

Antelope Valley Community College District
Board Policy
Chapter 2
Board of Trustees

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BP 2010 Board Membership

Reference:

Education Code Sections 72023, 72103; 72104

The Board shall consist of five members elected by the qualified voters of the District. Members shall be elected at large as defined in Board Policy 2100.

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

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

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

Adopted: 7/5/05

BP 2015 Student Trustee

Reference:

Education Code Section 72023.5

The Board shall include one non-voting student member. The term of office shall be one year commencing on May 15.

The student member shall be enrolled in and maintain a minimum of five (5) semester units in the District, shall be in good standing 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. No student shall hold the office of Student Trustee for more than two terms.

The student member shall be seated with the Board and shall be recognized as full member of the Board at meetings. The student member is entitled to participate in discussion of issues and receive all materials presented to members of the Board (except for closed session). The student member shall be entitled to any mileage allowance necessary to attend board meetings to the same extent as publicly elected trustees.

On or before May 15 of each year, the Board shall consider whether to afford the student member any of the following privileges:

- The privilege to make and second motions.
- The privilege to attend closed sessions, other than closed sessions on personnel or collective bargaining matters; at the discretion of the governing board.
- The privilege to receive compensation for meeting attendance at a level of \$200.
- The privilege to serve a one-year term commencing on May 15.
- The privilege to cast an advisory vote, although the vote shall not be included in determining the vote required to carry any measure before the board.

See Administrative Procedure #2015

Adopted: 7/5/05

Revised: 9/10/07

Revised: 7/14/08

BP 2100 Board Elections

Reference:

Education Code Sections 5000 et seq.

The term of office of each trustee shall be four years, commencing on the day of the regular Board meeting in December following the election. Elections shall be held every two years, in odd 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.

Adopted: 7/5/05

BP 2105 Election of Student Trustee

Reference:

Education Code Sections 72023.5, 72103

The Student Trustee shall be chosen by the students enrolled in the District as follows:

The Student Trustee shall be elected by popular vote of the student body in a general election. Normally an election will be held in the spring semester so that the office is filled by May 15.

A special election shall be held if the office becomes vacant for any reason such as resignation, recall, or disqualification, after notice of the vacancy comes to the attention of the Superintendent/President. The special election will be held to fulfill the remainder of the term, unless the regular election is within thirty (30) days.

Candidates for the position may nominate themselves by filing 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 2105.

See Administrative Procedure #2105

Adopted: 7/5/05

Revised: 1/8/07

BP 2110 Vacancies on the Board

Reference:

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

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

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

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

If a provisional appointment is made, it shall be subject to the conditions in EC 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for district governing board members, when the election shall be held to fill the vacancy for the remainder of the unexpired term.

The provisional appointment will be made by a majority public vote of the board members at a public meeting.

The Superintendent/President shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board will determine the schedule and appointment process, which may include interviews at a public meeting.

See Administrative Procedure #2110

Adopted: 7/5/05

BP 2200 Board Duties and Responsibilities

Reference:

Accreditation Standard IV.B.1.d.

The Board of Trustees governs on behalf of the citizens of the Antelope Valley 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 and protect the district

Adopted: 12/11/06

BP 2210 Officers

Reference:

Education Code Section 72000

At the annual organizational meeting, the Board shall elect from among its members a President, Vice President, and Clerk of the Board. The Superintendent/President shall serve as Secretary to the Board.

The terms of officers shall be for one year.

The duties of the President of the Board are:

- Preside over all meetings of the Board;
- Call emergency and special meetings of the Board as required by law;
- Consult with the 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 such documents on behalf of the Board as may require his/her signature, and represent the District in its relations with other boards and organizations;
- Have the same rights as other members of the Board in voting, introducing motions and resolutions, and in discussion.

The duties of the Secretary (Superintendent/President) 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 Vice President of the Board are:

- Act as President of the Board in the absence of the Board President;
- Perform all duties of the office of Board President in the absence of the President of the Board.

The duties of the Clerk of the Board are:

- Preside at all meetings of the Board when the President and Vice President are absent;
- Sign the minutes of the meetings following their approval, sign such documents as may be directed by the Board in behalf of the District, sign election notices, contracts, and all other items which require the signature of the Clerk.

At the annual meeting the Board shall elect a President, Vice President, and Clerk from its members. The rank order of Board officers, top to bottom, is President, Vice President, Clerk, Fourth Member, and Fifth Member. The current Vice President shall be appointed as President for the coming year. The current Clerk shall be appointed as Vice President for the coming year. The current Fourth Member shall be appointed as Clerk for the coming year. The current Fifth Member shall be appointed as Fourth Member for the coming year. The current (out-going) President shall be appointed as Fifth Member for the coming year.

In the event of election of new Board member(s), they shall be placed in rotation in accordance with the number of votes received. The newly elected Board member with the most votes shall receive the highest placement available. The newly elected Board member with the next highest votes shall then receive the next highest placement available, and so on through all newly elected Board members. The current (out-going) President shall always be placed as the Fifth Board Member, with all current (continuing) Board members moving up as far as vacancies allow.

Vacancies in the rotation caused by election, resignation, death, or other causes shall be filled by Board members moving up in the rotation as far as possible with the above guidelines. This shall be an automatic rotation unless a majority of the Board determines to change the rotation. It may also be amended if any Board member chooses not to accept the Board officer position (President, Vice President, or Clerk) to which they would have normally advanced into holding.

In the event of vacancy/appointment of Board members that occurs at a time other than the Annual Meeting, a newly elected/appointed Board member shall be placed as the Fifth Member of the Board, with all other Board members advancing as indicated above to fill the vacancy.

Adopted: 7/5/05

BP 2305 Annual Organizational Meeting

Reference:

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

The annual organizational meeting of the Board will be held during the month of December, not later than the 15th day of the month. The purpose of the annual organizational meeting is to elect a president, vice president, clerk, and a secretary, and conduct any other business as required by law or determined by the Board.

Adopted: 7/5/05

BP 2310 Regular Meetings of the Board

Reference:

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

Regular meetings of the Board shall be held on the second Monday of each month. Exceptions will be determined by the Board as needed. Regular meetings of the Board shall normally be held at Antelope Valley College.

A notice identifying the location, date, and time of each regular meeting of the Board shall be posted at least ten (10) days prior to the meeting and shall remain posted until the day and time of the meeting. All regular meetings of the Board shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency or is meeting with its attorney to discuss pending litigation if the attorney's office is outside the District.

All regular and special meetings of the Board shall be open to the public, be accessible to persons with disabilities, and otherwise comply with Brown Act provisions, except as required or permitted by law.

The Board may, by a majority vote, adjourn any meeting at any stage in the agenda, providing arrangements are made to complete the items of business on the agenda at a future meeting.

The Board may order a meeting adjourned providing notice of adjournment, contained in Board minutes, is posted within 24 hours after the close of the regular meeting. Such a notice shall be posted on or near the door of the room where the regular meeting was held.

Adopted: 7/5/05

Revised: 2/6/06

BP 2315 Closed Sessions

Reference:

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

Closed sessions of the Board shall only be held as permitted by applicable legal provisions including but not limited to the Brown Act, California Government Code and California Education Code. Matters discussed in closed session may include:

- the appointment, employment, evaluation of performance, discipline or dismissal of a public employee;
- charges or complaints brought against a public employee by another person or employee, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least twenty-four (24) hours written notice of the closed session.
- advice of counsel on pending litigation, as defined by law;
- consideration of tort liability claims as part of the district's membership in any joint powers agency formed for purposes of insurance pooling;
- real property transactions;
- threats to public security;
- review of the District's position regarding labor negotiations and giving instructions to the District's designated negotiator;
- discussion of student disciplinary action, with final action taken in public;
- conferring of honorary degrees;
- consideration of gifts from a donor who wishes to remain anonymous;
- to consider its response to a confidential final draft audit report from the Bureau of State Audits.

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

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

A violation of the confidentiality of a closed session by a Board member shall be a misdemeanor under Government Code Section 1222. Repeated violations of the confidentiality of a closed session by a Board member shall be grounds for removal from office under Government Code Section 1770(h).

The Board or members of the Board shall take such steps as are deemed necessary to insure compliance with this policy.

Adopted: 7/5/05

BP 2320 Special and Emergency Meetings

Reference:

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

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

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

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

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

See Administrative Procedure #2320

Adopted: 7/5/05

BP 2330 Quorum and Voting

Reference:

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

A quorum of the Board shall consist of a simple majority, (3) members.

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

No action shall be taken by secret ballot.

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

- 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.

Adopted: 7/5/05

BP 2340 Agendas

Reference:

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

An agenda shall be posted adjacent to the place of meeting at least 72 hours prior to the meeting time for regular meetings. 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 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 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 Superintendent/President in consultation with the Board President.

Agenda items submitted by members of the public must be received by the office of the Superintendent/President 10 days 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 Administrative Procedure #2340

Adopted: 7/5/05

BP 2345 Public Participation at Board Meetings

Reference:

Government Code Sections 54954.3, 54957.5; Education Code 72121.5

The Board shall provide opportunities for members of the general public, including district employees, 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 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 Superintendent/President at least 10 days 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. Items will be placed on the agenda at the discretion of the Superintendent/President.

Members of the public also may submit written communications to the Board on items on the agenda and/or speak to agenda items at the board meeting. Written communication regarding items on the Board's agenda should reach the office of the President not later than the day following the posting of the agenda for 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.

Adopted: 7/5/05

BP 2350 Speakers

Reference:

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

Persons may speak to the Board either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board.

Persons wishing to speak to matters both on the agenda and not on the agenda shall do so at the time designated at the meeting for public comment.

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.

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.
- Each speaker shall complete a written request to address the Board, which shall be presented to the Board President no later than the point in the meeting when the matter about which they wish to speak comes before the Board on its agenda.
- 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.

Adopted: 7/5/05

Revised: 11/23/09

BP 2355 Decorum

Reference:

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 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.

Adopted: 7/5/05

BP 2360 Minutes

Reference:

Education Code Section 72121(a); Government Code Section 54957.5

The 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 a disability.

The Superintendent/President, acting in his/her capacity as Secretary to the Board, shall be responsible for keeping minutes of all meetings of the Board.

The minutes shall also record motions or resolutions as having passed or failed. Individual votes shall be recorded unless the action was unanimous. All matters transacted by the Board shall be recorded in the official minutes in the form of a complete resolution, together with the accompanying vote. Minutes are to be concise, clear and accurate.

Adopted: 7/5/05

Revised: 11/7/05

BP 2365 Recording

Reference:

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

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 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 Administrative Procedure #2365

Adopted: 7/5/05

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. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended.

Administrative procedures are to be issued by the Superintendent/President 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 Superintendent/President.

The Superintendent/President shall provide each member of the Board with revisions to existing administrative procedures at any time, and biennially with new administrative procedures from CCLC within 60 days of receipt of the recommended updates. 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 Superintendent/President and the AVC website.

See Administrative Procedure #2410

Adopted: 7/5/05

BP 2430 Delegation of Authority to Superintendent/President

Reference:

Education Code Sections 70902(d), 72400; Accreditation Standard IV.B.1.j; 3IV.B.2

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

The 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 Superintendent/President is empowered to reasonably interpret board policy. In situations where there is no board policy direction, the 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 Superintendent/President to inform the Board of such action and to recommend written board policy if one is required.

The Superintendent/President is expected to perform the duties contained in the Superintendent/President job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions. The Board, in consultation with the Superintendent/President, shall develop the job description, goals, and objectives for performance.

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

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

The Superintendent/President shall act as the professional advisor to the Board in policy formation.

See Administrative Procedure #2430

Adopted: 7/5/05

BP 2431 Superintendent/President Selection

Reference:

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

In the case of a 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.

See Administrative Procedure #2431

Adopted: 7/5/05

BP 2432 Superintendent/President Succession

Reference:

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

The Board delegates authority to the Superintendent/President to appoint an acting Superintendent/President to serve in his or her absence for short periods of time. The Superintendent/President will determine the succession of acting Superintendent/Presidents annually.

The Board shall appoint an acting Superintendent/President when the Board has determined that the Superintendent/President is unable to perform his/her duties.

Adopted: 7/5/05

BP 2435 Evaluation of Superintendent/President

Reference:

Accreditation Standard IV.B.1

The Board shall conduct an evaluation of Superintendent/President at least annually. 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 job description, and performance goals and objectives developed in accordance with Board Policy 2430.

See Administrative Procedure #2435

Adopted: 7/5/05

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); 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 Superintendent/President action under which the District is governed and administered. Data, both qualitative and quantitative, will be used to drive district planning and decision making.

This policy affirms the commitment to participatory governance by the faculty, students, staff, administration and Board of Trustees of Antelope Valley College. The policy also explains which constituent bodies have authority in the various decisions made in managing the college.

According to Educational Code, and AB 1725, participatory governance provides each constituency the opportunity to participate effectively in formulating the college policies and procedures that affect them. Furthermore, some constituencies are given rights and authority beyond that afforded by effective participation. Title 5 gives the Academic Senate the right of collegial consultation on Academic and Professional matters and Educational Code requires that the governing board and the academic senate jointly agree on policies and procedures for faculty hiring, determining equivalences to minimum qualifications of faculty, and administrative retreat rights.

In addition, Collective Bargaining Agents have the right to bargain on all matters that are mandatory subjects of bargaining and nothing in the participatory governance process shall infringe upon the rights and responsibilities of employees under collective bargaining agreements.

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

Faculty, Staff and Students—Education Code, Section 70902, (7)

This section mandates that the governing board of each community college district do all of the following:

(7) “Establish procedures not inconsistent 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 and to ensure that these opinions are given every reasonable consideration, and the right to participate effectively in district and college governance, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.”

In addition, Title 5, Section 51023.5 and 51023.7, related to Policies and Procedures of Staff and Student Participation in District and College Governance respectively, mandates that:

“Except in unforeseeable, emergency situations, the governing board shall not take action on matters significantly affecting staff and students until it has provided staff and students an opportunity to participate in the formulation and development of those matters through appropriate structures and procedures as determined by the governing board in accordance with the provisions of this Section.”

Student Participation—Title 5, Section 51023.7. Student Participation in District and College Governance.

“District and college policies and procedures that have or will have a significant effect on students includes the following:

- a) Grading policies;
- b) Codes of student conduct;
- c) Academic disciplinary policies;
- d) Curriculum development;
- e) Courses or programs which should be initiated or discontinued;
- f) Processes for institutional planning and budget development;
- g) Standards and policies regarding student preparation and success;
- h) Student services planning and development;
- i) Student fees within the authority of the district to adopt; and
- j) Any other district and college policy, procedure, or related matter that the district governing board determines will have a significant effect on students.”

Constituent Groups

“Definitions or categories of positions or groups of positions other than faculty that compose the staff of the district and its college(s) that, for the purposes of this Section, the governing board is required by law to recognize or chooses to recognize pursuant to legal authority. In addition, for the purposes of this Section, management and non-management positions or groups of positions shall be separately defined or categorized.”

In addition to the Academic Senate, the groups that are recognized by the Board of Trustees at Antelope Valley College are:

- a) Associated Student Organization
- b) Classified Staff Collective Bargaining Agent
- c) Confidential/Management/Supervisory Group
- d) Faculty Collective Bargaining Agent

Academic Senate

1. Powers, Title 5, Section 53203.

“The governing board of a community college district shall adopt policies for appropriate delegation of authority and responsibility to its college and/or district academic senate. Among other matters, said policies, at a minimum, shall provide that the governing board or its designees will consult collegially with the academic senate when adopting policies and procedures on academic and professional matters.”

“While in the process of consulting collegially, the academic senate shall retain the right to meet with or appear before the governing board with respect to the views,

recommendations, or proposals of the senate. In addition, after consultation with the administration of the college and/or district, the academic senate may present its views and recommendations to the governing board.”

2. *Agreements on Academic and Professional Matters*, as listed in Section 53203, Title 5, require participation of the Academic Senate, an organization whose primary function is to make recommendations with respect to academic and professional matters, and the Board of Trustees through a process of “collegial consultation”, which requires either or both of the following:

- (a) Rely primarily upon the advice and judgment of the Academic Senate,
OR
- (b) The Governing Board, or its designees, and the Academic Senate shall reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

3. *Rely Primarily*--The Board of Trustees of Antelope Valley College will rely primarily on the advice of the Academic Senate for policies and procedures related to the following Academic and Professional Matters:

- (1) Curriculum, including establishing prerequisites.
- (2) Degree and certificate requirements.
- (3) Grading policies.
- (4) Education program development.
- (5) Standards or policies regarding student preparation and success.
- (8) Policies for faculty professional development activities.

The Governing Board is also required to rely primarily on the advice and judgment of the Academic Senate in establishing policies and procedures for Faculty Hiring Criteria (Ed. Code 87360 (b) and (c), Equivalencies to Minimum Qualifications (Ed. Code 87359 (b) and Administrative Retreat Rights (Ed. Code 87458 (a)). These areas may also have collective bargaining aspects.

4. *Mutual Agreement*--The Board of Trustees will come to mutual agreement with the Academic Senate for policies and procedures related to the following Academic and Professional Matters:

- (6) District and college governance structures, as related to faculty roles.
- (7) Faculty roles and involvement in accreditation processes, including self-study and annual reports.
- (9) Processes for program review.
- (10) Processes for institutional planning and budget development.
- (11) Other academic and professional matters as mutually agreed upon.

5. *No Mutual Agreement*--When a mutually agreeable solution to an academic and professional matter cannot be reached, existing policy shall remain in effect until such time as a mutually acceptable resolution can be worked out and agreed upon. The only exception to this principle shall be those powers granted to the Board of Trustees in law (i.e., “such policy exposes the district to legal liability or causes substantial fiscal hardship”). The law also provides that “the governing board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organization reasons”. The Board may also act when there is no existing policy, or legal liability or fiscal hardship requires existing policy to be changed.

Collective Bargaining

1 *Authority and Scope*—Government Code, Sections 3540-49.3, Chapter 10.7, Division 4, Title 1.

“Collective Bargaining in community colleges is governed by the Education Employment Relations Act. The scope of representation shall be limited to matters relating to wages, hours of employment, and other terms and conditions of employment, including health and welfare benefits, leave, transfer and reassignment policies, safety, class size, evaluation procedures, processing of grievances, layoff, disciplinary action, and suspension.”

2. *Areas of Joint Responsibility*

The Academic Senate and the Faculty Collective Bargaining agent recognize several areas of overlapping authority or concern. The Faculty Collective Bargaining Agent is specifically required to consult with the Academic Senate before engaging in collective bargaining on Tenure (Ed. Code 87610.1 (a), Evaluation (Ed. Code 87663 (f), and Faculty Service Areas (Ed. Code 87743.2). Other mandatory collective bargaining items, such as the Academic Calendar, also have a direct impact on academic programs.

In instances where overlapping authority or concern exist, the Faculty Collective Bargaining Agent may delegate matters within the scope of bargaining to the Academic Senate and the Academic Senate may delegate matters within its jurisdiction to the Faculty Collective Bargaining Agent.

Likewise, the resolution of issues that are subject to collective bargaining may be assigned to a participatory governance body, for deliberation and recommendation only, with the consent of the affected Collective Bargaining Agent and the Board of Trustees or designee. And although every effort will be made to resolve issues in the assigned committee, both the District and the Collective Bargaining Agent have the right to return issues to the collective bargaining process. Items assigned to a committee process shall be returned to the parties for final ratification or approval unless stipulated otherwise when the item was assigned to the committee.

See Administrative Procedure #2510

Adopted: 7/5/05

Revised: 5/12/08

BP 2610 Presentation of Initial Collective Bargaining Proposals

Reference:

Government Code Section 3547

The 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.

See Administrative Procedure #2610

Adopted: 7/5/05

BP 2710 Conflict of Interest

Reference:

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

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

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

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

A board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his or her duties as an officer of the district. A board member shall not simultaneously hold two public offices that are incompatible.

Upon leaving the board, former members shall not, for a period of one year, act as an attorney, agent or otherwise represent for compensation others appearing before the board. In compliance with law and regulation, the 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 Administrative Procedures #2710 and 2712

Adopted: 7/5/05

Revised: 5/8/06

BP 2715 Code of Ethics/Standards of Practice

Reference:

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

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

- 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.

If a trustee violates or thinks he or she has violated any provision of the Code of Ethics/Standards of Practice, or if a trustee observes, learns of, or in good faith believes it is possible that another trustee has violated any such provision, that trustee must immediately report the actual or suspected violation to the Board as a whole. The Board has an obligation to investigate and address within a mutually agreed upon time frame all reported violations of this Code of Ethics/Standards of Practice.

Adopted: 7/5/05

Revised: 11/7/05

BP 2716 Political Activity

Reference:

Education Code Sections 7054; 7056; Government Code 8314

Members of the Board shall not use District funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board.

Initiative or referendum measures may be drafted on an area of legitimate interest to the district. The Board may by resolution express the board's position on ballot measures. Public resources may be used only for informational efforts regarding ballot measures.

Adopted: 7/5/05

BP 2717 Personal Use of Public Resources

Reference:

Government Code Section 8314; Penal Code Section 424

No trustee shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

Adopted: 7/5/05

BP 2720 Communications among Board Members

Reference:

Government Code Section 54952.2

Members of the Board shall not communicate among themselves by the use of any form of communication (e.g., personal intermediaries, e-mail, or other technological device) in order to reach a collective concurrence regarding any item that is within the subject matter jurisdiction of the Board. In addition, no other person shall make serial communications to Board members.

A majority of the members of the Governing Board 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. 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 Board, if that person does not communicate to members of the Board the comments or position of any other member or members of the Board.

Adopted: 7/5/05

Revised: 10/11/10

BP 2725 Board Member Compensation

Reference:

Education Code Section 1090, 35120, 72024

Members of the Board who attend all board meetings shall receive an amount per month based on Ed. Code requirements and the student member will receive one-half that amount. 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. The student trustee is encouraged to attend all meetings held by the Board, but is only required to attend the regular meeting each month in order to receive full compensation.

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.

Each member of the Board may be allowed travel expenses incurred to attend Board meetings at the rate of mileage determined by the Board, but not to exceed actual expenses. Only travel in excess of ten (10) miles to attend Board meetings shall be allowed as mileage.

Adopted: 7/5/05

Revised: 1/8/07

Revised: 1/10/11

BP 2730 Health Benefits

Reference:

Government Code Section 53201

Members of the Board shall be permitted to participate in the District's health benefit programs. Participation shall be on such terms as the Board itself shall from time to time determine.

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. Board members meeting this criteria shall be entitled to continue participation in the District's health benefits programs upon leaving the Board on the same terms as applied to them at the time of leaving the Board.

Former Board members who were first elected to the Board on or after January 1, 1995, may, upon leaving the Board, continue to participate in the District's health benefits programs on a self-pay basis.

Adopted: 7/5/05

Revised: 9/10/07

BP 2735 Board Member Travel

Reference:

Education Code Section 72423

Members of the Board shall have travel expenses paid whenever they travel as representatives of and perform services directed by the Board. The Board will determine limitations on travel annually.

The actual expenses of members selected to attend meetings or conventions and other related college activities shall be allowed and paid out of District funds.

The Board may authorize an advance of funds to cover such expenses, with the advance to be repaid or adjusted upon filing of a regular claim for the actual expenses incurred.

The Board may pay, out of District funds, actual and necessary expenditures required to pay memberships in educational organizations mentioned above.

Adopted: 7/5/05

BP 2740 Board Education

Reference:

Accreditation Standard IV.B.1.f

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

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

Adopted: 7/5/05

BP 2745 Board Self-Evaluation

Reference:

Accreditation Standard IV.B.1.e & g

The Board is committed to assessing its own performance as a board in order to identify its strengths and areas in which it may improve its functioning.

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

Annual Evaluation

The five publicly elected members of the Board shall accomplish an annual evaluation of the Board of Trustees using an acceptable self-evaluation method. It is preferred that the evaluation be conducted during the spring semester.

Objectives

- a. Recognize the strengths and weaknesses of Board operation.
- b. Formulate ways for improving Board operation.

In reaching the above objectives, each trustee/participant shall be expected to refrain from defaming or ridiculing a fellow trustee. Suggestions for improvement shall be kept on a positive professional basis, and the suggestions shall be noted in a subsequent evaluation.

Evaluation Chairperson

The president of the Board may serve as chairperson of the evaluation meeting(s) or may assign the chair responsibilities to another trustee.

Adopted: 7/5/05