

BP 2010 Board Membership

Reference:

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

The Gavilan Joint Community College Board shall consist of seven (7) members elected by trustee area as defined in Board Policy 2100.

Any 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.

Any person who meets the criteria as described in the Education Code Section 72103 is eligible to be elected or appointed as a member of the Board.

Upon election to the Board of Trustees, new board members will go through an orientation process. Veteran board members can go through the orientation upon request.

New Board Member Orientation

General – Discussion with the Superintendent/President

1. Overview of California Community Colleges
 - a. Missions of California community colleges
 - b. California Community Colleges Board of Governors
 - c. State Chancellor's Office
 - d. Education Code
 - e. California Code of Regulations Title 5
2. Role of the Board of Trustees
 - a. Policy setting body
 - b. Legal authority and responsibility to govern
 - c. Financial management
 - d. Hiring/Firing of CEO
 - e. College shared governance structure
3. Conducting Board Meetings
 - a. The Brown Act
 - i. Open Session
 - ii. Closed Session
4. Relationship Between Board and CEO
5. Board Member Compensation and Benefits
6. Involvement in Community and College Events
7. Student Demographics

8. Strategic Plan and Mission of the College

9. Organizational Chart

Accreditation Process

1. Accreditation Standards

2. Team Members and development of self-study

3. Site visit

Financial Management

Amended by the Board of Trustees: January 12, 2016

Amended by the Board of Trustees: January 10, 2006

Amended by the Board of Trustees: February 8, 2005

Approved by the Board of Trustees: June 12, 2001

BP 2015 Student Member(s)

Reference:

Education Code Section 72023.5

The Board shall include one (1) non-voting student member. The term of office shall be one year. A student trustee is limited to two one-year terms as trustee commencing June 1.

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 is not required to give up employment with the District. The student shall maintain a 2.0 grade point average.

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 or all 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 \$264.60 (excluding health benefits). See BP 2725 titled Board Member Compensation;

The privilege to serve a term commencing on June 1;

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.

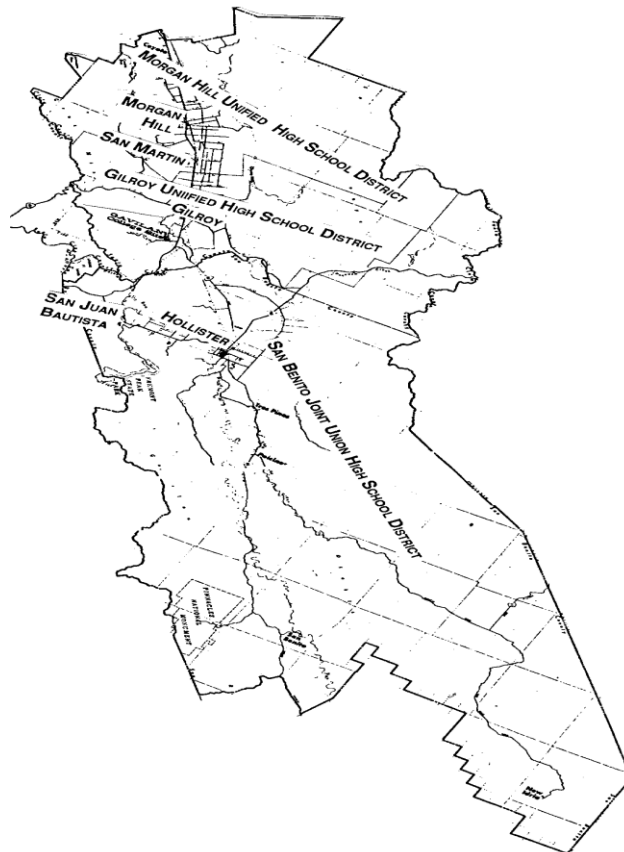
Reviewed and Approved by the Board of Trustees: June 14, 2016
Amended by the Board of Trustees: March 11, 2014
Amended by the Board of Trustees: November 13, 2012
Amended by the Board of Trustees: January 13, 2009
Amended by the Board of Trustees: November 14, 2006
Approved by the Board of Trustees: June 12, 2001

BP 2100 Board Elections

Reference:

Education Code Sections 5000 et seq., and Sections 72022 et seq.

- 1.0 The term of office of each trustee shall be four years, commencing on the first Friday in December following his or her election pursuant to Education Code section 5017. Elections shall be held on the first Tuesday, after the first Monday in November of each even numbered year. Terms of trustees are staggered so that, as nearly as practical, one half of the trustees shall be elected at each trustee election. Any member of the Board whose term has expired shall continue to discharge the duties of the office until his or her successor has qualified. The term of a successor shall begin upon the expiration of the term of his or her predecessor.
- 1.1 The Board of Trustees has provided for the election of trustees by trustee areas. The election of a Board member residing in and registered to vote in the trustee area he or she seeks to represent shall be by the registered voters of the entire community college district pursuant to Education Code sections 5030(c) and 72022(b)
- 1.2 Effective, January 8, 1963, the trustee areas are:
 - 1.2.1 Area 1 San Benito Joint Unified High School District (3 seats)
 - 1.2.2 Area 2 Morgan Hill Unified High School District (2 seats)
 - 1.2.3 Area 3 Gilroy Unified High School District (2 seats)



- 1.3 Notwithstanding 1.1. and 1.2, above, and pursuant to Education Code section 72036, it is the Board's intent to change its election methodology such that at the November 2016 election, and for all elections thereafter, each trustee will be registered to vote, and shall reside throughout his or her term, in one of seven specified trustee areas, and shall be elected by the voters residing in that area only. If the change in election methodology and the establishment of seven trustee areas is approved by the Board of Governors of the California Community Colleges, any affected incumbent trustee shall serve out his or her term of office.
- 1.4 The President of the College 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 President of the College shall submit the recommendation in time for the Board to act as required by law pursuant to Education Code sections 5019.5, and 72036(a)
- 1.5 If a tie vote makes it impossible to determine either which of two or more candidates has been elected to the governing board or the term of office of a governing board member, and the county superintendents of schools having jurisdiction over the District shall have so certify to the governing board the Board will resolve the tie by lot pursuant to Education Code section 5016(a).
 - 1.5.1 If the Governing Board decides to determine the winner by lot, the Governing Board shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by a representative at a time and place designated by the Governing Board.
 - 1.5.2 The Governing Board shall at that time and place determine the winner or winners by lot.

BP 2105 Election of Student Members

Reference:

Educational Code Sections 72023.5, 72103

A Gavilan college student elected by the Associated Students of Gavilan College shall serve as a member of the Gavilan Joint Community College Governing Board in accordance with California Education Code Section 72023.5.

The student member shall be elected by all the student body in a general election held in the spring semester in order to fill the office by June 1 of a given year. 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 Superintendent/President.

Special elections may be held if the office becomes vacant by reason of the resignation, recall, or disqualification of an elected student member, or by any other viable reasons. A special election, when called, will occur within thirty (30 days) after notice of the vacancy comes to the attention of the President of the College.

Candidates for the vacancy may nominate themselves or be nominated by others by the filing of an application certifying that the candidate's eligibility 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 President of the College.

See Administrative Procedures #2105

AP 2105 Election of Student Members

Reference:

Education Code Section 72023.5

The student member shall be elected by a plurality vote of those voting in a regular election of the student body. All members of the student body may vote. Normally, the election will be conducted during the spring semester and will be completed in time for the student member to take office on June 1.

The Student Member may be recalled in an election conducted in the same manner as the election to office. An election will be called upon presentation to the President of the College of a petition signed by at least 20% of the students enrolled at the time of filing the petition. No recall election will be held if the petition is received within 30 days of a regularly scheduled election for student member.

The office shall become vacant if the student member resigns, is disqualified or for any other viable reasons. Upon notice to the President of the College that a vacancy has occurred, the President of the College or designee may arrange for a special election that provides for:

- notice communicated to the student body of the result of the recall election, if the vacancy has occurred as the result of a recall election, and arrangements for a special election;
- an application period for students to submit an application to become a candidate for the open position that will be open for at least 5 days on which classes are regularly held;
- following such application period, a period of time no less than 5 days upon which classes are regularly held for campaigning, and;
- voting for the special election to be concluded within 30 days following the date upon which the position became vacant.

No special election will be called if the vacancy occurs within 30 days of a regularly scheduled election for student member.

BP 2110 Vacancies on the Board

Reference:

Education Code Sections 5090, et seq.

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 Education Code 5090.

Within 30 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 no less than 130 days after the occurrence of the vacancy.

If a provisional appointment is made, it shall be subject to the conditions in Education Code 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 of the College 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

AP 2110 Vacancies on the Board

Reference:

Education Code Section 5090 et seq.; Government Code Sections 1770, 6061

When the Board determines to fill the vacancy by appointment, the President of the College shall assure that there is ample publicity to and information for prospective candidates. Publicity shall include posting in three public places in the District and publication in a newspaper of general circulation. *(Note: This publication, which is required by Section 6061 of the Government Code, is only required to be published once. If there is no newspaper of general circulation published in the District, notice need not be published.)*

The posted notice of vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying or nominated must meet the qualifications required by law for members of the Board.

Persons applying for appointment to the Board shall receive a letter from the President of the College containing information about the District and the Board, and including a candidate information sheet to be completed and returned by a specific date.

The Board may request personal interviews with candidates. Interviews will be conducted in a public hearing scheduled for that purpose.

Each Board member will review all candidate information sheets, with final selection made by a majority vote of the Board members at a public meeting called for that purpose.

Whenever a provisional appointment is made, the Board shall, within 10 days of the provisional appointment, post notices of both the actual vacancy or the filing of a deferred resignation and the provisional appointment in three public places in the District. It shall also publish a notice in a newspaper of general circulation. *(Note: This publication, which is required by Section 6061 of the Government Code, is only required to be published once. If there is no newspaper of general circulation published in the District, notice need not be published.)*

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. It shall also contain the full name of the provisional appointee to the board, the date of appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

A provisional appointment confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment. A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for governing board members. An election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

BP 2200 Board Duties and Responsibilities

Reference:

ACCJC Accreditation Standard IV

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

The Board of Trustees is committed to fulfilling its responsibilities to:

- Represent the public interest
- Establish policies that define the institutional mission and set prudent, ethical and legal standards for college operations
- Select and appoint the President of the District
- Hire and evaluate the President of the District
- Delegate power and authority to the chief executive to effectively lead the District
- Assure fiscal health and stability
- Monitor institutional performance and educational quality
- Advocate and protect the District
- Approve the expenditure of all funds
- Approve the annual budget
- Appoint, or dismiss employees upon the recommendation of the President of the District
- Fix the rate of compensation for all employees and to review all salary schedules annually
- Pass upon recommendations of the President on site utilization and physical plant development
- Require and consider reports from the President of the District concerning the program and condition of the college
- Consider and pass upon the curricular offerings of the college upon the recommendation of the President of the District
- Consider and pass upon the annual calendar

BP 2210 Officers

Reference:

Education Code Section 72000

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

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 of the College on board meeting agendas;
- Communicate with individual board members about their responsibilities;
- Appoint all board subcommittee members
- Participate in the orientation process for new board members;
- Assure Board compliance with policies on board education, self-evaluation and President's evaluation;
- Represent the Board at official events or ensure board representation.

The duties of the Vice President of the Board are:

- Shall perform duties of the President of the Board in the absence of the President
- Shall perform other functions as designated by the Board

The duties of the Clerk of the Board are:

- Shall attest to certain reports and documents as prescribed by law

The President of the College shall serve as Secretary to the Board.

- 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;
- Attend all board meetings and closed sessions, unless excused, and in such cases to assign a designee;
- 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.
- Keep record of all meetings.

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

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 California Public Meetings 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 California Public Meetings 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.

Board committee agendas will include the names of the assigned board members. The Board has established the following board committees:

Standing Committees:

- Board Policy and Administrative Procedure Oversight Committee
- Budget and Integrated Planning Committee
- Facilities Development and Utilization
- Institutional Effectiveness and Strategic Planning Committee
- School District Collaboration Committee

Ad Hoc Committees:

- Evaluation of College President Ad Hoc Committee
- Athletic
- Board Self Evaluation Ad Hoc Committee

Other:

- Retirement Board Review Committee

Approved by the Board of Trustees: June 12, 2001
Amended by the Board of Trustees: October 11, 2005
Amended by the Board of Trustees: October 9, 2012
Reviewed and Approved by the Board of Trustees: June 12, 2016
Amended by the Board of Trustees: October 10, 2017

BP 2305 Annual Organizational Meeting

Reference:

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

The annual organizational meeting of the Board will be held between the first and fifteenth of the date that elected governing board members take office, generally at the regular meeting held the first two weeks of December. The purpose of the annual organizational meeting is to elect a president, vice president and clerk and conduct any other business as required by law or determined by the Board.

BP 2310 Regular Meetings of the Board

Reference:

***Government Code Section 54954; 54952.2, 54953 et seq.; 54961
Education Code Section 72000(d)***

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 Gavilan College, 5055 Santa Teresa Boulevard, Gilroy, California.

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.

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 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;
- 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.

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 of the College. 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.

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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 requirements. 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 of the College 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

AP 2320 Special and Emergency Meetings

Reference:

Government Code Sections 54956; 54956.5 Education Code Sections 72023.5; 72129

Whenever a special meeting of the governing board is called, the CEO shall cause the call and notice to be posted at least 24 hours prior to the meeting in a location freely accessible to the public. The CEO shall also ensure that the following notices of the meeting are delivered either personally or by other means:

Written notice to each member of the governing board, including any student trustee(s).

Written notice to each local newspaper of general circulation, and each radio or television station that has previously requested in writing to be provided notice of special meetings.

The written notice must be received at least 24 hours before the time of the meeting as set out in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. The notice may be waived by members of the governing board in writing either prior to or at the time of the meeting.

Whenever an emergency meeting of the governing board is called, the CEO shall cause notice to be provided by telephone at least one hour prior to the meeting to each local newspaper of general circulation and each radio or television station that has requested notice of special meetings. If telephone services are not functioning, the CEO shall provide the newspapers, radio stations and television stations with information regarding the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

BP 2330 Quorum and Voting

Reference:

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

A quorum of the Board shall consist of four members. However, in all meetings the affirmative vote of at least four Board members shall be necessary in order to pass any action, unless otherwise provided for by law, since this number constitutes a majority of the Board.

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.

BP 2340 Agendas

Reference:

Government Code Sections 54950, 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. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting.

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 of the College shall establish administrative procedures that provide for public access to agenda information and reasonable annual fees for the service.

Agendas shall be developed by the President of the College in consultation with the President of the Board.

Agenda items submitted by members of the public must be received by the Office of the President two weeks prior to the regularly scheduled board meeting to assure compliance with the Brown Act.

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 of the College. The initiator must sign the written summary. 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

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

AP 2340 Agendas

Reference:

Education Code Section 72121

The Superintendent/President, or designee, shall be responsible for administering these regulations.

- Agenda development takes place through the process identified in BP 2340.
- Agenda items submitted for consideration by the Superintendent/President or at the request of the Superintendent/President shall follow the established timelines and protocol.
 - A board agenda cover sheet shall be prepared on the district's template. Attachments and background information shall be attached.
 - Board agenda cover sheets shall include required signatures.
 - Identify type of agenda item such as "Discussion", "Information", or "Action".
 - Digital files with signatures are acceptable.
 - All documents shall be submitted to the Office of the President **10** working days prior to the meeting time for regular meetings. Exceptions shall be made as determined by the Superintendent/President.

Board packets shall be provided to Board members, cabinet members, and employee group representatives 72 hours prior to the meeting time for regular meetings.

- Public access to agendas is available at Gavilan College, Administration Building, Morgan Hill Satellite Center, and Hollister Satellite Center. Copies are distributed to the media. A hard copy is available to the public upon request by contacting the Office of the President.. The full Board agenda packet will be made available on the District's website under the Board of Trustees heading.

BP 2345 Public Participation at Board Meetings

Reference:

***Government Code Section 54954.3 and 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.

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:

- There will be a time at each regularly scheduled board meeting for the general public to discuss 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 College/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.

- 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 of the College at least two weeks prior to the board meeting to assure compliance with the Brown Act. The initiator must sign the summary; 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 no later than five (5) 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.

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BP 2350 Speakers

References:

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.

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.
- They shall complete a written request to address the Board at the beginning of the meeting at which they wish to speak.
- The request shall include the person's name and name of the organization or group represented, if any, and a statement noting the agenda item or topic to be addressed.
- 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. Twenty 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 the Chair, 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.
- The Board will designate "Public Comments" on the agenda before any action is taken.

BP 2355 Decorum

References:

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

The presiding officer will rule out of order:

- 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

The President of the College 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 a public record 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:

- Names of board members and the Secretary to the Board
- All motions, names of those making and seconding motions
- Votes, and names to reflect who voted how specifically on each item when there is an abstention, split vote, or roll call vote
- Major discussion points

Reviewed and Approved by the Board of Trustees: June 14, 2016
Amended by the Board of Trustees: September 13, 2011
Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: October 11, 2005
Approved by the Board of Trustees: June 12, 2001

BP 2365 Recording

References:

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

Any audio or video recording of an open and public 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 of the College 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.

Board minutes will be maintained for thirty (30) days following the District's taping or recording of the Board meetings.

See Administrative Procedure #2365

AP 2365 Recording

Reference:

Government Code Section 54953.5

Board minutes will be maintained for thirty (30) days following the District's taping or recording of the Board meetings.

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)

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 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 of the College 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 of the College.

The President of the College shall provide each member of the Board with any revisions. 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 the public through the Office of the President.

Amended by the Board of Trustees: January 12, 2016

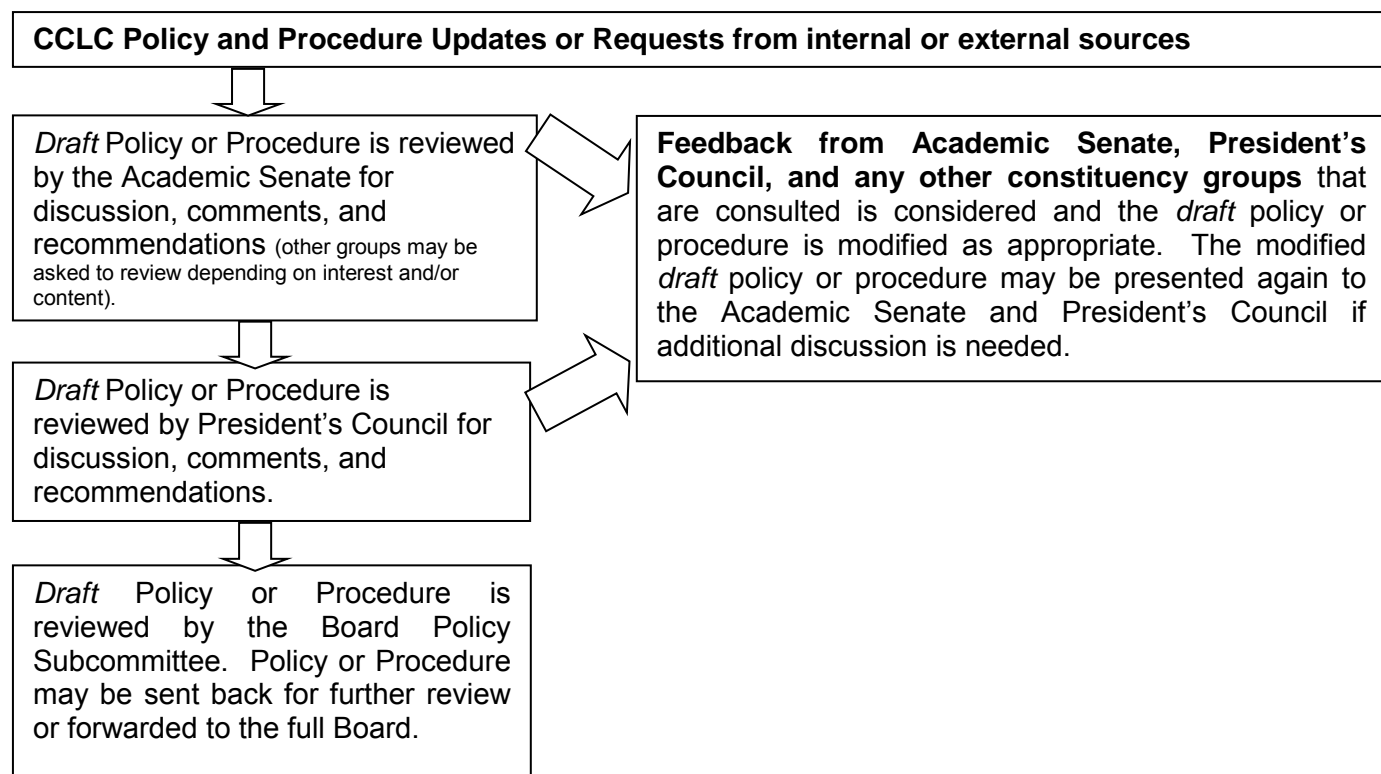
Approved by the Board of Trustees: June 12, 2001

AP 2410 When and How Board Policy/Administrative Procedure Review is Initiated

Reference:

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

- The process begins with updates from the CCLC (Community College League of California) or requests from internal and external sources.
- CCLC Provides templates, updates, and ongoing feedback on policies and procedures which are legally required, legally advised, or good practice.
- If the request is internal or from an external source, the interested parties may be requested to gather existing data as well as input regarding the proposed policy or procedure through surveys, interviews, polls, etc. from those whom the policy or procedure may affect.
- Procedures are approved by the Superintendent/President. Before approval they follow the same review process as policies. The procedures are processes used by the administration to implement policies. The procedures are numbered to align with the corresponding policy.



PROCEDURE – Board of Trustees Information

Procedures are submitted to the Board as an information item; they do not require Board action.

POLICY – Board of Trustees Action

Policy adoption requires a 1st and 2nd reading by the Board followed by majority vote of the whole board.

- Policies are submitted to the Board as an information item for a first reading
- Policies are submitted to the Board as an action item as a second reading

Gavilan College policies and procedures are kept updated and are posted on the District's website at:
<http://www.gavilan.edu/board/policies/index.html>

BP 2430 Delegation of Authority to the President of the College

Reference:

***Education Code Sections 70902(d), 72400;
ACCJC Accreditation Standards IV.B.5, IV.C.12, and IV.D.1***

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

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

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

The President of the College is expected to perform the duties contained in the 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 of the College.

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

The President of the College 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 of the College, they are not unduly burdensome or disruptive to District operations. Information that is provided to any trustee shall be available to all trustees.

The President of the College shall act as the professional advisor to the Board in policy formation.

See Administrative Procedure #2430

AP 2430 Delegation of Authority to the President

References:

Education Code Section 70902;

ACCJC Accreditation Standards IV.B.5, IV.C.12, and IV.D.1 (formerly IV.B.1.j and IV.B.2)

The President of the College 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 of the College shall be responsible for reasonable interpretation of board policy. In situations where there is no board policy direction, the President of the College shall have the power to act, but such decisions shall be subject to review by the board. It is the duty of the President of the College to inform the Board of such action and to recommend written board policy if one is required.

The President of the College is expected to perform the duties contained in the President's job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions.

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

BP 2431 CEO Selection

References:

Title 5 Sections 53000 et seq.;
ACCJC Accreditation Standards IV.B and IV.C.3

In the case of a CEO vacancy, the board shall establish a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations.

Generally, the process will include consideration of the following factors at the discretion of the Board:

1. Use of a search consultant
2. Candidate – desired qualifications determination
3. Recruitment area – national or statewide
4. Screening Committee and membership
 - a. Community representation
 - b. Faculty, staff and administration composition
 - c. Student representation
 - d. Board designated representative
5. Interviews
6. Candidate forums
7. Reference checks, site visits
8. Selection and contract negotiations

BP 2435 Evaluation of the President of the College

Reference:

ACCJC Accreditation Standard IV.C.3

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

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

The criteria for evaluation shall be based on board policy, the job description for the President of the College and performance goals and objectives developed in accordance with Board Policy 2430 titled Delegation of Authority to the President of the College.

Guidelines to be used in the review process

1. The President of the College and the Board of Trustees shall mutually agree upon the goals and objectives to be considered for the following year as well as the format of any additional instruments.
2. The review will be at a scheduled time and place, with no other items on the agenda.
3. The Board, as a whole, will meet with the President of the College to discuss the final review.
4. The review shall include a discussion of strengths, weaknesses, and future goals and objectives.
5. The Board will focus its review on those items that have been previously and mutually agreed upon by the Board and the President of the College.
6. All materials pertaining to the review will be retained in an "Access by Board Only" file located in the Office of the President.
7. The final review shall be signed and dated by the President of the Board and the President of the College.

Details for the review process

1. Preparation for the annual review of the President of the College will be completed by May 15 of each year.
2. The review will be based upon a format, which may reflect the requirements of the job description, goals, and objectives of the past year, characteristics, of performance and other elements previously agreed upon. This review shall consider comments from constituent groups of the college community.

Process to Obtain Information for Evaluation of the Superintendent/President

Biannually, members of the Board of Trustees will interview employees holding key leadership positions and a limited number of other employees to obtain first hand impressions about the President's performance in areas of interest to the Board. The following general guidelines will be used:

1. A Board ad-hoc subcommittee consisting of three board members will be appointed to conduct interviews with College personnel. The number of people interviewed will be determined by the Board. Generally, between 10 and 12 people will be interviewed. Individuals serving in key leadership positions of the constituency groups of the College will be interviewed. The key positions are:
 - a. Academic Senate President
 - b. GCFA President
 - c. CSEA President
 - d. One Professional Support staff representative from President's Council
 - e. A member of the confidential/managers/supervisors group

Several other employees will be selected at random to ensure a broad range of employees are provided with an opportunity to meet with members of the Board. Additional employees will be selected at random using the following numbers:

- f. Four faculty members: one each from the counseling department, the library, academic instructional faculty, and technical instructional faculty.
- g. At least one administrator
- h. At least one student
- i. Others at the discretion of the Board

Employees selected for an interview who do not want to meet with members of the Board of Trustees will be excused and another name will be drawn.

2. A questionnaire should be established in advance and reviewed with the President. It is recommended that the questionnaire be considered as a general guide for an open ended discussion covering several areas. Each topic area on the questionnaire should be discussed with each interviewee. Areas that frequently of concern on a college campus include:
 - a. Collaboration – Did the President solicit input and adjust plans based on input received?
 - b. Vision – Is there a sense of the College's long-range objectives?
 - c. Communication – Are you informed about activities occurring that affect the operation of the College?
 - d. Campus Climate/Culture- Do you feel that the working environment allows you to do your best work?
 - e. Unaddressed Problems/Concerns – Identify three areas or concerns that the President should be aware of or seek to make changes to.

- f. Confidence in the Administration of the College – Are you confident that the administration of the college demonstrates sound judgment in providing leadership and direction of the institution?
 3. Information obtained from the interviews is to be considered one source of input. The Board always retains its authority to evaluate the President independently of comments received during the interviews.
 4. Retaliation for comments is a concern that is vocalized with great frequency. Interviewees should be informed that the information will be provided in a summary format to the President. No comments will be attributed to any one individual.
 5. The President will have an opportunity to respond to comments received during the interviews.
3. The final review will take place in closed session with the President of the College.
 4. Annual goals and objectives for the next year will be agreed upon prior to the end of the review process. The President of the Board will schedule progress reviews.

Instructions for the President of the College

As part of the review process, a written summary will be prepared by the President of the College outlining progress made toward previously established goals and objectives.

Instructions for the Board members

1. A quorum of the Board shall orally review the President's written summary described above and other supplementary materials that may be part of the review process.
2. Complete the annual review form by May 15 of each year.

BP 2510 Participation in Local Decision Making: Faculty

References:

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

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 action under which the District is governed and administered.

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

Academic Senate(s) (Title 5, Sections 53200-53206.)

The Board or its designees will consult collegially with the Academic Senate, as duly constituted with respect to academic and professional matters, as defined by law. Procedures to implement this section are developed collegially with the Academic Senate.

Staff (Title 5, Section 51023.5.)

Professional Support Staff shall be provided with opportunities to participate in the formulation and development of District policies and procedures that have a significant effect on staff. The opinions and recommendations of the Professional Support Staff 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

Amended by the Board of Trustees: June 14, 2016

Approved by the Board of Trustees: June 12, 2001

AP 2510 Participation in Local Decision-Making

Reference:

Education Code Section 70902(b)(7);

Title 5, Sections 53200 et seq; 51023.5; 51023.7

ACCJC Accreditation Standards IV.A, IV.D.7 (formerly IV.A.2, IV.A.5)

Gavilan College takes pride in its successful structure and institutional culture of participatory governance. The process of participatory governance guides and informs the college's decision-making activities, short and long-range planning, and problem solving tasks. With the exception of collective bargaining, personnel matters and legal issues, all aspects of the College conform to the participatory process.

Participatory governance is best described as a process of consultation, a framework of required interactions that ensures that all decisions are well informed by input from the four segments of the college community: management, faculty, Professional Support Staff and students. In this regard, the participatory process is grounded in Assembly Bill 1725 and in the policies of the Gavilan Joint Community College District Board of Trustees.

Gavilan College has taken an additional step, however, by endeavoring to govern its affairs by consensus. Even though the determinations reached through the process are advisory to the President of the College, who serves as the institution's chief executive officer, the majority of institutional decisions are reached through consensus. This effort ensures a healthy give-and-take in debating ideas, as well as an operative system of checks-and-balances in the review of important matters. It also promotes trust and broadens the sense of "ownership" of the decisions reached, thereby reinforcing the structure of governance.

PRESIDENT'S COUNCIL

Purpose:

The President's Council serves as the college's central, participatory council, functioning as the institution's primary shared governance body. The structure and nature of the President's Council facilitate its interaction with all institutional constituencies. As the college's central decision-making body, the Council's planning role is enhanced by its familiarity with all functions of the college, ensuring both a knowledgeable and an integrated perspective.

Specialized projects are referred by the Council to other governance organizations for review, such as the Academic Senate and Administrative Council for instructional matters, the Professional Support Staff for inquiries to staffing issues and the Associated Students for student issues. These bodies report back to the Council with recommendations. For most issues, the determination of the President's Council is final. The President of the College is charged with representing Council determinations to the Board of Trustees.

The President's Council endeavors to integrate all aspects of communication, decision-making and planning tasks rather than permit the institution to become isolated or its activities to become fragmented due to the centrifugal impulses of this large and complete collegiate environment. The President's Council establishes ad hoc committees to assist with specialized projects of the college.

Membership:

President (Chair)

Vice President, Instructional Services

Vice President, Student Services

Vice President, Administrative Services

Academic Senate Representatives (2)

Administrative Council Representative (1)

Directors and Confidentials Council Representative (1)

Professional Support Staff Representatives (2)

Associated Students of Gavilan College Representatives (2)

Associated Students

The Associated Students of Gavilan College (ASGC) will represent all students with the right to participate effectively in shared governance, and to provide students the opportunity to participate in the policies, procedures and processes at Gavilan College, that has a “significant effect on students”.

The ASGC believes that the highest intellectual, social and moral life is achieved by the ordered pursuit of learning, ethics and involvement at Gavilan College.

The ASGC will provide an open communication between students, the community and Gavilan College and represent all student’s interests, goals and information.

The ASGC will finance and sponsor a variety of cultural activities and events that benefit the students, the community and Gavilan College.

The ASGC will work closely with college faculty to develop educational programs on an ongoing basis that affect students’ educational needs.

Gavilan College assures that the ASGC recommendations are given “every reasonable consideration”.

Administrative Council

Meets regularly as a management group to address educational matters and to provide a leadership role in the collaborative review, interpretation, and implementation of policies and procedures as they relate to the mission and goals of the institution, and to provide an effective coordination of instructional and student services programs and activities. Represent the interest and concerns of instruction and student services.

Academic Senate

The Academic Senate serves as the representative of the faculty in making recommendations to the administration of the College and to the Board of Trustees with respect to academic and professional matters, on which the Board of Trustees relies primarily upon the advice and judgment of the Academic Senate. The so-called “10+1” academic and professional matters over which faculty have primacy are the following:

1. Curriculum, including establishing prerequisites.
2. Degree and certificate requirements.
3. Grading policies.
4. Educational program development.
5. Standards or policies regarding student preparation and success.
6. College governance structures, as related to faculty roles.
7. Faculty roles and involvement in accreditation processes.
8. Policies for faculty professional development activities.
9. Processes for program review.
10. Processes for institutional planning and budget development.
11. Other academic and professional matters as mutually agreed upon.

While consulting collegially, the Academic Senate retains the right to meet with or appear before the Board of Trustees with respect to its views and recommendations. In addition, after consultation with the administration, the Academic Senate may present its recommendations to the Board of Trustees. The recommendation of the Academic Senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted.

The Academic Senate also works for the general welfare of Gavilan College, its students, staff, and faculty and strives to foster a sense of responsibility among faculty for maintaining a superior level of instruction and professional activity.

Professional Support Staff

The Professional Support Staff representatives shall represent all professional support staff of Gavilan College within the participatory governance structure and decision making process of the College. The purpose includes, but is not limited to the following:

To represent the issues and concerns of the support staff in all aspects of governance and decision-making on matters that are not related to collective bargaining and contract negotiations.

To support the professionalism of the support staff

To encourage individual leadership, contribution, and development among the members of the support staff.

To assure that informed support staff is available for decision-making within the democratic processes of Gavilan College.

To provide a centralized method of communicating between the support staff and other areas of the College.

To collect and disseminate information of interest to the support staff.

To represent the interest of the support staff in all matters before any policy-making committee or governing body of the College.

Amended by the Board of Trustees: December 8, 2015
Amended by the Board of Trustees: November 14, 2006
Approved by the Board of Trustees: June 12, 2001

BP 2610 Presentation of Initial Collective Bargaining Proposals

Reference:

Government Code Section 3547

The President of the College 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:

Timelines in the District's collective bargaining agreements shall be followed.

See Administrative Procedure #2610

AP 2610 Presentation of Initial Collective Bargaining Proposals

Reference:

Government Code Section 3547

Whenever an initial collective bargaining proposal is received from an exclusive representative of District employees (CSEA/GCFA), or whenever the District's own negotiator presents an initial proposal, the following actions must be taken at public meetings of the Board of Trustees:

The exclusive representative or the District must present the initial collective bargaining proposal orally or in writing to the Board at a public meeting.

The public shall have an opportunity to respond to the exclusive representative's or District's initial proposal at a subsequent public Board meeting. The opportunity for public response shall appear on the Board's regular agenda. Public response shall be taken in accordance with the Board's policies regarding speakers.

After the public has an opportunity to respond to an initial proposal presented by the District, the Board shall, at the same meeting or a subsequent meeting, adopt the District's initial proposal. The adoption shall be indicated as a separate action item on the Board agenda. There shall be no amendment of the District's initial proposal unless the public is again afforded a responsible opportunity to respond to the proposed amendment at a public meeting.

If new subjects of meeting and negotiating arise after the presentation of initial proposals, the following procedure shall be followed: all new subjects of meeting and negotiating, whether proposed by the exclusive representative or the District, shall be posted by the District in the same public place as it posts its agendas within twenty-four (24) hours after their presentation in negotiations.

When a request to reopen a collective bargaining agreement, as required by the agreement, is received from an exclusive representative or is made by the District, the public notice procedure outlined in this procedure shall be followed.

When the District and the exclusive representative agree to amend an executed collective bargaining agreement in accordance with the agreement, the following procedure shall be followed:

The amendment shall appear on the agenda as a notice item, for action at a subsequent Board meeting.

The public shall have an opportunity to respond to the amendment at a subsequent Board meeting. The public response shall be indicated on the agenda.

BP 2710 Conflict of Interest

References:

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

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. A board member shall not simultaneously hold two public offices that are incompatible.

Upon leaving the board, former members shall not, for a period of one year act as an attorney, agent or otherwise represent for compensation others appearing before the board.

In compliance with law and regulation, the President of the College 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.

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

See Administrative Procedures #2710

AP 2710 Conflict of Interest

Reference:

Government Code Sections: 87105, 87200-872210; Title 2, Section 18700 et seq.; and as listed below.

Incompatible Activities (Government Code Section 1126, 1099)

Board members and employees shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the District. A board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a board member shall be deemed to have forfeited the first office upon acceding to the second.

Financial Interest (Government Code Section 1090 et seq.)

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

A board member shall not be considered to be financially interested in a contract if his or her interest meets the definitions contained in applicable law (Government Code Section 1091.5).

A board member shall not be deemed to be financially interested in a contract if he or she has only a remote interest in the contract and if the remote interest is disclosed during a board meeting and noted in the official board minutes. The affected board member shall not vote or debate on the matter or attempt to influence any other member of the Board to enter into the contract. Remote interests are specified in Government Code Sections 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his or her minor child.

No Employment Allowed (Education Code 72103 (b))

An employee of the District may not be sworn in as an elected or appointed member of the governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is at the time of election to the board, employed part time by the District to teach no more than one course per semester or quarter in the subject matter of that individual's occupation (Education Code Section 72103(b)).

Financial Interest in a Decision (Government Code Section 87100 et seq.)

If a board member or employee determines that he or she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of an employee, this announcement shall be made in writing and submitted to the Board. A board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter.

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself or herself from discussing and voting on the matter;
- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A board member may, however, discuss the issue during the time the general public speaks on the issue

Gifts (Government Code Section 89503)

Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506.

A gift of travel does not include travel provided by the District for board members and designated employees.

Board members and any employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering (Government Code Sections 89501, 89502).

Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. The term "honorarium" does not include:

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade or profession is making speeches.
2. Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction from income tax purposes.

Representation (Government Code 87406.3)

Elected officials and the CEO shall not, for a period of one-year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

AP 2712 Conflict of Interest Code

References:

**Government Code Sections 87103(e), 87300-87302, 89501, 89502, and 89503;
Title 2 Section 18730;**

Note: *This procedure is **strongly legally advised**. This procedure is essentially verbatim from Title 2 Sections 18730 et seq. The number system reflects the system used in the code and includes gaps in numbering. The first paragraph states that if an agency adopts the verbatim text of that regulation, the agency will be presumed to have adopted a code that complies with the Political Reform Act.*

Pursuant to Section 18730 of Title 2 of the California Code of Regulations, incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in Section 13 to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code Sections 81000 et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

Section 1. Definitions

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regulations Sections 18100 et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Section 2. Designated Employees

The persons holding positions listed in Section 13 are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

Section 3. Disclosure Categories

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economics interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code Sections 87200 et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code Section 87200; and
- (C) The filing officer is the same for both agencies.¹ Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Section 13 specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his/her statement of economic interests those economic interests he/she has which are of the kind described in the disclosure categories to which he/she is assigned in Section 13. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he/she foreseeably can affect materially through the conduct of his/her office.

Section 4. Statements of Economic Interests

Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

Section 5. Statements of Economic Interests

Time of Filing

- (A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
- (B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
- (C) Annual Statements. All designated employees shall file statements no later than April 1.
- (D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. Statements for Persons Who Resign Prior to Assuming Office

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he/she did not make or participate in the making of, or use his/her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his/her appointment. Such persons shall not file either an assuming or leaving office statement.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.

² See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

- (A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:
1. File a written resignation with the appointing power; and
 2. File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he/she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

Section 6. Contents of and Period Covered by Statements of Economic Interests

- (A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.
- (B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.
- (C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.
- (D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. Manner of Reporting

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

- (A) Investments and Real Property Disclosure. When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:
1. A statement of the nature of the investment or interest;
 2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
 3. The address or other precise location of the real property;
 4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he/she is a director, officer, partner, trustee, employee, or in which he/she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal during Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ . Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Section 8. Prohibition on Receipt of Honoraria

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.
- (B) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

Section 8.1. Prohibition on Receipt of Gifts in Excess of \$460

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$460 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code Section 89503 shall apply to the prohibitions in this section.

Section 8.2. Loans to Public Officials

- (A) No elected officer of a state or local government agency shall, from the date of his/her election to office through the date that he/she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.
- (B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (C) No elected officer of a state or local government agency shall, from the date of his/her election to office through the date that he/she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.
- (D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer

has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

- (E) This section shall not apply to the following:
1. Loans made to the campaign committee of an elected officer or candidate for elective office.
 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
 4. Loans made, or offered in writing, before January 1, 1998.

Section 8.3. Loan Terms

- (A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his/her election to office through the date he/she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.
- (B) This section shall not apply to the following types of loans:
1. Loans made to the campaign committee of the elected officer.
 2. Loans made to the elected officer by his/her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 3. Loans made, or offered in writing, before January 1, 1998.
- (C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

Section 8.4. Personal Loans

- (A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:
1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
 2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
 - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

- (B) This section shall not apply to the following types of loans:
- (C) A loan made to the campaign committee of an elected officer or a candidate for elective office.
 - 1. A loan that would otherwise not be a gift as defined in this title.
 - 2. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
 - 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
 - 4. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.
- (D) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

Section 9. Disqualification

No designated employee shall make, participate in making, or in any way attempt to use his/her official position to influence the making of any governmental decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his/her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- (C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- (D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$460 or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 9.3. Legally Required Participation

No designated employee shall be prevented from making or participating in the making of any decision to the extent his/her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his/her participation legally required for purposes of this section.

Section 9.5. Disqualification of State Officers and Employees

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his/her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his/her immediate family has, within 12 months prior to the time when the official action is to be taken:

- (A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
- (B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

Section 10. Disclosure of Disqualifying Interest

When a designated employee determines that he/she should not make a governmental decision because he/she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

Section 11. Assistance of the Commission and Counsel

Any designated employee who is unsure of his/her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his/her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 12. Violations

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000- 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Section 13. Designated Positions and Disclosure Requirements

1. The persons occupying following positions manage public investments. They shall file a full statement of economic interests pursuant to Government Code Sections 87200 et seq.:

- Governing Board Members
- Chief Executive Officer
- Chief Business Officer

2. **Disclosure Categories:** The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the designated employees must disclose for each disclosure category to which he/she is assigned.

Category 1: All investments and business positions and sources of income from, business entities that do business with the District or own real property within the boundaries of the District, plan to do business or own real property within in the boundaries of the District within the next year, or have done business with or owned real property within the boundaries of the District within the past two years.

Category 2: All interests in real property which is located in whole or in part within, or not more than two miles outside, the boundaries of the District.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District, plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District within the past two years.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

Designated Positions, and the Disclosure Categories assigned to them, are as follows:

Accountant	Categories 4,5
Assistant Deans	Category 6
Assistant Directors	Category 6
Chief Human Resources Officer	Category 6
Chief Instructional Officer	Categories 5,6
Chief Student Services Officer	Categories 5,6
Deans	Category 6
Director of Bookstore	Category 6
Director of Budget	Categories 4,5
Director of Food Services	Category 6
Director of Purchasing	Categories 1,4,5
Director of Facilities	Categories 1,2,3,4
Director of Maintenance & Operations	Category 2,3,6
General Counsel	Categories 1,2
Personnel Director (Merit Systems)	Category 6
Personnel Commission Members	Categories 1,2
Police Chief	Categories 5,6
Consultant	Categories 1,2,3,4,5,6

Consultants must be included in the list of designated employees and must disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: The *[CEO or designee]* may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant’s duties and, based on that description, a statement of the extent of disclosure requirements. The superintendent/president’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Amended by the Board of Trustees: May 10, 2016
Amended by the Board of Trustees: October 14, 2014 Amended
by the Board of Trustees: March 12, 2013
Approved by the Board of Trustees: July 10, 2012

AP 2714 Distribution of Tickets or Passes

Reference:

Title 2 Section 18944.1

From time to time, the District receives tickets or passes to community facilities, events, shows, or performances for an entertainment, amusement, recreational, or similar purpose. The District will distribute these tickets or passes when attendance at the event will further the District's mission or will significantly contribute to the professional development of an employee or a member of the Board of Trustees.

The District will distribute the ticket or pass to the person who will benefit most directly or whose regular role in the District most directly relates to the facility, event, show, or performance. If more than one person would benefit equally or their role relates equally to the facility, event, show, or performance, the District will select one person to receive the ticket or pass by lot or rotation. The person receiving a ticket or pass pursuant to this procedure may not transfer the ticket or pass to any other person.

When the District provides a ticket or pass to an official of the District, the ticket or pass is not subject to the gift reporting provisions of Administrative Procedure 2710, so long as the official treats the ticket or pass as income consistent with applicable state and federal income tax laws and the District reports the distribution of the ticket or pass as income to the official and on its website as set forth below.

For each ticket or pass distributed, including those which the recipient treats the ticket or pass as income consistent with applicable state and federal income tax laws according to the paragraph above, the District will complete the California Fair Political Practices Commission (FPPC) Form 802. The District will post these completed forms on its website.

BP 2715 Code of Ethics/Standards of Practice

Reference:

ACCJC Accreditation Standard IV.C.11 (formerly IV.B.1.a, e, & h)

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

The Gavilan Joint Community College District Governing Board, in recognition of its responsibility to the community it serves, and to the students and staff of the college for whom it must provide wise governance, affirms its commitment to the following statements of ethical conduct. These statements enlarge upon, or are in addition to, many of the Board's legal obligations, which are outlined in the board Policies Handbook.

Members of the Governing Board will:

1. understand that the Board's function is to provide leadership to the District through its review and evaluation of programs, planning, the development of policy, and maintaining the fiscal integrity of the District;
2. work together in a spirit of harmony and cooperation;
3. base their Governing board decisions upon all available facts;
4. use their position as a Board member solely for the benefit of the college district;
5. comply fully with the provisions of the Ralph M. Brown Act. Maintain confidentiality of closed sessions;
6. maintain the confidentiality of privileged and closed session information;
7. in an honest and forthright manner, communicate to the college the needs of the community;
8. responsibly represent the educational needs of the District to all citizens;
9. ensure public input into board deliberations; adhering to the law and spirit of the open meeting laws and regulations;
10. prevent conflicts of interest and the perception of conflicts of interest;
11. exercise authority only as a board;
12. use appropriate channels of communication;
13. respect others; acting with civility;
14. devote adequate time to board work.

Ethical Conduct of the Governing Board

Act as a Unit:

The Board is a corporate body. It governs as a unit, with one voice. This principle means that individual Trustees have authority only when they are acting as a Board. They have no power to act on their own or to direct College employees or operations.

In order for Boards to be cohesive and well-functioning units, Trustees must work together as a team, toward common goals. Boards should have structures and rules for operating that ensure they conduct their business effectively and efficiently. Boards should have agendas that are clear and informative and Board meetings should be run in an appropriate manner.

The power of governance is expressed through one voice. As individuals, Trustees make no commitments on behalf of the Board to constituents, nor do they criticize or work against Board decisions.

To be effective, Trustees and Boards must:

- Integrate multiple perspectives into Board decision-making
- Establish and abide by rules for conducting Board business
- Speak with one voice; support the decision of the Board once it is made
- Recognize that power rests with the Board, not individual Trustees

Equity in Attitude:

- I will be fair, just, and impartial in all my decisions and actions.
- I will accord others the respect I wish for myself.
- I will encourage expression of different opinions and listen with an open mind to others' ideas.

Trustworthiness in Stewardship:

- I will be accountable to the public by representing the College policies, program priorities, and progress accurately.
- I will be responsive to the community by seeking its involvement in College activities and by communicating priorities and concerns.
- I will work to ensure prudent and accountable use of College resources.
- I will make no personal promise or take private action that may compromise performance of my responsibilities.

Honor in Conduct:

- I will tell the truth.
- I will share my views while working for consensus.
- I will respect and uphold the majority decision as the decision of the Board.
- I will base my decisions on fact rather than supposition, opinion, or pulse of the group.

Integrity of Character:

- I will refuse to surrender judgment to any individual or group at the expense of the College as a whole.
- I will consistently uphold all applicable laws, rules, policies and governmental procedures.
- I will keep confidential information that is privileged by law, closed session, and/or that which will cause harm to the College if disclosed.

Commitment to Service:

- I will focus my attention on fulfilling the College's responsibilities of goal setting, policymaking, and evaluation.
- I will diligently prepare for and attend College Trustee meetings.
- I will avoid personal involvement in activities delegated to the Office of the President.

- I will seek continuing education that will enhance my ability to fulfill my responsibilities effectively.

Procedures for Sanctioning Members Who Commit Ethical Violations

As with any set of rules a group chooses to impose upon itself, there must be a consequence for actions that violate the established ethic of the group. Making the Board Chair or the President aware of a violation or ethical misconduct should be seen as good *stewardship* rather than as *whistle blowing*. The first order of business should be the determination of whether, in fact, a rule has been violated. The Board Chair, College President, or member should immediately consult with one another when either is made aware of a possible violation. In the event the Chair may have performed the violation, the Vice-Chair will then substitute. Any violation of law should be immediately reported to the appropriate authority.

There are a number of factors that should be considered in the event that disciplinary action is deemed necessary. First and foremost, there needs to be a determination that a violation has occurred and a determination of the gravity of said infraction. Was there intent, is it a pattern of violation, is it a violation of rule or law, has there been a violation of the Brown Act, can the damage, if any, be mitigated? The answer to these questions, as reviewed by the Board Chair, College President and/or member, would then lead to the imposition of discipline. The Trustee being investigated and potentially disciplined will have the right to have full knowledge of the extent of the violations being suggested, and the right to fully defend themselves.

BOARD DISCIPLINARY ACTIONS FOR VIOLATIONS:

Based upon the findings of the investigation, the Board may take any and/or all of the following actions:

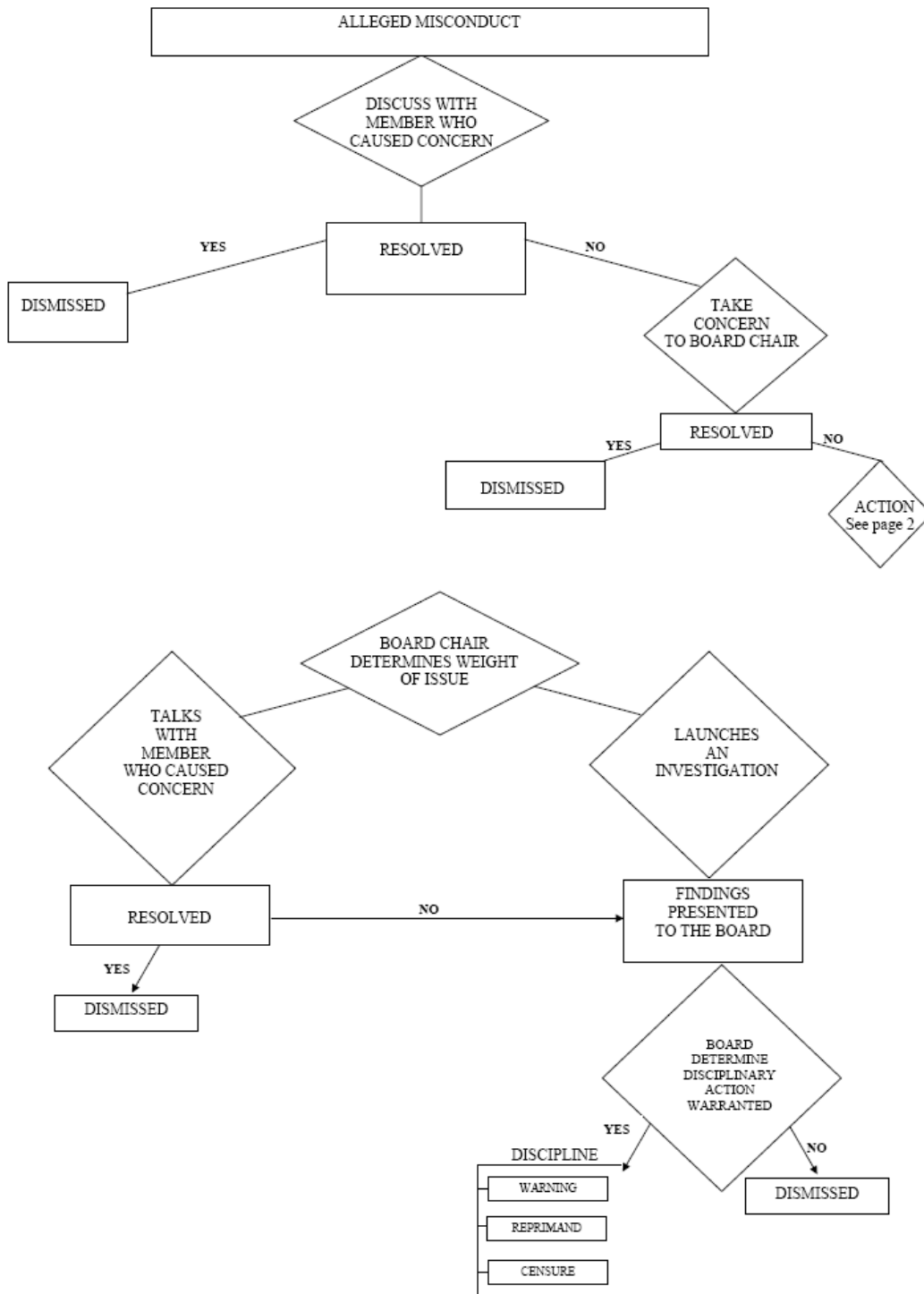
- No Violation. Determine that the alleged misconduct did not occur or was not a violation of the code of ethics and that no further action should be taken.
- Corrective Action Unnecessary. Determine that a violation occurred, but that the violating Trustee is unlikely to repeat the offense and therefore no corrective action is needed unless and until a future violation occurs.
- Warning. Find that a violation occurred and officially warn the Trustee specifically identifying the misconduct. The warning may direct the Trustee to take specified corrective action. Failure of the violating Trustee to take such corrective action may result in Reprimand.
- Reprimand. Find that a violation occurred and officially reprimand the Trustee, specifically identifying and condemning the misconduct. The Reprimand may include direction to the violating Trustee to undertake ethical training, perform restitution, or otherwise take specified corrective action. Failure of the violating Trustee to take such corrective action may result in Censure.
- Censure. Find that a violation occurred and censure the Trustee. Censure not only expresses the Board's disapproval of the misconduct, but expresses the Board's disapproval of the Trustee based upon the Trustee's likelihood of continuing with ethical misconduct as a Trustee. The Censure shall be made publicly and may:
 - Expressly warn the College community and public that the violating Trustee has no authority to speak or act for the Board or the College, but instead is acting on his or her own.
 - Publicly disavow the misconduct and reaffirm that the Board finds such misconduct unethical and unacceptable, and does not condone or tolerate such misconduct.
 - To the extent the misconduct involves violation of public meeting laws, including the confidentiality of closed session meetings, take action to protect the

lawfulness of Board meetings, which may include initiating appropriate legal action against the Trustee to ensure compliance with public meeting laws through the exclusion of the Trustee from closed session meetings.

- To the extent the misconduct involves a Trustee's conflict of interest, the Trustee may be excluded from such meetings where the Trustee's presence would be a violation of conflict of interest laws.

PROCESSES FOR ENSURING ETHICAL CONDUCT

(Stewardship vs Whistle Blowing)



Reviewed and Amended by the Board of Trustees: June 14, 2016
 Amended by the Board of Trustees: December 11, 2012
 Approved by the Board of Trustees: June 12, 2001

BP 2716 Political Activity

Reference:

***Education Code Sections 7054, 7051.1 7056;
Government Code Section 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 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.

Reviewed and Approved by the Board of Trustees: June 14, 2016
Amended by the Board of Trustees: January 14, 2014
Amended by the Board of Trustees: April 9, 2013
Approved by the Board of Trustees: October 11, 2005

BP 2717 Personal Use of Public Resources

References:

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.

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.

BP 2725 Board Member Compensation

Reference:

Education Code Section, 72024

Members of the Board who attend all board meetings shall receive \$264.60 per month and the student member, \$264.60 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, 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 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.

Reviewed and Approved by the Board of Trustees: June 14, 2016
Amended by the Board of Trustees: March 11, 2014
Amended by the Board of Trustees: January 14, 2014
Amended by the Board of Trustees: November 13, 2007
Approved by the Board of Trustees: June 12, 2001

BP 2730 Board Member Health Benefits

Reference:

Government Code Sections 53201 and 53208.5

Members of the Board shall be permitted to participate in the District's health benefit programs. The benefits of members of the Board through the District's health benefit programs shall not be greater than the most generous schedule of benefits being received by any category of nonsafety employee of the District.

The Board of Trustees may participate in medical, dental and vision insurance programs only. The District shall pay the insurance premiums up to an amount to be set each year by the Board of Trustees.

Former members of the Board may continue to participate in the District's health benefits programs upon leaving the Board if the following criteria are met: the member must have begun service 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. All other former board members may continue to participate in the District's health benefits programs on a self-pay basis.

BP 2735 Board Member Travel

Reference:

Education Code Section 72423

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

See Administrative Procedure #2735

AP 2735 Board Member Travel

Reference:

Education Code Section 72423

The procedure to be developed is pending.

- Process for submitting expense claims.
- Approval process, if any.
- Expectations for board member travel and conference attendance, if any.
- Criteria and limits on travel and conference attendance, if any.

BP 2740 Board Education

Reference:

ACCJC Accreditation Standard IV.C.9

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 appropriate training activities necessary to prepare members to fulfill their responsibilities as members of a governing board for a California community college.

AP 2740 Professional Development Program

Reference:

ACCJC Accreditation Standard IV.C.9

Professional Development Program for Members of the Board of Trustees

Members of the Gavilan Joint Community College District Board of Trustees are elected for a term of four years. Board members are not subject to term limits. Considering the range of experience of the members of the board of trustees it is expected that board members will be provided with training as appropriate for each trustee. Training will consist of a range of activities including information updates on specific topics at monthly board meetings, training on specific challenges facing the college, and attendance at local, state and national conferences.

In assembling a development program for members of the Board of Trustees it is recognized that every trustee will participate in development activities as necessary. Annual Board Goals will be considered when evaluating professional development needs for each upcoming year. Funding for training will be provided in the College's annual budget.

Structured formal training for newly elected board members begins with an initial orientation conducted by college staff. All new board members are provided the opportunity to attend the New Trustee Orientation provided by the Community College League of California (CCLC) in January of each year and will progress to more specific training as the board members become more familiar with the college's operations and interests.

The types of training anticipated by the Board's professional development program will consider the following:

Structured Training for New Board Members

New Board Member Orientation – Conducted by College personnel

New Board Member Orientation – Conducted by Community College League of California

Conference Training Opportunities – State level

New trustee orientation

Effective Trusteeship Workshop

New Board Chair Orientation

Semi-Annual Conference – Fall and Spring

Legislative Conference – January for budget and legislative agenda

Conference Trainings – National level

Association of Community College Trustees (ACCT)

American Council on Education (ACE)

Council of Higher Education Accreditors (CHEA)

College Provided Training and Workshops

New trustee orientation- Gavilan College staff – provides initial orientation to all board members

Emergency Command Center Operations and Safety Training

Brown Act

- Finances and Fiscal Policies
- Public Contract Code and procurement
- Student Services – SSSP and Student Equity Plans
- Employee relations and labor relations
- Strategic Planning
- Governance
- Emergency Operations Response

Time Sensitive/Topic Sensitive Training

- Active Shooter Training
- Regional Training - by colleges through regional CCLC training sessions
- Public Contract Code
- Accreditation Standards

Board Policies-

- Training on Policies and College Procedures as Appropriate
- Any training requested by the Board to further support the College's mission

Implementation:

Annually, the Board and the president of the college will review training and conference opportunities that the Board would like to pursue for any given year. The training plan will be developed using the Board Goals as a leading indication of the types of activities the Board of Trustees has determined to be priorities for the year.

Upon conclusion of conferences, board members who attend will brief the Board on the topics covered during the conference.

BP 2745 Board Self-Evaluation

Reference:

ACCJC Accreditation IV.C.10

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 December 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 Board of Trustees is committed to a policy of self-evaluation in order to improve the effectiveness of the Board in carrying out its responsibilities to the citizens of the District. The trustees will meet annually for the purpose of discussing their performance as a Board and suggest changes if needed. The meeting shall be held no later than November. The Student Trustee shall be included in the process.

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 President 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 accomplishments in the past year and goals for the following year. All self-evaluation results are available to the public.

Based on the results of the Board's self-evaluation, the Board will assess its practices and its effectiveness in promoting and sustaining academic quality. Self-evaluation results should include any recommendations to improve board performance, academic quality and institutional effectiveness.

BP 2750 Board Member Absence from the State

Reference:

Government Code Section 1064

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.