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

BP 2010 BOARD MEMBERSHIP

References:

Legally required

Education Code Sections 72023, 72103, and 72104;

WASC/ACCJC Accreditation Standard IV.C.6

The Board of Trustees shall consist of seven members elected by the qualified voters of the District. Members shall be elected by trustee area as defined in BP 2100 titled Board Elections.

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

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

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

Also see BP/AP 2015 titled Student Members, BP/AP 2100 titled Board Elections, and BP/AP 2105 titled Election of Student Members.

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BP 2015 STUDENT MEMBER

Reference:

Legally required

Education Code Section 72023.5

The Board of Trustees shall include one non-voting student member. The term of office shall be one year commencing June 1.

The student member shall be enrolled in and maintain a minimum of five semester units in the District at the time of nomination and throughout the term of service. The student member is not required to give up employment with the District. The student shall maintain good academic standing per Ed Code 72023.5 as defined under AP 2015.

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 of Trustees shall consider whether to afford the student member any of the following privileges:

- The privilege to receive compensation for meeting attendance at a level of [300.00] (See BP 2725 titled Board Member Compensation);
- The privilege to serve a term commencing on June 1.

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BP 2100 BOARD ELECTIONS

References:

Legally required

Education Code Sections 5000 et seq. and 72036

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

The Board of Trustees has provided for the election of trustees by trustee areas. The Kern Community College District service area is divided into five segments for elected representation. Of the seven members of the Board of Trustees, two each represent central Bakersfield and southwest Bakersfield. One each represents Porterville, Ridgecrest, and northeastern Kern County.

Effective **2011**, the trustee areas are:

Two Board Members from Area 1 - Central Bakersfield

One Board Member from Area 2 - Ridgecrest

Two Board Members from Area 3 - Southwest Bakersfield

One Board Member from Area 4 - northeastern Kern County

One Board Member from Area 5 - Porterville

See the Kern Community College District's website for a map of the trustee areas.

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

The District Chancellor shall submit recommendations to the Board regarding adjustments to be made to the boundaries of each trustee area, if any adjustment is

necessary, after each decennial federal census. The District Chancellor shall submit the recommendation in time for the Board to act as required by law.

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BP 2105 ELECTION OF STUDENT MEMBER

References:

Legally required

Education Code Sections 72023.5 and 72103

The student member of the Board shall be chosen by the students enrolled in the District as follows:

The student member shall be elected by all the students of the student body in a general election held for that purpose. Normally, an election will be held in the Spring semester so that the office is filled by June 1. 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 District Chancellor.

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 reasons. Special elections shall be held within 30 days after notice of the vacancy comes to the attention of the District Chancellor.

Candidates for the position may nominate themselves or be nominated by others by the filing of an application certifying that the candidate is eligible for service under the criteria set forth in California law and these policies. The election will be conducted in accordance with administrative procedures established by the District Chancellor.

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BP 2110 VACANCIES ON THE BOARD

References:

Legally required

Education Code Sections 5090 et seq.,

Government Code Section 1770

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

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

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

If a provisional appointment is made, it shall be subject to the conditions in Education Code Section 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 District Chancellor shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board will determine the schedule and appointment process, which may include interviews at a public meeting.

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BP 2130 TERM LIMITS

References:

Education Code Section 72103(c);
Elections Code Sections 9500 et seq.

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NOTE: The red ink signifies language that is **optional** and provided by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore) for consideration.

Adopted:

(This is a new policy)

**Kern Community College District
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BP 2310 REGULAR MEETINGS OF THE BOARD

References:

Legally Required

Education Code Section 72000(d);

Government Code Sections 54952.2, 54953 et seq., and 54961

Unless there is Board action to the contrary, regular meetings of the Board of Trustees shall be held once each month. Regular meetings of the Board of Trustees shall be held the second Thursday of each month unless otherwise stated. Regular meetings of the Board shall normally be held at, 2100 Chester Avenue, Bakersfield, CA 93301.

Dates, time, and place shall be determined at the annual organization meeting (see BP 2305 titled Annual Organizational Meeting).

A notice identifying the location, date, and time of each regular meeting of the Board shall be posted at least seven 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.

Special meetings may be called as provided by law (see BP 2320 titled Special and Emergency Meetings).

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.

See the District's website for a schedule of meetings of the Board of Trustees.

Order of Business at Regular Meetings

The order of business at all regular meetings shall be as follows: (1) Board Committee/Ad-Hoc Reports, (2) Preliminary Items, (3) Work Study Session, (4) Public Comments, (5) Business Services, (6) Educational Services, (7) Human Resources, (8) Reports, and (9) Adjournment. Closed Sessions may be called in accordance with the

provisions of the California Education Code. The order of business may be changed by consent of the Board.

Also see BP/AP 2340 titled Agendas.

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BP 2315 CLOSED SESSIONS

References:

Legally required

Education Code Section 72122;

Government Code Sections 54956.8, 54956.9, 54957, 54957.6, and 11125.4

Closed sessions of the Board of Trustees 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 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 Chancellor. 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 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

References:

Legally required

Education Code Section 72129;

Government Code Sections 54956, 54956.5, and 54957

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

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

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

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

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BP 2330 QUORUM AND VOTING

References:

Legally required

Education Code Sections 72000(d)(3), 81310 et seq., 81365, 81511, and 81432;

Government Code Sections 53094 and 54950 et seq.;

Code of Civil Procedure Section 1245.240

A quorum of the Board of Trustees shall consist of simple majority members.

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

No action shall be taken by secret ballot. The 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.

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BP 2340 AGENDAS

References:

Legally required

Education Code Sections 72121 and 72121.5;

Government Code Sections 6250 et seq. and 54954 et seq.

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. Upon request, 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 (~~2/3~~) 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 Board of Trustees agenda 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 District Chancellor shall establish administrative procedures that provide for public access to agenda information and reasonable annual fees for the service.

Members of the public may place matters directly related to the business of the District on an agenda for a board meeting by submitting a written summary of the item to the District Chancellor. 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 District Chancellor in consultation with the Board President.

Agenda items submitted by members of the public must be received by the Office of the District Chancellor three 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.

Public Access to Materials to be Discussed at Public Board Meeting

The Board of Trustees shall provide, upon request, agendas of public meetings and copies of public records to be discussed at public meetings to members of the general public including representatives of newspapers, television and radio. Procedures governing public requests for copies of written material discussed at Board meetings are outlined in [AP 2430 Agendas and AP 3300 Public Records](#).

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.

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BP 2345 PUBLIC PARTICIPATION AT BOARD MEETINGS

References:

Legally required

Education Code Section 72121.5;

Government Code Sections 54954.3 and 54957.5

The Board of Trustees 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 written request at the beginning of the meeting to the President of the Board that summarizes the item and provides his/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 that are within the jurisdiction of the Board on the prepared agenda in accordance with BP 2340 titled Agendas.

A written summary of the item must be submitted to the District Chancellor at least three weeks prior to the Board meeting. The summary must be typed and signed by the initiator, contain his/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 District Chancellor not later than 21 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.

Also see BP 2350 titled Speakers and BP 2355 titled Decorum.

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**Kern Community College District
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BP 2350 SPEAKERS

References:

Legally required

Education Code Section 72121.5;

Government Code Sections 54950 et seq.

Persons may speak to the Board of Trustees 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 designed 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.
- A speaker shall complete a written request to address the Board prior to 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. 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 a majority of the Board, these times 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.

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BP 2355 DECORUM

References:

Suggested as good practice
Education Code Section 72121.5;
Government Code Section 54954.3 (b)

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 of Trustees 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.

Also see BP 2345 titled *Public Participation at Board Meetings* and BP 2350 titled *Speakers*.

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BP 2360 MINUTES

References:

Legally required

Education Code Section 72121(a);

Government Code Section 54957.5

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

The Secretary to the Board shall keep minutes of all Board meetings and shall maintain a record of its proceedings by recording every official action taken.

The minutes shall also record names of those members present, all motions, names of those making and seconding motions, and votes. The minutes may include a summary of reports made to the Board.

The names of Board members who make and second motions shall be recorded.

In addition, the minutes shall be:

- written in unadopted form, and made available to Board members before the next meeting.
- filed electronically only after they have been approved as written or as corrected.
- indexed to facilitate finding actions that have been taken at previous meetings.

Each action shall have headings for quick reference.

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BP 2365 RECORDING

References:

Legally required

Education Code Section 72121(a);

Government Code Sections 54953.5 and 54953.6

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

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

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BP 2410 BOARD POLICIES AND ADMINISTRATIVE PROCEDURES

References:

Suggested as good practice

Education Code Section 70902;

WASC/ACCJC Accreditation Standards IV.C.7, IV.D.4, I.B.7, and I.C.5

The Board of Trustees 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.

Policies remain in effect until they are revised or repealed by the Board of Trustees or by statutory or constitutional authority.

Policies and procedures will be reviewed on a periodic basis.

Recommendations for policy amendments shall be presented to the Board of Trustees. Unless unusual circumstances exist, such recommendations shall be presented at one meeting for information, with Board action at a subsequent meeting.

Administrative procedures are to be issued by the District Chancellor as statements of method to be used in implementing Board Policy. Such administrative procedures shall be consistent with the intent of Board Policy. Administrative procedures may be revised as deemed necessary by the District Chancellor.

The District Chancellor shall, biennial, provide each member of the Board with copies of the administrative procedures or any revisions since the last time they were provided. The Board reserves the right to direct revisions of the administrative procedures should they, in the Board's judgment, be inconsistent with the Board's own policies.

Copies of all board policies and administrative procedures shall be readily available to District employees through the District website.

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

References:

Legally required

Education Code Sections 70902(d) and 72400;

WASC/ACCJC Accreditation Standards IV.B.5, IV.C.12, and IV.D.1

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.

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

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.

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.

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.

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.

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.

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

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.

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.

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

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

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

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

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.

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

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

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.

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.

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.

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.

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.

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

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**Kern Community College District
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BP 2431 DISTRICT CHANCELLOR SELECTION

References:

Title 5 Sections 53000 et seq.

ACCJC Accreditation Standards IV.B and IV.C.3

In the case of a vacancy in the position for District Chancellor, the Board of Trustees shall establish a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations.

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**Kern Community College District
Board Policy
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BP 2432 DISTRICT CHANCELLOR SUCCESSION

References:

Suggested as good practice
Education Code Sections 70902(d) and 72400;
Title 5 Section 53021(b)

The Board of Trustees delegates authority to the District Chancellor to appoint an acting District Chancellor to serve in his/her absence for short periods of time, not to exceed 60 calendar days at a time.

In the absence of the District Chancellor and when an acting president has not been named, administrative responsibility shall reside with (in order):

Chief Financial Officer
Vice Chancellor of Educational Services
Vice Chancellor of Human Resources

The Board shall appoint an acting District Chancellor for periods exceeding 60 days.

**Kern Community College District
Board Policy
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BP 2435 EVALUATION OF THE DISTRICT CHANCELLOR

Reference:
WASC/ACCJC Accreditation Standard IV.C.3

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

The Board shall evaluate the District Chancellor using an evaluation process developed and jointly agreed to by the Board and the District Chancellor.

The criteria for evaluation shall be based on Board policy, the District Chancellor's job description, and performance goals and objectives developed in accordance with BP 2430 titled Delegation of Authority to the District Chancellor.

**Kern Community College District
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BP 2510 PARTICIPATION IN LOCAL DECISION-MAKING

References:

Legally advised

Education Code Section 70902(b)(7);

Title 5 Sections 53200 et seq. (Academic Senate), 51023.5 (Staff), and 51023.7 (Students);

WASC/ACCJC Accreditation Standards IV.A and IV.D.7

The Board of Trustees 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 District Chancellor 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 Senates (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.

The Board of Trustees affirms recognition of the Academic Senates of the Colleges of the District under Title 5 of the California Administrative Code and as provided for in law.

The Academic Senates shall be recognized to make recommendations to the District Chancellor, and to the Board of Trustees with respect to academic and professional matters.

The Academic Senate of each College shall be recognized to make recommendations with respect to academic and professional matters to the College President and Management Team of each College, and, if necessary, consult collegially with the Board of Trustees about individual College matters.

Academic and professional matters means the following policy development and implementation matters:

- curriculum, including establishing pre-requisites and placing courses within disciplines;
- degree and certificate requirements;
- grading policies;
- educational program development;
- standards or policies regarding student preparation and success;
- District and College governance structures, as related to faculty roles;
- faculty roles and involvement in accreditation processes, including self-study and annual reports;
- policies for faculty professional development activities; processes for program review;
- processes for institutional planning and budget development; and
- other academic and professional matters as mutually agreed upon between the Governing Board and the Academic Senates.

The Board of Trustees or its designee shall consult collegially with the College Academic Senates when identifying or adopting policies on academic and professional matters. This requirement to consult collegially shall not limit other rights and of the Academic Senates which are specifically provided for in statute, regulations, or other sections of the **board policies and administrative procedures**.

Consult collegially means that the Board of Trustees shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

- relying primarily upon the advice and judgment of the Academic Senates; or
- that the Board of Trustees, or such representatives as it may designate, and the representatives of the Academic Senates shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the Board of Trustees effectuating such recommendations.

With respect to academic and professional matters, the Board of Trustees shall rely primarily upon the advice and judgment of the Academic Senates.

While in the process of consulting collegially, the Academic Senates shall retain the right to meet with or appear before the Board of Trustees with respect to views, recommendations, or proposals of the Academic Senates. In addition, after consultation with the administration of the College and/or District, the Academic Senates may present their views and recommendations to the Board of Trustees.

The Board of Trustees shall rely primarily upon the advice and judgment of the Academic Senates in determining which policies, proposed and existing, relate to academic and professional matters. The District Chancellor shall rely primarily upon the advice and judgment of the academic senates in determining which administrative procedures relate to academic and professional matters and shall consult collegially with the Academic Senate with respect to these procedures.

Responsibilities of the College Academic Senates

The appointment of faculty members to serve on College or District committees, task forces or other groups dealing with academic and professional matters, shall be made, after consultation with the Chief Executive Officer or his/her designee, by the Academic Senates.

The Academic Senates shall implement the sections of the District's and Colleges' faculty hiring and evaluation policies for which they are responsible.

The College curriculum committee shall be established by mutual agreement between the College administration and Academic Senate.

The Academic Senates may assume such responsibilities and perform such functions as may be delegated to them in writing by the Board of Trustees of the District pursuant to Section 53203(a) of Title 5.

Each College Academic Senate and College administration shall agree upon written responsibilities delegated to the Academic Senate, including, but not limited to, academic and professional matters as defined in Section 53200 of Title 5, California Administration Code.

Recommendation and Consultation

In making a recommendation to the Board of Trustees, the College Academic Senates shall, using their own procedures, jointly agree upon the recommendation before forwarding it to the Board of Trustees.

When the Board of Trustees or its designee consults collegially with the College Academic Senates, the Academic Senates shall, using their own procedures, jointly agree upon a response before forwarding it to the Board of Trustees or its designee.

In instances where the Board of Trustees elects to rely primarily upon the advice and judgment of the Academic Senates, the recommendations of the Academic Senates shall normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the Board of Trustees or its designee, upon request of the Academic Senates, shall promptly communicate its reasons for its action in writing to the Academic Senates.

In instances where the Board of Trustees elects to provide for mutual agreement with the Academic Senates, the Academic Senates shall determine their representatives to meet with the Board of Trustees' representatives to reach a tentative mutual agreement, to be approved by each College Academic Senate. If final mutual agreement cannot be reached, existing policy shall remain in effect unless continuing with such policy exposes the District to legal liability or causes substantial fiscal hardship. In cases where there is not existing policy, or in cases where exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the Board of Trustees may act, after a good faith effort to reach agreement with the Academic Senates, only for compelling legal, fiscal, or organizational reasons.

Scope

Nothing in this policy shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between the collective bargaining representatives and the Board of Trustees.

Implementation

This policy shall be deemed as a formal statement of compliance with the law and Title 5 regulations. The Academic Senate and administration of each College shall consult collegially on any additional procedures to implement the board policies.

Review and Revision

Policies on academic and professional matters are subject to review and revision at the request of any one of the Academic Senates or the Board of Trustees. The Academic Senates and the Board of Trustees shall consult collegially on such revised policies, before adoption of said revised policies.

Faculty Hiring

(Applicable to all personnel with employment contracts based on the Basic Faculty Salary Schedule) (Also see BP/AP 7120 titled Recruitment and Selection and BP/AP 7210 titled Academic Employees).

Philosophy

A faculty hiring process shall be established to provide for highly qualified College faculty who are expert in their subject areas, who are skilled in teaching and serving the needs of a varied student population, who can enhance overall College effectiveness, and who are sensitive to and representative of the racial and cultural diversity of the District adult community. (Also see BP/AP 7120 titled Recruitment and Selection and BP/AP 7210 titled Academic Employees).

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 bargaining unit 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.

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BP 2610 PRESENTATION OF INITIAL COLLECTIVE BARGAINING PROPOSALS

Reference:

Legally required

Government Code Section 3547

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

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

- The Board of Trustees shall adhere to the requirement of Public Notice as set forth in Article 8, Section 3547, of Chapter 10.7 of the Government Code.
- The **District** Chancellor shall notify the exclusive representative organization(s) of the District that the Board of Trustees is prepared at any regular meeting of the Board scheduled in the months of February or March to hear the initial proposal(s) of the exclusive representative organization(s) relating to the scope of representation in Chapter 10.7 of the Government Code and to include the proposal(s) by title as a published agenda item.
- The Board of Trustees shall at the meeting selected by the exclusive representative organization(s), receive the proposal(s) and shall make it available to public review and study at a known and designated place in the District [Government Code 3547(a)]. These places are the **District** Chancellor's Office and the President's Office at each College.
- In order to comply with the above section, the **District** Chancellor shall request that the exclusive representative organization(s) furnish the Board of Trustees an appropriate number of copies of the proposal(s) at the time of the public presentation.

- After the passage of not less than seven calendar days following the public presentation by the exclusive representative organization(s), the Board shall then, at a regular meeting or at a called special meeting, provide the public with an opportunity to express itself regarding the proposal(s) [Government Code 3547(b)].
- The Board shall then make a public presentation of its initial proposal(s) and make it available for public review and study at a known and designated place (or places) in the District [Government Code 3547(a)].
- After the passage of not less than seven calendar days, the Board shall provide an opportunity for public input at a regular or called special meeting.
- The Board shall then adopt its initial proposal [Government Code 3547(c)].

Then the Board or its designated representatives shall begin meeting and negotiating with the exclusive representative organization(s) [Government Code 3547(b)].

Within 24 hours of its presentation, the Board shall make any new subject matter proposal(s) within the scope of negotiations made by either party during meeting and negotiating available in printed form for public study and review at a known and designated place (or places) in the District [Government Code 3547(d)].

The Board shall request from the exclusive representative organization(s) sufficient copies of its proposal(s) to be able to comply with this section.

If any vote is taken by the Board on a new subject of negotiations, the Board shall make the roll call vote available as a matter of public record within 24 hours of the time of the vote [Government Code 3547(d)].

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

BP 2710 CONFLICT OF INTEREST

References:

Legally required

Government Code Sections 1090 et seq., 1126, and 87200 et seq.;

Title 2 Sections 18730 et seq.

Board members shall not be financially interested in any contract made by the Board of Trustees 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/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/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/her duties as an officer of the District.

In compliance with law and regulation, the District Chancellor shall establish administrative procedures to provide for disclosure of assets of income of Board members who may be affected by their official actions, and prevent members from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest.

Each member of the Board of Trustees must file a conflict of interest statement as determined by law and the Board of Trustees' Policy. Members of the Board should avoid any situation that may constitute a conflict of interest and should inform the Board when a matter under consideration might involve or appear to involve a conflict of 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.

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**Kern Community College District
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BP 2715 CODE OF ETHICS/STANDARDS OF PRACTICE

Reference:

WASC/ACCJC Accreditation Standard IV.C.11

The Board of Trustees maintains high standards of ethical conduct for its members.

Members of the Board are responsible to:

Statement of Ethics

The members of the Board of Trustees shall comply with the ethical requirements of the State of California. In fulfilling their roles as members of the Board, they shall:

- Hold the educational welfare of the students of the District as their primary concern,
- Maintain confidentiality on District matters as appropriate,
- Base individual decisions on available facts, and uphold the final decisions of the Board,
- Take no action as a member of the Board for personal gain, and
- Conduct personal relationships with District staff and members of the community based on the fact that they have no legal authority outside the meetings of the Board.

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

The District Chancellor and President of the Board of Trustees are authorized to consult with legal counsel when they become aware of or are informed about actual or perceived violations of pertinent laws and regulations, including but not limited to conflict of interest, open and public meetings, confidentiality of closed session information, and use of public resources. Violations of law may be referred to the District Attorney or Attorney General as provided for in law.

Violations of this policy will be addressed by the President of the Board, who will first discuss the violation with the Board member to reach a resolution. If resolution is not

achieved and further action is deemed necessary, the President of the Board may appoint an ad hoc committee to examine the matter and recommend further courses of action to the Board. Sanctions will be determined by the Board officers and may include a recommendation to the Governing Board to censure the Board member. If the President of the Board is perceived to have violated the code, the Vice President of the Board is authorized to pursue resolution.

Standards of Good Practice

In support of effective community college governance, the Board of Trustees believes that:

- It derives its authority from the community and that it must always act as an advocate on behalf of the entire community;
- It must clearly define and articulate its role;
- It is responsible for creating and maintaining a spirit of true cooperation and a mutually supportive relationship with its CEO;
- It always strives to differentiate between external and internal processes in the exercise of its authority;
- Its Trustee members should engage in a regular and ongoing process of in-service training and continuous improvement;
- Its Trustee members come to each meeting prepared and ready to debate issues fully and openly;
- Its Trustee members vote their conscience and support the decision or policy made;
- **Use appropriate channels of communication.**
- Its behavior, and that of its members exemplify ethical behavior and conduct that is above reproach;
- **Respect others; acting with civility.**
- **Remain informed about the District, educational issues, and responsibilities of trusteeship.**
- It endeavors to remain always accountable to the community; and
- It honestly debates the issues affecting its community and speaks with one (1) voice once a decision or policy is made.
- **Maintain confidentiality of closed sessions.**

Also see BP 2200 titled Board Duties and Responsibilities.

**Kern Community College District
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BP 2716 POLITICAL ACTIVITY

References:

Legally required

Education Code Sections 7054, 7054.1, and 7056;

Government Code Section 8314

Members of the Board of Trustees 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.

Also see BP/AP 7370 Political Activity.

**Kern Community College District
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BP 2717 PERSONAL USE OF PUBLIC RESOURCES

References:

Legally required

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.

Also see AP 7371 titled *Personal Use of Public Resources*.

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**Kern Community College District
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BP 2720 COMMUNICATIONS AMONG BOARD MEMBERS

Reference:

Legally required

Government Code Section 54952.2

Members of the Board of Trustees 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.

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

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BP 2725 BOARD MEMBER COMPENSATION

Reference:
Education Code Section 72024

Members of the Board of Trustees to include the student trustee, who attend all board meetings shall receive \$300 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. Participation by a Board member by telephone/videoconference does not constitute an absence.

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.

Members of the Board of Trustees, including the student member, are entitled to receive a travel allowance at the Board approved rate.

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.

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BP 2730 BOARD MEMBER HEALTH BENEFITS

References:

Legally advised

Government Code Sections 53201 and 53208.5

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

Members of the Board of Trustees and dependents are eligible for and shall receive the District comprehensive health, dental, and vision plans. Eligible members of the Board of Trustees shall be enrolled in a life insurance plan. The District's contribution for the health, dental, vision, and life insurance plans shall be determined annually by the Board of Trustees.

Members of the Board of Trustees and dependents are eligible for and shall receive the District comprehensive health plan and dental plan upon retirement from the Board of Trustees until age sixty-five with the following provisions.

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BP 2735 BOARD MEMBER TRAVEL

Reference:
Legally required
Education Code Section 72423

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

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**Kern Community College District
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BP 2740 BOARD EDUCATION

Reference:
WASC/ACCJC Accreditation Standard IV.C.9

The Board of Trustees 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 of Trustees will engage in study sessions, provide access to reading materials, support conference attendance, and encourage other activities that foster trustee education.

Board In-Service Development

New members elected or appointed to the Board of Trustees will participate in an orientation conducted by the District Chancellor within 90 days of election or appointment and attend a statewide California community college new trustee orientation program within one year of assuming office.

In-service training will be provided annually to members of the Board as work study sessions conducted during regular board meetings. In-service training may address topics such as student access and success, educational and facilities planning, government relations, emergency preparedness, human resources, technology, governance, and accreditation.

A biennial board development program will be developed in response to the governing board self-evaluation summary, which is prepared in odd numbered years, and implemented to meet the needs of newer board members and experienced board members.

**Kern Community College District
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BP 2745 BOARD SELF-EVALUATION

Reference:
WASC/ACCJC Accreditation Standard IV.C.10

The Board of Trustees 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.

The evaluation process is designed to provide constructive feedback to individual Board members about the performance of the Board as a whole, not individual Board members. It is the evaluation process of the overall effectiveness of the Board as a group making decisions and the results of those decisions. During the evaluation process, the integrity and rights of individuals must be respected and as such, the product of this evaluation process and all instruments attendant thereto shall be confidential.

To that end, the Board has established the following processes:

A committee of the Board shall be appointed in the month of January 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.

The Board shall review and approve procedures for self-evaluation every five years in the fall of every odd numbered year.

In the month of October, in each odd numbered year, the Secretary of the Board's Office shall provide an agreed upon evaluation instrument.

All Board members will be asked to complete the evaluation instrument and submit responses to the Secretary of the Board's Office.

A summary of the evaluations will be presented to the Board in a written communication by December of each odd numbered year. **The results will be used to identify accomplishments in the past year and goals for the following year.**

The Board shall take appropriate action in response to the evaluation summary, during a public meeting.

Goals of the evaluation process are to:

- Identify past accomplishments
- Identify annual goals
- Clarify roles
- Enhance harmony and understanding
- Improve effectiveness and efficiency of Board meetings
- Set policies for the benefit of students, employees, institutions, and citizens of the Kern Community College District

Also see BP 2200 Board Duties and Responsibilities.

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**Kern Community College District
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BP 2750 BOARD MEMBER ABSENCE FROM THE STATE

Reference:

Legally advised

Government Code Section 1064

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

- Upon business of the District with the approval of the Board of Trustees.
- With the consent of the Board of Trustees 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 of Trustees.
- 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 of Trustees 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 of Trustees may appoint an interim member to serve in his/her absence. If two or more members of the Board of Trustees 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 of Trustees to conduct business and discharge its responsibilities.
- The term of an interim member of the Board of Trustees 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.