and accomplishments for the previous year and to improve the performance of the Board.

See Administrative Procedures [#].