BP 1100 The Imperial Community College District

Reference:
Education Code Section 72000(b); Elections Code Section 18304 ~~(New BP)~~

The District has been named the Imperial Community College District.

The name is the property of the District. No person shall, without the permission of the Board, use this name or the name(s) of any college(s) or other facilities of the District, or any abbreviation of them, to imply, indicate or otherwise suggest that an organization, product or service is connected or affiliated with, or is endorsed, favored, supported, or opposed by, the District.

The District consists of the following college and/or education centers:

Imperial Valley College
~~El Centro Extended Campus Center~~
~~Brawley Extended Campus Center~~
Calexico Extended Campus Center

No AP

BP 1200 District Mission

Reference:
WASC/ACCJC Standard One ~~*(Old BP 5.1, 5.2)*~~

The Imperial Community College District Mission Statement was adopted by the Board on May 8, 2002, and reaffirmed in the Educational Master Plan 2009-2010 at the June 17, 2009 Board meeting as follows:

MISSION STATEMENT

The mission of Imperial Valley College is to foster excellence in education that challenges students of every background to develop their intellect, character, and abilities; to assist students in achieving their educational and career goals; and to be responsive to the greater community.

No AP

BP 2000 Setting Policy

Reference:
Legal reference: Title 5 sections 51023.5-51023.7 and 53200-53204

The Imperial Community College District Board of Trustees believes that a major Trustee role is to set policy for the District. In setting policy, the Board wants to create and work within a participatory environment with respect for students and all employee groups.

For developing policies regarding the academic and professional matters numbered a, b, and c, the Board will consult collegially with the faculty by relying primarily on the advice and judgment of the Academic Senate (per previous agreement with the Senate).*

For developing policy regarding the other ~~five~~ academic and professional matters (d through j), the Board will consult with the faculty through the mutual agreement process previously agreed upon.

At Imperial Community College District, the mutual agreement process is the use of the shared governance structure consisting of councils, committees, and the ~~Coordinating~~ Board.

Further, representatives of staff and student groups are encouraged to work within the established processes to address the issues of the District.

The Board of Trustees values consensus building; however, it realizes its legal responsibility to make final decisions regarding policy.

~~Legal reference: Title 5 sections 51023.5-51023.7 and 53200-53204~~

***For the following items the Board of Trustees will rely primarily upon the advice of the Academic Senate:**

a. Curriculum, including establishing pre-requisites and placing courses within disciplines.
b. Degree and Certificate requirements.
c. Grading policies.

For the following items, the Board of Trustees will come to mutual agreement with the Academic Senate:

d. Educational program development.
e. Standard of policies regarding student preparation and success.

f. District and college governance structures, as related to faculty roles.
g. Faculty roles and development in accreditation processes.
h. Policies for faculty professional development activities.
i. Processes for program review.
j. Processes for institutional planning and budget development.

No AP

BP 2010 Board Membership

Reference:
Education Code Sections 72023, 72103, 72104

The Board shall consist of seven (7) members elected by the qualified voters of the District. Members shall be elected at large.

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

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

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

No AP

BP 2015 Student Member

Reference:
Education Code Section 570902, 72023.5 (See: IVC Handbook for Faculty Advisors and Student Leaders) ~~*(Old BP 1.4.5)*~~

The Board shall include one non-voting student member selected by the Associated Student Government in compliance with the Education Code.

- The term of office shall be one year commencing June 1.

- The student member shall be a resident of California at the time of nomination, and during the term of service, and shall be enrolled in and maintain a minimum of five (5) semester units in the District at the time of nomination and throughout the term of service.

- The student 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.~~ reimbursed for travel to all meetings of the Board according to the schedule prepared by the Business Office at the same rate as paid to employees for mileage.

- The Board encourages participation of its student member in Trustee-related conferences and activities and may approve reasonable expenses that fall within the guidelines of Board policies.

See AP 2015

BP 2016 Academic Senate Member

Reference:
~~(Old B.P. 1.4.5) See AP 2016~~

- The Board shall include one non-voting Academic Senate Representative to be selected by the Academic Senate.

- The Academic Senate member shall be seated ~~with~~ at the Resource Table during Board meetings and shall be recognized ~~as a full member of the Board~~ at the Board meetings.

- The Academic Senate member in entitled to participate in discussions of issues and receive all materials presented to members of the Board (except for Closed Session).

- The Academic Senate member shall be ~~entitled to any mileage allowance necessary to attend Board meetings to the same extent as publicly elected trustees.~~ reimbursed for travel to all meetings of the Board according to the schedule prepared by the Business Office at the same rate as paid to employees for mileage.

See AP 2016

BP 2100 Board Elections

Reference:
Education Code Sections 5000 et seq., Education Code Section 5019.5 ~~*(New BP)*~~

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

Elections shall be held every two years, in ~~odd~~ even numbered years. Terms of trustees are staggered so that, as nearly as practical, one half of the trustees shall be elected at each trustee election.

The election of a Board member residing in and registered to vote in the trustee areas he or she seeks to represent shall be by the registered voters of the entire community college District.

The ~~Superintendent/President~~ CEO 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 ~~Superintendent/President~~ CEO shall submit the recommendation in time for the Board to act as required by law. ~~(Education Code Section 5019.5)~~

The Board of Trustees has provided for the election of Trustees by Trustee areas as follows:

Area 1	Calexico
Area 2	El Centro
Area 3	Imperial
Area 4	Brawley
Area 5	Holtville
Area 6	Calipatria
Area 7	San Pasqual

See AP 2100

BP 2105 Election of Student Members

Reference:
Education Code Sections 72023.5, 72103

~~The Board is responsible for establishing the Administrative Procedure by which the student member is chosen.~~

The student member shall be the Associated Student Government President or designee.

See AP 2105

BP 2110 Vacancies on the Board

Reference:
Education Code Sections 5090, et seq., Government Code 1770 ~~(Old BP 1.6.2)~~

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 sixty (60) days of the vacancy or filing of a deferred resignation, the Board shall either order an election or make a provisional appointment to fill the vacancy.

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

If a provisional appointment is made, it shall be subject to the conditions in 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 ~~Superintendent/President~~ CEO 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 AP 2110

BP 2200 Board Duties and Responsibilities

Reference:
Accreditation Standard IVB.1.d

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

The Board is committed to fulfilling its responsibilities to:

- Represent the public interest
- Establish policies that define the institutional mission and set prudent, ethical and legal standards for college operations
- Hire and evaluate the CEO
- 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 for and protect the District

BP 2210 Officers

Reference:
Education Code Section 72000 , Education Code 72125, ~~(Old BP 1.3, 1.4, 1.4.1, 1.4.2, 1.4.3, 1.4.4)~~

At its annual organizational meeting, the Board shall elect one of its members as President of the Board and one as Clerk of the Board.

The annual organizational meeting shall be held on a day within the fifteen (15) day period that commences after the date upon which Board members are elected.

Organizational meetings in years in which no such election for Board members is conducted shall be held during the same fifteen (15) day period on the calendar. ~~(Education Code 72125)~~

The CEO ~~Superintendent/President~~ shall act as Secretary of the Board.

~~The Deputy Superintendent shall act as Assistant Secretary to the Board. (Board Resolution No. 7131)~~

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;
- Appoints all committees unless otherwise directed by the Board;
- Has the right, as other members, to offer resolutions, to make motions, to discuss questions, and to vote thereon;
- Call emergency and special meetings of the Board as required by law, upon the request of four (4) or more members;
- Consult with the Superintendent/President on Board meeting agendas;
- Communicate with individual Board members about their responsibilities;
- Participate in the orientation process for new Board members;
- Assure Board compliance with policies on Board education, self evaluation and Superintendent/President evaluation;
- Represent the Board at official events or ensure Board representation;
- Sign official District documents that require the signature of this office.

The duties of the Clerk of the Board are:

- Preside over all meetings of the Board in the absence of the President of the Board;

- Calls special meetings of the Board in the absence of the Board President as required by law ~~upon the request of four (4) or more members~~;
- Shall attest to reports and documents requiring the signature of the clerk;

~~The Superintendent/President shall serve as Secretary to the Board.~~

The duties of the Secretary of the Board are:

- Notify members of the Board of regular, special, emergency, and adjourned meetings;
- Prepare and post Board meeting agendas;
- Have prepared for adoption minutes of Board meetings;
- 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.

The Duties of the Members of the Board of Trustees are:

- Attend the meetings, discuss items presented on the agenda, suggest other items for Board consideration and vote upon motions and resolutions presented;
- No individual member or group of members shall exercise any authority outside of a regularly constituted Board meeting, unless directed to do so by a majority of the membership of the Board.

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

No AP

BP 2220 Committees of the Board

Reference:
California Codes Government Code Section 54950-54963 ~~*(Old BP 1.2)*~~

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~~ The Brown Act and with these policies regarding open meetings.

Board committees that are composed solely of less than a quorum of members of the Board and do not have authority that may lawfully be exercised by the Board itself, are not required to comply with the ~~California Public Meetings~~ The Brown Act, or with these policies regarding open meetings.

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

No AP

BP 2305 Annual Organizational Meeting

Reference:
Education Code Section 72000(c)(2)(A) ~~*(Old BP 1.3)*~~

The annual organizational meeting of the Board will be held at the regular meeting held in December of each year.

All elected officers will preside commencing the December Board meeting.

The purpose of the annual organizational meeting is to elect a President of the Board, Clerk of the Board, and ~~a~~ reaffirm the Secretary of the Board as the CEO, and conduct any other business as required by law or determined by the Board.

All elected officers will serve until the following year's annual organizational meeting.

No AP

BP 2315 Closed Sessions

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

Education Code Section 72122 ~~*(Old BP 1.5.3.6)*~~

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;

The agenda for each regular or special meeting shall contain information regarding whether a closed session will be held and shall identify the topics to be discussed in any closed session in the manner required by law.

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

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 ~~Superintendent/President~~ CEO. 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 (Government Code Section 54957).

No AP

BP 2320 Special and Emergency Meetings

Reference:
Government Code Section 54956; 54956.5, 54957;
Education Code Section 72129 ~~*(Old BP 1.5.3.4)*~~

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

Emergency meetings may be called by the President of the Board, or Clerk 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 CEO ~~Superintendent/President~~ shall be responsible to ensure that notice of such meetings is provided to the local news media as required by law.

See AP 2320

BP 2330 Quorum and Voting

Reference:
Education Code Section 72000(d)(3, 81310, 81365, 81511, 81432; Government Code Section 53094; Code of Civil Procedures Section 1245.240) ~~*(Old BP 1.5.3.2)*~~

A quorum of the Board shall consist of four voting members of the total membership.

The Board shall act by majority vote of all of the voting membership of the Board, except as noted below. If only four members are present, the votes shall be unanimous.

No action shall be taken by secret ballot.

The following actions require a two-thirds majority of all voting 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 voting 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.

No AP

BP 2340 Agendas

Reference:
Government Code Sections 54954, et seq., 6250 et seq.;
Education Code Sections 72121, 72121.5 ~~(Old BP 1.5.3.7)~~

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. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

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

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

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

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

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

Agendas shall be developed by the CEO ~~Superintendent/President~~ in consultation with the President or Clerk of the Board.

The office of the CEO ~~Superintendent/President~~ must receive agenda items submitted by members of the public at least two weeks prior to the regularly scheduled Board meeting.

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

See AP 2340

BP 2345 Public Participation at Board Meetings

Reference:
Government Code Section 54954.3; 54957.5; Education Code 72121.5
~~*(New BP)*~~

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

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

1. There will be a time at each regularly scheduled Board meeting for the general public to discuss items not on the agenda.

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

2. 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 CEO ~~Superintendent/President at least 72 hours to assure compliance with the Brown Act prior to the Board meeting~~ at least two weeks prior to the Board meeting. The summary must be signed by the initiator, contain his or her residence or business address, and organizational affiliation, if any.

Members of the public also may submit written communications to the Board on items on the agenda and/or speak to agenda items at the Board meeting. Written communication regarding items on the Board's agenda should reach the office of the CEO ~~Superintendent/President~~ not later than 48 hours 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.

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

See AP 2345

BP 2350 Speakers

Reference:
Government Code Sections 54950, et seq.*;*
Education Code Section 72121.5 ~~*(New BP)*~~

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.
- Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.
- 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 five minutes per topic.
- Thirty minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one Board meeting. At the discretion of a majority of the Board, these time limits may be extended.

- Each speaker coming before the Board is limited to one presentation per specific agenda item before the Board, and to one presentation per meeting on non-agenda matters.

No AP

BP 2355 Decorum

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

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

- Remarks or discussion in public meetings on charges or complaints which the Board has scheduled to consider in closed session.

- Profanity, obscenity and other offensive language.

- Physical violence and/or threats of physical violence directed towards any person or property.

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

Speakers who engage in such conduct may be removed 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.

No AP

BP 2360 Minutes

Reference:
Education Code Section 72121(a) ~~*(New BP)*~~
Government Code Section 54957.5

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

The minutes shall also record names of those present, all motions, names of those making and seconding motions, votes, major discussion points, etc.

The written minutes of the Board meetings, approved by the Board, and signed by the Board President and Secretary of the Board, are the official record of such meeting, and constitute the only legal record of the public meeting.

See AP 2360

BP 2365 Recording

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

If the Board causes any tape or video recording of a meeting, the recording shall be subject to inspection by members of the public in accordance with the California Public Records Act, Government Code Sections 6250, *et seq.* The CEO ~~Superintendent/President~~ is directed to enact administrative procedures to ensure that any such recordings are maintained for at least thirty days following the taping or recording.

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

See AP 2365

BP 2410 Policy and Administrative Procedure

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

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

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

Administrative Procedures are to be issued by the CEO 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 CEO ~~Superintendent/President.~~

The Board reserves the right to direct revisions of the administrative procedures should they, in the Board's judgment, be inconsistent with the Board's own policies.

Copies of all policies and administrative procedures shall be readily available to District employees through the District's website and the President's Office.

See AP 2410

BP 2430 Delegation of Authority to Superintendent/President

Reference:
Education Code Sections 70902(d), 72400;
Accreditation Standard ~~10.A.3~~ ~~(New BP)~~ IV.B.1.j; IV.B.2

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

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

The CEO ~~Superintendent/President~~ is expected to perform the duties contained in the CEO ~~Superintendent/President~~ 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 CEO ~~Superintendent/President~~.

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

The CEO ~~Superintendent/President~~ 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 CEO ~~Superintendent/President~~, they are not unduly burdensome or disruptive to District operations and/or violates the Brown Act. Information provided to any trustee shall be made available to all trustees.

The CEO ~~Superintendent/President~~ shall act as the professional advisor to the Board in policy formation.
See AP 2430

BP 2431 CEO Selection

Reference:
Accreditation Standard IV.B.1, IV.B.1.j.: Title 5, Sections 53000 et seq.
~~*(New BP)*~~

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

No AP

BP 2432 CEO Succession

Reference:
Education Code Sections 70902(d); 72400; Title 5 Section 533021(b)~~(2)~~
~~(New BP)~~

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

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

Chief Instructional Officer
Chief Student Services Officer
Chief Business Officer
Chief Technology Officer
Chief Human Resources Officer

The Board shall appoint an acting CEO ~~Superintendent/President~~ for periods exceeding one month.

No AP

BP 2435 Evaluation of Superintendent/President

Reference:
~~Accreditation Standard 10.A.4. (Old BP 3.38)~~
Accreditation Standard IV.B.1

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

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

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

See AP 2435

BP 2510 Participation in Local Decision Making

Reference:
Education Code Section 70902(b)(7);
Title 5, Sections 53200 et seq., (Academic Senate), 51023.5 (staff), 51023.7 (students) ~~*(Old BP 3.7)*~~
Accreditation Standard IV.A

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

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 College Council will be given every reasonable consideration by the Superintendent/President.~~

~~College Council (Title 5, Section 51023.5, 51023.7)~~
The Board of Trustees establishes the College Council to ensure that faculty, staff, students, and administrators have the opportunity to express their opinions and ideas and to have those opinions and ideas given every reasonable consideration. The College Council will promote discussion and will make recommendations to the Superintendent/President on matters relevant to the orderly functioning of the college.

The College Council will be comprised of an equal number~~s~~ of representatives from the ~~four~~ five constituent groups (Academic Senate, CSEA, CMCA, ASG, Administrators), selection criteria and terms of office to be determined by each group.

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 AP 2510

BP 2610 Presentation of Initial Collective Bargaining Proposals

Reference:
Government Code Section 3547 ~~(New BP)~~

The CEO ~~Superintendent/President~~ 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~~:

provisions of the collective bargaining agreements between the exclusive representatives and the District.

~~*[Insert timelines in the District's collective bargaining agreements or reference the timelines prescribed by the rules and regulations of the California Public Employment Relations Board.]*~~

See AP 2610

BP 2710 Conflict of Interest

Reference:
Government Code Sections 1090, et seq.; 1126; 87200, et seq.;
Title 2, Sections 18730 et seq. ~~(Old BP 1.8)~~

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

A Board member shall not be considered to be financially interested in a contract if his or her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A Board member who has a remote interest in any contract considered by the Board shall disclose his or her interest during a Board meeting and have the disclosure noted in the official Board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical (as defined in Government Code Section 1126) to his or her duties as an officer of the District.

In compliance with law and regulation, the CEO ~~Superintendent/President~~ 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 AP 2710

BP 2715 Code of Ethics/Standards of Practice

Reference:
Accreditation Standard ~~10.A.5. (Old BP 1.9)~~, IV.B.1.a, e, & h

The Board maintains high standards of ethical conduct for its members. The primary responsibility of the Governing Board in our District is to ensure learning opportunities for students in an equitable manner. The Board is charged to carry out legal and ethical obligations. As a result, the members of the Board and the Board as a whole ascribe to the following tenets in fulfilling the mission and goals of the District in their role as trustee:

- Recognizing that we represent the citizens of the District and maintaining an awareness at all times of the obligations of our office;
- Acting in the best interest of the needs of the students we serve;
- Recognizing that we represent the District as a whole, but also recognizing the special and individual needs of each service area;
- Always resisting the temptation to bow to the pressure to use the position of trustee for personal or other benefit apart from the welfare of the Imperial Community College District;
- Representing the interests of the District and the community rather than those of special interest groups;
- Honoring the opinions and values of others while maintaining civility;
- Creating an atmosphere of mutual trust, respect, and appreciation among students, faculty, staff and the community at large, and maintaining fair and equitable treatment of all employees;
- Maintaining an atmosphere in which controversial issues can be debated openly and respect given to all individuals;
- Recognizing that authority rests only with the Board and not with individual members;
- Delegating authority to the CEO as a Board
- Executive and confining Board action to policy determination, planning, overall approval and evaluation;
- Developing budgets that maintain~~ing~~ fiscal integrity and stability for the District;
- Maintaining confidentiality of all privileged information;
- Conducting District business in public sessions except for those legal items spelled out in the "Brown Act" that are appropriate for a closed session;
- Maintaining open communication with the Superintendent/President and college communities and creating an environment where all necessary parties have the opportunity to stay well informed;

- Abiding by established policies and procedures in the execution of our duties;
- Being an advocate of the Imperial Community College District and supporting its mission;
- Acting only in the best interests of the entire community;
- Ensuring public input into Board deliberations; adhering to the law and spirit of the open meeting laws and regulations;
- Preventing conflicts of interest and the perception of conflicts of interest;
- Exercising authority only as a Board;
- Using appropriate channels of communication;
- Respecting others; acting with civility;
- Being informed about the District, educational issues, and responsibilities of trusteeship;
- Devoting adequate time to Board work;
- Maintaining confidentiality of closed sessions.
- Referring complaints and/or criticisms through the appropriate channels as previously agreed upon by the CEO ~~Superintendent/President~~ and the Board.

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

BOARD PROTOCOLS

1. Protocol for responding to needs or complaints expressed to an individual Board Member:

   a. Be accessible; listen respectfully, and impartially.

   b. If the concern is not urgent or does not have policy implications:
      (1) Refer the individual or group to the appropriate college process/person.
      (2) Do not make any promises to the individual or group.
      (3) Do not attempt to solve the problem.
      (4) Inform the College President and receive clarification.

c. If the concern is urgent or could have policy implications:

(1) Refer the individual or group to the appropriate college process/person.
(2) Do not make any promises to the individual or group.
(3) Do not attempt to solve the problem.
(4) Inform the College President and receive clarification.
(5) The College President will alert the Board President.
(6) Board officers, with the College President, will decide how to handle the issue.
    (a) May request written report.
    (b) May place on the Board agenda for further discussion.

2. Protocol for Responding to Needs or Complaints Expressed in Board Meetings during Public Comment on non-agenda items

a. The Board President thanks the speaker(s) and acknowledges that the need or complaint has been heard by the Board.
b. If appropriate, the Board President may make a brief statement about the issue.
c. The Board President will ask the College President if there is any comment from the Administration.
d. The Brown Act prohibits the Board from discussing or taking action on any item not on the agenda.
e. The Board President will ask the College President to look into the issue and report back to the Board. The Board President will determine what form the report will take (e-mail, formal written report, etc.)
f. After receiving the report from the administration, the Board may decide to place the issue on a future Board agenda.

3. Protocol for Responding to Concerns Expressed during a Crisis

a. Be respectful; listen respectfully and impartially.
b. Refer the individual or group to the appropriate college process/person.
c. Do not make any promises to the individual or group.
d. Do not attempt to solve the problem.
e. Inform the College President and receive clarification.
f. The College President will alert the Board President.
g. Board officers, with the College President, will decide how to handle the issue.

h. Any written communication with the individual or group expressing the concern, or with the media, will be made by the College President and/or the Board President.
i. The Board may request a more formal investigation of the concerns.

4. Protocol for the Confidentiality of Closed Sessions

a. The confidentiality of Closed Session creates a safe space for the candid discussion of appropriate topics.
b. All participants in Closed Session are required to maintain the absolute confidentiality of Closed Session discussions.
c. Any suspected breach of Closed Session confidentiality should be referred to the Board President.

BOARD NORMS

In public session:

1. Assume everyone means well.
2. Listen with an open mind; be open to new ideas; try it on.
3. Allow all opinions to be heard without interruption.
4. Demonstrate respect and support for one another.
5. Hold yourself accountable: be responsible; do your homework and follow through on assignments.
6. Approach issues professionally, not personally.
7. Seek consensus that is in the best interest of the District.

In closed session:

1. Assume everyone means well.
2. Listen with an open mind; be open to new ideas; try it on.
3. Allow all opinions to be heard without interruption.
4. Demonstrate respect and support for one another.
5. Hold yourself accountable: be responsible; do your homework and follow through on assignments.
6. Approach issues professionally, not personally.
7. Seek consensus that is in the best interest of the District.
8. Honor absolute confidentiality.
9. Create a safe space for open discussion and frank discussion through check in/check out (start and finish of session).

BP 2716 Political Activity

Reference:
Education Code Sections 7054; 7056; Government Code 8314 ~~*(New BP)*~~

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 ballot measures.

No AP

BP 2717 Personal Use of Public Resources

Reference:
Government Code Section 8314; Penal Code Section 424 ~~*(New BP)*~~

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.

No AP

BP 2720 Communications among Board Members

Reference:
Government Code Section 54952.2 ~~*(New BP)*~~

Outside of official meetings, 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. In addition, no other person shall make serial communications to Board Members.

No AP

BP 2725 Board Member Compensation

Reference:
Education Code Section 1090, 35120, 72425 ~~(Old BP 1.4.6.1)~~

Members of the Board ~~who attend all Board meetings~~ shall receive no compensation for attendance of Board meetings.

Mileage Allowance
Each member of the Board shall be reimbursed for travel to all meetings of the Board according to the schedule prepared by the CEO ~~Superintendent/President~~ at the same rate as paid to employees for mileage.

The Student Trustee, Associate Student Government President, shall be reimbursed for mileage for all Board meetings attended.

No AP

BP 2730 Board Member Health Benefits

Reference:
Government Code Section 53201 ~~*(Old BP 1.4.7)*~~

Members of the Board shall be permitted to participate in the District's health benefit programs.

The Board of Trustees of the Imperial Community College District establishes health and welfare benefits for retired Board members equal to the medical/dental/vision package, which may be granted to retired certificated employees.

A retired Board member is defined as one who leaves office after having been elected to the Board at a general election in accordance with Education Code Sections 5000 et seq., has served as trustee for not less than twelve (12) years, is no longer serving on the Board, and whose years of service on the Board and chronological age add up to at least sixty-five (65) years at the time of retirement from the Board.

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.

No AP

BP 2735 Board Member Travel

Reference:
Education Code Section 72423 ~~*(Old BP 1.4.6)*~~

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

Members of the Board of Trustees and representatives of the Board may be reimbursed for their actual expenses of travel, meals and lodging while attending official meetings.

See AP 2735

BP 2740 Board Education

Reference:
Accreditation Standard ~~10.A.6 (Old BP 1.11)~~ IV.B.1.f

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

New members will be given an overall orientation by the CEO ~~Superintendent/President~~.
It is recommended that newly elected and continuing Trustees attend at least one conference per year. Attendance at the New Board Member Orientation at the annual Community College League of California (CCLC) Legislative Conference shall be encouraged.

New college trustees will be furnished with the CCLC Trustees Handbook and continuing trustees will be provided with any new updates as they are issued by the League.

A Board Retreat will be held at least once a year to enhance the educational development of the Board of Trustees. The procedures will be as follows:

- Topic selection by the Board of Trustees based upon the self-evaluation and goals
- Selection of tentative dates
- Presenter selection by the Board of Trustees
- Agenda and posting of notices

The opportunity to seek further information and clarification on trusteeship may be obtained through the CEO ~~Superintendent/President's~~ Office or member of the present Board of Trustees.

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

Any prospective trustees may obtain overview information about the District, and the role and responsibilities of college's Trustees by contacting the CEO ~~Superintendent/President's~~ Office.

No AP

BP 2745 Board Self-Evaluation

Reference:
Accreditation Standard 10.A.5 ~~(Old BP 1.10)~~

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:

1. The Board's self-evaluation forms will be included in the October Board agenda packets.
2. Board members will complete and return the self-evaluation forms to the Board Secretary for tabulation in time for the November Board meeting.
3. Using the results of the tabulation, at the November meeting, the Board will decide which of the items should be considered as topics for the Board Retreat.
4. At the December Board meeting the Board will review the items for any changes or additions prior to the Board Retreat.
5. The Board Retreat is scheduled in January or early February if possible.

A committee of the Board shall be appointed to determine the instrument or process to be used in Board self-evaluation. Any evaluation instrument shall incorporate criteria contained in these Board policies regarding Board operations, as well as criteria defining Board effectiveness promulgated by recognized practitioners in the field.

The process for evaluation shall be recommended to and approved by the Board.

If an instrument is used, all Board members will be asked to complete the evaluation instrument and submit them to CEO ~~Superintendent/President~~.

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.

No AP