
**Kern Community College District
Board Policy
Chapter 2 – Board of Trustees**

**BP 2430 DELEGATION OF AUTHORITY TO THE DISTRICT
CHANCELLOR**

References:

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

NOTE: *The above code sections authorize the Board to delegate authority; the accreditation standard contains an expectation that the Board will do so. The following language in red ink is **suggested as good practice/optional** to fulfill the intent.*

❖ From current KCCD Policy 6A5A titled Responsibilities of the Chancellor

6A5A1 The District Chancellor is the Chief Executive Officer of the District. All functions of the District are directed by the District Chancellor in keeping with policies established by the Board of Trustees.

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

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

The District Chancellor is expected to perform the duties contained in the District Chancellor job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions. The job description and goals and objectives for performance shall be developed by the Board in consultation with the District Chancellor.

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

The District Chancellor shall make available any information or give any report requested by the Board as a whole. Individual trustee requests for information shall be met if, in the opinion of the District Chancellor, they are not unduly burdensome or disruptive to District operations. Information provided to any trustee shall be [available/provided] to all trustees.

6A5A2 The Board of Trustees shall appoint the District Chancellor and fix the salary and term of office.

6A5A3 The District Chancellor's powers and duties shall be initiatory and executory. The District Chancellor shall act both as a professional advisor of the Board in the formulation of policies for governing the District and as chief executor of the policies adopted by the Board. All powers and duties delegated to the District Chancellor are to be executed in accordance with the policies adopted by the Board, and all acts performed by the District Chancellor which are classed in law as discretionary are subject to review and to final approval by the Board unless the Board specifically authorizes such acts to be executed in a particular manner.

6A5A4 The District Chancellor as Chief Executive Officer of the Board shall have specific powers and duties and shall be directly responsible to the Board for their proper exercise. The listing of specific responsibilities, however, shall not be interpreted to exclude all those powers and duties not mentioned but which are integral to the position of District Chancellor.

6A5A5 The District Chancellor shall attend all meetings of the Board. The District Chancellor may be excused from closed sessions of the Board at the time when personal salary and tenure of the District Chancellor are being considered. The District Chancellor shall have the right to speak at Board meetings on all matters before the Board.

6A5A6 The control of the District shall be unified under the District Chancellor, and all employees of the District shall be responsible to the Chief Executive Officer through the District line and staff organization.

6A5A7 The District Chancellor shall nominate or recommend employees, and the Board shall employ from those who have been nominated or recommended by the District Chancellor. It shall be the responsibility of the District Chancellor to employ and retain well-qualified, competent staff members. The District Chancellor may authorize interim employment prior to Board action to accommodate payroll processing, however, Board action is required to ratify employment at the next regularly scheduled Board meeting. (Revised August 5, 1999)

6A5A8 The recommendation for assignment and promotion of all employees of the District shall be made to the Board by the District Chancellor.

6A5A9 The suspension or dismissal of an employee of the District shall be made by the Board on the District Chancellor's recommendation. The District Chancellor may suspend an employee at any time until the next meeting of the Board under provisions of the law.

6A5A10 The District Chancellor shall direct all matters relating to employees including salary status, professional development, professional records, minimum qualifications, recruitment, staff allocation, and approval of absences and leaves. ~~(Revised February 3, 2005)~~

6A5A11 The District Chancellor shall oversee the planning and administering of a continuing staff development plan for employees of the District.

6A5A12 The District Chancellor shall recommend to the Board the purchase of all supplies and equipment.

6A5A13 The District Chancellor shall direct the preparation of the annual budget and submit it to the Board for approval.

6A5A14 The District Chancellor shall have control and supervision of all District buildings, grounds, and equipment.

6A5A15 The District Chancellor shall approve and recommend to the Board all plans for the construction of buildings, landscaping of property, and repairs or alterations to existing property, and shall see that all plans adopted are properly executed.

6A5A16 The District Chancellor shall have power to make rules and regulations to govern routine matters.

6A5A17 The District Chancellor shall inform the public regarding activities of the Colleges and the District.

6A5A18 The District Chancellor shall make an annual report on the condition and the progress of the District and such other reports as the Board may request from time to time.

6A5A19 The District Chancellor shall hear any complaints against the District and shall act as judge in matters of controversy between the various District employees, and between District employees and students, parents of students, or patrons, when the controversies relate to District affairs. The Board will not deal with such matters except on appeal from the District Chancellor's decision or at the District Chancellor's request. The District Chancellor is charged with the enforcement of the rules, regulations, and

decisions of the Board of Trustees and shall be responsible for the dissemination of all general orders adopted by the Board relating to all District employees.

6A5A20 The District Chancellor is authorized by the Board of Trustees to accept the resignation of any employee. The District Chancellor may delegate this responsibility by written designation to District Officers or College Presidents.

6A5A21 The District Chancellor shall be responsible for the general efficiency of the District and for the development of the teaching, administrative and support staffs, instructional programs and services, and for the growth and welfare of students.

6A5A22 The District Chancellor may delegate, subject to approval by the Board, any of the powers and duties which the Board has entrusted to the Chief Executive Officer but in every instance shall continue to be responsible to the Board for the execution of the powers and duties delegated.

6A5A23 The District Chancellor serves as Secretary to the Board of Trustees.

NOTE: The language in **red ink** is **required** to comply with accreditation and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in November 2014. The language in **black ink** is from current KCCD Policy 6A5A Responsibilities of the Chancellor adopted on April 3, 1996.

Adopted: April 3, 1996

Revised:

(Replaces current KCCD Policy 6A5A)

Legal Citations for BP 2430

EDUCATION CODE - EDC

TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]

(Title 3 enacted by Stats. 1976, Ch. 1010.)

DIVISION 7. COMMUNITY COLLEGES [70900 - 88651]

(Division 7 enacted by Stats. 1976, Ch. 1010.)

PART 43. THE CALIFORNIA COMMUNITY COLLEGES [70900 - 70902]

(Heading of Part 43 renumbered from Part 43.5 by Stats. 1995, Ch. 758, Sec. 78.)

70902.

(a) (1) Every community college district shall be under the control of a board of trustees, which is referred to herein as the "governing board." The governing board of each community college district shall establish, maintain, operate, and govern one or more community colleges in accordance with law. In so doing, the governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established.

(2) The governing board of each community college district shall establish rules and regulations not inconsistent with the regulations of the board of governors and the laws of this state for the government and operation of one or more community colleges in the district.

(b) In furtherance of subdivision (a), the governing board of each community college district shall do all of the following:

(1) Establish policies for, and approve, current and long-range academic and facilities plans and programs and promote orderly growth and development of the community colleges within the district. In so doing, the governing board shall, as required by law, establish policies for, develop, and approve, comprehensive plans. The governing board shall submit the comprehensive plans to the board of governors for review and approval.

(2) Establish policies for and approve courses of instruction and educational programs. The educational programs shall be submitted to the board of governors for approval. Courses of instruction that are not offered in approved educational programs shall be submitted to the board of governors for approval. The governing board shall establish policies for, and approve, individual courses that are offered in approved educational programs, without referral to the board of governors.

- (3) Establish academic standards, probation and dismissal and readmission policies, and graduation requirements not inconsistent with the minimum standards adopted by the board of governors.
- (4) Employ and assign all personnel not inconsistent with the minimum standards adopted by the board of governors and establish employment practices, salaries, and benefits for all employees not inconsistent with the laws of this state.
- (5) To the extent authorized by law, determine and control the district's operational and capital outlay budgets. The district governing board shall determine the need for elections for override tax levies and bond measures and request that those elections be called.
- (6) Manage and control district property. The governing board may contract for the procurement of goods and services as authorized by law.
- (7) Establish procedures that are consistent with minimum standards established by the board of governors to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration, to ensure the right to participate effectively in district and college governance, and to ensure the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.
- (8) Establish rules and regulations governing student conduct.
- (9) Establish student fees as it is required to establish by law, and, in its discretion, fees as it is authorized to establish by law.
- (10) In its discretion, receive and administer gifts, grants, and scholarships.
- (11) Provide auxiliary services as deemed necessary to achieve the purposes of the community college.
- (12) Within the framework provided by law, determine the district's academic calendar, including the holidays it will observe.
- (13) Hold and convey property for the use and benefit of the district. The governing board may acquire by eminent domain any property necessary to carry out the powers or functions of the district.
- (14) Participate in the consultation process established by the board of governors for the development and review of policy proposals.

(c) In carrying out the powers and duties specified in subdivision (b) or other provisions of statute, the governing board of each community college district shall have full authority to adopt rules and regulations, not inconsistent with the regulations of the board of governors and the laws of this state, that are necessary and proper to executing these prescribed functions.

(d) Wherever in this section or any other statute a power is vested in the governing board, the governing board of a community college district, by majority vote, may adopt a rule delegating the power to the district's chief executive officer or any other employee or committee as the governing board may designate. However, the governing board shall not delegate any power that is expressly made nondelegable by statute. Any rule delegating authority shall prescribe the limits of the delegation.

(e) This section shall become operative on January 1, 2014.

(Amended (as added by Stats. 2006, Ch. 817, Sec. 5) by Stats. 2011, Ch. 112, Sec. 4. Effective January 1, 2012. Section operative January 1, 2014, by its own provisions.)

EDUCATION CODE - EDC

TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]

(Title 3 enacted by Stats. 1976, Ch. 1010.)

DIVISION 7. COMMUNITY COLLEGES [70900 - 88810]

(Division 7 enacted by Stats. 1976, Ch. 1010.)

PART 45. DISTRICTS AND GOVERNING BOARDS [72000 - 72701]

(Part 45 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 4. Officers and Agents [72400 - 72423]

(Chapter 4 enacted by Stats. 1976, Ch. 1010.)

72400.

The governing board of each community college district shall fix and prescribe the duties to be performed by all persons in community college service in the district.

(Amended by Stats. 1981, Ch. 470, Sec. 82.)

Standard IV: Leadership and Governance

The institution recognizes and uses the contributions of leadership throughout the organization for promoting student success, sustaining academic quality, integrity, fiscal stability, and continuous improvement of the institution. Governance roles are defined in policy and are designed to facilitate decisions that support student learning programs and services and improve institutional effectiveness, while acknowledging the designated responsibilities of the governing board and the chief executive officer. Through established governance structures, processes, and practices, the governing

board, administrators, faculty, staff, and students work together for the good of the institution. In multi-college districts or systems, the roles within the district/system are clearly delineated. The multi-college district or system has policies for allocation of resources to adequately support and sustain the colleges.

B. Chief Executive Officer

5. The CEO assures the implementation of statutes, regulations, and governing board policies and assures that institutional practices are consistent with institutional mission and policies, including effective control of budget and expenditures.

C. Governing Board

12. The governing board delegates full responsibility and authority to the CEO to implement and administer board policies without board interference and holds the CEO accountable for the operation of the district/system or college, respectively.

D. Multi-College Districts or Systems

1. In multi-college districts or systems, the district/system CEO provides leadership in setting and communicating expectations of educational excellence and integrity throughout the district/system and assures support for the effective operation of the colleges. Working with the colleges, the district/system CEO establishes clearly defined roles, authority, and responsibility between the colleges and the district/system.