Trustee Handbook & Resource Guide

June 27, 2015
# Trustee Handbook & Resource Guide

## Table of Contents

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Trusteeship Skills</td>
<td>1</td>
</tr>
<tr>
<td>2. Board and CEO Roles</td>
<td>3</td>
</tr>
<tr>
<td>3. CCLC Board Chair Handbook</td>
<td>18</td>
</tr>
<tr>
<td>4. Accreditation Standards</td>
<td>56</td>
</tr>
<tr>
<td>5. The Brown Act</td>
<td>74</td>
</tr>
<tr>
<td>6. Commonly Used Terms in Community College Admin</td>
<td>115</td>
</tr>
<tr>
<td>7. Parliamentary Motions Guide</td>
<td>124</td>
</tr>
<tr>
<td>8. CCLC Fast Facts 2015</td>
<td>126</td>
</tr>
<tr>
<td>9. CCLC Web Page “Knowledge Center”</td>
<td>128</td>
</tr>
<tr>
<td>10. Cabrillo College Org Chart</td>
<td>130</td>
</tr>
<tr>
<td>11. Cabrillo College Governing Board Conference Request Form</td>
<td>131</td>
</tr>
<tr>
<td>12. Cabrillo College Public Comment Policy</td>
<td>133</td>
</tr>
</tbody>
</table>
Trusteeship Skills

Interpersonal & Communication Skills
- Build and maintain good relations with a wide variety of stakeholders—the public, board members, students and college employees
- Articulate ideas and perspectives
- Understand and accommodate different communication and leadership styles
- Establish and follow communication protocols
- Respond appropriately to media

Analytical Skills
- Seek and weigh diverse perspectives and options
- Think critically and analyze complex and multi-faceted issues
- Understand basic fiscal principles and reports
- Understand and evaluate student success data

Personal Characteristics
- Open-minded and curious
- Supportive and benevolent
- Enthusiastic and energetic
- Trustworthy
- Visionary
- Patient
- Good humored

Values & Attitudes
- Hold student learning and success as the highest value
- Seek and be open to community interests and public participation
- Differentiate between policy and management
- Define and follow ethical principles in decisions and actions, including respect, integrity and fairness
- Honor the culture of the institution when making decisions
- Focus on the future of the college and the community

How to Get the Knowledge & Skills You Need

Practices in Other Districts
Boards benefit from reviewing models and examples from other districts, particularly those related to board policy, setting goals and learning outcomes, delivering education, monitoring operations, protocols for trustee/staff relations, and the like.

Community Relations
Trustees learn about the community by attending community events, meeting with other community boards and board members, and reviewing staff reports on demographics, the economic outlook and other local issues and trends. Board workshops and state conferences provide skill training and strategies for connecting with the community.

Network with Other Trustees
Trustees learn from each other through meeting and staying in contact with trustees at League and ACCT conferences, participating in trustee and CEO regional consortia, and attending meetings of groups such as the California Association of Latino, African American and Asian Pacific American Trustees.

State & National Workshops & Conferences
State and national workshops, particularly those sponsored by the League and ACCT, offer programs to enhance trusteeship, educate trustees on key policy issues, and learn about other board practices and issues. They provide opportunities to discuss state and national policy issues and trends and to shape the local district response.

Reading & the Web
Educational materials include briefing papers, board agenda items, and updates from the CEO; the League’s Trustee Handbook and other publications on trusteeship; policy briefs and alerts from the League and ACCT; as well as resource materials on leadership and parliamentary procedure. Valuable websites include the League’s at www.ccleague.org and ACCT’s www.acct.org, as well as others devoted to educational and legislative policy, effective governance and the myriad of topics in which trustees are interested.
Board Governance

Trusteeship is a profoundly important gift of talent, time, and caring on behalf of the public for the success of students and colleges. As members of governing boards, trustees ensure that colleges add value to their communities.

An effective board
• Creates strong ties to the community in order to best represent the public good.
• Governs through board policies that set broad goals for institutional accomplishments and standards of quality for district operations.
• Hires and supports a chief executive who will lead the district with excellence.
• Monitors the performance of the district to ensure that it is meeting current community needs and anticipating future trends.

In order to accomplish their tasks, trustees need to know the district they govern, principles of board functioning, and community and state issues.

Board Functions
• Board and trustee roles
• Board self-evaluation requirements and processes
• Brown Act provisions, including open and closed meeting requirements
• Rules for running and participating in meetings (basic parliamentary procedure)
• Board agendas and how to place items on the agenda
• How to work as a member of a team or unit
• How to influence board decisions

Ethics & Conflicts of Interest
• Establish and periodically review a code of ethics/standards of good practice
• Observe codes of ethics and standards of practice
• Avoid conflicts of interest and the appearance of conflicts

Fiscal Responsibilities
• Set policy standards for budget planning and fiscal management
• Consider and adopt the district budget
• Consider and approve changes to the budget as required by law
• Monitor the fiscal condition

Expectations for CEO
• Conduct the CEO search
• Establish expectations for CEO performance
• Evaluate the CEO
• Maintain a strong board/CEO partnership

Community & State Relations
• Represent community interests in decision-making
• Establish and engage in activities that educate trustees about community needs
• Be visible in the community
• Advocate the college in the community and at the state and national level
• Influence legislators and legislative staff to support community colleges
• Secure support from local leaders for community college interests

Local Decision-Making
• Ensure that faculty, staff, and students are appropriately consulted
• Consider faculty, staff, and student recommendations as appropriate

Collective Bargaining
• Set parameters for negotiations
• Monitor progress of negotiations

Education Quality
• Require and set standards for student success
• Ensure district plans are related to district goals and community needs
• Monitor institutional performance
  ➔ Compliance with legal and policy standards
  ➔ Employee performance and quality
  ➔ Program quality
  ➔ Planning and implementing plans
  ➔ Participate in the accreditation process

State Budget
• The differences between board and CEO roles and responsibilities
• Compensation and contract provisions
• Evaluation tools and processes
• How to maintain the partnership and support the CEO’s leadership

District Relations
• Organizational Structure
  ➔ Formal and informal organizational structure and rationale for its design
  ➔ History, academic values and culture of the college(s)
• Protocols for communicating with employees

Local Decision-Making
• How to maintain the partnership and support the CEO’s leadership

Policy Decisions
• Consider key trends and issues in policy decisions
• Consider that policies are up-to-date
• Monitor policy implementation and adherence to policy standards

What Trustees Need to Know
• Policies and regulations relative to participation of faculty, staff, and students in decision-making

Community & State Relations
• Local, state and national codes of ethics or standards of practice for trustees
• How to set and enforce standards
• How to reflect ethical considerations in decision-making

Ethics & Conflicts of Interest
• Laws and regulations related to conflicts of interest

Fiscal Responsibilities
• State budget development process and how to influence it
• State constraints and requirements for local budgets
• How to maximize state allocation

Policy Decisions
• Standards for student success and learning outcomes
• District and college plans (e.g. master facilities, educational and strategic plans)
• Accreditation standards and other effectiveness criteria
• The board’s role in accreditation

Organizational Structure
• Federal and state codes of ethics or standards of practice for trustees
• How to work as a member of a team or unit

The Tasks of Trusteeship

Compiled by
Cindra Smith
Director of Education Services
Advisory Committee on Education Services
Work Group on Trustee Competencies
2004

The district’s local decision-making process and responsibilities
• Collective Bargaining
• Compensation and contracts and the impact on the budget
• Legalities of collective bargaining
• Approaches to bargaining, such as adversarial and interest-based
BOARD AND CEO ROLES
DIFFERENT JOBS
DIFFERENT TASKS

Introduction
Local boards of trustees and chief executive officers play different roles and have different responsibilities in leading their districts. Boards of trustees exert leadership through governing the college on behalf of the community. Chief executives lead by administering and managing the institution in accordance with board governing policies.

This publication identifies many of the different, yet complementary, roles and tasks of district CEOs and boards. It is designed to help boards and district CEOs define their own roles and expectations of each other and clarify what each contributes to their institutions. The areas addressed include:

- Board and CEO Relationship
- Leading the Organization
- Educational Program
- Fiscal Affairs
- Human Resources
- Community Relations
- Legislative Relations
- Legal Affairs

The board of trustees and the CEO are both responsible for building and maintaining a strong board/CEO partnership. Respect, communication, and honoring the different responsibilities are the basis for the trust that is essential to be an effective governing/leadership team.

Advisory Committee on Education Services

1998-1999 Chairs: Ann Foxworthy, Superintendent/President, Allan Hancock CCD; Jerry Patterson, Trustee, Coast CCD

1999-2000 Chairs: Floyd Hogue, Superintendent/President, Fremont-Newark CCD; Nancy Palmer, Trustee, Sierra Joint CCD

Staff to Committee: Cindra Smith, Director of Education Services

©2000
Community College League of California
AUTHORITY IN LAW

Education Code Section 70902 authorizes local boards of trustees for the community colleges and defines their powers.

E. C. 70902 authorizes board responsibilities in the following areas:

- college plans
- program approval
- academic standards and graduation requirements
- personnel and employment practices
- budgets
- tax and bond elections
- district property
- local decision-making process
- student conduct
- fees
- grants, gifts, and scholarships
- auxiliary services
- academic calendar
- Board of Governors’ consultation

Chief executives gain their authority from boards. E.C. 70902 and 72400 state that boards may delegate authority for the above to the chief executive officer and other college staff and committees. Other sections of the Education Code identify more specific board responsibilities.

Title V of the Administrative Code also defines tasks for the board, CEO and others. The Chancellor’s office is responsible for monitoring whether colleges fulfill these conditions.

The Community College League of California’s Policy and Procedure Service identifies mandated board policies and administrative procedures (available by subscription in summer, 2000). Please contact the League for more information.

POLICY

Most of the board tasks listed in this document refer to the board’s policy role. “Policy” defines the general goals and acceptable practices for an institution. The board is responsible to discuss the general values and priorities that should be reflected in policy. The CEO and staff usually draft policy statements that incorporate these values and present them to the board for discussion and approval. The CEO also alerts the board about external factors that many require policy changes.
Strengthening the Board and CEO Relationship

Governing boards and CEOs are partners in leading the institution. As partners, they have the following tasks:

- goal setting and evaluation
- communication
- board operations

<table>
<thead>
<tr>
<th>Board Support for CEO</th>
<th>CEO Support for Board</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal Setting and Evaluation</strong></td>
<td><strong>Goal Setting and Evaluation</strong></td>
</tr>
<tr>
<td>• Establish goals and expectations in consultation with the CEO</td>
<td>• Establish goals and expectations in consultation with the board; regularly report progress</td>
</tr>
<tr>
<td>• Periodically evaluate the CEO</td>
<td>• Ensure that there are CEO and board self evaluation processes</td>
</tr>
<tr>
<td>• Engage in periodic board self-evaluation</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Communication</th>
<th>Communication</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Maintain open communication</td>
<td>• Maintain ongoing communication via e-mail, written, or phone updates</td>
</tr>
<tr>
<td>• Direct the CEO only as a board, not as individual trustees</td>
<td>• Keep all board members informed of issues and major events; follow the ‘no surprises’ rule</td>
</tr>
<tr>
<td>• Keep the CEO informed of major issues and questions; follow the ‘no surprises’ rule</td>
<td>• Accommodate different communication styles as feasible</td>
</tr>
<tr>
<td>• Establish and follow processes for board and staff communication that honor the CEO’s leadership role; do not direct staff</td>
<td>• Treat all board members equally and respectfully</td>
</tr>
<tr>
<td>• Call the CEO before board meetings if there are questions about agenda items</td>
<td>• Provide the same information to all board members</td>
</tr>
<tr>
<td>• Refer complaints and comments to CEO; listen impartially</td>
<td>• Contact all board members before each board meeting to address any questions</td>
</tr>
<tr>
<td>• Always publicly support the CEO and college staff</td>
<td>• Follow up when the board refers comments or problems</td>
</tr>
<tr>
<td>• In multi-campus districts, notify the chancellor before approaching college presidents</td>
<td>• Always publicly support the board</td>
</tr>
<tr>
<td></td>
<td>• In multi campus districts, keep college presidents informed of board issues and concerns</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Board Operations</th>
<th>Board Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Adopt and follow policies that:</td>
<td>• Provide adequate support for the board to follow its governing policies</td>
</tr>
<tr>
<td>• Define structure and role of the board and its officers</td>
<td>• Work with the chair to uphold the standards of practice</td>
</tr>
<tr>
<td>• Establish standards for trustee and board behavior</td>
<td>• Work with the board chair to develop meeting agendas</td>
</tr>
<tr>
<td>• Define meetings and meeting practices</td>
<td>• Prepare meeting agenda items that engage trustees in broad policy-level discussions</td>
</tr>
<tr>
<td>• Define the level of information and support desired from the CEO; study and discuss the information provided</td>
<td>• Provide sufficient information to empower boards to make wise policy decisions</td>
</tr>
<tr>
<td>• Attend conferences and other events to maintain own knowledge and skills</td>
<td>• Support and manage trustee and board development</td>
</tr>
<tr>
<td></td>
<td>• Invite and accompany trustees to conferences and events</td>
</tr>
</tbody>
</table>
**ORGANIZATIONAL LEADERSHIP**

Governing boards and CEOs play important and complementary roles in leading the organization. Task areas in organizational leadership include:

- general oversight
- policy making
- planning
- external leadership roles
- organizational structure
- decision making

<table>
<thead>
<tr>
<th>BOARD ROLE AND TASKS</th>
<th>CEO ROLE AND TASKS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Oversight</strong></td>
<td></td>
</tr>
<tr>
<td>Lead the institution through effective governing policies</td>
<td>Lead and administer the institution</td>
</tr>
<tr>
<td>Work in partnership with the CEO</td>
<td>Implement and comply with board policy</td>
</tr>
<tr>
<td>Support the CEO as the institution’s leader</td>
<td>Work in partnership with the board; support the governing role of the board</td>
</tr>
<tr>
<td>Create a positive climate for effective leadership through supporting institutional leaders and modeling integrity, vision, and ethical behavior</td>
<td>Ensure that board policies are up to date and followed</td>
</tr>
<tr>
<td></td>
<td>Create a positive climate and provide effective leadership by modeling integrity, vision, and ethical behavior</td>
</tr>
<tr>
<td><strong>Policy Making</strong></td>
<td></td>
</tr>
<tr>
<td>Identify and discuss broad policy-level values inherent in issues before the board</td>
<td>Identify broad policy implications inherent in issues and agenda items presented for board discussion</td>
</tr>
<tr>
<td>Reference and use current policy when making decisions</td>
<td>Reference current policy when presenting items for board action</td>
</tr>
<tr>
<td>Provide thoughtful input early in the policy drafting process</td>
<td>Seek general input from the board prior to drafting policy</td>
</tr>
<tr>
<td>Periodically review policies to ensure they are up-to-date</td>
<td>Establish and manage a system for periodic review of broad policy</td>
</tr>
<tr>
<td><strong>Planning</strong></td>
<td></td>
</tr>
<tr>
<td>Adopt policies that require and set parameters for effective planning</td>
<td>Anticipate and articulate future trends and needs</td>
</tr>
<tr>
<td>Be knowledgeable about future community needs and interests</td>
<td>Lead and manage a visionary and comprehensive planning processes</td>
</tr>
<tr>
<td>Contribute to the development of the policy direction (mission, vision, and goals)</td>
<td>Articulate the mission, vision, and goals; work in partnership with the board</td>
</tr>
<tr>
<td>Ensure that public and community interests are represented in the mission, vision and policy goals</td>
<td>Ensure that planning responds to current and future community needs</td>
</tr>
<tr>
<td>Ensure that the policy direction meets current and future community needs</td>
<td>Ensure that all district plans are linked</td>
</tr>
<tr>
<td></td>
<td>Ensure that college operations and budgets are aligned with plans</td>
</tr>
<tr>
<td></td>
<td>Keep the board informed on progress toward accomplishing plans and goals</td>
</tr>
<tr>
<td><strong>BOARD ROLE AND TASKS</strong></td>
<td><strong>CEO ROLE AND TASKS</strong></td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td><strong>External Leadership Roles</strong></td>
<td><strong>Organizational Structure</strong></td>
</tr>
</tbody>
</table>
| • Be active in the community | • Establish policies that:  
| • Actively support the college(s) in the community |   
| • Participate in state conferences and, as time permits, in state and national community college associations |   
| • Be an active community leader |   
| • Actively support the college(s) in the community | • Delegate authority to CEO to determine the organizational structure |
| • Participate in state conferences and, as time permits, in state and national community college associations | • Periodically review organization structure to ensure it meets board criteria |
| • As time permits, become involved in state and/or national leadership positions | • Determine, in consultation with key college personnel, an organizational structure that: |
| | • Is designed to achieve institutional goals |
| | • Meets board standards for effective organization |
| | • Report to the board on the effectiveness of the organizational structure in meeting board goals and standards |
| **Decision Making** | **Decision Making** |
| • Establish and follow policies that define administrative, faculty, student, and classified staff roles in policy development and decision making | • Develop and administer clear processes for administration, faculty, classified staff and student participation in policy development and decision making |
| • Establish and maintain formal processes for open communication with academic senate, classified staff and student leaders | • Ensure that information and training is provided to facilitate effective participation by college constituencies in decision-making processes |
This area includes teaching and learning and the instructional and student services programs of the district. Academic Senates play a major role in these areas through their responsibility for the “academic and professional matters” specified in Title 5.

Task areas in educational programs and services include:
- general oversight
- treatment of students
- academic programs and services
- institutional effectiveness

### Educational Programs and Services

<table>
<thead>
<tr>
<th>Board Role and Tasks</th>
<th>CEO Role and Tasks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Oversight</strong></td>
<td></td>
</tr>
<tr>
<td>• Adopt policies that define and delegate clear and appropriate authority and responsibility for educational programs and services to CEO, as well as the Academic Senate</td>
<td>• Lead and administer the delivery of high quality educational programs and services, including planning, development, program review, and staffing</td>
</tr>
<tr>
<td>• Review and approve significant changes to programs as required by state law and board policy</td>
<td>• Inform the board about the major programs and services of the college</td>
</tr>
<tr>
<td>• Seek approval from the board as required</td>
<td>• Ensure the board about the major programs and services of the college</td>
</tr>
</tbody>
</table>

| Treatment of Students | |
|-----------------------| |
| • Adopt policies that define clear criteria for student status and progress | • Ensure that student progress and goal achievement are appropriately recorded and recognized |
| • Adopt policies that ensure fair and equitable treatment of students | • Ensure that procedures exist and are followed for fair and equitable treatment of students, including discipline, due process, and grievances |
| • Determine whether or not the board wishes to be a court of appeal for student grievances | |

| Academic Programs and Student Services | |
|----------------------------------------| |
| • Monitor that programs are aligned with policy direction and plans | • Ensure that the delivery of educational programs, curriculum, and student services are in accordance with district plans |
| • Require program review or other processes that address ongoing evaluation and improvement of programs | • Establish and maintain processes that foster quality, effectiveness, relevancy, and efficiency |
| • Be aware of the scope of offerings of the district | |

| Institutional Effectiveness | |
|----------------------------| |
| • Define “student success” | • Ensure a comprehensive program to monitor institutional effectiveness |
| • Require the CEO to develop accountability and evaluation programs and processes | • Keep the board informed on progress toward accomplishing plans and goals |
| • Monitor how effective the institution is in achieving its goals and student success | • Provide reports to the board that enable it to be accountable to the local community and state and federal agencies |
FISCAL AFFAIRS

Boards of trustees and chief executive officers share the responsibility to ensure that the district enjoys fiscal health and stability. Fiscal affairs include:

- budgeting
- financial activity
- asset protection and management
- fundraising and grants
- monitoring fiscal health

<table>
<thead>
<tr>
<th>BOARD ROLE AND TASKS</th>
<th>CEO ROLE AND TASKS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General</strong></td>
<td></td>
</tr>
<tr>
<td>Establish policies that set standards for fiscal affairs</td>
<td>Establish and enforce administrative procedures that implement board policy and ensure the legal, ethical, and prudent management of college resources</td>
</tr>
<tr>
<td>Approve budgets and expenditures as required by laws and board policy</td>
<td>Present clear and informative budgets and reports to the board</td>
</tr>
<tr>
<td>Monitor the fiscal health of the institution by establishing a monitoring schedule and studying reports</td>
<td>Keep the board informed about the financial status of the district</td>
</tr>
<tr>
<td>Require long-range projections of the fiscal status</td>
<td></td>
</tr>
<tr>
<td><strong>Budgeting</strong></td>
<td></td>
</tr>
<tr>
<td>Adopt policies that require and define standards in the areas of:</td>
<td>Develop and use a set of assumptions in budget planning</td>
</tr>
<tr>
<td>- Budget assumptions</td>
<td>Develop and implement an inclusive budget planning process</td>
</tr>
<tr>
<td>- Balanced budgets</td>
<td>Present and interpret a budget to the board using policy criteria and assumptions</td>
</tr>
<tr>
<td>- Adequate reserve</td>
<td>Analyze current financial position and present to the board long-range financial needs and proposals</td>
</tr>
<tr>
<td>- Long-range revenue projections</td>
<td>Alert the board about significant changes in the budget; submit for approval as required by policy</td>
</tr>
<tr>
<td>- Long-range projections for expenditure commitments (e.g. personnel, salaries and benefits, equipment, contracts)</td>
<td>Ensure that budget planning is linked to college and program plans</td>
</tr>
<tr>
<td>- Facility needs and maintenance</td>
<td></td>
</tr>
<tr>
<td>Approve the budget using board policy standards as criteria</td>
<td></td>
</tr>
<tr>
<td>Require short and long-term fiscal impact information on relevant agenda items such as equipment purchases, loans, and investments</td>
<td></td>
</tr>
<tr>
<td><strong>Financial Activity</strong></td>
<td></td>
</tr>
<tr>
<td>Adopt policies that contain standards for:</td>
<td>Develop procedures that ensure that expenditures and accounting processes are prudent, efficient, and adhere to law, board policy and auditing principles</td>
</tr>
<tr>
<td>- Fund transfers</td>
<td>Monitor income, expenditures, and cash flow</td>
</tr>
<tr>
<td>- Purchase of equipment</td>
<td>Monitor adherence to procedures for expending and accounting for funds</td>
</tr>
<tr>
<td>- Hiring and changes in status of personnel</td>
<td></td>
</tr>
<tr>
<td>- Contracts</td>
<td></td>
</tr>
<tr>
<td>BOARD ROLE AND TASKS</td>
<td>CEO ROLE AND TASKS</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>• Bid proposals and contracts</td>
<td>• Present contracts, expenditures, and other fiscal items to the board for approval as required</td>
</tr>
<tr>
<td>• Paying obligations</td>
<td>• Review the need for and propose TRANS and other cash management programs in a timely manner</td>
</tr>
<tr>
<td>• Filing financial reports</td>
<td></td>
</tr>
<tr>
<td>• Adopt policies that define when board approval is required for fiscal actions</td>
<td></td>
</tr>
<tr>
<td>• Approve contracts and expenditures as required by law and board policy, including real property transactions</td>
<td></td>
</tr>
<tr>
<td>• Approve TRANS and other major cash management strategies</td>
<td></td>
</tr>
<tr>
<td>• Present contracts, expenditures, and other fiscal items to the board for approval as required</td>
<td></td>
</tr>
<tr>
<td>• Review the need for and propose TRANS and other cash management programs in a timely manner</td>
<td></td>
</tr>
</tbody>
</table>

| Asset Protection and Management                                                     |                                                                                  |
|------------------------------------------------------------------------------------|                                                                                  |
| • Adopt policies that define and require:                                          | • Ensure that investment and cash flow management practices meet board criteria |
|   • Sound investment practices                                                     | • Ensure that college assets and personnel are adequately protected and secured |
|   • Sound cash flow management                                                     | • Ensure that liability and insurance coverage meets board policy standards |
|   • Adequate protection and security                                               | • Establish an adequate risk management program                                  |
|   • Adequate liability and insurance coverage                                       |                                                                                  |
|   • Risk management programs                                                       |                                                                                  |
|   • Monitor that policies are being followed                                       |                                                                                  |
| • Monitor that policies are being followed                                          |                                                                                  |
| • Ensure that investment and cash flow management practices meet board criteria     |                                                                                  |
| • Ensure that college assets and personnel are adequately protected and secured     |                                                                                  |
| • Ensure that liability and insurance coverage meets board policy standards         |                                                                                  |
| • Establish an adequate risk management program                                     |                                                                                  |

| Fundraising and Grants                                                              |                                                                                  |
|------------------------------------------------------------------------------------|                                                                                  |
| • Determine the need for, approve, and actively support bond elections               | • Prepare information that helps the board determine the need for and approve bond elections |
| • Provide leadership to create a foundation and establish links between the district and foundation boards | • Lead and administer various fundraising efforts, including the foundation and asset management activities |
| • Support the foundation and fundraising efforts                                    | • Keep the board informed about grants sought and awarded, including their implications for the college |
| • Adopt policies that set criteria and priorities for grants                        | • Present grants for board approval as required;                                  |
| • Accept or approve grants as required by law                                       |                                                                                  |
| • Understand the short and long-range implications of grants                        |                                                                                  |
| • Prepare information that helps the board determine the need for and approve bond elections |                                                                                  |
| • Lead and administer various fundraising efforts, including the foundation and asset management activities |                                                                                  |
| • Keep the board informed about grants sought and awarded, including their implications for the college |                                                                                  |
| • Present grants for board approval as required;                                   |                                                                                  |
### Board Role and Tasks

#### Monitoring Fiscal Health
- Require periodic reports to monitor fiscal control policies and accounting processes
- Require regular reports on the fiscal status of the institution
- Become educated about financial statements and their implications
- Define broad expectations for the independent audit of the district accounts and business procedures
- Set criteria for an auditing firm to conduct the annual audit
- Review the audit report
- Discuss deviations (if any) and give appropriate direction to CEO

### CEO Role and Tasks
- Periodically, report to the board compliance with fiscal control policies
- Periodically report the fiscal condition of the institution; provide a summary that clearly shows the relationship of expenditures to budget
- Educate the board on how to read financial statements
- Assist the board with the selection of an auditing firm
- Cooperate with and auditor so the audit is thorough
- Assist the board in reviewing the audit report
- Correct deviations (if any) found as a result of the audit
**HUMAN RESOURCES**

The area of human resources includes all personnel and employment issues, and is subject to numerous state and federal laws and regulations. The board and CEO work together to address:

- hiring and other personnel practices
- treatment of personnel
- professional development
- salaries, benefits, and collective bargaining

<table>
<thead>
<tr>
<th>BOARD ROLE AND TASKS</th>
<th>CEO ROLE AND TASKS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel Hiring</strong></td>
<td></td>
</tr>
<tr>
<td>• Establish policies that require:</td>
<td>• Ensure that personnel recruitment and hiring processes are:</td>
</tr>
<tr>
<td>• Selection of the best qualified personnel</td>
<td>• Fair, legal, comply with laws</td>
</tr>
<tr>
<td>• Administrative, faculty, and staff diversity</td>
<td>• Result in good applicant pools</td>
</tr>
<tr>
<td>• Competitive salaries and working conditions, within budget constraints</td>
<td>• Reflect well on the institution</td>
</tr>
<tr>
<td>• Set policy regarding which positions require board approval</td>
<td>• Seek to achieve that staff diversity reflects college and community populations</td>
</tr>
<tr>
<td>• Compliance with equal employment and affirmative action laws</td>
<td>• Forward personnel actions to the board as required; inform the board about other key personnel changes</td>
</tr>
<tr>
<td>• Ratify hires as required by law (based on compliance with policy)</td>
<td></td>
</tr>
</tbody>
</table>

<p>| <strong>Treatment of Personnel</strong> |                     |
| • Establish policies that require: | • Ensure that: |
|  • Fair and effective evaluation and supervision processes |  • Personnel regulations and procedures are fair, legal, and equitable and meet board policy criteria |
|  • Safe and pleasant working environment |  • Personnel manuals and handbooks are current and public |
|  • Clear grievance procedures |  • Personnel procedures are implemented and followed |
|  • Due process in employee discipline and termination |  • Grievance procedures are clear, equitable, and followed |
|  • Academic freedom |  • Discipline and termination are for demonstrable cause and follow procedures |
|  • Protection of privacy |  • Seek legal counsel when needed; share information with the board |
|  • Adopt policies that guide implementation of ADA and harassment laws |  • Alert the board early to personnel problems that may become public or reach the board level |
|  • Adopt polices that ensure appropriate consultation with and delegation of authority to employee groups |  • Provide adequate information to the board about personnel problems and recommendations |
|  • Establish clear processes for board/staff communication that do not abrogate the board/CEO relationship |                     |
|  • Support CEO recommendations on disciplinary action or terminations when cause is demonstrated and procedures have been followed |                     |</p>
<table>
<thead>
<tr>
<th>Professional Development</th>
<th>CEO Role and Tasks</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Establish policy expectations for staff orientation and ongoing professional development</td>
<td>• Ensure that resources are allocated for professional and staff development</td>
</tr>
<tr>
<td>• Publicly recognize staff achievements</td>
<td>• Encourage professional development and staff recognition programs</td>
</tr>
<tr>
<td>• Engage in trustee and board development</td>
<td>• Engage in ongoing learning</td>
</tr>
<tr>
<td></td>
<td>• Support trustee education and development</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Salaries, Benefits, and Collective Bargaining</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Delegate clear authority to the CEO or other agent to engage in collective bargaining on behalf of the board</td>
<td>• Engage in positive bargaining practices; follow board standards and criteria</td>
</tr>
<tr>
<td>• Set criteria for salaries and benefits that establish competitive, fair wages and that protect current and future district resources</td>
<td>• Provide the board with an analysis of the implications of various options in the bargaining process</td>
</tr>
<tr>
<td>• Ask the CEO to provide options and analyses on negotiating positions and their implications</td>
<td>• Provide training in collective bargaining approaches for all those involved in the process, as well as the board</td>
</tr>
<tr>
<td>• Participate in training on positive bargaining practices</td>
<td>• Inform the board of union proposals</td>
</tr>
<tr>
<td>• Provide clear direction to the CEO, including parameters for negotiations</td>
<td>• Maintain good communication with the board regarding the status of the negotiations</td>
</tr>
<tr>
<td>• Set and adhere to positive bargaining practices; stay on the “high road”</td>
<td>• Delegate clear authority to the negotiating agents and ensure that they understand board parameters and budget constraints</td>
</tr>
<tr>
<td>• Maintain the confidentiality of bargaining positions</td>
<td></td>
</tr>
</tbody>
</table>
COMMUNITY RELATIONS

Governing and leading community-based institutions requires boards and CEOs to be active participants in their communities and ensure strong college-community connections. Community relations roles and tasks are in the areas of:

- community involvement
- marketing and media relations
- foundation support

<table>
<thead>
<tr>
<th>BOARD ROLE AND TASKS</th>
<th>CEO ROLE AND TASKS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General</strong></td>
<td><strong>Community Involvement</strong></td>
</tr>
<tr>
<td>Ensure that general interests of the external communities are represented in board decisions</td>
<td>Establish a culture that fosters responsiveness to community needs and positive relations with the public and community groups.</td>
</tr>
<tr>
<td>Advocate for and support the colleges in the community</td>
<td>Actively seek and foster professional relationships with education, government, business, and other community leaders</td>
</tr>
<tr>
<td>Maintain links with business, government and community leaders</td>
<td>Participate in community events and service organizations</td>
</tr>
<tr>
<td>Adopt policies that govern:</td>
<td>Encourage partnership programs with K-12 and higher education institutions</td>
</tr>
<tr>
<td>community relations</td>
<td>Ensure that planning processes assess and respond to community needs</td>
</tr>
<tr>
<td>marketing and public relations</td>
<td>Ensure a comprehensive program of community services and events</td>
</tr>
<tr>
<td>foundations and fundraising</td>
<td>Establish and monitor procedures for public use of and participation in college facilities, programs, services, and events</td>
</tr>
<tr>
<td><strong>Community Involvement</strong></td>
<td></td>
</tr>
<tr>
<td><strong>BOARD ROLE AND TASKS</strong></td>
<td><strong>CEO ROLE AND TASKS</strong></td>
</tr>
<tr>
<td>-------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td><strong>Marketing and Media Relations</strong></td>
<td><strong>Foundation Support</strong></td>
</tr>
<tr>
<td>• Adopt policies that:</td>
<td>• Adopt policies that establish the direction and parameters for a foundation</td>
</tr>
<tr>
<td>• Set parameters for marketing and public relations programs</td>
<td>• Support and monitor the foundation</td>
</tr>
<tr>
<td>• Establish standards of good practice (ethics) for trustee relations with the public and media</td>
<td>• Establish links with the foundation board of directors</td>
</tr>
<tr>
<td>• Establish and administer comprehensive public relations operations; ensure the accuracy and quality of communication to public</td>
<td>• Establish a foundation and ensure that it is effective</td>
</tr>
<tr>
<td>• Keep board informed about</td>
<td>• Actively support foundation activities through personal involvement</td>
</tr>
<tr>
<td>• Issues that may result in media contacts</td>
<td></td>
</tr>
<tr>
<td>• Public relations and marketing efforts</td>
<td></td>
</tr>
</tbody>
</table>
**Legislative Relations**

Legislative support is important for institutional success. The board and CEO play key roles in working with legislators and garnering support. The area of legislative relations includes:

- understanding policy trends and issues
- establishing and communicating priorities and needs
- advocating on behalf of the institution

<table>
<thead>
<tr>
<th><strong>Board Role and Tasks</strong></th>
<th><strong>CEO Role and Tasks</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy Trends and Issues</strong></td>
<td><strong>CEOs Role and Tasks</strong></td>
</tr>
<tr>
<td>- Engage in ongoing study of policy issues and trends through reading and conference attendance</td>
<td>- Establish processes to stay up-to-date on policy issues and trends</td>
</tr>
<tr>
<td>- Allocate time at board meetings and hold study sessions to discuss policy issues, trends, and system priorities</td>
<td>- Monitor and gather relevant information</td>
</tr>
<tr>
<td>- Understand the impact of state and national policy on local mission and goals</td>
<td>- Ensure the board is aware of policy issues and trends:</td>
</tr>
<tr>
<td></td>
<td>- Provide summaries of key points</td>
</tr>
<tr>
<td></td>
<td>- Forward legislative alerts and other relevant information to the board</td>
</tr>
<tr>
<td></td>
<td>- Design board agendas to allow time to discuss issues</td>
</tr>
<tr>
<td></td>
<td>- Provide background and analysis of key initiatives to enable the board to take a position</td>
</tr>
<tr>
<td><strong>Local Priorities</strong></td>
<td><strong>Local Priorities</strong></td>
</tr>
<tr>
<td>- Allocate time to study and understand local community needs and priorities</td>
<td>- Provide information and analysis to the board of local trends and issues that may require legislative response</td>
</tr>
<tr>
<td>- Adopt positions that further the ability of the district to achieve its goals</td>
<td>- Inform the board of the impact of state and national legislative initiatives on local priorities</td>
</tr>
<tr>
<td>- Discuss local priorities and issues with the CCCT board of directors and the Community College League staff</td>
<td>- Forward positions to state associations and the Chancellor’s Office</td>
</tr>
<tr>
<td><strong>Legislative Advocacy</strong></td>
<td><strong>Legislative Advocacy</strong></td>
</tr>
<tr>
<td>- Identify and make key contacts with legislators</td>
<td>- Manage the board’s legislative advocacy activities</td>
</tr>
<tr>
<td>- Ensure that the CEO and all board members are introduced to key contacts</td>
<td>- Identify and make key contacts with legislators; ensure board members are introduced to key contacts</td>
</tr>
<tr>
<td>- Study issues to ensure effective communication with legislators</td>
<td>- Identify a legislative liaison on the staff</td>
</tr>
<tr>
<td>- Maintain ongoing and appropriate communication with legislators</td>
<td>- Arrange for legislators to visit the district; include board members in these visits</td>
</tr>
<tr>
<td>- Advocate on behalf of the college and its contributions to the community</td>
<td>- Provide information to the board for advocacy purposes</td>
</tr>
<tr>
<td>- Support board positions, as well as state system and association positions where not in conflict</td>
<td>- Inform the board of Chancellor’s Office, state and national association positions</td>
</tr>
</tbody>
</table>
LEGAL AFFAIRS

Governing boards and CEOs share the responsibility to ensure that the district:

- abides by local, state, and federal laws and legal intent
- uses legal counsel prudently

<table>
<thead>
<tr>
<th>BOARD ROLE AND TASKS</th>
<th>CEO ROLE AND TASKS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Laws and Regulations</strong></td>
<td></td>
</tr>
<tr>
<td>• Adopt policies specifically required by law and regulation</td>
<td>• Be aware of laws and regulations that affect the institution</td>
</tr>
<tr>
<td>• Delegate authority to the CEO and require that procedures exist that comply with local, state and national laws and regulations</td>
<td>• Inform the board and new trustees about major laws and regulations</td>
</tr>
<tr>
<td>• Monitor compliance</td>
<td>• Ensure that administrative procedures exist and are followed to comply with law and regulation</td>
</tr>
<tr>
<td>• Follow laws related to board practices, including conflicts of interest, open and public meetings, confidentiality of closed sessions, and political practices</td>
<td>• Monitor compliance and report to the board</td>
</tr>
<tr>
<td>• Inform the board and new trustees about major laws and regulations</td>
<td>• Advise the board about laws and regulations that affect the board</td>
</tr>
<tr>
<td>• Establish policies that guide the CEO’s response to lawsuits and threats of legal action</td>
<td></td>
</tr>
<tr>
<td>• Adopt policies that insure and protect the assets and personnel of the district, as well as the board</td>
<td></td>
</tr>
</tbody>
</table>

| **Legal Actions and Counsel**                                                        |                                                                                  |
| • Request legal counsel only as a board; work through the CEO                        | • Recommend appropriate legal counsel to advise the board                         |
| • Request legal advice well in advance of potential problems                         | • Inform the board of legal counsel used to advise the college                    |
| • Accept and expect realistic assessments of the board’s legal position               | • Inform the board of threats of legal action and lawsuits                        |
| • Establish policies that guide the CEO’s response to lawsuits and threats of legal action | • Keep the board informed of progress on and outcomes of legal matters            |
| • Adopt policies that insure and protect the assets and personnel of the district, as well as the board | • Prepare summaries and analyses that review all options for the board when board action is required on legal issues |
| • Ensure that the district has adequate liability protection                           | • Ensure that the district has adequate liability protection                       |
This and other publications of the League are based on recommendations and advice from the Advisory Committees on Education Services of the Community College League of California as well as trustees and chief executives who present and participate in the League’s annual Board Chair Workshops. We appreciate their support and feedback.

Cindra J. Smith
Community College League of California
©2014
Sacramento, California
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Introduction</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roles, Responsibilities, and Skills</td>
<td>4</td>
</tr>
<tr>
<td>Authority</td>
<td>4</td>
</tr>
<tr>
<td>Responsibilities of the Chair</td>
<td>4</td>
</tr>
<tr>
<td>Required Skills and Knowledge</td>
<td>5</td>
</tr>
<tr>
<td>Sample Policies</td>
<td>5</td>
</tr>
<tr>
<td>Electing the Chair</td>
<td>7</td>
</tr>
<tr>
<td>Approaches to Chair Election</td>
<td>7</td>
</tr>
<tr>
<td>Succession</td>
<td>7</td>
</tr>
<tr>
<td>Rotation</td>
<td>7</td>
</tr>
<tr>
<td>Consecutive Terms</td>
<td>8</td>
</tr>
<tr>
<td>Chair Election Practices</td>
<td>9</td>
</tr>
<tr>
<td>Board Chair and CEO Relationship</td>
<td>10</td>
</tr>
<tr>
<td>Meeting Agendas</td>
<td>10</td>
</tr>
<tr>
<td>Support and Counsel</td>
<td>10</td>
</tr>
<tr>
<td>Clarifying Expectations</td>
<td>10</td>
</tr>
<tr>
<td>When CEOs Leave</td>
<td>10</td>
</tr>
<tr>
<td>New CEOs</td>
<td>11</td>
</tr>
<tr>
<td>Representing the Board and District</td>
<td>13</td>
</tr>
<tr>
<td>Running Effective Meetings</td>
<td>14</td>
</tr>
<tr>
<td>Effective Meetings</td>
<td>14</td>
</tr>
<tr>
<td>Tasks for the Chair</td>
<td>15</td>
</tr>
<tr>
<td>Meeting Agendas</td>
<td>17</td>
</tr>
<tr>
<td>Legal Considerations</td>
<td>18</td>
</tr>
<tr>
<td>Parliamentary Procedure</td>
<td>19</td>
</tr>
<tr>
<td>Common Parliamentary Procedures</td>
<td>19</td>
</tr>
<tr>
<td>Create a Positive, Productive Climate</td>
<td>22</td>
</tr>
<tr>
<td>Build a Strong Board/CEO Team</td>
<td>23</td>
</tr>
<tr>
<td>Chair as Team Leader</td>
<td>23</td>
</tr>
<tr>
<td>Managing Conflict</td>
<td>24</td>
</tr>
<tr>
<td>Board Education</td>
<td>26</td>
</tr>
<tr>
<td>Board Chair Tasks</td>
<td>26</td>
</tr>
<tr>
<td>Evaluating Trustee Education Activities</td>
<td>27</td>
</tr>
<tr>
<td>Situations and Scenarios</td>
<td>28</td>
</tr>
<tr>
<td>Mission Focus</td>
<td>28</td>
</tr>
<tr>
<td>Involvement in Accreditation</td>
<td>28</td>
</tr>
<tr>
<td>Receiving the Audit</td>
<td>28</td>
</tr>
<tr>
<td>Board Committees</td>
<td>29</td>
</tr>
<tr>
<td>Crises on Campus</td>
<td>29</td>
</tr>
<tr>
<td>Responding to the Media</td>
<td>29</td>
</tr>
<tr>
<td>Public Request for the Board to Address an Issue</td>
<td>30</td>
</tr>
</tbody>
</table>
INTRODUCTION

The chair of the board of trustees has been elected to a very important position. The chair leads the board and facilitates board processes. He or she plays an important role in ensuring that the board effectively governs the institution and that trustees work together well. The chair is often perceived as the major spokesperson for the board. She or he is usually the primary point of contact with the chief executive of the district.

Because of the importance of the position, effective boards describe what is expected from the chair, give thoughtful consideration to selecting the chair, and provide any necessary support and training to help that person perform the duties as defined. Board chairs are required to be knowledgeable about many areas, including board policy, major district issues, and programs, community and state policy trends and issues and laws related to boards and board meetings.

Many trustees have served as chairs of other organizations; however, many come to the position with little formal training for the position. Hence, the League developed this handbook, designed to help chairs and potential chairs prepare for their role, and help trustees, chief executives and board staff support the chair’s success. The document explores:

- the authority, roles and responsibilities of the chair,
- considerations in selecting the chair,
- the relationship between the board and the chief executive officer,
- principles of running effective meetings,
- methods to strengthen the effectiveness of the board as a team,
- ethical considerations of being chair, and
- the chair’s responsibilities in a variety of situations.
ROLES, RESPONSIBILITIES, AND SKILLS

Authority
The board chair has the authority to chair board meetings, and may be delegated other powers by the board. However, the chair gains no additional authority as an individual trustee—he or she has no more legal power than any other board member. The person in the position is bound to represent the board’s decisions and to reflect the voice of the entire board when working with the CEO or representing the board to the public.

Authority that the board has specifically delegated to the chair should be stated in board policy or other official board documents. The board may take separate action to delegate specific responsibilities, such as being the point of contact for the search consultant if the board is looking for a new CEO.

Responsibilities of the Chair
The following is a brief overview of possible responsibilities. Each area is explored in more detail in separate sections.

Preside over Board Meetings. The chair presides over board meetings and ensures that discussion and decision-making are orderly and deliberate. She or he ensures that the meetings are conducted in a way that is fair to everybody—that diverse opinions are heard, issues are explored, time is used efficiently, and closure on issues is reached. The chair sets and reinforces expectations for respectful communication among board members and meeting participants.

Work closely with the CEO. The board chair is usually a major source of support and counsel for the chancellor or superintendent/president. He or she works with the chief executive (CEO) to develop the board’s meeting agendas. The chair reinforces and clarifies board expectations as needed, and ensures that there is an effective CEO evaluation process.

Represent the Board and District. The board chair is often viewed as a primary advocate for the college and a spokesperson for the board. The responsibility flows from the board’s duty to represent the college in the community and advocate college interests to state and national policy makers.

Ensure the Board Fulfills Its Role. The chair helps ensure that the board performs legally and well and that it represents public interests, focuses on policy when working with the CEO, and monitors institutional performance.

Create a Positive Climate. Chairs help create a positive climate for board work by being welcoming and inclusive. Effective chairs model standards for trustees’ behavior by adhering to principles of effective trusteeship and expecting other trustees to do the same. They epitomize what it means to be stewards of the public trust.

Facilitate Teamwork. Board chairs build a sense of team and help trustees work together. They clarify goals, seek contributions, and facilitate open (legal) communication. They address and try to resolve dysfunctional behavior.

Board Education. The board chair ensures that there is an ongoing program of trustee development to ensure trustees are knowledgeable about their roles and the issues. He or she ensures that the board conducts an annual self-evaluation.
Required Skills and Knowledge

Board chairs should bring the following to the role:

- interest in being the chair and desire to lead the board;
- additional time and energy to take on the responsibilities of being chair;
- leadership, communication, and facilitation skills;
- deep commitment to the mission and knowledge of community college district issues;
- knowledge required to run board meetings effectively;
- ability to work constructively with the CEO;
- ability to help board members work together effectively, and to handle difficult situations; and
- willingness to represent the decisions of the board and support the institution.

How much time is required to be chair? On the average, most trustees spend anywhere from three to six hours a week on district business—chairs spend at least an additional two to three hours or more. Board chairs need additional time to prepare for meetings and consult on agendas, talk or meet with the CEO, represent the board at college and community events, and attend state and national conferences. Chairs often must study issues in more depth to anticipate, encourage, and handle contributions and information from many different sources. By virtue of the position, they may receive more calls from the public and media.

Board chairs are required to be knowledgeable about many areas, including board policy, prior board decisions, background on agenda items, major district issues and programs, and community and state policy trends and issues. They also need to know and adhere to the provisions of the open meetings laws (Brown Act) and basic parliamentary procedure.

Board chairs need leadership and interpersonal skills that inspire, involve and nurture trustee involvement in governance. They need to be able to establish a positive climate for board meetings, listen well to many diverse constituents, resolve conflict, and communicate well.

Additional time and skills may be needed when the college is undergoing major changes or might be facing unique situations. Hiring a new CEO, holding a bond election, undertaking a major project such as a capital campaign, or overseeing employee contract negotiations all may require extra attention and leadership skills from the chair.

Wise boards ensure that all members have the opportunity to gain the skills necessary to assume the chair and other leadership positions. They support conference attendance and other training for the chair position. Boards benefit when they have a pool of talent to tap for the board chair position.

Sample Policies

Board policy should include descriptions of the roles of the chair and other officers. Examples related to chair responsibilities are:
Example 1
The president of the board is elected at the annual organizational meeting of the board. The duties of the board president are to:

- Preside over all meetings of the board.
- Call emergency and special meetings of the board as required by law.
- Consult with the CEO on board meeting agendas.
- Assure adequate communication with the board regarding district matters, board roles and practices, and policy issues that affect the college.
- Foster the board’s adherence to its ethics policies.
- Participate in the orientation process for new board members.
- Assure board compliance with policies on board education, self-evaluation and CEO evaluation.
- Represent the board at official events or designate board representation.

Example 2
The role of the board president is to lead the board members in carrying out their duties and responsibilities in partnership with the CEO. The board president shall:

- Be knowledgeable about the college and the communities that comprise the district.
- Ensure the board is involved in defining the vision and mission, is focused on student success, and monitors institutional effectiveness.
- Communicate regularly with the CEO and as needed with the board to keep all members informed about district matters specifically and community college issues in general.
- Represent the board to the public. The board president may attend public events on behalf of the board or designate other trustees to do so.
ELECTING THE CHAIR

Given the importance of the role, wise boards pay careful attention to ensuring the success of the board chair. Being an effective chair depends on having time, experience, knowledge of the issues, and good leadership and interpersonal skills described in the previous section. Boards should encourage the development of the leadership potential of their members so all trustees have the knowledge required to be an effective chair.

Approaches to Chair Election

Education Code 72000 requires that boards elect the board president at the annual organizational meeting each year. The nomination and election processes should be open and public to ensure a fair election and comply with the Brown Act.

Whoever is elected should have the skills and knowledge described in the prior section. Candidates for the chair position should be identified on the basis of their ability to serve and meet the needs of the board.

Prior to the annual organizational meeting, the board as a whole may review the needs of the board and identify specific skills and time that may be necessary in the coming year due to special circumstances. Once criteria are identified, it is easier to identify potential candidates for the board chair.

Candidates are usually nominated for the position by other trustees, although some boards have a committee or depend on the chair to be the nominator. Committees or the chair identify people who would be interested and have the necessary time and skills. Discussions about the position with individual trustees should avoid talking about who should be chair—this would be a violation of the Brown Act.

Succession planning, expectations to rotate the chair position, and electing a proven chair to consecutive terms are all strategies that boards use in electing the board president. The number of districts that use the different approaches are included at the end of this chapter.

Succession

Some boards plan for succession into leadership roles. They consider the vice chair position to be preparation for the chair, and tend to elect the vice chair to be chair. Boards that have a clerk position may elect the clerk into the vice chair role.

Going through the officer positions allows trustees to anticipate their upcoming responsibilities. They can learn the required skills and arrange their schedules to commit to the time needed. However, special circumstances can interfere with the succession plan, and boards need to be flexible.

Rotation

Many districts have a practice of rotating the responsibility for serving as chair through all members in turn. The practice has both advantages and drawbacks.

Advantages include:

- All trustees on the board have the opportunity to lead the board. They learn what is required to be in that leadership position and can appreciate the demands on the position.
Chairs become much more familiar with the district and the issues it faces because they are more involved in agenda development, work more closely with the CEO, and must represent the district to the college and community and perhaps to state leaders.

Trustees know when it will most likely be their turn and can plan accordingly. They can arrange their jobs and family lives to allow for the extra hours that they will need to devote to board work. They can also begin learning any additional skills they need to be effective.

The "politics" of running for the chair position are reduced, because everyone will eventually have a turn at being chair.

There are potential drawbacks to rotating the position through all members in turn. Some considerations are:

- It may be someone’s “turn” to be chair who was recently elected to the board. It may be unfair to new trustees to ask them to assume a leadership role when they need time to learn more about the board and district.

- Some members do not have the desire and time necessary to be chair, and it is unfair to the board and the institution to expect them to provide leadership just because it is their turn to do so. Illness, family or work commitments, or other factors may prevent them from being able to fully fulfill the responsibilities.

- Occasionally, there are board members who do not have the support of a majority of the board—putting them in the chair position may cause additional conflict.

- The board may be facing unusual events such as a new CEO, a bond election, tough union negotiations or major community outreach. These situations may require extra time and specialized skills in facilitating contentious meetings, handling conflict, dealing with the public, building and maintaining good relations with the community, working with a new CEO, or understanding union negotiations. Some trustees are more skilled than others are in these areas. As a result, the board may consider having the person with the required skills in the chair position.

A situation may arise where a trustee or the board wishes to skip a person’s “turn” because of one or more of the above. The most important consideration is that the chair have the time and skills needed for the coming year. It may be preferable to avoid the expectation that there is a “guaranteed” rotation in order to provide the flexibility needed to adapt to circumstances.

No matter which approach is used to elect the chair, once the chair is elected, he or she assumes the responsibilities and the rest of the board must support that person in the leadership role.

**Consecutive Terms**

Trustees may be elected to the chair position for consecutive terms. It can be very beneficial for the board to have continuity in the leadership position for any number of reasons, and it is not uncommon for chairs to serve many years in California and in other states. Boards may wish to continually re-elect people who have performed well in the position, who provide stable ongoing leadership, who work well with the Chancellor, and are trusted and supported by the other board members.
Chair Election Practices
Every two years, the League surveys districts on various board practices. The 2013 survey results are below—the number is the percent of districts. In only a quarter of the districts, chairs never serve consecutive terms; the trend over the years has been toward more boards electing chairs for consecutive terms.

Chairs serve consecutive terms:
- 24% Never
- 31% Rarely
- 23% Sometimes
- 22% Often

Board chair position rotates through all members:
- 39% Always
- 17% With some exceptions
- 35% Other, or no expectation for position to rotate through all members

In general, the vice chair is expected to move into the chair position. 35% of the districts have a formal policy or procedure on board chair rotation; the remainder have an informal practice.

The most important consideration in electing the board chair is to assure that the person elected to the position has the time and skills needed to provide outstanding leadership for the board and to work closely with the CEO.
BOARD CHAIR AND CEO RELATIONSHIP

The board chair is usually the primary point of contact between the board and the chief executive of the district. The two people communicate regularly about board meeting agendas, major issues, and expectations. Together, they identify and plan how to address issues that require attention by the board and CEO. The chair is often a sounding board for the CEO and ensures that he or she has the support necessary to do an excellent job.

Meeting Agendas

The CEO, as professional advisor to the board and leader of the institution, knows what topics the board should consider and prepares the board agenda items. However, the agenda is ultimately the board’s agenda, and the chair plays an important role in working with the CEO to plan board meetings and to ensure agenda items address appropriate issues and contain information that will be useful to the board.

Support and Counsel

The board chair is often a major source of support and counsel for the chief executive. She or he is usually the first trustee a CEO will contact regarding an issue. The CEO may count on the chair to brainstorm ideas, seek advice, check perceptions, discuss frustrations, and propose courses of action. Ideally, the chair will listen well and provide appropriate guidance for the CEO.

Therefore, the board chair and the CEO should be in regular communication. How often depends on the personal styles and preferences of each person and the issues to be addressed. When a new chair is elected, one of the first tasks is for the CEO and chair to discuss preferred modes and schedules for communication.

Clarifying Expectations

The board is the employer of the CEO and is vitally concerned with his or her success. The board chair affirms and represents the board’s expectations for performance. The chair may help clarify for the CEO the direction of the board, but should never substitute his or her opinion for the expectations of the board as a whole.

The chair also ensures that the chief executive is regularly evaluated. She or he oversees the evaluation process to ensure that it is constructive and fair.

When CEOs Leave

CEOs leave for any number of reasons—they move on to another position, retire, become too ill to perform or die, or leave due to significant differences between the board and CEO. No matter why a CEO leaves, he or she must be honored in a manner befitting the position of president. The board shows its respect for the position when they make positive comments to the media about the person, show public appreciation for the contributions of the CEO, and provide for receptions or other community and college events to mark the departure.

The board chair should ensure the departure activities appropriately reflect this respect even (or especially) if the departure is because of disagreements between the board and CEO. Honoring the CEO fosters a positive image for the board and college, and as a result, boards find it easier to attract quality candidates for the vacant position.
New CEOs
The board chair position assumes greater importance when the board must conduct a search for a new CEO. The chair provides key leadership for the process and ensures it is conducted in a manner that will result in the selection of the best person possible.

As soon as it is known that the CEO position will be open, the board chair ensures that the board initiates the general search process. Often, the outgoing CEO can help the board determine the steps to take. The Community College League publishes a resource for boards on the process. The League also maintains a list of consultant firms skilled in conducting searches.

Board chair duties in the search process include the following. They may be delegated to a board committee or other trustees, but the chair is ultimately responsible.

*Oversee the search process.* The board chair ensures that the process is going smoothly and that tasks are completed according to the schedule. He or she ensures that the board is represented at appropriate points in the process.

*Ensure assessment of needs.* The chair makes certain that the board assesses what the district needs from the new CEO in terms of specific leadership skills, and establishes clear expectations for the new person. He or she helps the board focus on these priorities and needs throughout the process.

*Communicate with screening/search committees.* The board must communicate what they are looking for in a CEO to the consultant and any screening and/or search committees. The chair maintains ongoing communication.

*Work closely with consultant.* The board chair often serves as the primary contact with the person hired or appointed to facilitate the search and selection process.

*Ensure that interviews are thoughtful and conducted professionally.* The chair ensures that interviews are thorough, fair, revealing, and conducted with courtesy. The consultant helps the board in this process, but it is up to the board chair to represent the district.

*Ensure reference information is considered appropriately.* Although the consultant or other designees do the reference checks, the chair ensures that they are thorough, the information is presented fairly, and the board considers it in a thoughtful fashion.

*Facilitate the discussion of who to select.* The board chair keeps the discussion of who to select on track. He or she may start the discussion by reviewing the criteria and expectations that the board established as most important. The chair helps prevent discussions from focusing on attributes that are irrelevant to the selection. He or she seeks consensus on the selection and pledges of support from all of the trustees for the new person.

*Oversee contract negotiations.* The board chair, a trustee, or other designee may oversee or conduct the contract negotiations with the selected candidate. The board should have established general parameters early in the process, but it is often necessary and wise to fine-tune the contract with the person who is offered the job. The board chair oversees that process and may speak for the board within the limits established by the board.
Announce, welcome and provide ongoing support to the new CEO. Now comes the exciting part – announcing the selection and ensuring that it is publicized to the college and community. The chair assures that appropriate welcoming events are held, the CEO is introduced to key community leaders, and that the CEO is oriented to and has the ongoing support needed to learn about the district and the specific demands of the position. Board chairs may wish to meet with new CEOs often during the first few months and to be readily available for questions, support, and counsel.
REPRESENTING THE BOARD AND DISTRICT

In order to represent the board and district well, the chair should be knowledgeable about the district, board policy, and external events that affect the college. The chair is often asked to explain, defend, and advocate board decisions and institutional actions, and therefore must have a thorough grasp of the issues. It is important that the chair is willing to promote only board actions and institutional positions, not personal views.

Engaging in representation and advocacy means that the chair may spend additional time attending conferences and meeting with community leaders and legislators. He or she should be available to participate in activities in which the board’s voice will help further the interests of the college.

To fulfill this role, the chair must be willing to spend the time to become informed. He or she may meet with the chief executive, public relations officer, or other administrators to be briefed on issues. The chair should be prepared to talk with civic leaders, legislators or the media. It is important to know how to handle questions or challenges gracefully, succinctly, and knowledgeably.

The board chair also has a number of important ceremonial duties, which are among the joys of the position. Almost all trustees attend graduation and may attend district and college plays, sporting events, and special programs. However, board chairs often are called on to represent the board at certain activities, including opening days, convocations, and other college-wide events. Participating in these events is an excellent way to learn about the district, show support for its programs and services, and learn about the quality of the faculty and staff. Trustees’ presence is always noted and appreciated and a good board chair will ensure that all trustees are involved as time permits.

In addition, the board represents itself well when members, particularly the chair, promote the college in the community. The chair may go with the president to garner support from potential donors, local officials, or community groups. He or she should be seen as a strong booster for college causes. The district gains when the chair is able to speak on behalf of the college at community organizations and service clubs and with business leaders. Therefore, board chairs should have good public relations and speaking skills.

Board policy or procedure statements should define protocols for trustee contacts with the media and community leaders that address who speaks for the board under what conditions. All trustees are expected to uphold board decisions when contacted. Contacts from media are usually referred to the CEO’s office or board chairs, depending on the questions or contacts. Crises and other complex situations are almost always the responsibility of the CEO or his or her delegated staff.
RUNNING EFFECTIVE MEETINGS

The board chair presides over board meetings. Because this is the most public and consistent responsibility of the chair, it may be the most important to perform well. Effectively run meetings reflect favorably on the board and institution. Board chairs must know how to encourage and facilitate productive discussion, handle disruptive behavior, and use basic parliamentary procedures.

Effective Meetings

The characteristics of effective meetings are:

- They start and end on time.
- The rules for participation are clear to board members, staff, and the public. They are reviewed at the beginning of the meeting and are included in the written agenda.
- There is sufficient time to discuss major issues. People do not feel overly rushed or silenced.
- Discussion is kept to the point. People do not feel their time is abused by discussion that is irrelevant or overly redundant.
- The agenda is not so full that the meeting will be overly long. It is well planned and issues can be addressed in the time allocated for the meeting.
- The agenda items provide sufficient, succinct information. Board members and the public trust that the decisions the board makes are well informed.
- The agenda items clearly state what is expected from the board members.
- People who wish to speak are able to do so within reasonable limits.
- The chair is pleasant, fair, and even-handed in running the meeting.

The length of a meeting depends on what type of meeting it is. Regular business meetings may last an hour or two. Meetings that involve a great deal of discussion and board interaction, such as study sessions, may be longer. Meetings or workshops that require over three hours should include meaningful breaks (including refreshments)—it is difficult for people to participate effectively in long discussions without a break or two.

Different types of board meetings have different goals and may require somewhat different leadership on the part of the board chair.

Business meetings are the most common type of meeting—boards must hold a business meeting at least monthly (Education Code 72000(d)). The purposes of business meetings are to take action on items that require board action, discuss issues for which future board action may be required, provide an opportunity for public input, and receive sufficient information to enable the board to perform its duties.

Closed sessions may be held for the specific purposes established in the Brown Act. The closed sessions are limited to trustees and others (i.e. staff, attorney) who are required for the discussions. The board may address only those items that are listed on the closed session
After closed sessions, the board must reconvene in open session to make the disclosures required by the Brown Act.

Study sessions, workshops, and retreats are held whenever the board wishes to explore or learn about an issue in depth without taking action. The discussion is generally more informal than in business meetings. A wide range of topics are addressed, such as budgets, strategic and master plans, accreditation, college programs, community trends, major initiatives, bond elections, foundations, facilities, board self-evaluations, and annual goals.

Such discussions educate the board about the college and community, assist the administration in preparing items for future board action, and strengthen the board’s performance. They foster more informal and open discussions than business meetings do, and allow board members to get to know each other better.

The board chair usually facilitates study sessions, while retreats (which tend to be longer and focused on planning and board operations) are often facilitated by a third party so that the chair may participate fully.

Community forums and planning retreats. From time to time, the board may wish to enter into broad policy or strategic discussions with community members and the college leadership, generally related to future planning and long-range goal setting. These meetings are more open-ended and exploratory than a study session. Other terms for them include strategic conversations, community conversations, visioning, and “future searches.” All participants in these workshops are involved in discussions, but the sessions are usually facilitated by staff members or external consultants who are skilled in running these types of meetings.

Even though the board chair plays different roles in each of the above, the chair is responsible to ensure that alternatives are explored, diverse views are considered, and that the process is efficient and orderly.

Tasks for the Chair
Running effective meetings requires preparation. Board chairs need to understand the agenda items and know the background and issues. They should talk with the CEO about potential questions, pitfalls, and options. They need to know how to facilitate discussion, move items along, and handle problems and then reach closure.

The chair’s responsibilities during the meeting are:

- Call the meeting to order at the time set.
- Clarify the procedures and times for members of the audience to address the board. A good practice is to assure that public remarks are addressed to the chair, not to staff or other trustees.
- Follow the agenda; clarify what is under consideration and what is being voted on at all times.
- Ensure that debate is confined to the merits of the question and that personal attacks are not allowed.
- Formalize decisions by acting on motions or other official methods of determining consent.
• Ensure all ideas are heard; asks that no one speaks a second time on a subject until all board members who wish to speak have done so.

• Deal firmly with disruptions, whispering, or other commotion, as well as with frivolous or delaying debate and motions.

• Call for breaks at appropriate times.

• Talk no more than necessary. Robert’s Rules for large groups calls on the chair to yield to the vice president to chair the discussion when he or she wishes to speak on an issue. This rule doesn’t apply to small groups such as community college boards; however the chair is primarily responsible for process and should take care not to dominant discussion.

• Remain calm; deal fairly with all sides regardless of personal opinion.

Board chairs ensure that the discussion is productive and focused on the appropriate topic. The chair’s primary responsibility during discussions is to remember what the motion or purpose of discussion is and to encourage contributions that are relevant to the motion. Parliamentary procedures as well as the tasks listed above provide excellent guidance.

In addition, the following guidelines may help chairs maintain control of discussions and handle difficult situations.

• Model courteous, business-like behavior. Use titles and last names.

• State the rules for participation at the beginning of each meeting, e.g.
  » Public input is welcomed, within time limits and at the designated time.
  » Discussion should be respectful and civil.
  » People should not interrupt each other, although time limits will be enforced.
  » Discussion should stay on the topic.
  » All comments should be directed to the chair.
  » The board will not engage in debate with the public.

• When someone talks on unrelated issues, either ask how their statement relates to the topic under discussion or remind everyone what the topic is. Do not allow discussions to get sidetracked into other issues—refocus the discussion to the topic at hand.

• Use the principle that no one should talk a second time until all others who wish to have spoken. It helps prevent one person from monopolizing discussion.

• If contributions become redundant, ask if there are any new perspectives or statements to add. If not, call the question or move to the next agenda item, as appropriate.

• Listen politely to audience member comments, thank them, but do not engage in discussion or debate. Briefly indicate how requests for information or action will be handled.

• Refer requests for additional information or institutional response to the CEO.
**Meeting Agendas**

Generally, the CEO consults with the board chair in the development of meeting agendas. The CEO and board chair may meet to review a draft agenda or a draft may be sent to the board chair for comment. The chair assures that agenda items reflect the business of the board, provides advice on the timing of items, and suggests background information that might be needed.

Boards generally have policies or standard practices on how to handle requests from the public, trustees, and staff members to place something on the agenda, and chairs should be very familiar with how different requests are handled. Requests from trustees for agenda items are generally directed to the CEO, board chair, or both. Requests from staff and the public should be directed to the CEO's office. The CEO and board chair should ensure that requests are addressed at the appropriate time and meeting, and that there is sufficient staff time to prepare background information.

Prior to the meeting, the chair reviews all of the agenda items with the CEO, and is familiar with pertinent issues. The chair often depends on the CEO for support during the meeting on handling various situations, answering questions, or providing background on a topic for discussion. The CEO is in an excellent position to observe the dynamics of the meeting and provide an objective perspective.

The chair should clearly state what is expected from the board in addressing each agenda item. The item itself should clearly state what is needed from the board.

*Consent agenda.* The consent agenda contains all routine items that require board approval or ratification. For the most part, these are actions that the board is legally required to take but are routine or in areas in which the board has delegated significant authority to the CEO. They usually include approval of warrants, personnel actions, and contracts.

All items on the consent agenda are moved in one motion. Any trustee may request an item to be removed from the consent agenda to be addressed separately.

*Action items.* Action items require the board to act. They almost always include a staff recommendation for board action. The item may also include reference to the board policy or law that mandates board action, background information on the issue, and pros and cons of alternatives, if any.

Board action may include postponing the item for consideration at a future meeting. The board may feel it needs more information or that the issue is so controversial that more study is required. Or, it may direct the item back to the CEO to decide within the district’s decision-making process.

*Discussion items.* Discussion items seek board input and comment. Topics may include those that may require board action in the future and those where the staff wishes to explore alternatives and issues with the board prior to preparing a recommendation. Examples are budget hearings, possible new construction, bond elections, plans for major new programs, and community and state policy changes that affect board policies. Study sessions are often scheduled to address these types of issues.

*Information items.* Information items ensure that the board has the information it needs to govern wisely and provide future direction to the CEO. They address a wide variety of topics, including updates from college constituent groups, progress reports on new initiatives,
reports that enable the board to monitor college progress and adherence to board policy, and information about regional, state, and national issues affecting the college. Information items may or may not generate discussion.

**Legal Considerations**


- **Open and public deliberations.** All meetings, except as provided in the Brown Act, must be open and public. A “meeting” is defined as a congregation of a majority of the board members (there are exceptions for attendance at social and ceremonial events, conferences, and community meetings). Developing a collective concurrence by any means of communication (including e-mail, phone calls, etc.) outside of a public meeting is prohibited.

- **Closed sessions.** Closed sessions may be held only for specific purposes (most notably personnel, contracts negotiations and lawsuits), and discussion may address only those items.

- **Special and emergency meetings.** Under certain circumstance, the board may call special and emergency meetings. Board chairs should be familiar with the criteria for and constraints on those meetings, when called.

- **Board meeting agendas.** There are numerous requirements related to properly posting meeting notices and setting meeting agendas. The chair is responsible for the board adhering to the provision that the board may discuss only items that are on the agenda at meetings. (There are a few narrow exceptions—consult legal references or counsel.)

- **Public participation.** Public members have the right to speak on any board agenda item and on any topic, so long as the topic is within the subject matter jurisdiction of the board. The board may adopt policies that place reasonable limits on public participation. Board chairs should be familiar with and routinely enforce the board’s regulations, particularly time limits. It may be helpful to ask the recording secretary to use a timing device that signals when time is up. Enforcing time limits only in difficult situations opens the board up to accusations of being unfair.

- **Maintaining proper decorum.** The board has the right to remove persons from a meeting who willfully interrupt proceedings. The board should have policies that establish rules for decorum and the process for removing disruptive people. The chair should enforce those rules fairly and equitably.

- **Responding to public comment.** While public members can talk about anything within the subject jurisdiction of the board, the board cannot act on or discuss items not on the agenda. The board may only respond briefly to public questions or comments, and the chair should monitor the responses.
Parliamentary Procedure
Parliamentary procedures or other rules of order provide guidance for running meetings. A common reference is Robert’s Rules of Order\(^1\), primarily designed for large group assemblies. Other guides address small groups, including Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century, by David Rosenberg, published by League of California Cities, or The Modern Rules of Order by Donald Tortorice. The National Association of Parliamentarians, the League of Women Voters, and other associations provide resources, and references can be found by perusing bookstores and websites.

The purposes of parliamentary procedure and other rules are to allow everyone to be heard and make decisions with the minimum of confusion. The rules are designed to foster democratic decisions, protect people’s rights, and ensure a fair hearing on all sides of an issue.

Parliamentary procedure is meant to help, not hinder the flow of a meeting. The procedures should be adapted to fit the needs of any organization. Boards may determine under what conditions they will use certain rules. Boards that consist of a dozen or fewer members are defined as “small groups” in Robert’s Rules, and the rules of order are more informal for them. Many community college boards follow these rules.

Specific rules and procedures that boards adopt take precedence over Robert’s Rules or other references. The chair should be knowledgeable about these rules and related board policies and have copies available for reference at the board meetings. It is helpful to reinforce the rules from time to time by briefly reviewing them at the beginning of a meeting. It is particularly important to do so at a meeting where significant public participation is expected or there are controversial items on the agenda. Productive discussion and debate requires fair application of rules.

Using parliamentary procedure or similar rules requires the chair to:

- Retain control of the meeting at all times.
- Clearly explain the rules, options of the board, and reasons for his or her actions.
- Keep things as simple as possible.
- Advise the board on wording of motions and the best way to proceed to avoid needless complications.
- When in doubt, respect the wishes of the majority, protect the minority and do what seems fair and equitable.

Common Parliamentary Procedures
Parliamentary procedure is comprehensive and covers a wide variety of situations. However, most board business is addressed using a few procedures, which are highlighted below.

- Voting. Voting in small groups is usually by voice votes. A member of the board may request a roll call vote. Small groups may take action by consensus rather than by a

formal vote; e.g. “If there is no objection, the meeting is adjourned.” (Note: state law identifies a few instances when roll call votes must be taken, and when a supermajority is required).

- **Make a motion.** In large groups, there must be a motion on the floor in order to have discussion or debate. Small groups may discuss issues prior to motions being made. When a motion is made, the chair should repeat the motion prior to discussion and again prior to calling for the vote.

- **Second a motion.** Seconding a motion indicates support for discussing another member’s motion. It prevents spending time on an issue that only interests one member. Not all motions require a second—Robert’s Rules identifies a number of such motions, such as a point of order or request for information. “Small groups” may dispense with requiring a second.

- **Discuss a motion.** For the most part, motions are discussed and debated by the board. (Parliamentary procedure identifies specific motions that are not debatable.) In large groups, debate and discussion occur only after the motion has been made, seconded, and repeated by the chair. The chair monitors the debate and enforces time limits. The person who makes the motion speaks first but may not speak again until all other speakers are finished, and there are limits on the number of times a member can speak to a question.

In small groups, informal discussion of a subject is permitted without a motion pending. There may not be any limits on the number of times a member can speak to a question, and motions to close or limit debate are generally not entertained.

- **Amend a motion.** Amendments may be offered to the motion by striking out and/or inserting words. There are a number of motions that, according to parliamentary procedure, may not be amended, such as to end debate or to request information. A motion to amend requires a second and is then discussed and voted on prior to addressing the main motion.

- **End debate.** Usually, the chair ends the discussion and calls for the question when all those who wish to speak have done so within the rules. Parliamentary procedure for small groups discourages motions to end debate. When discussion is complete, the chair repeats the motion to be voted on and calls for the vote.

- **Table a motion.** The motion to table an item is used to lay something aside temporarily to take care of a more urgent matter. This action should not be used to postpone indefinitely, postpone to a certain time, or kill an item; the item should be addressed at the same meeting. After other business is transacted, a member may make a motion to take the item from the table.

- **Postpone to a certain time.** A motion to postpone to a certain time is used to postpone action to a later time or meeting, and the item is then taken up at that time.

- **Postpone indefinitely.** A motion to postpone something indefinitely is used to dispose of a motion without making a decision for or against the issue.
• **Call an intermission.** Any member may make a motion to call for intermission, which in large groups must be seconded, may be amended, and is not debatable prior to the vote. In small groups, a second is not required.

• **Avoid considering an improper matter.** Board members may move to object to considering a matter if they believe it improper to do so. Improper matters or motions include those that violate board rules or laws or conflict with previously adopted motions.

• **Request information.** Members may say “point of information” when they need specific information about a motion.

• **Give closer study of something.** If additional information or consideration is needed, a motion may be made to refer the topic to a committee or to staff for further study. If seconded, the motion is then discussed and acted on instead of the main motion or amendments.

• **Reconsider a motion.** A member who voted on the prevailing side of a motion may move to reconsider the vote. This motion is used to permit correction of erroneous action or to take into account new information or a changed situation.

• **Act on a committee report.** Recommendations contained in reports from board committees do not require a second.

• **Protest breach of rules or conduct.** Any member may “rise to a point of order” to identify when the board’s rules are being violated. The chair responds—there is no debate or vote on the action.

• **Adjourn the meeting.** The meeting may be adjourned without a motion or by action of the chair at the point in the agenda specified for adjournment or when all business has been dealt with. Otherwise, adjourning the meeting requires a motion.
CREATE A POSITIVE, PRODUCTIVE CLIMATE

Because of their public role, responsibility for presiding over meetings, and leadership influence, board chairs have the power to foster effective teamwork through creating a positive climate, or alternatively, to harm the board and district.

A “positive climate” is one in which people feel free to share ideas, be innovative, and learn. They feel obligated to do so in a way that is respectful of others’ ideas, efforts, and opinions. Each person feels that his or her contributions are important. As an effective team, all board members and staff are dedicated to the success of the institution.

Board chairs help create a positive climate in any number of ways. Board chairs ensure that board discussions advance the mission and vision of the college. They work with the CEO to create board agendas that focus on student success and the future of the college. They are willing to facilitate “courageous conversations” that explore how well the college is succeeding in helping students reach their goals. They model support for the staff and constructive monitoring of performance, rather than looking for things to criticize or berating people when things go wrong. They ask tough questions in a supportive manner that seeks improvement, not blame.

Board chairs help create a positive climate when they are encouraging, supportive, respectful and appreciative of people’s contributions. At board meetings, they act as “host” and welcome other board members, college staff, and members of the public.

They are enthusiastic about the district and praise its accomplishments. They remember to publicly thank other board members, the CEO, administrators, faculty, and staff for their contributions.

Board chairs never use the position to pursue a personal agenda or run roughshod over the board process. They do not substitute their opinion for board-adopted positions. They express their differences civilly and politely. They focus on issues, not personalities.

Board chairs also create a positive climate by upholding the board’s responsibility to expect the most from the CEO and other staff members. They ensure that the board and CEO take time each year to evaluate and update annual goals and objectives that help further the district’s strategic goals. They help clarify what board leadership and support is needed in order to achieve the goals.

Board chairs help create an effective team by ensuring that the board engages in self-evaluation. If a board is willing to look at how it operates and what it can do to improve, it sets a tone for the entire district for ongoing assessment and improvement.

The chair is also responsible for ensuring that trustees are aware of and uphold the board’s code of ethics. Accreditation requires each board to have such a code and to have a policy on what to do to address ethical violations. It is usually the chair’s responsibility to address possible ethical problems. If there are legal ramifications, the chair works with the CEO to seek legal counsel.

The chair must work directly with trustees who are being disruptive or are not contributing to the board as a unit. The board chair must occasionally remind board members of appropriate trustee behavior. This action requires tact and courage, but it is essential for an effective board.
BUILD A STRONG BOARD/CEO TEAM

One of the essential principles of effective governance is that the board only has authority as a unit. Strong, effective units result from strong, effective teamwork. A team is a group of people with diverse skills and contributions who are working toward a common goal.

Effective board teamwork is characterized by clear purposes, recognition of the strengths of each member, norms or rules for behavior that are supported by all, and a group commitment to accomplishing the board’s work.

Becoming an effective team involves four stages. First is the “forming” stage when team members come together as a team. Every time there is a new trustee or a new CEO, the board/CEO team goes through a “forming” stage to integrate the new members onto the team. The second stage is the “storming” phase when rules, norms, and goals are clarified and negotiated (or renegotiated). The board chair leads boards through this phase by identifying expectation, facilitating discussion, and helping achieve consensus to get to the next phase. Dysfunctional boards may be stuck in this phase because members disagree on rules or norms.

The third phase is the “norming” phase, when all team members come to agree on and support the rules and norms. The fourth phase, “performing,” is when all trustees and the CEO are working collaboratively toward the common goals and mission.

Chair as Team Leader
The chair is responsible for the effective functioning of the board as a team. He or she is responsible to:

- Clarify and affirm the purposes and “rules” for behavior.
- Monitor board dynamics and work to make them effective.
- Foster communication among board members and with the CEO.
- Respect and foster a sense of inclusiveness for each member.
- Clarify and uphold the value of the “board as a team.”
- Help the board and CEO focus on common goals.

The chair is alert to the following potential problems and takes steps to address them:

- Conflict between members of the board or between trustees and the CEO and other key leaders.
- Processes and protocols for board work that are unclear or are not understood.
- Unclear roles or uncertainty about the authority and responsibilities of officers, trustees, the board as a whole, and the CEO.
- Uncivil or disrespectful behavior by trustees or the CEO during board meetings and in other communications.
Managing Conflict
Conflict is inevitable. It results from diverse views, different perceptions, different values, and different preferred outcomes. It also results from miscommunication and lack of understanding or willingness to hear other views. When it is managed well, it is healthy, adds energy, and may foster innovation. When conflict results from poorly defined processes or is managed poorly, it may harm the board and institution.

It is the responsibility of the board chair to manage conflict. Where there are significant disagreements or “split” boards, chairs need excellent conflict resolution skills to prevent discord from harming the work of the board.

Managing conflict depends on good will and civil behavior. It relies on understanding the various perspectives and striving for common ground. Community college board members almost always have some compatible interests, even though there may be incompatible positions. Virtually all trustees are ultimately interested in the success of the college in educating students, even though they may have different perceptions about what that means.

The steps in managing or resolving conflicts are:

- **Clarify issues and perceptions.** What are the major issues that are important to the various parties? How do they perceive the situation? What are the similarities and differences in their perceptions? Sufficient time should be allocated for all to feel they have fully expressed their point of view.

- **Strive for understanding.** What are the perceptions based on? What information and experiences influence their positions on the issues? Additional information may be needed to clarify issues.

- **Focus on reasons, not emotions.** Conflict cannot be resolved without recognizing the emotional or ego attachment people have toward issues. People may first need to express their feelings and concerns without debate. Feelings are not “wrong” although expressing them in hurtful ways is. However, ultimately conflict is resolved through finding rational, common ground. What are the reasons people have for their positions? What are the goals that people want?

- **Explore alternatives.** Are there alternatives that allow all parties to achieve at least part of their goal? What are the common issues, interests and goals that can help resolve the conflict?

- **Take a break or table items if necessary.** If emotions are high or it appears that there is a stalemate in the discussion, it may be useful to take a break to allow tensions to ease. Recessing the meeting for a time provides an opportunity for people to individually reflect on other points of view without having to defend their own. If possible, it may be useful to table or postpone controversial items in order to allow time for more reflection or research.

- **Use common sense and a sense of humor.** Conflict should be viewed as a problem-solving process, not a contest. It is more important to solve a problem in such a way that the college and students “win,” than it is to create a situation where trustees and the CEO are winners or losers. It may be appropriate to remind people of what they have in common and what the most important values are. Humor may carefully be used to defuse tempers.
• **Make decisions fairly.** Making and upholding decisions is easier when conflicts can be resolved and people feel they have been listened to. Even when people do not come to agreement prior to making decisions, they will be more likely to support each other when all those involved feel like their opinions were respected and considered. The chair helps reduce rancor by ensuring fair, civil discourse and decision-making processes.
BOARD EDUCATION

Boards that are engaged in their own learning foster an environment for learning in their institution. The Accrediting Commission (ACCJC) standards require boards to have a program for trustee and board development.

Board Chair Tasks

Board chairs have a number of responsibilities in planning and encouraging participation in trustee education activities. The chair:

- ensures that the board identifies goals and activities for trustee and board development;
- welcomes new trustees and participates in their orientation;
- helps plan board retreats and study sessions for the board;
- encourages all trustees to attend conferences and seminars;
- uses evaluations of past trustee development activities in planning new activities;
- participates actively in trustee education activities;
- works with the CEO to ensure the board is informed of educational opportunities and receives or has access to educational materials; and
- ensures that the CEO provides information to candidates for the board and is involved in orienting new trustees.

Board and trustee education needs to be flexible because no one strategy can meet all of the needs on the board. Trustees have different desires, goals, learning styles, and time constraints. Ongoing board education programs for trustee education not only include activities that involve the board as a whole, but they also accommodate individual needs and desires. A comprehensive trustee education program may incorporate any or all of the following approaches:

- **Candidate Education.** Learning about trustee roles and responsibilities starts when individuals are recruited for or indicate an interest in becoming board members. The chair may participate in meetings with candidates and ensures they have information they need.

- **New Trustee Orientation.** New trustees need to become knowledgeable about their policy roles and responsibilities and the history, programs, and culture of the colleges they govern. The chair plays an essential role in welcoming the new trustee and often is a key player in the orientation process. The chair can be influential in encouraging new trustees to attend state and national conferences to learn about their role.

- **Conferences.** Association conferences are major learning opportunities. They provide a chance to discuss important educational policy issues, hear about what other boards and colleges are doing, learn more about effective boardmanship, and network with other trustees and college leaders. Chairs often are more likely to attend conferences to ensure they are up to date on important issues. They encourage other trustees and the CEO to attend. Information about events for California trustees is on the League’s website: www.ccleague.org.
• **Reading and Internet Resources.** There is a significant amount of reading available about trusteeship in periodicals, books, and on the internet. College and district documents are an important source of information for all trustees. Board chairs may identify important resources and encourage others to read and study them.

• **Retreats and Study Sessions.** Retreats and study sessions are valuable strategies for board development. They allow all members and other key players time to explore and discuss issues in depth. The board chair is instrumental in identifying the need for, planning, and often facilitating these types of meetings.

**Evaluating Trustee Education Activities**

Evaluating the effectiveness of board development helps determine future activities. Were study sessions helpful? What conferences are the best uses of district funds? What books or other resources provide the best information? The chair ensures that activities are evaluated and that the evaluations are used to improve trustee education. Evaluation may be formal or informal and may be separate from or part of the board’s self-evaluation process.
SITUATIONS AND SCENARIOS

As the leader and most visible official of the board, the chair has responsibilities in specific areas and may face interesting challenges. This section covers a wide variety of other circumstances in which the chair plays a particular role. A few situations, such as hiring a new CEO, were covered earlier, but this section expands on previous topics and adds others. In all cases, the board chair should work closely with the Chancellor or Superintendent/President to clarify responsibilities and develop an appropriate plan or response to a situation.

The board chair represents the board and the board/CEO partnership, and his or her actions or statements reflect on the group. The CEO is consulted and depended on for professional advice. Communication and/or discussion with other members of the board in a public session may be important to ensure a collective response.

Mission Focus
Many routine issues, legal activities, agenda items, reports, and events can consume board time. A board chair can be very helpful in keeping the board focused on the district's effectiveness on the district in fulfilling the mission, achieving student success, and maintaining fiduciary strength, three primary responsibilities of board governance. He or she can help trustees think about future community and student needs at the “30,000 foot level” of policy. The chair can encourage the board to adopt a spirit of inquiry and engage in thoughtful, supportive discussions when reviewing data on institutional effectiveness. The chair can work with the CEO to ensure that reports to the board focus on policy issues and that data is presented in such a way to inform policy making and evaluation.

Involvement in Accreditation
Community colleges in California must undergo accreditation review every six years, which involves an institutional self-study. Boards are involved in the following ways: self-evaluation of the standards that apply to governing boards, being informed about the process, reviewing the self-study report, and ensuring the college responds to issues raised in the accrediting team’s report.

The board chair certainly should be knowledgeable about the standards that apply specifically to board governance, and help the board understand and adhere to those. He or she also works with the CEO to ensure that the board is appropriately involved and informed in the self-study, including contributing to the section on the governing board. When the board signs off on the self-study report, it is affirming that the report is accurate and thorough.

The Accrediting Commission believes that effective board governance is the board’s responsibility and expects that board chairs are willing to address governing board or trustee issues that violate standards.

Receiving the Audit
Community colleges are required to have an independent audit. The Board hires the auditing firm through an open bid process, and usually has a multi-year contract with the firm. The CEO manages the audit process, but the annual audit report is to the board. It is the board’s responsibility to understand and accept the audit and ensure that the district responds appropriately.
Many boards have an audit committee to review the report and make any recommendations for board action. The board chair may appoint the committee, ensures that the audit report is presented to the board and that the board understands it and directs the CEO to respond appropriately.

**Board Committees**

Boards may have both standing and ad hoc committees, which should be designed to assist the board in doing its work. The board chair is usually responsible for appointing people to the committees, seeking volunteers. Appointments usually take into consideration trustees’ interests, time, and knowledge; a wise chair ensures that all members have equal opportunity to participate on committees should they desire. The chair also helps monitor that the committees fulfill their charge, and stick to policy matters when they make recommendations to the board.

**Crises on Campus**

Crises occur on the campus, including events such as a crime, an accident in which someone was hurt, a bomb threat, an earthquake or fire, a student or faculty protest, or other unexpected happening that requires immediate responses and may draw media attention.

The board chair should ensure that the board is aware of the district’s crisis management plan (there should be one) and that resolving the crisis is in the hands of the CEO. However, the CEO should inform the board chair as soon as possible about the crisis (or the vice chair if the chair is unavailable). The chair should ensure that all trustees are informed. Someone should be assigned to brief the board chair and other trustees about the steps being taken in order that the board can respond well to questions from the media and community members. In most cases, all media questions will be referred to a contact person (such as the public information officer).

*(See the chapter on this topic by Gary Davis in ACCT’s The Board Chair, A Guide for Leading Community College Boards, published in 2002).*

**Responding to the Media**

Board chairs are viewed as spokespersons for the college, and are likely to be called by reporters or others for comments about college activities and issues facing the college. The questions can be about positive events, such as receiving state funding to build a new library or awards won by college programs or staff. Media representatives also may call the chair for reactions about negative events, such as a controversial decision made by the board, a crime that occurred on campus, a grand jury report questioning a college practice, or a report of financial problems.

Boards and CEOs should have protocols for communicating with the media that are clearly understood and supported by all board members. They should also have communication systems that assure that board members know about events that may prompt media questions.

When discussing issues that might hit the media, the board chair and the CEO should explore and agree on possible responses if reporters contact the chair. Specific responses depend on the situation and relationship with the media but may include:

- Referral to the appropriate district spokesperson, such as the CEO or public information officer.
• Assurances that a complaint will be addressed or studied at the appropriate level (by the board or by college staff).

• Appreciation for college staff members for their quick response to issues or for their efforts that created positive events, and references to college accomplishments.

• Reports of thorough study and actions taken by the board in public meetings.

• Information about future board meetings where the issues may be addressed and an invitation to the media to attend meetings.

Public Request for the Board to Address an Issue
Members of the public may place items on board meeting agendas either prior to the meeting or at the board meeting itself. Board chairs should be thoroughly familiar with related district policies and procedures. The policies and procedures should include: 1) the process and guidelines for members of the public to place items on the agenda prior to the meeting; 2) processes for the public to comment on items on the agenda and to raise issues during the “public comment” portion; and 3) reasonable limits on public participation.

If the request is to have the item on the agenda of the future meeting, there are a number of options. The item may be placed on the agenda and spoken to only by the member of the public. Alternatively, the chair and CEO may agree that they will place the item on the agenda as a board or staff item, and address it accordingly.

The board chair is responsible to:

• Ensure that members of the public that wish to place an item on the board agenda prior to the meeting are aware of the process for doing so; refer them to the appropriate office.

• Be familiar with Brown Act laws and board policies on public comment and decorum.

• At board meetings, state the rules for public participation at the beginning of the meeting. The rules may include the need for the person to make a written request, time limits on speaking, and rules for decorum. Chairs may want to remind the public that the board cannot address topics that are not on the agenda.

Public Hearings
Colleges are part of their communities, and there are times it is important to hear from people in the community on a particular issue. For instance, a college may plan to construct new buildings, expand its parking lots, or add outdoor lighting—all of which may impact those who live close to the college or are of concern to environmental groups. The college may wish to hold hearing on proposals to delete or add certain programs, such as dropping a sport or an academic or vocational major, or considering adding childcare.

Public hearings require the chair and board to ensure that the public receives appropriate information, and that the public has an opportunity to be heard and the hearings are conducted well. The chair assures that the board and CEO work together to work with leaders of concerned groups, clarify the background information required by the board, and determine the format for the hearing.
The chair helps ensure that all trustees are aware of protocols on responding to public questions and comments. The chair conducts the public hearing in accordance with the board’s rules on public participation and meeting procedure.

Handling Attacks and Disruptions at Meetings
Board meetings are an opportunity for the public to comment on college issues. While most comments are positive, occasionally, members of the public as well as college employees will be disruptive and/or attack the board, CEO or administrators for decisions. Attacks can address any number of topics, including personnel decisions, negotiating positions, program changes, course content and teaching style, and so on.

The chair is responsible to ensure that meetings are conducted in an orderly manner, public comment is allowed within the legal and board policy limits, and that the board acts appropriately. Considerations in handling disruptions and attacks include:

- Consult with the CEO to identify agenda items or issues that may be subject to attack.
- Be thoroughly familiar with laws and policies that constrain the board’s response to public comment. (For instance, the board may not address issues not on the agenda. The board cannot discuss personnel issues in a public meeting. The board may not prevent someone from attacking an employee.)
- Establish and clarify the board’s policies on public comment and decorum, including time limits for comments and when someone may be declared out of order. Politely but firmly enforce the policies.
- Do not hesitate to recess the meeting if necessary.
- Be prepared to ask those who are disruptive to leave (according to policy). Call on security personnel as necessary.
- Listen respectfully to the public but do not engage in (or allow other trustees or the CEO to engage in) discussion with those who are commenting. Thank the people for their comments and move to the next agenda item.
- If relevant and appropriate, clarify relevant board policy and educate the public about board roles in making policy and delegating authority. Explain the background to board decisions, if necessary.
- Support the CEO’s decision when authority to make the decision was delegated to the CEO by the board.

If the board has made a decision, members will want to consider carefully the pros and cons of reconsidering their decision. Reconsider only if there is new background information. Uphold decisions that the board has made that are in the best interests of the entire district.

Violations of the Codes of Ethics
Boards are required to have a policy and procedure on what to do when trustees violate the board’s code of ethics. A number of the scenarios in this section reflect violations of ethical codes.
Chairs are the first point of contact to try to correct the situation. If there are legal ramifications, the CEO and board chair should work together to consult legal counsel. Tact and courage are required to address such violations; in most situations, assuming good intentions is a good place to start. The conversation should include the benefits of following ethical behavior and the harm that unethical behavior does to the board and district. If additional steps must be taken, up to and including public censure of the trustee who is violating the code, the board chair oversees the process.

If the board chair has engaged in unethical practices, the responsibility to address the issue falls to the vice chair or senior and respected member of the board.

Problems among Trustees

Trustees have many different values, backgrounds and perspectives. These differences can contribute to thoughtful board discussions. However, the same differences can also escalate into personal dislike, disrespect, and attacks.

The board chair is responsible to help trustees avoid the latter behavior. (If the board chair is one of the parties, the CEO and other trustees may step in.) In consultation with the CEO, the chair determine the best approach to take given the personalities and issues. Strategies may include:

- Talk with trustees one-on-one to discuss their behavior and how it can harm the board and therefore the institution. Appeal to their desire to benefit the institution. Ask them to exhibit respect in public and to disagree with civility.

- Arrange a facilitated or mediated discussion between the two parties in order to reach agreement to conduct themselves civilly toward each other.

- Hold a board workshop or retreat to discuss ground rules for behavior or review the board’s code of ethics. Consider using an outside facilitator or consultant. Discuss “treating each other with respect” as a standard of good practice or ethical consideration.

- If disagreements at board meetings escalate into personal attacks, remind the members of expectations for professional and appropriate behavior. Recess the meeting if attacks continue or time is needed to allow tempers to cool down.

Problems between a Trustee and the CEO

A strong partnership between the board and the CEO benefits the institution. Trustees and the CEO should express mutual support in public. Concerns about performance should be shared privately— they are confidential personnel matters.

Although rare, there are times when a trustee dislikes or has little respect for the CEO and expresses that to others in the community and at board meetings, and vice versa. It is the chair’s responsibility to address the problem:

- The chair should meet separately with the trustee and CEO one-on-one to discuss how to respond to the problem and the harm of publicly showing disrespect. The chair should ask the offending party(ies) to act in a more appropriate and positive manner.

- Remind the trustee that specific issues about CEO performance should and will be addressed in the CEO evaluation, which takes place in closed sessions and is confidential.
• In the one-on-one meeting, the chair should listen to the concerns and may wish to help identify what is causing the dislike or disrespect and encourage the parties to improve their communication.

• The rest of the board may ignore a trustee’s criticism of the CEO (thereby signaling that it is irrelevant). Alternatively, the rest of the board may affirm its support for the CEO in meetings and in public statements.

• If the trustee or CEO expresses his or her disrespect at a board meeting, warn him or her that it is not appropriate. Don’t hesitate to address inappropriate board meeting behavior and to request respect and courtesy.

Violation of Closed Session Discussions
Closed session discussions are confidential—only the topic and any action are required or allowed to be reported in public. However, it may come to the attention of the board that college staff or community members know what was said in a closed session, such as when union leaders are aware of the direction the board gave to its negotiator in a closed session. Someone in the meeting may be illegally sharing the information.

Board chairs and CEOs must quickly move to stop this leak. If it is known that a trustee shared the information, the chair and/or CEO should talk with that person about the legal and ethical ramifications of his or her actions. If it was a staff member, the chair should ensure that the CEO reprimands the person. The issue may be agendized and discussed at a board meeting to point out legal constraints and possible consequences for violation.

Disruptive Trustees
Board functioning is enhanced when members are civil to each other and try to work cooperatively together. Problems arise when individual trustees are disruptive in meetings or have hostile or argumentative communication styles. Even though antagonistic trustees may have good ideas and much to contribute, their style may make it difficult for people to listen to them and their contributions are lost.

Options include:

• The chair reminds all trustees of the board’s ethical codes and standards of practice that include respect, tolerance, and willingness to express opinions openly and civilly.

• The chair may be able to help the trustee to moderate his or her behavior by discussing, in a one-on-one meeting, its effect on other board members.

• The chair and CEO may arrange a board retreat or workshop to discuss the importance of working together and accommodating many different styles.

• When disruptive behavior occurs in a board meeting, the chair should address it in an appropriate manner. The chair may ignore it and move on, or remind people of the topic and the rules for conducting the meeting.

Rogue Trustees
Occasionally, a board includes a member who may be classified as a “rogue” trustee, one who runs roughshod over the norms and protocols of the board. He or she may attempt to bully and intimidate other trustees, the CEO and staff members. They place their own interests over the interests of the institution. They may consume a great deal of time and energy from
the CEO and staff. They work against the board and the CEO, rather than supporting and protecting the institution.

Board chairs must address the behavior of the rogue trustee and do what is possible to protect the college, CEO, and staff from harm. *The Rogue Trustee: The Elephant in the Room*, by Terry O’Banion (2009) contains further information and discussion of rogue dynamics and strategies to address the problem.

**Split Decisions**

Boards do not always make unanimous decisions, but once a decision is debated and made, it is the voice of the board and all trustees should abide by it. Usually those who “lost” the vote support the board’s decision. However, occasionally a trustee will publicly speak out against a board decision after it is made.

Board chairs need to address this behavior—a trustee who works against the board harms the institution and his or her own reputation. Sometimes it is appropriate to ignore the behavior. However, when the behavior disrupts the board or the college, the chair should contact the trustee and point out the negative consequences of the disagreement.

The board may determine whether to respond as a board, depending on the nature of the issue and whether the public is receiving misinformation. The board may direct the CEO to ensure that accurate information is disseminated. As a last resort the board may censure a board member for his or her behavior.

**Conflict of Interest**

Conflict of interest laws, as well as ethical considerations, prevent board members from voting on or trying to influence decisions that will benefit them or their family. It may come to the attention of the CEO and/or board chair that an individual trustee is trying to influence staff members or other trustees to take actions that involve a conflict of interest.

If the chair becomes aware of the attempt (either by the trustee in question contacting him or someone else reporting it to the chair), the chair should promptly notify the CEO. If the trustee was trying to influence a staff decision, both the CEO and board should address the issue. If the trustee was trying to influence other trustees to vote a certain way, the primary responsibility lies with the board chair. Conflict of interest laws and policies, as well as ethical considerations should be clarified with the individual. He or she should be asked to refrain from such activity and to excuse one’s self from any votes that might involve a conflict. It is important that all trustees understand that even the appearance of a conflict of interest hurts the image of the board and the college.

**Collective Bargaining**

All trustees, and particularly the board chair, may receive various communications (letters, e-mails, press releases, phone calls, etc.) from employees during negotiations. The communications may seek to inform or influence the trustees outside of the formal process, or even accuse the CEO and district negotiators of not providing accurate information or of bargaining in bad faith.

Board chairs (as well as other trustees) may do the following:

- Remind those who call that board members cannot discuss matters that are subject to negotiations outside of the official negotiation process.
• Inform the CEO of the communications.
• Ensure related budget information is clear and public.
• Ensure rules for negotiating are clear and public.

**Votes of No Confidence**

Rarely, faculty and/or staff members will vote “no confidence” in the chief executive and/or governing board. The votes are often related to contract negotiations or issues of power in the shared governance process, but may also be an expression of disagreement with a decision or direction, or an expression of a real lack of confidence in the CEO’s and board’s leadership. Further information on votes of no confidence is available from the Community College League and ACCT.

The board chair coordinates the board response, if any. Possible responses include:

• no response from the board;
• acknowledging concerns and taking no further action;
• exploring with the CEO the situation leading up to the vote, whether the vote is a negotiating tactic, and which, if any, issues might be addressed. The discussion may take place in closed session if it relates to CEO evaluation, providing direction to the district’s negotiator, or other legal issues;
• voting on a resolution of confidence in the CEO, if the board deems it necessary to make a public statement.

**Summary**

The scenarios described above and other situations require the chair to take extra care to ensure that the board responds appropriately. One of the chair’s first tasks in all situations is to work closely with the CEO and the rest of the board to develop a plan or to respond to a situation. Fulfilling this role professionally and responsibly is essential for maximum board effectiveness.
REFERENCES


Accreditation Standards

(Adopted June 2014)

Introduction

The primary purpose of an ACCJC-accredited institution is to foster student learning and student achievement. An effective institution ensures that its resources, programs, and services, whenever, wherever, and however delivered, support student learning and achievement. The effective institution ensures academic quality and continuous improvement through ongoing assessment of learning and achievement and pursues institutional excellence and improvement through ongoing, integrated planning and evaluation.

There are four Standards that work together to define and promote student success, academic quality, institutional integrity, and excellence. The mission provides a framework for all institutional goals and activities. The institution provides the means for students to learn and achieve their goals, assesses how well learning is occurring, and strives to improve learning and achievement through ongoing, systematic, and integrated evaluation and planning (Standard I). Student learning programs and support services make possible the academic quality that supports student success (Standard II). Human, physical, technology, and financial resources enable these programs and services to function and improve (Standard III). Ethical and effective leadership throughout the organization guides the accomplishment of the mission and supports institutional effectiveness and improvement (Standard IV). Integrating the elements of the Standards gives institutions the means to develop a comprehensive assessment of academic quality, institutional integrity and effectiveness, and a path to continuous improvement.

Standard I: Mission, Academic Quality and Institutional Effectiveness, and Integrity

The institution demonstrates strong commitment to a mission that emphasizes student learning and student achievement. Using analysis of quantitative and qualitative data, the institution continuously and systematically evaluates, plans, implements, and improves the quality of its educational programs and services. The institution demonstrates integrity in all policies, actions, and communication. The administration, faculty, staff, and governing board members act honestly, ethically, and fairly in the performance of their duties.

A. Mission

1. The mission describes the institution’s broad educational purposes, its intended student population, the types of degrees and other credentials it offers, and its commitment to student learning and student achievement. (ER 6)

---

1 The Introduction section and opening paragraphs of each Standard are not intended for citation as standards. They are introductory in nature only.
2. The institution uses data to determine how effectively it is accomplishing its mission, and whether the mission directs institutional priorities in meeting the educational needs of students.

3. The institution’s programs and services are aligned with its mission. The mission guides institutional decision-making, planning, and resource allocation and informs institutional goals for student learning and achievement.

4. The institution articulates its mission in a widely published statement approved by the governing board. The mission statement is periodically reviewed and updated as necessary. (ER 6)

B. Assuring Academic Quality and Institutional Effectiveness

**Academic Quality**

1. The institution demonstrates a sustained, substantive and collegial dialog about student outcomes, student equity, academic quality, institutional effectiveness, and continuous improvement of student learning and achievement.

2. The institution defines and assesses student learning outcomes for all instructional programs and student and learning support services. (ER 11)

3. The institution establishes institution-set standards for student achievement, appropriate to its mission, assesses how well it is achieving them in pursuit of continuous improvement, and publishes this information. (ER 11)

4. The institution uses assessment data and organizes its institutional processes to support student learning and student achievement.

**Institutional Effectiveness**

5. The institution assesses accomplishment of its mission through program review and evaluation of goals and objectives, student learning outcomes, and student achievement. Quantitative and qualitative data are disaggregated for analysis by program type and mode of delivery.

6. The institution disaggregates and analyzes learning outcomes and achievement for subpopulations of students. When the institution identifies performance gaps, it implements strategies, which may include allocation or reallocation of human, fiscal and other resources, to mitigate those gaps and evaluates the efficacy of those strategies.

7. The institution regularly evaluates its policies and practices across all areas of the institution, including instructional programs, student and learning support services, resource management, and governance processes to assure their effectiveness in supporting academic quality and accomplishment of mission.

8. The institution broadly communicates the results of all of its assessment and evaluation activities so that the institution has a shared understanding of its strengths and weaknesses and sets appropriate priorities.
9. The institution engages in continuous, broad based, systematic evaluation and planning. The institution integrates program review, planning, and resource allocation into a comprehensive process that leads to accomplishment of its mission and improvement of institutional effectiveness and academic quality. Institutional planning addresses short- and long-range needs for educational programs and services and for human, physical, technology, and financial resources. (ER 19)

C. Institutional Integrity

1. The institution assures the clarity, accuracy, and integrity of information provided to students and prospective students, personnel, and all persons or organizations related to its mission statement, learning outcomes, educational programs, and student support services. The institution gives accurate information to students and the public about its accreditation status with all of its accreditors. (ER 20)

2. The institution provides a print or online catalog for students and prospective students with precise, accurate, and current information on all facts, requirements, policies, and procedures listed in the “Catalog Requirements” (see footnote). (ER 20)

3. The institution uses documented assessment of student learning and evaluation of student achievement to communicate matters of academic quality to appropriate constituencies, including current and prospective students and the public. (ER 19)

4. The institution describes its certificates and degrees in terms of their purpose, content, course requirements, and expected learning outcomes.

5. The institution regularly reviews institutional policies, procedures, and publications to assure integrity in all representations of its mission, programs, and services.

6. The institution accurately informs current and prospective students regarding the total cost of education, including tuition, fees, and other required expenses, including textbooks, and other instructional materials.

7. In order to assure institutional and academic integrity, the institution uses and publishes governing board policies on academic freedom and responsibility. These policies make clear the institution’s commitment to the free pursuit and dissemination of knowledge, and its support for an atmosphere in which intellectual freedom exists for all constituencies, including faculty and students. (ER 13)

8. The institution establishes and publishes clear policies and procedures that promote honesty, responsibility and academic integrity. These policies apply to all constituencies and include specifics relative to each, including student behavior, academic honesty and the consequences for dishonesty.

9. Faculty distinguish between personal conviction and professionally accepted views in a discipline. They present data and information fairly and objectively.
10. Institutions that require conformity to specific codes of conduct of staff, faculty, administrators, or students, or that seek to instill specific beliefs or world views, give clear prior notice of such policies, including statements in the catalog and/or appropriate faculty and student handbooks.

11. Institutions operating in foreign locations operate in conformity with the Standards and applicable Commission policies for all students. Institutions must have authorization from the Commission to operate in a foreign location.

12. The institution agrees to comply with Eligibility Requirements, Accreditation Standards, Commission policies, guidelines, and requirements for public disclosure, institutional reporting, team visits, and prior approval of substantive changes. When directed to act by the Commission, the institution responds to meet requirements within a time period set by the Commission. It discloses information required by the Commission to carry out its accrediting responsibilities. (ER 21)

13. The institution advocates and demonstrates honesty and integrity in its relationships with external agencies, including compliance with regulations and statutes. It describes itself in consistent terms to all of its accrediting agencies and communicates any changes in its accredited status to the Commission, students, and the public. (ER 21)

14. The institution ensures that its commitments to high quality education, student achievement and student learning are paramount to other objectives such as generating financial returns for investors, contributing to a related or parent organization, or supporting external interests.
Standard II: Student Learning Programs and Support Services

The institution offers instructional programs, library and learning support services, and student support services aligned with its mission. The institution’s programs are conducted at levels of quality and rigor appropriate for higher education. The institution assesses its educational quality through methods accepted in higher education, makes the results of its assessments available to the public, and uses the results to improve educational quality and institutional effectiveness. The institution defines and incorporates into all of its degree programs a substantial component of general education designed to ensure breadth of knowledge and to promote intellectual inquiry. The provisions of this standard are broadly applicable to all instructional programs and student and learning support services offered in the name of the institution.

A. Instructional Programs

1. All instructional programs, regardless of location or means of delivery, including distance education and correspondence education, are offered in fields of study consistent with the institution’s mission, are appropriate to higher education, and culminate in student attainment of identified student learning outcomes, and achievement of degrees, certificates, employment, or transfer to other higher education programs. (ER 9 and ER 11)

2. Faculty, including full time, part time, and adjunct faculty, ensure that the content and methods of instruction meet generally accepted academic and professional standards and expectations. Faculty and others responsible act to continuously improve instructional courses, programs and directly related services through systematic evaluation to assure currency, improve teaching and learning strategies, and promote student success.

3. The institution identifies and regularly assesses learning outcomes for courses, programs, certificates and degrees using established institutional procedures. The institution has officially approved and current course outlines that include student learning outcomes. In every class section students receive a course syllabus that includes learning outcomes from the institution’s officially approved course outline.

4. If the institution offers pre-collegiate level curriculum, it distinguishes that curriculum from college level curriculum and directly supports students in learning the knowledge and skills necessary to advance to and succeed in college level curriculum.

5. The institution’s degrees and programs follow practices common to American higher education, including appropriate length, breadth, depth, rigor, course sequencing, time to completion, and synthesis of learning. The institution ensures that minimum degree requirements are 60 semester credits or equivalent at the associate level, and 120 credits or equivalent at the baccalaureate level. (ER 12)

6. The institution schedules courses in a manner that allows students to complete certificate and degree programs within a period of time consistent with established expectations in higher education. (ER 9)
7. The institution effectively uses delivery modes, teaching methodologies and learning support services that reflect the diverse and changing needs of its students, in support of equity in success for all students.

8. The institution validates the effectiveness of department-wide course and/or program examinations, where used, including direct assessment of prior learning. The institution ensures that processes are in place to reduce test bias and enhance reliability.

9. The institution awards course credit, degrees and certificates based on student attainment of learning outcomes. Units of credit awarded are consistent with institutional policies that reflect generally accepted norms or equivalencies in higher education. If the institution offers courses based on clock hours, it follows Federal standards for clock-to-credit-hour conversions. (ER 10)

10. The institution makes available to its students clearly stated transfer-of-credit policies in order to facilitate the mobility of students without penalty. In accepting transfer credits to fulfill degree requirements, the institution certifies that the expected learning outcomes for transferred courses are comparable to the learning outcomes of its own courses. Where patterns of student enrollment between institutions are identified, the institution develops articulation agreements as appropriate to its mission. (ER 10)

11. The institution includes in all of its programs, student learning outcomes, appropriate to the program level, in communication competency, information competency, quantitative competency, analytic inquiry skills, ethical reasoning, the ability to engage diverse perspectives, and other program-specific learning outcomes.

12. The institution requires of all of its degree programs a component of general education based on a carefully considered philosophy for both associate and baccalaureate degrees that is clearly stated in its catalog. The institution, relying on faculty expertise, determines the appropriateness of each course for inclusion in the general education curriculum, based upon student learning outcomes and competencies appropriate to the degree level. The learning outcomes include a student’s preparation for and acceptance of responsible participation in civil society, skills for lifelong learning and application of learning, and a broad comprehension of the development of knowledge, practice, and interpretive approaches in the arts and humanities, the sciences, mathematics, and social sciences. (ER 12)

13. All degree programs include focused study in at least one area of inquiry or in an established interdisciplinary core. The identification of specialized courses in an area of inquiry or interdisciplinary core is based upon student learning outcomes and competencies, and include mastery, at the appropriate degree level, of key theories and practices within the field of study.

14. Graduates completing career-technical certificates and degrees demonstrate technical and professional competencies that meet employment standards and other applicable standards and preparation for external licensure and certification.
15. When programs are eliminated or program requirements are significantly changed, the institution makes appropriate arrangements so that enrolled students may complete their education in a timely manner with a minimum of disruption.

16. The institution regularly evaluates and improves the quality and currency of all instructional programs offered in the name of the institution, including collegiate, pre-collegiate, career-technical, and continuing and community education courses and programs, regardless of delivery mode or location. The institution systematically strives to improve programs and courses to enhance learning outcomes and achievement for students.

B. Library and Learning Support Services

1. The institution supports student learning and achievement by providing library, and other learning support services to students and to personnel responsible for student learning and support. These services are sufficient in quantity, currency, depth, and variety to support educational programs, regardless of location or means of delivery, including distance education and correspondence education. Learning support services include, but are not limited to, library collections, tutoring, learning centers, computer laboratories, learning technology, and ongoing instruction for users of library and other learning support services. (ER 17)

2. Relying on appropriate expertise of faculty, including librarians, and other learning support services professionals, the institution selects and maintains educational equipment and materials to support student learning and enhance the achievement of the mission.

3. The institution evaluates library and other learning support services to assure their adequacy in meeting identified student needs. Evaluation of these services includes evidence that they contribute to the attainment of student learning outcomes. The institution uses the results of these evaluations as the basis for improvement.

4. When the institution relies on or collaborates with other institutions or other sources for library and other learning support services for its instructional programs, it documents that formal agreements exist and that such resources and services are adequate for the institution’s intended purposes, are easily accessible and utilized. The institution takes responsibility for and assures the security, maintenance, and reliability of services provided either directly or through contractual arrangement. The institution regularly evaluates these services to ensure their effectiveness. (ER 17)

C. Student Support Services

1. The institution regularly evaluates the quality of student support services and demonstrates that these services, regardless of location or means of delivery, including distance education and correspondence education, support student learning, and enhance accomplishment of the mission of the institution. (ER 15)
2. The institution identifies and assesses learning support outcomes for its student population and provides appropriate student support services and programs to achieve those outcomes. The institution uses assessment data to continuously improve student support programs and services.

3. The institution assures equitable access to all of its students by providing appropriate, comprehensive, and reliable services to students regardless of service location or delivery method. (ER 15)

4. Co-curricular programs and athletics programs are suited to the institution’s mission and contribute to the social and cultural dimensions of the educational experience of its students. If the institution offers co-curricular or athletic programs, they are conducted with sound educational policy and standards of integrity. The institution has responsibility for the control of these programs, including their finances.

5. The institution provides counseling and/or academic advising programs to support student development and success and prepares faculty and other personnel responsible for the advising function. Counseling and advising programs orient students to ensure they understand the requirements related to their programs of study and receive timely, useful, and accurate information about relevant academic requirements, including graduation and transfer policies.

6. The institution has adopted and adheres to admission policies consistent with its mission that specify the qualifications of students appropriate for its programs. The institution defines and advises students on clear pathways to complete degrees, certificate and transfer goals. (ER 16)

7. The institution regularly evaluates admissions and placement instruments and practices to validate their effectiveness while minimizing biases.

8. The institution maintains student records permanently, securely, and confidentially, with provision for secure backup of all files, regardless of the form in which those files are maintained. The institution publishes and follows established policies for release of student records.

Standard II: Student Learning Programs and Services
Standard III: Resources

The institution effectively uses its human, physical, technology, and financial resources to achieve its mission and to improve academic quality and institutional effectiveness. Accredited colleges in multi-college systems may be organized so that responsibility for resources, allocation of resources, and planning rests with the district/system. In such cases, the district/system is responsible for meeting the Standards, and an evaluation of its performance is reflected in the accredited status of the institution(s).

A. Human Resources

1. The institution assures the integrity and quality of its programs and services by employing administrators, faculty and staff who are qualified by appropriate education, training, and experience to provide and support these programs and services. Criteria, qualifications, and procedures for selection of personnel are clearly and publicly stated and address the needs of the institution in serving its student population. Job descriptions are directly related to institutional mission and goals and accurately reflect position duties, responsibilities, and authority.

2. Faculty qualifications include knowledge of the subject matter and requisite skills for the service to be performed. Factors of qualification include appropriate degrees, professional experience, discipline expertise, level of assignment, teaching skills, scholarly activities, and potential to contribute to the mission of the institution. Faculty job descriptions include development and review of curriculum as well as assessment of learning. (ER 14)

3. Administrators and other employees responsible for educational programs and services possess qualifications necessary to perform duties required to sustain institutional effectiveness and academic quality.

4. Required degrees held by faculty, administrators and other employees are from institutions accredited by recognized U.S. accrediting agencies. Degrees from non-U.S. institutions are recognized only if equivalence has been established.

5. The institution assures the effectiveness of its human resources by evaluating all personnel systematically and at stated intervals. The institution establishes written criteria for evaluating all personnel, including performance of assigned duties and participation in institutional responsibilities and other activities appropriate to their expertise. Evaluation processes seek to assess effectiveness of personnel and encourage improvement. Actions taken following evaluations are formal, timely, and documented.

6. The evaluation of faculty, academic administrators, and other personnel directly responsible for student learning includes, as a component of that evaluation, consideration of how these employees use the results of the assessment of learning outcomes to improve teaching and learning.

7. The institution maintains a sufficient number of qualified faculty, which includes full time faculty and may include part time and adjunct faculty, to assure the fulfillment of faculty responsibilities essential to the quality of educational programs and services to achieve institutional mission and purposes. (ER 14)
8. An institution with part time and adjunct faculty has employment policies and practices which provide for their orientation, oversight, evaluation, and professional development. The institution provides opportunities for integration of part time and adjunct faculty into the life of the institution.

9. The institution has a sufficient number of staff with appropriate qualifications to support the effective educational, technological, physical, and administrative operations of the institution. (ER 8)

10. The institution maintains a sufficient number of administrators with appropriate preparation and expertise to provide continuity and effective administrative leadership and services that support the institution's mission and purposes. (ER 8)

11. The institution establishes, publishes, and adheres to written personnel policies and procedures that are available for information and review. Such policies and procedures are fair and equitably and consistently administered.

12. Through its policies and practices, the institution creates and maintains appropriate programs, practices, and services that support its diverse personnel. The institution regularly assesses its record in employment equity and diversity consistent with its mission.

13. The institution upholds a written code of professional ethics for all of its personnel, including consequences for violation.

14. The institution plans for and provides all personnel with appropriate opportunities for continued professional development, consistent with the institutional mission and based on evolving pedagogy, technology, and learning needs. The institution systematically evaluates professional development programs and uses the results of these evaluations as the basis for improvement.

15. The institution makes provision for the security and confidentiality of personnel records. Each employee has access to his/her personnel records in accordance with law.

B. Physical Resources

1. The institution assures safe and sufficient physical resources at all locations where it offers courses, programs, and learning support services. They are constructed and maintained to assure access, safety, security, and a healthful learning and working environment.

2. The institution plans, acquires or builds, maintains, and upgrades or replaces its physical resources, including facilities, equipment, land, and other assets, in a manner that assures effective utilization and the continuing quality necessary to support its programs and services and achieve its mission.

3. To assure the feasibility and effectiveness of physical resources in supporting institutional programs and services, the institution plans and evaluates its facilities and equipment on a regular basis, taking utilization and other relevant data into account.
4. Long-range capital plans support institutional improvement goals and reflect projections of the total cost of ownership of new facilities and equipment.

C. Technology Resources

1. Technology services, professional support, facilities, hardware, and software are appropriate and adequate to support the institution’s management and operational functions, academic programs, teaching and learning, and support services.

2. The institution continuously plans for, updates and replaces technology to ensure its technological infrastructure, quality and capacity are adequate to support its mission, operations, programs, and services.

3. The institution assures that technology resources at all locations where it offers courses, programs, and services are implemented and maintained to assure reliable access, safety, and security.

4. The institution provides appropriate instruction and support for faculty, staff, students, and administrators, in the effective use of technology and technology systems related to its programs, services, and institutional operations.

5. The institution has policies and procedures that guide the appropriate use of technology in the teaching and learning processes.

D. Financial Resources

Planning

1. Financial resources are sufficient to support and sustain student learning programs and services and improve institutional effectiveness. The distribution of resources supports the development, maintenance, allocation and reallocation, and enhancement of programs and services. The institution plans and manages its financial affairs with integrity and in a manner that ensures financial stability. (ER 18)

2. The institution’s mission and goals are the foundation for financial planning, and financial planning is integrated with and supports all institutional planning. The institution has policies and procedures to ensure sound financial practices and financial stability. Appropriate financial information is disseminated throughout the institution in a timely manner.

3. The institution clearly defines and follows its guidelines and processes for financial planning and budget development, with all constituencies having appropriate opportunities to participate in the development of institutional plans and budgets.

Fiscal Responsibility and Stability

4. Institutional planning reflects a realistic assessment of financial resource availability, development of financial resources, partnerships, and expenditure requirements.
5. To assure the financial integrity of the institution and responsible use of its financial resources, the internal control structure has appropriate control mechanisms and widely disseminates dependable and timely information for sound financial decision making. The institution regularly evaluates its financial management practices and uses the results to improve internal control systems.

6. Financial documents, including the budget, have a high degree of credibility and accuracy, and reflect appropriate allocation and use of financial resources to support student learning programs and services.

7. Institutional responses to external audit findings are comprehensive, timely, and communicated appropriately.

8. The institution’s financial and internal control systems are evaluated and assessed for validity and effectiveness, and the results of this assessment are used for improvement.

9. The institution has sufficient cash flow and reserves to maintain stability, support strategies for appropriate risk management, and, when necessary, implement contingency plans to meet financial emergencies and unforeseen occurrences.

10. The institution practices effective oversight of finances, including management of financial aid, grants, externally funded programs, contractual relationships, auxiliary organizations or foundations, and institutional investments and assets.

Liabilities

11. The level of financial resources provides a reasonable expectation of both short-term and long-term financial solvency. When making short-range financial plans, the institution considers its long-range financial priorities to assure financial stability. The institution clearly identifies, plans, and allocates resources for payment of liabilities and future obligations.

12. The institution plans for and allocates appropriate resources for the payment of liabilities and future obligations, including Other Post-Employment Benefits (OPEB), compensated absences, and other employee related obligations. The actuarial plan to determine Other Post-Employment Benefits (OPEB) is current and prepared as required by appropriate accounting standards.

13. On an annual basis, the institution assesses and allocates resources for the repayment of any locally incurred debt instruments that can affect the financial condition of the institution.

14. All financial resources, including short- and long-term debt instruments (such as bonds and Certificates of Participation), auxiliary activities, fund-raising efforts, and grants, are used with integrity in a manner consistent with the intended purpose of the funding source.
15. The institution monitors and manages student loan default rates, revenue streams, and assets to ensure compliance with federal requirements, including Title IV of the Higher Education Act, and comes into compliance when the federal government identifies deficiencies.

Contractual Agreements

16. Contractual agreements with external entities are consistent with the mission and goals of the institution, governed by institutional policies, and contain appropriate provisions to maintain the integrity of the institution and the quality of its programs, services, and operations.
Standard IV: Leadership and Governance

The institution recognizes and uses the contributions of leadership throughout the organization for promoting student success, sustaining academic quality, integrity, fiscal stability, and continuous improvement of the institution. Governance roles are defined in policy and are designed to facilitate decisions that support student learning programs and services and improve institutional effectiveness, while acknowledging the designated responsibilities of the governing board and the chief executive officer. Through established governance structures, processes, and practices, the governing board, administrators, faculty, staff, and students work together for the good of the institution. In multi-college districts or systems, the roles within the district/system are clearly delineated. The multi-college district or system has policies for allocation of resources to adequately support and sustain the colleges.

A. Decision-Making Roles and Processes

1. Institutional leaders create and encourage innovation leading to institutional excellence. They support administrators, faculty, staff, and students, no matter what their official titles, in taking initiative for improving the practices, programs, and services in which they are involved. When ideas for improvement have policy or significant institution-wide implications, systematic participative processes are used to assure effective planning and implementation.

2. The institution establishes and implements policy and procedures authorizing administrator, faculty, and staff participation in decision-making processes. The policy makes provisions for student participation and consideration of student views in those matters in which students have a direct and reasonable interest. Policy specifies the manner in which individuals bring forward ideas and work together on appropriate policy, planning, and special-purpose committees.

3. Administrators and faculty, through policy and procedures, have a substantive and clearly defined role in institutional governance and exercise a substantial voice in institutional policies, planning, and budget that relate to their areas of responsibility and expertise.

4. Faculty and academic administrators, through policy and procedures, and through well-defined structures, have responsibility for recommendations about curriculum and student learning programs and services.

5. Through its system of board and institutional governance, the institution ensures the appropriate consideration of relevant perspectives; decision-making aligned with expertise and responsibility; and timely action on institutional plans, policies, curricular change, and other key considerations.

6. The processes for decision-making and the resulting decisions are documented and widely communicated across the institution.

7. Leadership roles and the institution’s governance and decision-making policies, procedures, and processes are regularly evaluated to assure their integrity and effectiveness. The institution widely communicates the results of these evaluations and uses them as the basis for improvement.
B. Chief Executive Officer

1. The institutional chief executive officer (CEO) has primary responsibility for the quality of the institution. The CEO provides effective leadership in planning, organizing, budgeting, selecting and developing personnel, and assessing institutional effectiveness.

2. The CEO plans, oversees, and evaluates an administrative structure organized and staffed to reflect the institution’s purposes, size, and complexity. The CEO delegates authority to administrators and others consistent with their responsibilities, as appropriate.

3. Through established policies and procedures, the CEO guides institutional improvement of the teaching and learning environment by:
   - establishing a collegial process that sets values, goals, and priorities;
   - ensuring the college sets institutional performance standards for student achievement;
   - ensuring that evaluation and planning rely on high quality research and analysis of external and internal conditions;
   - ensuring that educational planning is integrated with resource planning and allocation to support student achievement and learning;
   - ensuring that the allocation of resources supports and improves learning and achievement; and
   - establishing procedures to evaluate overall institutional planning and implementation efforts to achieve the mission of the institution.

4. The CEO has the primary leadership role for accreditation, ensuring that the institution meets or exceeds Eligibility Requirements, Accreditation Standards, and Commission policies at all times. Faculty, staff, and administrative leaders of the institution also have responsibility for assuring compliance with accreditation requirements.

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

6. The CEO works and communicates effectively with the communities served by the institution.

C. Governing Board

1. The institution has a governing board that has authority over and responsibility for policies to assure the academic quality, integrity, and effectiveness of the student learning programs and services and the financial stability of the institution. (ER 7)

2. The governing board acts as a collective entity. Once the board reaches a decision, all board members act in support of the decision.

Standard IV: Leadership and Governance
3. The governing board adheres to a clearly defined policy for selecting and evaluating the CEO of the college and/or the district/system.

4. The governing board is an independent, policy-making body that reflects the public interest in the institution’s educational quality. It advocates for and defends the institution and protects it from undue influence or political pressure. (ER 7)

5. The governing board establishes policies consistent with the college/district/system mission to ensure the quality, integrity, and improvement of student learning programs and services and the resources necessary to support them. The governing board has ultimate responsibility for educational quality, legal matters, and financial integrity and stability.

6. The institution or the governing board publishes the board bylaws and policies specifying the board’s size, duties, responsibilities, structure, and operating procedures.

7. The governing board acts in a manner consistent with its policies and bylaws. The board regularly assesses its policies and bylaws for their effectiveness in fulfilling the college/district/system mission and revises them as necessary.

8. To ensure the institution is accomplishing its goals for student success, the governing board regularly reviews key indicators of student learning and achievement and institutional plans for improving academic quality.

9. The governing board has an ongoing training program for board development, including new member orientation. It has a mechanism for providing for continuity of board membership and staggered terms of office.

10. Board policies and/or bylaws clearly establish a process for board evaluation. The evaluation assesses the board’s effectiveness in promoting and sustaining academic quality and institutional effectiveness. The governing board regularly evaluates its practices and performance, including full participation in board training, and makes public the results. The results are used to improve board performance, academic quality, and institutional effectiveness.

11. The governing board upholds a code of ethics and conflict of interest policy, and individual board members adhere to the code. The board has a clearly defined policy for dealing with behavior that violates its code and implements it when necessary. A majority of the board members have no employment, family, ownership, or other personal financial interest in the institution. Board member interests are disclosed and do not interfere with the impartiality of governing body members or outweigh the greater duty to secure and ensure the academic and fiscal integrity of the institution. (ER 7)

12. The governing board delegates full responsibility and authority to the CEO to implement and administer board policies without board interference and holds the CEO accountable for the operation of the district/system or college, respectively.
13. The governing board is informed about the Eligibility Requirements, the Accreditation Standards, Commission policies, accreditation processes, and the college’s accredited status, and supports through policy the college’s efforts to improve and excel. The board participates in evaluation of governing board roles and functions in the accreditation process.

D. Multi-College Districts or Systems

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

2. The district/system CEO clearly delineates, documents, and communicates the operational responsibilities and functions of the district/system from those of the colleges and consistently adheres to this delineation in practice. The district/system CEO ensures that the colleges receive effective and adequate district/system provided services to support the colleges in achieving their missions. Where a district/system has responsibility for resources, allocation of resources, and planning, it is evaluated against the Standards, and its performance is reflected in the accredited status of the institution.

3. The district/system has a policy for allocation and reallocation of resources that are adequate to support the effective operations and sustainability of the colleges and district/system. The district/system CEO ensures effective control of expenditures.

4. The CEO of the district or system delegates full responsibility and authority to the CEOs of the colleges to implement and administer delegated district/system policies without interference and holds college CEO’s accountable for the operation of the colleges.

5. District/system planning and evaluation are integrated with college planning and evaluation to improve student learning and achievement and institutional effectiveness.

6. Communication between colleges and districts/systems ensures effective operations of the colleges and should be timely, accurate, and complete in order for the colleges to make decisions effectively.

7. The district/system CEO regularly evaluates district/system and college role delineations, governance and decision-making processes to assure their integrity and effectiveness in assisting the colleges in meeting educational goals for student achievement and learning. The district/system widely communicates the results of these evaluations and uses them as the basis for improvement.
Catalog Requirements

The following list of required information must be included in the college catalog.

1. General Information
   - Official Name, Address(es), Telephone Number(s), and Website Address of the Institution
   - Educational Mission
   - Representation of accredited status with ACCJC, and with programmatic accreditors if any
   - Course, Program, and Degree Offerings
   - Student Learning Outcomes for Programs and Degrees
   - Academic Calendar and Program Length,
   - Academic Freedom Statement
   - Available Student Financial Aid
   - Available Learning Resources
   - Names and Degrees of Administrators and Faculty
   - Names of Governing Board Members

2. Requirements
   - Admissions
   - Student Tuition, Fees, and Other Financial Obligations
   - Degrees, Certificates, Graduation and Transfer

3. Major Policies and Procedures Affecting Students
   - Academic Regulations, including Academic Honesty
   - Nondiscrimination
   - Acceptance and Transfer of Credits
   - Transcripts
   - Grievance and Complaint Procedures
   - Sexual Harassment
   - Refund of Fees

4. Locations or Publications Where Other Policies may be Found

Catalog Requirements

73
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>PURPOSE AND SCOPE OF THE BROWN ACT</td>
<td>1</td>
</tr>
<tr>
<td>DEFINITION OF LEGISLATIVE BODY</td>
<td>1</td>
</tr>
<tr>
<td>DEFINITION OF MEETINGS</td>
<td>4</td>
</tr>
<tr>
<td>OPEN MEETING REQUIREMENTS</td>
<td>6</td>
</tr>
<tr>
<td>TIME AND PLACE OF MEETINGS</td>
<td>8</td>
</tr>
<tr>
<td>AGENDA REQUIREMENTS</td>
<td>10</td>
</tr>
<tr>
<td>CLOSED SESSION – PERMISSIBLE TOPICS</td>
<td>13</td>
</tr>
<tr>
<td>CLOSED SESSION – STUDENTS</td>
<td>13</td>
</tr>
<tr>
<td>CLOSED SESSION – PERSONNEL</td>
<td>14</td>
</tr>
<tr>
<td>CLOSED SESSION – REAL PROPERTY NEGOTIATIONS</td>
<td>17</td>
</tr>
<tr>
<td>CLOSED SESSION – LABOR NEGOTIATIONS</td>
<td>20</td>
</tr>
<tr>
<td>CLOSED SESSION – RECOMMENDED AGENDA FORMAT</td>
<td>22</td>
</tr>
<tr>
<td>CLOSED SESSION – PENDING LITIGATION</td>
<td>24</td>
</tr>
<tr>
<td>CLOSED SESSION – PUBLIC REPORT OF ANY ACTION TAKEN</td>
<td>26</td>
</tr>
<tr>
<td>DISRUPTION OF PUBLIC MEETINGS</td>
<td>27</td>
</tr>
<tr>
<td>PARTICIPATION IN PUBLIC MEETINGS</td>
<td>29</td>
</tr>
<tr>
<td>DISTRIBUTION OF DOCUMENTS</td>
<td>30</td>
</tr>
<tr>
<td>STATUTORY PENALTIES FOR VIOLATION OF THE BROWN ACT</td>
<td>31</td>
</tr>
<tr>
<td>CASE LAW – VIOLATION OF THE BROWN ACT</td>
<td>33</td>
</tr>
<tr>
<td>DISCLOSURE OF CONFIDENTIAL INFORMATION</td>
<td>37</td>
</tr>
<tr>
<td>EXEMPTIONS FROM THE BROWN ACT</td>
<td>38</td>
</tr>
<tr>
<td>ROBERT’S RULES OF ORDER</td>
<td>39</td>
</tr>
</tbody>
</table>
THE RALPH M. BROWN ACT
CALIFORNIA'S OPEN MEETING LAW

PURPOSE AND SCOPE OF THE BROWN ACT

The Brown Act states that it is the intent of the law that the actions of public legislative bodies be taken openly and that their deliberations be conducted openly.1 The Brown Act is intended to give the citizens of California access to government agencies and prohibit governmental decisions from being made in secret. As a result, the Brown Act requires that all meetings and deliberations, including discussion, debate, and the acquisition of information be conducted in public and subject to public scrutiny, except when the closed meeting exception applies.2 The Brown Act does not apply to employees of public agencies and therefore, employees may conduct private staff meetings.3

In addition, under the Education Code, the governing board of a school district may only exercise its powers and must take all actions authorized or required by law at properly noticed meetings open to the public. Minutes must be taken at each meeting and all actions taken by the governing board must be recorded in the minutes and made available to the public.4

DEFINITION OF LEGISLATIVE BODY

The Brown Act defines a "legislative body" as the governing body of a local agency or a commission, committee, board or other body of a local agency, whether permanent or temporary, decision making or advisory, created by resolution or formal action of the legislative body. Advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body, are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by resolution or formal action of a legislative body, are legislative bodies for the purposes of the Brown Act.5

In essence, all committees created by formal action of a legislative body, whether permanent or temporary, decision making or advisory, are subject to the Brown Act, except for advisory committees composed solely of board members that are less than a quorum. If that advisory committee is composed solely of two board members of a five member board (or three board members of a seven member board) and is not a standing committee (i.e., an ad hoc committee), then the Brown Act would not apply.6 If the ad hoc committee includes non-board members, then the

---

1 Government Code section 54950.
3 Government Code section 54952.
4 Education Code section 35145.
5 Government Code section 54952.
committee must comply with the Brown Act. In order to be an ad hoc committee exempt from the Brown Act, in our opinion, the committee would have to be convened for a single task, be given a brief time to complete its task, and dissolve immediately upon completion of the task.

In *Joiner v. City of Sebastopol,* the Court of Appeal held that a proposed meeting of two members of a city council and two members of a city planning commission to interview candidates for a vacancy on the planning commission was subject to the Brown Act. The court concluded that the city council took formal action to form the committee, even though a formal resolution was not adopted, and since the committee was to report back its recommendation to the full city council, the committee acted as an advisory body to the city council and was subject to the Brown Act. The court rejected the city’s argument that the Brown Act did not apply because the committee was made up of less than a quorum of the city council and planning commission.

In *Frazer v. Dixon Unified School District,* the Court of Appeal held that the adoption of a policy by the board to establish a committee appointed by the superintendent was subject to the Brown Act because it was created by formal action of the board (i.e. the board voted to adopt the policy which created the committee). The court stated:

“We think the focus of our inquiry should be first on the authority under which the advisory committee was created. In this case, we believe the authority originates with the board and not...with the superintendent. The next question is whether the creation of the committee pursuant to a standing policy is sufficient to constitute ‘formal action’. We believe that it is.”

The court further stated:

“We believe the adoption of a formal, written policy calling for appointment of a committee to advise the superintendent, and, in turn, the board (with whom rests the final decision), whenever there is a request for reconsideration of ‘controversial reading matter’ is sufficiently similar to the types of ‘formal action’ listed in the [the Brown Act]. Accordingly, allegations that the review and hearing committee were created pursuant to Board Policy 7138 were sufficient to bring those advisory bodies within the coverage of the Brown Act....”

In a 1996 opinion, the Attorney General stated that under the Brown Act, a committee made up solely of less than a quorum of the members of a public water district was subject to the Brown Act since it was a standing committee with continuing subject matter jurisdiction over providing

---

9 Id. at 792.
10 Id. at 793.
advice concerning budgets, audits, contracts and personnel matters to the entire board. The Attorney General defined a “standing committee” as a committee that is permanent, that endures or remains.12

In a 1997 opinion,13 the Attorney General stated that when the governing board of a school district forms a committee consisting of seven employees and one student, to interview candidates for the office of district superintendent and make a recommendation to the board, the meetings are subject to the Brown Act, but may be held in closed session. In summary, only an ad hoc committee made up of two board members is not subject to the Brown Act. An ad hoc committee that includes non-board members would be subject to the Brown Act.14

Any person elected to serve as a member of the legislative body who has not yet assumed the duties of office is required to comply with the requirements of the Brown Act. The Brown Act treats such persons in the same manner as persons who have already assumed office.15

In Californians Aware v. Joint Labor/Management Benefits Committee,16 the Court of Appeal held that a committee created for the purpose of furthering the collective bargaining process between the Los Angeles Community College District and its unions is exempt from the open meeting requirements of the Ralph M. Brown Act. The Court of Appeal held that the committee was formed for the purpose of furthering the collective bargaining process and was thus exempt from the Brown Act under Government Code section 3549.1(a).

The Joint Labor/Management Benefits Committee was composed of one voting and one non-voting district member, six employee members, one from each of the unions, and the chair who was to be nominated by the President of the Los Angeles College Faculty Guild and confirmed by simple majority of the regular voting members. The purpose of the committee was to review the health benefits program and make any changes to the program that it deems necessary to contain costs while maintaining the quality of the benefits available to employees.17 Government Code section 3549.1 states that, “All the proceeding set forth in subdivision (a) to (d), inclusive, are exempt from the provisions of the...Ralph M. Brown Act...unless the parties mutually agree otherwise: (a) Any meeting and negotiating discussion between a public school employer and a recognized or certified employee organization.”

The Court of Appeal agreed with an earlier Attorney General Opinion that JLMBC is not required to comply with the Brown Act.18 The Attorney General noted that health benefits are

12 Id. at 71.
14 Government Code section 54952.
17 Id. at 975.
18 See, 92 Ops.Cal. Atty. Gen. 102, 107(2009). In a 2009 opinion, the Attorney General concluded that the Los Angeles Community College District Joint Labor Management Benefits Committee is not required to comply with the Ralph M.
matters of employee health safety and training which falls squarely within the recognized scope of collective bargaining and the formation of the JLMBC came directly from the collective bargaining and the exclusive bargaining representative of the employer’s workforce.\footnote{See, \textit{92 Ops.Cal.Atty.Gen.} 102, 107 (2009).}

The Court of Appeal agreed with the Attorney General that the JLMBC was created as part of, and for the purpose of furthering, the collective bargaining process under the EERA and, as such, is not subject to the provisions of the Brown Act.\footnote{200 Cal.App.4th 973, 978-82 (2011).}

\section*{DEFINITION OF MEETINGS}

The term “meeting” is defined in the Ralph M. Brown Act (hereinafter “Brown Act”) as including any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any matter which is under its subject matter jurisdiction.\footnote{Government Code section 54952.2(a).} Under this definition, face to face gatherings of a governing board of a school district in which issues under the subject matter jurisdiction of the governing board are discussed, decided, or voted upon are subject to the Brown Act. Effective January 1, 2009, all serial communications within the subject matter jurisdiction of the board are prohibited. Government Code Section 54952.2 states:

"A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, 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 legislative body."

It is recommended that board members limit their communications, particularly e-mail communications, to a single individual (e.g., district superintendent or one other board member). Board members also are advised not to copy other board members on e-mail communications, or forward e-mails they have received from board members to other board members since this might result in a majority of the board members receiving the e-mail in violation of the Brown Act. It is permissible for an employee or official of a local agency to engage in separate conversations or communications outside of a meeting with members of the legislative body in order to answer questions or provide information, as long as that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.\footnote{Government Code section 54952.2(b)(2).}

The Brown Act exempts conferences and similar public gatherings that involve a discussion of issues of general interest to the public, provided that a majority of the members do not discuss
among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the governing board. Also exempted are individual conversations between a board member and any other person.

Board members may also attend open and publicized meetings organized to address a topic of local community concern by a person or organization other than the governing board provided that a majority of the members do not discuss among themselves, other than the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the board. A majority of the board members may attend an open and noticed meeting of another local agency provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the governing board. The majority of the board members may attend purely social or ceremonial functions provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the governing board.

In 2011, the California Attorney General issued an opinion stating that a majority of city council members may not attend a private tour of water district facilities which provides services to the city to acquire information regarding services. The Attorney General held that under the Brown Act, a majority of the members of the city council may tour facilities outside of their boundaries if it is a public meeting of the council in which public notice is given and the agenda is posted.

Members of the city council and employees of a city in Southern California were invited on a trip to tour water facilities located in Northern California and owned by the Metropolitan Water District. The tour would not be open to the public at large, but only to invited guests. Given these circumstances, the Attorney General stated, in its opinion, the Brown Act applies and if a majority of the members of the city council wish to meet outside of the city boundaries to attend a tour of the facilities of the water district, it will be determined to be a meeting and it must be open to the public.

---

23 Government Code section 54952.2(c)(2). In our opinion, this exception does not apply to public forums sponsored or organized by the district. Therefore, if a quorum of the board attends, it should be treated as a meeting of the governing board under the Brown Act. Also, it is unclear whether a news conference of the entire board would fall within the exception of Section 54952.2(c)(2). Although a news conference would be open to the public and the news conference involves a discussion of issues of general interest to the public and to the community college districts, it is not clear whether a news conference is the type of conference referenced in Section 54952.2(c)(2). Also, since the majority of the members of the board would be present at the news conference, it is very likely that they would discuss among themselves their views and opinions which could lead to a violation of the Brown Act.

24 Government Code section 54952.2(c)(1).

25 Government Code section 54952.2(c)(3).

26 Government Code section 54952.2(c)(4).

27 Government Code section 54952.2(c)(5).


29 Id. at 33-34.
The Attorney General opined that a tour of facilities is a “meeting” under the definition of the Brown Act which defines a meeting as “...any congregation of the majority of the members of the legislative body at the same time and location, including teleconference location..., to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.”\(^{30}\) The Attorney General stated that the Brown Act’s definition of “meeting” encompasses informal, deliberative, and fact finding sessions, in addition to sessions to which formal action is taken.\(^{31}\) The Attorney General stated that a “meeting” includes sessions conducted for the collective acquisition and exchange of facts preliminary to the ultimate decision.

The Attorney General gave an example in which a school board and a consortium of three real estate brokers meet to garner information about the broker’s qualifications to perform future services. The Attorney General stated that this constituted a “meeting” for Brown Act purposes even though the board did not commit to retain any of the brokers.\(^{32}\)

The Attorney General concluded that a majority of the members of the city council may attend a tour of the water district facilities if the tour was held as a noticed and public meeting of the council for the purpose of inspecting the facilities and the topics raised and discussed at the meeting are limited to items directly related to the facilities being inspected. The same requirements would apply to the community college districts, school districts and regional occupational programs. If a majority of the members of the governing board of a community college district, school district, or regional occupational program wish to tour facilities outside the district’s boundaries, it must be held as a noticed and public meeting of the governing board of the district in compliance with the Brown Act.\(^{33}\)

**OPEN MEETING REQUIREMENTS**

Under the Brown Act, all meetings of the legislative body of the local agency are required to be open and public, except for authorized closed sessions. All members of the public must be permitted to attend any meeting of the legislative body of a local agency, unless they are disruptive.\(^{34}\)

All action taken by the legislative body must be taken in open session unless authorized in closed session. Action taken is defined as a collective decision made by a majority of the members to make a positive or negative decision, and may include an actual vote by a majority of the members.\(^{35}\)

\(^{30}\) Government Code section 54952.2(a).


\(^{34}\) Government Code section 54953.

\(^{35}\) Government Code section 54952.6.
The Brown Act prohibits taking action by secret ballot and prohibits the legislative bodies of a local agency from restricting the broadcast of open and public meetings unless it is disruptive. Members of the public may record open public meetings.\textsuperscript{35}

Teleconferencing (either audio or video, or both) may be used during meetings under limited circumstances. All votes taken during a teleconference must be by roll call. If the legislative body elects to use teleconferencing, the legislative body must post agendas at all teleconference locations, and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of the local agency.\textsuperscript{37}

Each teleconference location must be identified in the notice and agenda of the meeting and each teleconference location must be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body must participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The agenda must provide an opportunity for members of the public to address the legislative body at each teleconference location.\textsuperscript{38}

No legislative body shall take action by secret ballot, whether preliminary or final. The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.\textsuperscript{39}

A legislative body may not require a member of the public, as a condition to attendance at a meeting of the legislative body, to register his or her name, to provide other information, to complete a questionnaire or otherwise to fulfill any condition to his or her attendance. If an attendance list, register, questionnaire or other similar document is posted at or near the entrance to the room where the meeting is held, or is circulated to the persons present during the meeting, the attendance list, register, or questionnaire shall state clearly that the signing, registering or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers or completes the document.\textsuperscript{40}

Any person attending an open and public meeting of the legislative body shall have the right to record the proceedings with an audio or video tape recorder. In the absence of a reasonable finding by the legislative body that the recording cannot continue without noise, illumination, or

\textsuperscript{35} Government Code section 54953.5.
\textsuperscript{37} Government Code section 54953(b).
\textsuperscript{38} Government Code section 54953(b).
\textsuperscript{39} Government Code section 54953(c).
\textsuperscript{40} Government Code section 54953.3. Districts may wish to include language in their guidelines relating to public comments which states, "Completion of the information below, including name and address, is voluntary." If a person refuses to fill in their name, they may give their name orally to the secretary of the board so that they may be called on for public comments.
obstruction of view that constitutes, or would constitute a persistent disruption of the proceedings, the legislative body must allow the recording.41

Any tape or film record of an open and public meeting, made for whatever purpose, by or at the direction of the local agency, shall be subject to inspection under the California Public Records Act. Such tape or film record may be erased or destroyed thirty days after the taping or recording. Any inspection of a video or tape recording shall be provided without charge on a video or tape player made available by the local agency.42

Section 54952.343 states that a legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or in serial order, only if a clerk or a member of the convened legislative body verbally announces, prior to convening any simultaneous or serial order meeting of that subsequent legislative body, the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body. However, the clerk or member of the legislative body shall not be required to announce the amount of compensation if the amount of compensation is prescribed in statute and no additional compensation has been authorized by a local agency.

Section 54952.3(b) states that compensation and stipend shall not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of the member’s official duties, including, but not limited to, reimbursement of expenses relating to travel, meals, and lodging.

TIME AND PLACE OF MEETINGS

Each legislative body of a local agency shall provide the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting, shall be considered regular meetings of the legislative body.44

Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

1. Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

41 Government Code section 54953.5(a).
42 Government Code section 54953.5(b).
43 Stats. 2011, ch. 91.
44 Government Code section 54954(a).
2. Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction, provided that the topic of the meeting is limited to items directly related to the real or personal property.

3. Participate in meetings or discussions of multi-agency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in the Brown Act.

4. Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

5. Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

6. Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

7. Visit the office of the local agency's legal counsel for a closed session on pending litigation when to do so would reduce legal fees or costs.\(^{45}\)

In addition, the governing boards of a school district may meet outside the territory of the school district to do any of the following:

1. Attend a conference on nonadversarial collective bargaining techniques.

2. Interview members of the public residing in another district with reference to the potential employment of an applicant for the position of the superintendent of the district.

3. Interview a potential employee from another district.\(^{46}\)

\(^{45}\) Government Code section 54954(b).
\(^{46}\) Government Code section 54954(c).
Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided above. However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961 and is accessible to all members of the public. If by reason of fire, flood, earthquake or other emergency, it is unsafe to meet in the facility designated, the meetings of the legislative body shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice by the most rapid means of communication available at the time.

AGENDA REQUIREMENTS

Members of the public and the media may request that the agenda of each meeting and all documents constituting the agenda packet be mailed to them. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability as required by the Americans with Disabilities Act and its regulations.

At least 72 hours before a regular meeting, an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting shall be posted. The description must be sufficient to give the public notice of the items to be discussed or acted upon. For example, in Moreno v. City of King, the Court of Appeal held that an agenda item that stated: “Public employee (employment contract),” was insufficient. The court stated, “The agenda’s description provided no clue that the dismissal of a public employee would be discussed at the meeting.”

The agenda must be freely accessible to the public and posted on the agency’s website, if the local agency has a website. The agenda must specify the time and location of the regular meeting and must be posted in an area accessible to the public. Members of the public may place matters directly related to district business on the agenda and shall be able to address the board regarding items on the agenda as the items are taken up.

47 Government Code section 54954(d).
48 Government Code section 54954(e).
50 Government Code section 54954.2.
52 Id. at 27.
53 Government Code section 54954.2(a)(1).
54 Ibid. The California Attorney General issued an opinion stating that a local agency may post its meeting agenda on a touch screen electronic kiosk accessible, without charge, to the public, 24 hours a day, seven days a week, in lieu of posting a paper copy of the agenda on a bulletin board. The Attorney General interpreted the language of Government Code section 54954.2 and concluded that the term “posted” includes making agendas available on an electronic kiosk. The Attorney General held that the term “posting” includes making use of an electronic format. 88 Cal.Atty.Gen. 218 (2005).
55 Education Code sections 35145.5, 72121.5.
Under the Brown Act, the agenda must be posted 72 hours in advance but there is no requirement that the materials given to the board must be available to the public or posted 72 hours in advance. Rather, the Brown Act states that other writings, when distributed to the board members in connection with a matter that will be discussed at an open board meeting, shall be made available to the public upon request without delay and at the time the distribution is made shall be available for public inspection at the district office or the office where the board meets.

No action shall be taken on any item not appearing on the posted agenda unless two-thirds of the members of the governing board (or if less than two-thirds of the members are present, then by a unanimous vote) determine that the need to take action arose after the posting of the agenda.

In Cohan v. City of Thousand Oaks, the Court of Appeal held that under the provisions of Government Code section 54954.2(b) there must be an urgent need to amend the agenda. The Court of Appeal held in Cohan that public opposition at a public meeting does not authorize the amendment of an agenda.

Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public within the agency’s jurisdiction before or during the board’s consideration of the item, whether in open or closed session. However, the legislative body may adopt reasonable regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. The legislative body may not prohibit public criticism of the policies, procedures, programs or services of the agency or of the acts or omissions of the legislative body.

The agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with disabilities, as required by the Americans with Disabilities Act in its implementing regulations. If requested, the agenda shall be made available in appropriate alternative formats to persons with disabilities, as required by the Americans with Disabilities Act and its implementing regulations. In addition, the agenda shall include information on how, to whom, and when a request for disability related modification or accommodation, including auxiliary

56 Government Code section 54954.2.
57 Government Code section 54957.5.
58 Government Code section 54954.2.
60 Id. at 555-56.
62 Government Code section 54954.3(b); see, also, Chaffee v. San Francisco Public Library Commission, 134 Cal.App.4th 109, 36 Cal.Rptr.3d 1 (2005), in which the Court of Appeal held that the San Francisco Library Commission did not violate the Brown Act by reducing the public comment period for each speaker from three minutes to two minutes.
63 Government Code section 54954.3(c).
64 Government Code section 54954.1.
65 Government Code section 54954.2(a).
aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting. Documents in the agenda packet must also be made available in an appropriate alternative format upon request by a person with disabilities as required by the Americans with Disabilities Act and its implementing regulations.

Special meetings may be called at any time by the presiding officer or a majority of the members of a legislative body. Twenty-four hours’ notice must be given of special meetings and the legislative body of a local agency must post the agenda for a special meeting on the local agency’s internet website, if the local agency has a website. Only the business on the special meeting notice may be considered at special meetings.

A legislative body shall not call a special meeting regarding the salaries, salary schedules or compensation paid in the form of fringe benefits, of a local agency executive, as defined in Government Code section 3511.1(d). A local agency may call a special meeting to discuss the local agency’s budget. Therefore, salaries, salary schedules or compensation paid in the form of fringe benefits, may only be discussed or acted upon at a regularly scheduled board meeting.

In Boyle v. City of Redondo Beach, the Court of Appeal held that Government Code section 54956 is the controlling section and that the City Council of the City of Redondo Beach could not amend the agenda of the special board meeting. The Court of Appeal further held that since the City Council of the City of Redondo Beach did not take any action in closed session, a citizen could not successfully maintain a lawsuit against the City of Redondo Beach under Government Code section 54960.1. The court ruled that under Section 54960.1, the purpose of the lawsuit must be to nullify or void any action taken by the City Council. However, since no action was taken by the City Council, the lawsuit must be dismissed.

The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may adjourn from time to time. If all members of the legislative body are absent from any regular or adjourn regular meeting, the clerk or secretary of the legislative body may declare the meeting adjourned.

---

66 Government Code section 54954.2.
67 Government Code section 54957.5.
68 Government Code section 54956. The requirement that no other business shall be considered at the special meeting refers to the items of business specified on the call and notice. Therefore, the agenda for the special meeting may only include the items on the call and notice and additional items of business may not be added to the agenda after the notice and call has been posted 24 hours before the special meeting. A district may have a closed session on pending litigation at a special meeting if it was included in the notice and call for the special meeting and notice was given 24 hours in advance. If the closed session was not in the notice and call for the special meeting, it cannot be added to the agenda for the special meeting.
69 Government Code section 54956.
70 70 Cal.App.4th 1109 (1999).
71 Government Code section 54955.
Meetings may be called in the event of an emergency. An emergency is defined as a work stoppage, crippling activity or other activity that severely impairs public health, safety, or both, as determined by a majority of the legislative members.\textsuperscript{72}

**CLOSED SESSION – PERMISSIBLE TOPICS**

The governing board of a school district may meet in closed session for certain specified reasons.\textsuperscript{73} Prior to holding any closed session, the governing board of the school district shall disclose in an open meeting the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda.\textsuperscript{74} In the closed session, the legislative body may consider only those matters covered in its statement.\textsuperscript{75} After the closed session, the governing board shall reconvene into open session prior to adjournment and report any action taken in closed session as required by the Brown Act.\textsuperscript{76} The announcement required to be made in open session may be made at the location announced in the agenda in the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.\textsuperscript{77}

**CLOSED SESSION – STUDENTS**

Under the Education Code, the governing board may meet in closed session to consider the discipline of a student if a public hearing would divulge confidential information contained in the student's records\textsuperscript{78} or to deliberate with respect to the expulsion of a student.\textsuperscript{79} The governing board may meet in closed session to consider the appointment, employment, evaluation of performance, discipline or dismissal of a public employee or to hear complaints or charges brought against a public employee unless the employee requests a public hearing.\textsuperscript{80}

---

\textsuperscript{72} Government Code section 54956.5(a).
\textsuperscript{73} Education Code section 35146; Government Code section 54957.
\textsuperscript{74} Government Code section 54957.7(a).
\textsuperscript{75} Ibid.
\textsuperscript{76} Government Code sections 54957.1, 54957.7.
\textsuperscript{77} Government Code section 54957.
\textsuperscript{78} Education Code section 35146.
\textsuperscript{79} Education Code section 48918.
\textsuperscript{80} Government Code section 54957. Government Code section 54957 does not authorize a discussion of an employee's resignation in closed session, but the governing board may discuss the evaluation of performance, discipline or dismissal of the employee in closed session. Nor does Section 54957 authorize a school district board to meet in closed session to discuss the discipline or dismissal of a ROP employee. The ROP is a separate public entity of which the school district is a part. See, 85 Ops.Cal.Atty.Gen. 77 (2002) (county board may not meet in closed session regarding employees of the county superintendent).
CLOSED SESSION – PERSONNEL

The Court of Appeal has ruled that the term “evaluation of performance” includes the discussion of the criteria for the evaluation, the evaluation form, the evaluation process, feedback to the employee on their job performance, and particular aspects or instances of the employee’s job performance.81

In Duval v. Board of Trustees,82 the Court of Appeal held that under evaluation of performance, the governing board could discuss matters relating to the job duties of the employee after appointment. The Court of Appeal held that evaluation of performance was not limited to the annual or periodic comprehensive formal and structured review of job performance, but also included an informal review of the superintendent’s job performance, including particular instances of job performance. The court held that evaluation of performance may properly include consideration of the criteria for such evaluation, consideration of the process for conducting an evaluation or other preliminary matters, to the extent those matters constitute an exercise of the district’s discretion in evaluating a particular employee. The court ruled that preliminary considerations are an integral part of the actual evaluation of the superintendent, are properly a part of the governing board’s consideration of the evaluation of performance of the superintendent and feedback to the employee is a traditional part of the formal evaluation process and fall under the “evaluation of performance” closed session exception.83

However, the courts have held that the governing boards of districts may not discuss the salary level of the superintendent/chancellor in closed session.84 In San Diego Union v. City Council, the Court of Appeal held that when the discussion turns to the salary level of a particular management employee, a discussion must be held in open session. The court stated:

“We envision the two-step process of an executive session evaluating the performance of the public employee and a properly noticed, open session for setting that particular employee’s salary as a facile matter, not negatively affecting the review process.”85

“[E]valuating a specific employee’s performance is a matter within the ambit of the ‘personnel exception’ ...; however, upon the determination a particular public employee is deserving of a salary increase, various other factors must be considered such as available funds, other city funding priorities, relative compensation of similar

83 Id., at 909-10.
85 Id., at 955-56.
positions within the city and in other jurisdictions, before determining the salary increase. Each of these considerations is of acute public interest."\textsuperscript{86}

Therefore, the scope of the discussion in closed session regarding the evaluation of an employee’s performance must be limited to the formal process and informal process of evaluating the employee’s performance and providing the employee with feedback for improvement. Salary levels and compensation must be discussed in open session.

In \textit{Hofman Ranch v. Yuba County Local Agency Formation Commission},\textsuperscript{87} the Court of Appeal held that a contractor assigned to perform “executive officer services” for the county Local Agency Formation Commission (LAFCO) was an officer of LAFCO and, thus, an employee within the meaning of the statute authorizing local agencies to hold closed sessions to consider an employee’s appointment, employment, or performance evaluation. Therefore, LAFCO’s use of a closed session to consider renewal of his contract did not violate the Brown Act, even if the contractor provided similar services to four other county LAFCOs, and even though the contract stated that the contractor was not an officer or employee, and was not subject to LAFCO’s day-to-day direction and control. The court noted that the contractor processed LAFCO related applications, prepared California Environmental Quality Act (CEQA), and LAFCO related reports and documents, reviewed projects of concern, prepared responses for LAFCO, and prepared LAFCO’s budget.

A reorganization or reclassification of employees is a proper subject for closed session only if the discussion will involve the job performance of particular individuals.\textsuperscript{88} Thus, a general discussion concerning the creation of a new position and the workload of existing positions is inappropriate for a closed session. Moreover, the “personnel exception” to the Brown Act must be construed narrowly and does not apply to discussions concerning an employee of another entity.\textsuperscript{89}

\textsuperscript{86} \textit{Id.} at 955. See, also, Government Code section 54957(b)(4) which states, “Closed sessions . . . shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.”

\textsuperscript{87} 172 Cal.App.4th 805, 91 Cal.Rptr.3d 458 (2009).

\textsuperscript{88} 63 Ops.Cal. Atty.Gen. 153 (1980). The Attorney General stated, “Whether the workload of existing positions would be a proper subject for executive session would depend on whether the discussions are with regard to the positions in the abstract, or whether they involve discussions of the work which is being performed by the individuals who are incumbents of such positions. In the latter case, the discussions would be a proper subject for executive sessions so long as the positions are those of employees within the meaning of Section 54957 of the Act.” \textit{Id.} at 153.

\textsuperscript{89} 85 Ops.Cal. Atty.Gen. 77 (2002). The Attorney General also stated that discussion of the establishment of the new administrative positions would not be a proper subject for closed session since the positions are not yet in existence and hence have no incumbents. However, if the establishment of new positions arises in the context of a reorganization which might involve a discussion of the job performance of particular individuals, then a closed session could be held pursuant to Section 54957. 63 Cal.Ops. Atty.Gen. 153 (1980).
In *Santa Clara Federation of Teachers v. Governing Board*, the Court of Appeal held that a board’s consideration of a hearing officer’s decision concerning teacher layoff policy must be conducted in open session. In a 1980 Attorney General’s opinion, the Attorney General concluded that abstract discussions concerning the creation of a new administrative position and the workload of existing positions were inappropriate for a closed session.

The Court of Appeal has also ruled that advisory committees and boards may meet in closed session to interview applicants for a position. The court held that public consideration of applicants could potentially expose them to embarrassment and the unwanted disclosure of their interest in the position. The court noted that if it ruled otherwise, qualified applicants would be lost, the interviewing process would be inhibited, and the entire hiring procedure would be unworkable.

As a condition of holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his/her right to have complaints or charges heard in open session at least 24 hours in advance and must be provided an opportunity to rebut the allegations before action is taken. Government Code section 54957(b)(2) states:

“As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.”

Any disciplinary action or other action taken by the governing board in the closed session will be held to be null and void if notice is not appropriately given. However, the 24-hour notice provision applies only when the board hears specific complaints and charges, not when it considers the appointment, employment, evaluation of performance, discipline or dismissal of a public employee. The review of a probationary employee’s evaluation and termination of the probationary employee’s contract does not require the 24-hour notice.

---

94 Government Code section 54957.
In *Kolter v. Commission on Professional Competence of the Los Angeles Unified School District*, the Court of Appeal held that the governing board of a school district may convene in closed session to initiate the process to dismiss a permanent certificated teacher without complying with the provision of the Brown Act that requires 24-hour written notice to an employee of the right to have the matter heard in an open session. The court held that the determination to initiate a dismissal proceeding is not a “hearing” on the charges and, therefore, such notice is not required.

The Court distinguished another case involving charges against a teacher who also served as a football coach in the district. In *Bell v. Vista Unified School District*, the board heard the charges against the football coach and decided to remove him from the coaching assignment. The Court in *Kolter* held that the decision to initiate dismissal proceedings under Education Code section 44934 does not effectuate the employee’s termination.

Therefore, if a governing board is considering whether to initiate the dismissal process for a permanent certificated employee, it is not necessary to give the 24-hour notice to the teacher under Government Code section 54957. However, if the board is hearing specific complaints or charges against an employee for the purpose of imposing discipline (such as termination of a coaching assignment or termination of a classified employee), the 24-hour notice must be given.

**CLOSED SESSION – REAL PROPERTY NEGOTIATIONS**

The governing board may meet in closed session with its negotiator prior to the purchase, sale, exchange or lease of real property to give instructions to its negotiator regarding the price and terms of payment for the purchase, sale, exchange or lease. In 2011, the Attorney General issued an opinion stating that the real property negotiations exception to the open meeting requirements of the Brown Act permits discussion in closed session of the following:

1. The amount of consideration that the local agency is willing to pay or accept in exchange for the real property rights to be acquired or transferred in the particular transaction.

2. The form, manner, and timing of how that consideration will be paid.

---

98 Id. at 1349.
100 Id. at 1352.
101 Id. at 1353-54.
3. Items that are essential to arriving at the authorized price and payment terms, such that their public disclosure would be tantamount to revealing the information that the exception permits to be kept confidential.\textsuperscript{104}

The Attorney General noted that the Ralph M. Brown Act was adopted to ensure the public’s right to attend the meetings of public agencies, as well as to facilitate public participation in all phases of local government decision-making and to curb misuse of the democratic process by secret legislation by public bodies.\textsuperscript{105} The Brown Act makes an exception for real property negotiations. Government Code section 54956.8 states in part:

“Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

“However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.” [Emphasis added.]

The Attorney General recognized that there is a need for a closed door exception for real property negotiations, noting that no purchase of real property would ever be made for less than the maximum amount a public agency would pay if the public (including the seller) could attend the session at which the maximum price was set. The Attorney General noted that the same would be true for minimum sales prices and lease terms.\textsuperscript{106}

The Attorney General then went on to analyze what is meant by the phrase “regarding price and terms of payment for the purchase, sale, exchange, or lease” of real property. The Attorney General concluded that the word “price” is the amount of consideration given or sought in exchange for the real property rights that are at stake. The Attorney General concluded that the phrase “terms of payment” is the form, manner, and timing upon which the agreed upon price is to be paid (e.g., all cash, installments, a seller-financed mortgage, and exchange of property). The Attorney General concluded that the phrase “terms of payment” limits the authority for closed session discussions to terms of payment and rules out discussions of any terms of the transaction as a whole. The Attorney

\textsuperscript{104} Id., at 87.
General also stated that the legislative history of amendments to Government Code section 54956.8 support this view.\textsuperscript{107}

Therefore, the Attorney General concluded that the real estate negotiations or real property negotiations exception to the Brown Act authorizes a local agency to discuss two topics in closed session:

1. The negotiator’s authority regarding the price; and
2. The negotiator’s authority regarding the terms of payment.\textsuperscript{108}

The Attorney General stated that the Brown Act does not allow closed session discussions of issues that might affect the economic value of the transaction or to discuss such issues as the availability of easements on the subject property, the credit worthiness of the buyer or seller, or the financial condition of the local agency itself. The Attorney General noted that in \textit{Shapiro v. San Diego City Council},\textsuperscript{109} a city council was considering a development project that included the construction of a new baseball stadium for the San Diego Padres. The city council argued that the complexity of the proposed transaction justified closed session discussion of various matters reasonably related to the ballpark deal, including land acquisition matters, design work of architects and engineers, infrastructure and parking development, capping interim expenses, environmental impact report considerations, issues of alternative sites, traffic, stadium naming rights, expert consultants, and the impact of the ballpark project on the homeless. The Court of Appeal in \textit{Shapiro} rejected the city’s argument that these matters could be discussed in closed session.\textsuperscript{110}

Based on the court’s decision in \textit{Shapiro}, the Attorney General concluded that while the real property negotiations exception should be narrowly construed, it must still be interpreted in a manner that gives effect to the underlying purpose of the law. Among those purposes is the need to conserve scarce public resources through effective negotiation of real property transactions. Therefore, the Attorney General concluded that a closed session discussion regarding price or terms of payment must allow the public agency to consider the range of possibilities for payment that the agency might be willing to accept, including how low or how high to start the negotiations with the other party, the sequencing and strategy of offers or counteroffers, as well as various payment alternatives. Information designed to assist the agency in determining the value of the property in question, such as the sales or rental figures for comparable properties, should also be permitted, because that information is often essential to the process of arriving at a negotiating price.\textsuperscript{111}

\textsuperscript{108} Id. at 86.
\textsuperscript{109} 96 Cal.App.4th 904 (2002).
\textsuperscript{110} Id. at 924.
\textsuperscript{111} See, also, Government Code section 6254(h), which exempts from public disclosure under the Public Records Act the contents of real estate appraisals made for or by a local agency relative to the acquisition of property until after the property has been acquired.
In conclusion, the Attorney General stated that the purpose of the real property exception to the Brown Act is to protect a local agency’s bargaining position, not to keep confidential its deliberations as to the wisdom of the proposed transaction. Therefore, a local agency is permitted to discuss in closed session the amount of the consideration that the local agency is willing to pay or accept in exchange for the real property rights to be acquired or transferred in the particular transaction, the form, manner, and timing of how that consideration will be paid and items that are essential to arriving at the authorized price and terms, such that their public disclosure would be tantamount to revealing the information that the exception permits to be kept confidential.  

CLOSED SESSION – LABOR NEGOTIATIONS

Further, while a general discussion about budget priorities, budget cuts and/or layoffs must be held in open session, the governing board may meet in closed session with its labor negotiator to discuss salaries, salary schedules and fringe benefits for the purpose of reviewing its position and instructing its negotiator. For example, the board may meet in closed session to indicate, by consensus, to its designated representative whether it approves or disapproves of a tentative agreement. If the board approves, it may direct staff to place the matter on the agenda for discussion and approval in open session at the next meeting, or may meet in closed session at the next meeting to discuss approval of the agreement in its final form after it has been accepted and ratified by the employee organization and report that action in open session. However, the entire governing board may not meet in closed session with union representatives since Government Code section 54957.6(a) states, in part, “Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency’s designated representatives…” Such meetings must be held in open session.

In addition, the Brown Act distinguishes between represented employees and unrepresented employees. With respect to represented employees, the governing board may meet in closed session with its designated representative to review the status of collective bargaining negotiations including the provisions of a tentative agreement reached at the bargaining table. The governing board may indicate, by consensus, to its designated representative whether it approves or disapproves the tentative agreement. If the board approves the terms of the tentative agreement, the board may direct staff to place the matter on the agenda for discussion and approval in open session at the next meeting or meet in closed session at the next meeting to discuss approval of the agreement in its final form after it has been accepted and ratified by the employee organization and report that action in open session.

With respect to unrepresented employees, the Brown Act requires a somewhat different process. The Brown Act states that closed session shall not include final action on the proposed

---

112 94 Ops.Cal.Aty.Gen. 82, 88 (2011). In our opinion, a broad discussion about the process for selling surplus real property must be held in open session.

113 Government Code sections 54957.1, 54956.8; 54957.6. In our opinion, this exception would allow a discussion of a proposed salary decrease or change in fringe benefits in closed session.
compensation of one or more unrepresented employees. The board may discuss the job performance of unrepresented employees (if agendized) and discuss whether the unrepresented employees should receive a salary increase and may receive a recommendation from its designated representative as to the amount of the raise but any discussion or comments by board members as to the amount of the salary increase must take place at a public meeting with proper notice to the public.

Government Code section 3549.1 authorizes a governing board of a district and its designated representative to meet in closed session, "...for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives."

The Brown Act, Government Code section 54957.6, states that notwithstanding any other provision of law, a legislative body of a local agency may hold a closed session with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. A local agency may also meet in closed session to discuss any other matter within the statutorily provided scope of representation with respect to represented employees. Prior to the closed session, the legislative body of the local agency must hold an open and public session in which it identifies its designated representative. The purpose of the closed session must be for the purpose of reviewing the local agency's position and instructing the local agency's designated representative.

The closed session may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. Closed sessions may include discussion of the agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative. Closed session "...shall not include final action on the proposed compensation of one or more unrepresented employees."14

The Brown Act, Government Code section 54957.6(a) states in part:

"Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

..."

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

14 Government Code section 54957.6(a). [Emphasis added.]
Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative. . . .”

CLOSED SESSION – RECOMMENDED AGENDA FORMAT

For purposes of describing closed session items, the Brown Act recommends a specific agenda format which, if specifically complied with, satisfies the requirements of the Brown Act.115 The closed session exceptions that most frequently apply to school districts are:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation).
Agency negotiator: (specify names of negotiators attending the closed session). (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session).

Negotiating parties: (specify name of party (not agent)).

Under negotiation: (specify whether instruction to negotiator will concern price, terms of payment or both).

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Subdivision (a) of Section 54956.9).

Name of case: (specify by reference to claimant's name, names of parties, case or claim numbers) or case name unspecified: (specify

whether disclosure would jeopardize service of process or existing settlement negotiations).

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (specify number of potential cases).

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9).

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (specify number of potential cases).

LIABILITY CLAIMS

Claimant: (specify name unless unspecified pursuant to Section 54961).

PUBLIC EMPLOYEE APPOINTMENT

Title: (specify description of position to be filled).

PUBLIC EMPLOYMENT

Title: (specify description of position to be filled).

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (specify position title of employee being reviewed).

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation).
CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (specify names of designated representatives attending the closed session). (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session).

Employee organization: (specify name of organization representing employee or employees in question) or unrepresented employee: (specify position title of unrepresented employee who is the subject of the negotiations) or unrepresented employee: (specify position title of unrepresented employee who is the subject of the negotiations).

CLOSED SESSION - PENDING LITIGATION

The governing board may meet in closed session with its legal counsel to confer with or receive advice from its legal counsel regarding pending litigation if discussion in open session would prejudice the position of the school district in the litigation. Litigation includes any adjudicatory proceeding, including eminent domain, before a court, administrative body, hearing officer or arbitrator. For this purpose, litigation is pending when any of the following occurs:

1. Litigation to which the agency is a party has been initiated formally;
2. The agency has decided or is meeting to decide whether to initiate litigation; or
3. In the opinion of the governing board and its legal counsel, there is a significant exposure to litigation if matters related to specific facts and circumstances are discussed in open session.116

Governing boards are authorized to meet in closed session to consider whether a significant exposure to litigation exists based on existing facts and circumstances.117 These are defined as follows:

1. The governing board believes that facts creating significant exposure to litigation against the district are not yet known to potential plaintiffs and need not be disclosed.118

117 Government Code section 54956.9(b)(2).
2. Facts (e.g., accident, disaster, incident, or transaction) creating significant exposure to litigation are known to potential plaintiffs.119

3. A claim pursuant to the Tort Claims Act or other written communication threatening litigation is received by the agency.120

4. A person makes a statement in an open and public meeting threatening litigation.121

5. A person makes a statement outside of an open and public meeting threatening litigation, and an agency official having knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting.122

Prior to conducting a closed session under the pending litigation exception, the governing board must state on the agenda or publicly announce the subdivision of the Brown Act, Government Code section 54956.9, which authorizes the closed session. If litigation has already been initiated, the governing board must state the title of the litigation unless to do so would jeopardize service of process or settlement negotiations.123

Under the pending litigation exception, a governing board or school district generally must be a party or a potential party to litigation in order to meet in closed session with its attorney. In addition, it is possible that a governing board may receive advice from its legal counsel concerning its participation in litigation as an amicus curiae. The purpose of the exception is to permit the governing board to receive legal advice and make litigation decisions only. The Attorney General has stated that it may not be used as a subterfuge to reach nonlitigation oriented policy decisions.124

The purpose of the pending litigation exception is to protect confidential attorney-client communications. Nonconfidential communications between an attorney and his or her client are not protected.125

It should be noted that the Brown Act does not limit the attorney-client privilege as to written communications between public sector attorneys and their clients. Written attorney-client communications are privileged and exempt from disclosure under the California Public Records Act.126

---

120 Government Code section 54956.9(b)(3)(C).
121 Government Code section 54956.9(b)(3)(D).
123 Government Code section 54956.9
Settlement negotiations, however, may be conducted by the attorneys for the respective litigating bodies, and a limited closed session, pursuant to the attorney-client exception, may be held by each body to consult with its attorney about the settlement.127

CLOSED SESSION – PUBLIC REPORT OF ANY ACTION TAKEN

The legislative body must publicly report any action taken in closed session and the vote or abstention of every member present. Reports may be made orally or in writing. Documents approved or adopted by the governing board in closed session must be made available to the public upon request. Districts may keep minutes or record closed sessions, but are not required to do so.128

The public report of closed session shall include the approval of an agreement concluding real estate negotiations after the agreement is final. If the agency’s own approval renders the agreement final, the legislative body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party to the real property negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.129

The legislative body must publicly report approval given to the agency’s legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as amicus curiae, in any form of litigation, as the result of a consultation. Approval given to legal counsel of the settlement of pending litigation shall be reported after the settlement is final. If the legislative body accepts a settlement offer signed by the opposing party, the legislative body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with some other party to the litigation or with the court, then as soon as a settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement. Dispositions reached as to claims discussed in closed session shall also be reported publicly.130

The legislative body shall report any action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session. Any action taken shall be reported at the public meeting during which the closed session is held and identify the title of the person.131 If no action is taken on the proposed personnel action, no public report is required.132 It is recommended that the minutes from the public session reference employee numbers as opposed to employee names.

127 Ibid.
128 Government Code sections 54957.1, 54957.2.
130 Government Code section 54957.1(a).
The report of a dismissal or the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of the administrative remedies, if any. Approval of an agreement concluding labor negotiations with represented employees shall be reported after the agreement is final and has been accepted and ratified by the other party.\(^{133}\)

Government Code section 54957.1 set forth the circumstances in which the governing board of a school district must publicly report any action taken in closed session to approve a labor agreement. Section 54957.1 states in part:

"The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows: . . .

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation."

The legislative body shall provide to any person who has submitted a written request copies of any contracts, settlement agreements or other documents that were finally approved or adopted in closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present in requesting the information.\(^{134}\)

The documents shall be made available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantive amendments, when any necessary retyping is complete.\(^{135}\)

**DISRUPTION OF PUBLIC MEETINGS**

A person who disrupts a public meeting may be removed or arrested.\(^{136}\) In *McMahon v. Albany School District*, the California Court of Appeal held that the First Amendment free speech rights of a member of the public were not violated when the individual was arrested for dumping gallons of garbage on the floor of a school room during a school board meeting. The Court of

\(^{133}\) Government Code section 54957.1(a).
\(^{134}\) Government Code section 54957.1(b).
\(^{135}\) Government Code section 54957.1(c).
\(^{136}\) Government Code section 54957.9.
Appeal held that there was sufficient evidence to support an arrest for disturbing a public meeting and that the free speech clause of the First Amendment was not violated.\textsuperscript{137}

At an April 1996 meeting of the school board of the Albany Unified School District, Mr. McMahon, who had previously complained about high school students leaving trash in his neighborhood, brought five 13-gallon bags of trash to a board meeting. During the public comment period, Mr. McMahon addressed the board. During his public comments, he went to the back of the room and retrieved two or three bags, gloves and a plastic tarp. Mr. McMahon opened the tarp, spread the tarp on the floor and untied the bag. The multipurpose room where the school board meeting was held was used as the school's cafeteria and student assembly room and for an after school child care program. Meals for the school and other elementary schools were cooked in the kitchen adjacent to the multipurpose room.\textsuperscript{138}

Mr. McMahon, wearing gloves, lifted a bag and dumped its contents on the tarp despite the principal's protest, who was sitting in the front row. Some of the trash spilled onto the floor. The police were then called, the meeting was adjourned and the board left the room. The school board remained in the adjoining kitchen while Mr. McMahon continued emptying trash and speaking to the audience.\textsuperscript{139}

Mr. McMahon was still talking to the audience when the police arrived. A board member made a citizen's arrest of Mr. McMahon for willfully disturbing a public meeting since the police sergeant refused to arrest Mr. McMahon because he had not committed a felony, nor did he commit a misdemeanor in the presence of a police officer. Based on the citizen's arrest, Mr. McMahon was placed in handcuffs and taken to the police station. The board meeting resumed and Mr. McMahon was issued a citation and released. No criminal charges were filed against Mr. McMahon.\textsuperscript{140}

Mr. McMahon then sued the district, its board members and the superintendent alleging false arrest and false imprisonment. After trial, the jury returned a verdict in favor of the school district. Mr. McMahon filed a motion for a directed verdict to overturn the jury's decision. His motion was denied and Mr. McMahon appealed to the Court of Appeal.\textsuperscript{141}

The Court of Appeal affirmed the lower court's refusal to find in favor of Mr. McMahon. The Court of Appeal noted that Mr. McMahon was arrested for violating Penal Code section 403, which makes it a misdemeanor to willfully disturb or break up any assembly or meeting that is not unlawful in character. The California Supreme Court in a previous decision\textsuperscript{142} upheld the constitutionality of Penal Code section 403.

\textsuperscript{138} Id. at 1279-1280.
\textsuperscript{139} Id. at 1281.
\textsuperscript{140} Ibid.
\textsuperscript{141} Id. at 1281-1282.
\textsuperscript{142} In re Kay, 1 Cal.3d 930 (1970).
The Court of Appeal noted that Mr. McMahon was allowed to exercise his First Amendment rights and to complain about the trash in his neighborhood. Mr. McMahon was allowed to illustrate his point by holding up a bag of discarded items he had collected. However, the jury concluded and the Court of Appeal agreed that the dumping of trash on the floor was another matter. Mr. McMahon had told the audience that the bags contained drug paraphernalia and bottles of alcohol. The Court of Appeals held, “It is well within the jury’s province to conclude that McMahon’s conduct exceeded the bounds of constitutionally protected speech and crossed the line into the tumult of license.”

The Court of Appeal noted that Mr. McMahon substantially impaired the conduct of the school board meeting.

The decision in McMahon should be beneficial to districts when a disruption occurs at a public meeting. While members of the public may address the governing board of a district on issues under the jurisdiction of the governing board, members of the public may not act in such a way (e.g., dumping of garbage) as to disturb or disrupt the conduct of a public meeting. Certainly, any type of conduct which is noisy, loud, disruptive, disturbing, or creates a health or safety risk to other members of the public would be considered disruptive and not protected free speech under the First Amendment. When such conduct occurs, districts should contact local law enforcement to remove or arrest the offending member of the public.

**PARTICIPATION IN PUBLIC MEETINGS**

In *Lacy Street Hospitality Services, Inc. v. City of Los Angeles*, the Court of Appeal held that the failure of members of the City Council to pay attention during an administrative hearing on a company’s request in a zoning matter deprived the company of due process.

The company was seeking a modification of city ordinances relating to the regulation of adult business. After holding a public hearing, the city zoning administrator granted the modification sought by the company. Neighborhood and community members who opposed the modifications appealed the zoning administrative decision to the Los Angeles City Council which scheduled a public hearing.

The public hearing was videotaped. The tape shows that when the City Council heard the matter, only two council members were visibly paying attention. Other council members were engaged in other activities, including talking with aides, eating, reviewing paperwork, talking with each other, talking on the cell phone, and walking around the room. The videotape showed that council members engaged in similar behavior when speakers in opposition to the zoning change spoke.

---

143 Id. at 1286-1287.
The Court of Appeal stated:

"We do not presume to tell the city council how it must conduct itself as a legislative body. Here, however, the city council was sitting in a quasi-judicial role, adjudicating the administrative appeal of constituents. A fundamental principle of due process is 'he who decides must hear.'... The inattentiveness of council members during the hearing prevented the council from satisfying that principle. ..."

... [T]he tape shows the council cannot be said to have made a reasoned decision based upon hearing all the evidence and argument, which is the essence of sound decision making and to which [the company] was entitled as a matter of due process."145

The holding in Lacy Street points out that when the governing boards of districts conduct a hearing on employee discipline matters, student discipline matters, and other similar issues, the governing board is acting in a quasi-judicial role and that the decorum, demeanor and the method of conducting the hearing all contribute to the process of conducting a fair hearing and providing all parties with due process under the law.

In a 2007 Attorney General’s opinion, it was determined that a school district superintendent may not prohibit a management employee of the district from attending a public school board meeting and speaking during the public comment period concerning his demotion from assistant principal to a teaching position.146

**DISTRIBUTION OF DOCUMENTS**

Agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of the legislative body of the local agency by any person in connection with a matter subject to discussion or consideration at a public meeting of the legislative body are disclosable public records under the California Public Records Act and shall be made available upon request without delay.147 However, any writing that is exempt from public disclosure shall not be included. Writings that are public records and are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of the legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability in conformance with the Americans with Disabilities Act.148

---

145 Id. at 530-531.
147 Government Code section 54957.5.
148 Government Code section 54957.5(b).
Beginning July 1, 2008, if a writing that is a public record that is related to an agenda item for open session of a regular meeting is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection at the time the writing is distributed to a majority of the board members. The writing must be made available for public inspection at a public office or location. The address of the location shall be listed on the agendas of the meetings of the district and shall be posted on the district’s Internet web site in a manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.¹⁴⁹

When members of a legislative body are authorized to access a writing of the body or of the agency in the administration of their duties, the local agency may not discriminate between or among any of the members of the legislative body as to which writing or portions thereof is made available or when it is made available.¹⁵⁰

STATUTORY PENALTIES FOR VIOLATION OF THE BROWN ACT

Each member attending a meeting of the governing board where the public is intentionally deprived of information to which the member knows or has reason to know the public is entitled to is in violation of the Brown Act and may be charged with a criminal offense.¹⁵¹ In addition, the district attorney or any interested person may bring a civil action against a school district for past violations, ongoing violations, or threatened future violations of the Brown Act and recover costs and attorney fees.¹⁵²

Prior to any action being commenced, the District Attorney or interested person shall make a demand on the legislative body to cure or correct the action alleged to have been taken in violation of the open meeting requirements, agenda requirements, or notice requirements of the Brown Act. The written demand shall be made within 90 days from the date the action was taken, unless the action was taken in open session but in violation of Government Code section 54954.2 (agenda requirements), in which case the written demand shall be made within 30 days from the date the action was taken. Within 30 days of the receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct, or inform the demanding party in writing of its decision not to cure or correct the challenged action. A court may award court costs and reasonable attorney’s fees to the plaintiff in an action if it is found that the legislative body violated the Brown Act. The court may also order the legislative body to tape record its closed sessions and preserve the tape recordings for the period deemed appropriate by the court if the court finds that the legislative body violated the closed session requirements of the Brown Act.¹⁵³

¹⁴⁹ Government Code section 54977.5(b).
¹⁵⁰ Government Code section 6252.7.
¹⁵¹ Government Code section 54959.
¹⁵² Government Code sections 54960, 54960.1, 54960.5.
¹⁵³ Government Code sections 54960, 54960.1.
With respect to past violations, the District Attorney or any interested person must submit a cease and desist letter by mail or fax. The cease and desist letter must be submitted to the governing board within nine months of the alleged violation and state the time during which the governing board may respond to the cease and desist letter. The governing board may respond within 30 days after receiving the cease and desist letter. Within 60 days of the governing board’s response to the cease and desist letter, if there is no unconditional commitment to cease all further violations, the District Attorney or any interested party may commence an action in court. If the governing board elects to respond to the cease and desist letter with an unconditional commitment to cease, desist from, and not repeat the past action that is alleged to violate the Brown Act, Government Code section 54960.2, states that the response shall be in the following form:

To __________________:

The [name of legislative body] has received your cease and desist letter dated [date] alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:

[Describe alleged past action, as set forth in the cease and desist letter submitted pursuant to subdivision (a).]

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the [name of legislative body] hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The [name of legislative body] may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as “Rescission of Brown Act Commitment.” You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

__________________________

[Chairperson or acting chairperson of the legislative body]\(^{154}\)

\(^{154}\) Government Code section 54960.2.
The unconditional commitment must be approved by the governing board in open session at a regular or special meeting as a separate item of business (not on its consent agenda). If the governing board has provided an unconditional commitment to cease and desist from further violations, then an action in court shall not be commenced. If a lawsuit has been filed alleging a past violation of the Brown Act, if the court determines that the governing board has provided an unconditional commitment to cease and desist from further violations, the lawsuit shall be dismissed with prejudice (i.e., the lawsuit cannot be refilled).\textsuperscript{155}

An unconditional commitment to cease and desist from further violations of the Brown Act shall not be construed or admissible as evidence as a violation of the Brown Act. If the governing board provides an unconditional commitment, the governing board shall not thereafter take or engage in the challenged action described in the cease and desist letter. If the governing board engages in the challenged action in the future, the violation shall constitute an independent violation of the Brown Act, without regard to whether the challenged action would otherwise violate the Brown Act.\textsuperscript{156}

The governing board may rescind an unconditional commitment by a majority vote of its membership taken in open session at a regular meeting as a separate item of business so long as it is not on its consent calendar. The agenda item shall state, "Rescission of Brown Act Commitment." The governing board must provide at least 30 days’ notice prior to the regular meeting that the governing board intends to consider the rescission of the unconditional commitment and give notice to the District Attorney and each interested person. Upon rescission, the District Attorney or any interested person may file a lawsuit for violation of the Brown Act without regard to the procedural requirements for past action violations of the Brown Act.\textsuperscript{157} A court may award court costs and reasonable attorney’s fees to the plaintiff in a lawsuit when it is found that the governing board has violated the Brown Act. If the governing board has provided an unconditional commitment at any time after the 30-day period for making such a commitment, the court shall award court costs and reasonable attorney’s fees to the plaintiff if the filing of the action caused the governing board to issue the unconditional commitment. The costs and fees shall be paid by the local agency, it shall not become a personal liability of any public officer or employee of the local agency.\textsuperscript{158}

\textbf{CASE LAW – VIOLATION OF THE BROWN ACT}

In \textit{Los Angeles Times Communications, LLC v. Los Angeles County Board of Supervisors},\textsuperscript{159} the Court of Appeal held that absent special circumstances, a plaintiff who successfully sues a government agency for violation of the Brown Act is entitled to an award of attorneys’ fees. In \textit{Los Angeles Times}, the Court of Appeal found that the lawsuit was necessary to

\textsuperscript{155} Government Code section 54960.2(c).
\textsuperscript{156} Government Code section 54960.2(d).
\textsuperscript{157} Government Code section 54960.2(e).
\textsuperscript{158} Government Code section 54960.5.
\textsuperscript{159} 112 Cal.App.4th 1313, 5 Cal.Rptr.3d 776 (2003).
bring about change in the practices of the Los Angeles County Board of Supervisors. The Court of
Appeal also found that the lawsuit remedied a public injury because it uncovered violations of the
Brown Act on January 4, 2002 and January 8, 2002. The Court of Appeal also held that the Los
Angeles Times, even though it had great resources, was entitled to an award of attorneys’ fees. The
Court of Appeal stated:

“Given the strong public policy behind that act and the need to spur private
enforcement through an award of attorneys’ fees . . . we see no reason to distinguish
between a well-funded major metropolitan newspaper and those with fewer
resources. Even the well-heeled should be encouraged to enforce the Brown Act for
the public’s benefit with full assurance that, absent special circumstances, they, too,
will recover their attorneys’ fees.”

Thus, the courts will, in most cases, award successful plaintiffs attorneys’ fees in cases
involving violations of the Brown Act.

In Moreno v. City of Kings, the Court of Appeal held that the City of King had violated the
Brown Act and that it had not “cured” its violations in a subsequent meeting. The Court of Appeal
held that the City had failed to give prior notice to the employee before discussing complaints or
charges against the employee and the City Council’s action terminating the employee was null and
void. The Court of Appeal affirmed the lower court’s order reinstating the employee.

In Moreno, the City terminated the finance director for the City and the finance director filed
a lawsuit alleging that the City had violated the Brown Act when it allegedly terminated his contract.
The finance director serves at the pleasure of the City Council.

On October 17, 2002, the City Council’s agenda for a special meeting stated, “Per
Government Code section 54957: Public Employee (employment contract).” The finance director
was not notified that his employment would be discussed at the October 17, 2002 meeting. The
minutes from the October 17, 2002 meeting stated that no reportable action was taken in closed
session.

On October 23, 2002, the City Manager gave the finance director a copy of a two page
memorandum that contained the details of five alleged incidents of the finance director’s misconduct
that led the City Manager to the decision to terminate the finance director’s employment. The
termination was effective at the end of the business day on October 23, 2002. The finance director
was not given an opportunity to respond to the accusations in the City Manager’s memo.

160 Id. at 791.
In December, 2002, the finance director filed a lawsuit against the City. The lawsuit alleged that the City had violated the Brown Act by failing to notify him that the City Council would be considering his employment or any complaints or charges against him and by failing to indicate in its agenda and minutes that action to terminate his employment would be considered or had been taken. On January 15, 2003, the finance director sent a letter to the City demanding that it cure or correct the action taken by the City Council on October 17, 2002 in violation of the Brown Act.

The agenda for the City Council’s January 28, 2003 meeting included the following item: “Consent Agenda.” “Deny Tort Claim of Roberto Moreno, Claimant v. City of King.” The staff recommendation was to re-affirm its concurrence in and approval of the City Manager’s termination of Roberto Moreno, the City’s finance director, and denying Mr. Moreno’s government tort claim. The addendum to the agenda contained a two page staff report prepared by the City Attorney.

The finance director claimed that the City had violated the Brown Act in three ways:

1. The inadequacy of the agenda of October 17, 2002, violated Sections 54954.2 and 54954.5;
2. The failure to report the action taken on Moreno’s employment at the meeting of October 22, 2002, violated Section 54957.1; and
3. The failure to notify Moreno in advance of the meeting that the Council would be hearing “complaints or charges” against him violated Section 54957.

The finance director insisted that the City had not cured any of the violations at the January 28, 2003 meeting.

The City claimed that no complaints or charges had been heard by the City Council at the October 17, 2002 meeting, and that it had cured any Brown Act violations at the Council’s January 28, 2003 meeting. At trial, the City Manager testified that the subject of the October 17, 2003 meeting was the prospective public employment contract with another individual to serve as interim finance director. The City Manager understood that, as a result of the approval of the hiring of the new interim finance director, he had the approval of the City Council to terminate Mr. Moreno’s employment. The City Manager also testified, at another point in the trial, that the City Council approved of Roberto Moreno’s termination as finance director at the October 17, 2002 meeting. The City Manager also testified that he had provided a draft of the memorandum containing the details of these five complaints about Mr. Moreno’s conduct as finance director at the October 17, 2002 meeting. In response to the memorandum, the Council members discussed Mr. Moreno and the termination of his employment.
On May 14, 2003, the trial court issued a written ruling granting Mr. Moreno’s petition with respect to the Brown Act violations. The court found that the City had violated Sections 54954.2, 54954.5, 54957 and 54957.1, and had not cured any of these violations. The court declared the City Council’s action terminating Mr. Moreno null and void, and ordered the City to reinstate him as finance director and reserved the issues of damages, attorney’s fees and costs to be decided at a later time.

The matter was appealed and the Court of Appeal affirmed the action of the trial court declaring the termination of Mr. Moreno null and void and reinstating Mr. Moreno to his position as finance director. The Court of Appeal agreed with the trial court that the City violated Section 54957 and that the trial court was correct in declaring the City’s action terminating Mr. Moreno’s employment null and void. The Court of Appeal also agreed with the trial court that the City failed to cure its violations of the Brown Act.

The Court of Appeal found that the City’s agenda for the meeting of October 17, 2002, was deficient and it omitted the brief general description required by Section 54954.2 of the business to be transacted or discussed. The Court of Appeal found that the agenda which described the business as “Public Employee (employment contract)” did not give the public or Mr. Moreno notice that his employment was going to be discussed and that possible termination would be discussed. The Court of Appeal also held that the Council’s January 28, 2003 meeting only referenced Mr. Moreno’s tort claim and the only action reported after that meeting was the denial of his tort claim, and that this did not achieve a cure of the City’s failure to agendize the issue of Mr. Moreno’s dismissal.

The Court of Appeal also found that the Council heard complaints or charges at the October 17, 2002 meeting, against Mr. Moreno, and that under Section 54957(b)(2), Mr. Moreno was entitled to advance notice that the City would be holding a closed session on specific complaints or charges brought against him by the City Manager. The Court of Appeal held that when a public agency receives accusations of misconduct from others and considers whether to dismiss an employee based on those accusations, it must give advance notice to the employee because its actions amount to a hearing of complaints or charges. Although the City Manager insisted he did not discuss the contents of the document with the accusations in it with the City Council, he admitted that the City Council responded to the document by spending a significant portion of the meeting of October 17, 2002 discussing Moreno and his potential termination.

The Court of Appeal held that the trial court could reasonably infer from this testimony that the City Council considered and discussed the City Manager’s accusations against Finance Director Moreno, and that this amounted to a hearing of “complaints or charges” within the meaning of Section 54957. The Court of Appeal held that the purpose of Section 54957 is to provide an employee with the opportunity to respond to specific accusations made by another person. The Court

---

of Appeal held when there is a failure to give an employee advance notice of the hearing on specific complaints or charges, any disciplinary or other action taken by the public agency against the employee based on specific complaints or charges in a closed session, is null and void. The Court of Appeal then affirmed the trial court’s order declaring the termination of Finance Director Moreno null and void and reinstated him as the City’s Finance Director.

The Court of Appeal also noted that the City never reported the action taken by the City Council publicly in the minutes but since the trial court rendered relief based on Section 54957, the Court of Appeal declined to decide whether a violation of Section 54957.1 (action in closed session must be reported out) was violated.

In summary, if the governing boards of districts are going to discuss the possible termination of an employee based on reports from the public or other persons, they must give 24 hours advance notice to the employee under Section 54957 and give the employee an opportunity to rebut the allegations before they take action, or the action could be declared null and void by a court and the employee could be reinstated to his or her position.

**DISCLOSURE OF CONFIDENTIAL INFORMATION**

The Brown Act states that a person may not disclose confidential information that has been acquired by being present in closed session to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information. Confidential information is defined as a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session. Violations of confidentiality may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

1. Injunctive relief to prevent the disclosure of confidential information;

2. Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section;

3. Referral of a member of a legislative body who has willfully disclosed confidential information to the grand jury. However, it is not a violation of the Brown Act to do any of the following:

   1. Make a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts disclosing facts to a district attorney or grand jury that are necessary to establish the

---

163 Government Code section 54957.
164 Government Code section 54963.
165 Government Code section 54963(c).
illegality of an action taken by a legislative body of a local agency, or the potential illegality of an action that has been the subject of deliberation at a closed session, if that action were to be taken by a legislative body a of a local agency.

2. Express an opinion concerning the propriety or illegality of action taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

3. Disclosing information acquired by being present in a closed session under the Brown Act that is not confidential information.  

In addition, nothing in this provision of the Brown Act shall be construed to prohibit disclosures under the whistleblower statutes.  

EXEMPTIONS FROM THE BROWN ACT

The Education Code exempts meetings of councils or committees of school site advisory committees from the Brown Act.  

Education Code section 35147(c) states that any meeting held by a specified council or committee shall be open to the public and any member of the public shall be able to address the council or committee during the meeting on any item within the subject matter jurisdiction of the council or committee. Under Section 35147, the following requirements apply:

1. Notice of the meeting shall be posted at the school site or other appropriate place accessible to the public at least 72 hours before the time set for the meeting. The notice shall specify the date, time and location of the meeting and contain an agenda describing each item of business to be discussed or acted upon.

2. The council or committee may not take any action on any item or business unless that item appeared on the posted agenda or unless the council or committee member is present, by unanimous vote, find that there is a need to take immediate action and that the need for action came to the attention of the council or committee subsequent to the posting of the agenda. Questions or

166 Government Code section 54963(e).
167 Government Code section 54963(f).
168 The councils and school site advisory committees which are exempt must be established pursuant to Education Code section 52012 (school site councils), 52065 (American Indian Advisory Committee), 52176 (Bilingual Advisory Committee), 52852 (school site councils), 54425(b) (Advisory Committee on Compensatory Education Programs), 54444.2 (Parent Advisory Committee for Migrant Education), 54724 (School Site Council for Motivation and Maintenance Programs), 62002.5 (School Site Councils and Parent Advisory Committees) or committees formed pursuant to Education Code section 11503 (committees formed under Chapter 1 programs) or 20 U.S.C. Section 2604 (committees formed under Chapter I programs).
brief statements made at a meeting by members of the council, committee or public that do not have a significant effect on pupils or employees in a school or school district or that can be resolved solely by the provision of information need not be described on an agenda as items of business.

3. If a council or committee violates the procedural meeting requirements of this section, and upon demand of any person, the council or committee shall reconsider the item at its next meeting after allowing for public input on the item.

Any materials provided to a school site council must be made available to any member of the public who requests the materials. Special education community advisory committees are not included among the bodies exempted by the Education Code. Therefore, special education community advisory committees which are formed by board action, pursuant to the local special education plan or SELPA plan, are subject to the requirements of the Brown Act, which defines a legislative body as a commission, committee, board or other body, whether permanent or temporary, decisionmaking or advisory, created by formal action of the legislative body. Therefore, if the special education community advisory committee was formed by board action, it would be subject to the provisions of the Brown Act.

ROBERT'S RULES OF ORDER

The Brown Act does not require the adoption of Robert's Rules of Order. Generally, our office has recommended that school districts use Robert's Rules of Order as a guide.

Under the Brown Act, the board has the power to suspend or ignore its parliamentary rules if the rules are not required by Education Code or the Brown Act. The Education Code requires the governing boards of school districts and community college districts to act by a simple majority vote of the entire membership of the board. In general, the board may suspend or repeal its own parliamentary rules, but it may not suspend or repeal any provisions imposed by law, including provisions of the Education Code and the Brown Act.

169 Education Code section 35147(d).
170 Education Code section 35147.
171 Government Code section 54952.
172 Education Code sections 35164 and 72203.
<table>
<thead>
<tr>
<th><strong>75/25 Ratio</strong></th>
<th>The goal established by AB1725 for the ratio of full-time faculty to part-time faculty.</th>
</tr>
</thead>
</table>
| **10 + 1 (The 11 Responsibilities of the Academic Senate)** | Ed Code Section 70902 (b) (7) provides that the Academic Senate of a college has primary responsibility for “academic and professional matters.” Title 5 Section 53200 (c) describes the ten areas of responsibility with the addition of one more (+1). The +1 provides for the Academic Senate and the governing board to mutually agree upon other academic and professional matters for consideration. 10 + 1 defined:  
1. Curriculum, including establishing prerequisites and placing courses within disciplines  
2. Degree and certificate requirements  
3. Grading policies  
4. Educational program development  
5. Standards or policies regarding student preparation and success  
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  
8. Policies for faculty professional development activities  
9. Processes for program review  
10. Processes for institutional planning and budget development, and  
11. Other academic and professional matters as mutually agreed upon between the governing board and the academic senate |
| **A.A./A.S. Degrees** | A.A. The Associate Degree may be obtained by the completion of all required courses for a major (18 units or more) with grades of "C" or better in each course, fulfill general education requirements, satisfy competencies, and sufficient electives to meet a minimum total of 60 units with a grade point average of 2.0 ("C" average). A.S. the Associate in Science degree may be met by completing an approved California Community College Certificate Program of 24 semester units or more, and as specified in the General Education Requirements. |
| **AB 1725** | Shared governance is a process created by the California state legislature that guarantees faculty input in the decision-making process of community colleges. The purpose of the law, AB 1725, was to provide a mechanism to insure that the expertise of the faculty would be used in developing college policies. Although the phrase "shared governance" is not found in the legislation, it has become the commonly used description of the process that provides for faculty input. |
| **Academic Calendar Year** | Begins on July 1 of each calendar year and ends on June 30 of the following calendar year. There are two primary terms requiring instruction for 175 days. A day is measured by being at least 3 hours between 7:00 AM to 11:00 PM.  
Basis/Rationale: 175 days ÷ 5 days per week = 35 weeks ÷ 2 primary terms = 17.5 week semester.  
175 days X 3 hours = 525 hours, which equals one (1) full-time equivalent student.  
Notes: Community colleges in California are required by code to provide instruction 175 days in an academic calendar year (excluding summer sessions). |
| **Academic Senate (ASCCC)** | The statewide organization represents, by law, the faculty on matters of educational policy. Local academic senates also have legal rights and responsibilities related to local district decision-making. |
| **Accreditation Terms*** | Show Cause – when the Commission finds an institution to be in substantial non-compliance with its Eligibility Requirements, Accreditation Standards, or Commission policies or when the institution has not responded to the conditions imposed by the Commission. The institution must demonstrate why its accreditation should be continued within a stated period of time.

Warning – when the Commission finds that an institution has pursued a course deviating from the Commission’s Eligibility Requirements, Accreditation Standards or Commission policies to an extent that gives concern to the commission, it may issues a warning to the institution to correct its deficiencies, refrain from certain activities, or initiate certain activities.

Probation – when an institution deviates significantly from the Commission’s Eligibility Requirements, Accreditation Standards or Commission policies, but not to such an extent as to warrant a Show Cause order or the termination of accreditation, or fails to respond to conditions imposed upon it by the Commission, including a warning, the institution may be placed on probation.

Reaffirmed – the institution substantially meets or exceeds the Eligibility Requirements, Accreditation Standards and Commission policies. Recommendations are directed toward strengthening the institution not correcting situations. A Midterm Report must be submitted by the third year of the six-year accreditation cycle.

Mid-Term Report – a written response to the recommendations from an accreditation report demonstrating how deficiencies have been resolved and describing progress on self-identified issues from the self-study.


Visiting Team – a team of trained external peer reviewers appointed by the Commission selected on the basis of their professional expertise in higher education and areas of specialization.

*all definitions taken from the Accreditation Reference Handbook or other ACCJC publications at www.accjc.org

| **Association of Community College Trustees (ACCT)** | The Association of Community College Trustees (ACCT) is a non-profit educational organization of governing boards, representing more than 6,500 elected and appointed trustees who govern over 1,200 communities, technical, and junior colleges in the United States and beyond.

| **Allocation** | Division or distribution of resources according to a predetermined plan.

| **Apportionment** | Federal, state or local monies distributed to college districts or other governmental units according to certain formulas.

| **ASF** | Assignable Square Feet used in conjunction with the Taxonomy of Programs to define capacity space standards in terms of square footage allowable per 100 Weekly Student Contact Hour (WSCH).

| **Audit** | An examination of documents, records and accounts for the purpose of determining 1) that all present fairly the financial position of the district; 2) that they are in conformity with prescribed accounting procedures; and 3) that they are consistent with the preceding year.

| **Auxiliary Operations** | Service activities indirectly related to teaching and learning. Food service and dormitories are considered auxiliary operations.

| **Basic Skills** | Courses in reading, writing and computation that prepare students for college level work. There are special funds that partially support these programs. May also be called development or remedial skills.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Backfill</strong></td>
<td>Funds allocated by the Legislature to make up for revenues (e.g. student fees, property taxes) that were projected but not received.</td>
</tr>
<tr>
<td><strong>Base Year</strong></td>
<td>A year to which comparisons are made when projecting a current condition.</td>
</tr>
<tr>
<td><strong>Block Grant</strong></td>
<td>A fixed sum of money, not linked to enrollment measures, provided to a college district by the state.</td>
</tr>
<tr>
<td><strong>Board Self-Evaluation</strong></td>
<td>The process of annually evaluating board performance by the Trustees to identify areas of board functions that are working well or need improvement. The process is an accreditation requirement.</td>
</tr>
<tr>
<td><strong>BOG</strong></td>
<td>Board of Governors set policy and provides guidance for the 72 districts and 112 colleges. The 17-member board is appointed by the governor and formally interacts with state and federal officials and other state organizations.</td>
</tr>
<tr>
<td><strong>BOG Waivers</strong></td>
<td>For eligible California residents, the Board of Governors (BOG) Fee Waiver permits enrollment fees to be waived. (Assistance for the purchase of books and supplies must be applied for separately.)</td>
</tr>
<tr>
<td><strong>Bonds</strong></td>
<td>Investment securities (encumbrances) sold by a district through a financial firm for the purpose of raising funds for various capital expenditures.</td>
</tr>
<tr>
<td><strong>Budget Act</strong></td>
<td>The legislative vehicle for the State’s appropriations. The Constitution requires that it be passed by a two-thirds vote of each house and sent to the Governor by June 15 each year. The governor may reduce or delete, but not increase, individual items.</td>
</tr>
<tr>
<td><strong>Budget Document</strong></td>
<td>A written statement translating the educational plan or programs into costs, usually for one future fiscal year, and estimating income by sources to meet these costs.</td>
</tr>
<tr>
<td><strong>California Community College System Office</strong></td>
<td>The administrative branch of the California Community College system. It is a State agency which provides leadership and technical assistance to the 112 community colleges and 72 community college districts in California. It is located in Sacramento and allocates State funding to the colleges and districts.</td>
</tr>
<tr>
<td><strong>Capacity</strong></td>
<td>The amount of enrollment that can be accommodated by an amount of space given normal use levels. In terms of facility space standards, it is defined as the number of ASF per 100 WSCH.</td>
</tr>
<tr>
<td><strong>Capacity/Load Threshold Ratios (AKA “Cap Load(s)”)</strong></td>
<td>The relationship between the space available for utilization (square footage that is assignable) and the efficiency level at which the space is currently being utilized. The State measures five areas for Capacity Load: Lecture, Laboratory, Office, Library and AV/TV. The Space Inventory (Report 17) provides the basis for this calculation.</td>
</tr>
<tr>
<td><strong>Capital Projects</strong></td>
<td>Construction projects, such as land, utilities, roads, buildings, and equipment which involve demolition, alteration, additions, or new facilities.</td>
</tr>
<tr>
<td><strong>Carnegie Unit</strong></td>
<td>A unit of credit; a student’s time of 3 hours per week is equivalent to one unit of credit.</td>
</tr>
<tr>
<td><strong>Categorical Funds</strong></td>
<td>Also called restricted funds, these are monies that can only be spent for the designated purpose. Examples: funding to serve students with disabilities (DSPS) or the economically disadvantaged, low-income (EOPS), scheduled maintenance, instructional equipment, and matriculation.</td>
</tr>
<tr>
<td><strong>CCFS</strong></td>
<td>320 (&quot;The 320 Report&quot;): One of the primary apportionment (funding) documents required by the State. It collects data for both credit and noncredit attendance. Three reports are made annually: the First Period Report (P-1), the Second Period Report (P-2) and the Annual Report. The importance of this report is whether the college or district is meeting its goals for the generation of full-time equivalent students.</td>
</tr>
<tr>
<td><strong>Census</strong></td>
<td>An attendance accounting procedure that determines the number of actively enrolled students at a particular point in the term. Census is taken on that day nearest to one-fifth of the number of weeks a course is scheduled.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>------</td>
<td>------------</td>
</tr>
</tbody>
</table>
| CEO  | Chancellor in a multi-college district  
        Superintendent/President in a single college district |
| CEP  | Community Enrichment Program—Classes that provide lifelong learning opportunities or development of new skills and upgrading existing ones. |
| Certificates of Completion | Students must complete the number of units required by the College. No certificate shall consist of less than 12 semester units. |
| Certificates of Participation (COPs) | Certificates of Participation are used to finance the lease/purchase of capital projects. Essentially, they are the issuance of shares in the lease for a specified term. |
| CCLC/CCCT | CCLC - Community College League of California  
           CCCT - Community College of California Trustees |
<p>| CTE (Career Technical Education) | A program of study that involves a multiyear sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers. <a href="http://www.cde.ca.gov/ci/ct/">http://www.cde.ca.gov/ci/ct/</a> |
| Current Expense of Education | Usually regarded as expenses other than capital outlay, community services, transportation (buses) and selected categorical funds. |
| Disabled Student Programs &amp; Services (DSPS) | Categorical funds designated to integrate disabled students into the general college program. |
| EAP (Early Assessment Program) | The Early Assessment Program (EAP) is a collaborative effort among the State Board of Education (SBE), the California Department of Education (CDE) and the California State University (CSU). The program was established to provide opportunities for students to measure their readiness for college-level English and mathematics in their junior year of high school, and to facilitate opportunities for them to improve their skills during their senior year. (For details, visit <a href="http://www.calstate.edu/EAP/">http://www.calstate.edu/EAP/</a>). |
| Education Code | The body of law which regulates education in California. Implementing regulations are contained in the California Administrative Code, Title 5, the Government Code, and general statues. |
| Educational Centers | A postsecondary institution operating at a location remote from the campus of the parent institution which administers it, and recognized by the Chancellor’s Office as a Center. |
| Educational Master Plan | A part of the College’s Master Plan that defines the education goals of the College as well as the current and future curriculum to achieve those goals. The educational master plan precedes and guides the Facilities Master Plan. |
| Encumbered Funds | Obligations in the form of purchase orders, contracts, salaries, and other commitments for which part of an appropriation is reserved. |
| Ending Balance | A sum of money available in the district’s account at year end after subtracting accounts payable from accounts receivable. |
| Enrollment Cap | A limit on the number of students (FTES) for which the state will provide funding. |
| Enrollment Fee | Charges to students on a per-unit basis, and established in the Education Code. |
| Enrollments (Unduplicated) | A student enrollment count (also referred to as “Headcount”) based on an Individual Student Number or Social Security Number that identifies a student only once in the system. |
| Equalization | Funds allocated by the legislature to raise districts with lower revenues toward the statewide average. |
| Estimated Income | Expected receipt or accruals of monies from revenue or non-revenue sources (abatements, loan receipts) during a given period. |</p>
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extended Opportunity Programs and Services (EOPS)</td>
<td>Categorical funds designated for supplemental services for disadvantaged students.</td>
</tr>
<tr>
<td>Facilities</td>
<td>All of the capital assets of the College including the land upon which it is located, the buildings, and systems and equipment.</td>
</tr>
<tr>
<td>Facilities Master Plan</td>
<td>The Facilities Master Plan is an inventory and evaluation (condition/life span) of all owned facilities (the site, buildings, equipment, systems, etc.). It identifies regulations impacting these facilities and any deficiencies, and defines a plan to correct those deficiencies. It also identifies the adequacy, capacity, and use of those facilities; identifies the deficiencies relative to those criteria; and defines a plan of correction. It draws on information contained in the Educational Master Plan.</td>
</tr>
<tr>
<td>Faculty Loads</td>
<td>The amount of “teaching time” assigned/appropriated to a given instructional class, i.e., lecture or laboratory, for a given semester or for an academic year (two semesters). It is typically defined in terms of 15 “teaching hours” per week as being equal to one (1) full-time equivalent faculty; a “full faculty load.” Actual faculty loads are generally governed by negotiated agreements and collective bargaining.</td>
</tr>
<tr>
<td>FCMAT</td>
<td>Fiscal Crisis Management Advisory Team <a href="http://www.fcmat.org">www.fcmat.org</a></td>
</tr>
<tr>
<td>Fee</td>
<td>A charge to students for services related to their education.</td>
</tr>
<tr>
<td>Fifty-Percent Law</td>
<td>Requires that fifty percent of district expenditures in certain categories must be spent for classroom instruction.</td>
</tr>
<tr>
<td>Final Budget</td>
<td>The district budget that is approved by the board in September, after the state allocation is determined.</td>
</tr>
<tr>
<td>Fiscal Year</td>
<td>Twelve calendar months; in California, it is the period beginning July 1 and ending June 30. Some special projects use a fiscal year beginning October 1 and ending September 30, which is consistent with the federal government’s fiscal year.</td>
</tr>
<tr>
<td>Form 700</td>
<td>Statement of Economic Interest – <a href="http://www.fmcc.ca.gov">www.fmcc.ca.gov</a></td>
</tr>
<tr>
<td>FPPC</td>
<td>Fair Political Practices Commission - <a href="http://www.fmcc.ca.gov">www.fmcc.ca.gov</a></td>
</tr>
<tr>
<td>FTEF</td>
<td>An acronym for “full-time equivalent faculty.” Used as a measure by the State to calculate the sum total of faculty resources (full-time and part-time combined) that equate to measurable units of 15 hours per week of “teaching time,” i.e., as being equal to one (1) full-time equivalent faculty. All academic employees are considered to be faculty for this purpose including instructors, librarians and counselors.</td>
</tr>
<tr>
<td>FTES</td>
<td>An acronym for a “full-time equivalent student.” Used by the State as the measure for attendance accounting verification. Also used as a student workload measure that represents 525 class (contact) hours in a full academic year.</td>
</tr>
<tr>
<td>Full Time Equivalent Students (FTES)</td>
<td>A measure used to indicate enrollment and workload. The State General Apportionment is based on FTES.</td>
</tr>
<tr>
<td>Fund</td>
<td>An independent fiscal and accounting entity with a self-balanced set of accounts for recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein.</td>
</tr>
<tr>
<td>Fund Balance</td>
<td>The difference between assets and liabilities.</td>
</tr>
<tr>
<td>Gann Limitation</td>
<td>A ceiling on each year’s appropriations supported by tax dollars. The limit applies to all governmental entities, including school districts. The base year was 1978-79. The amount is adjusted each year, based on a price index and the growth of the student population.</td>
</tr>
<tr>
<td>Governor’s Budget</td>
<td>The Governor proposes a budget for the state each January.</td>
</tr>
<tr>
<td>Inflation Factor</td>
<td>An increase in apportionment provided by the state to reflect the increased cost of operation due to inflation.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lottery Funds</td>
<td>The minimum of 34 percent of lottery revenues distributed to public schools and colleges must be used for “education of pupils.” Lottery income has added about 1-3 percent to community college funding.</td>
</tr>
<tr>
<td>Mandated Costs</td>
<td>College district expenditures that occur as a result of federal or state law, court decisions, administrative regulations, or initiative measures.</td>
</tr>
<tr>
<td>Master Plan</td>
<td>An extensive planning document which covers all functions of the college or district. Master Plans typically contain a statement of purpose, an analysis of the community and its needs, enrollment and economic projections for the community, current educational program information and other services in relation to their future requirements, educational targets and the strategies and current resources to reach those targets, and a comprehensive plan of action and funding.</td>
</tr>
<tr>
<td>May Revise</td>
<td>The Governor revises his budget proposal in May in accordance with up-to-date projections in revenues and expenses.</td>
</tr>
<tr>
<td>Middle College</td>
<td>Middle College High Schools are secondary schools, authorized to grant diplomas in their own name, located on college campuses across the nation. The Middle Colleges are small, with usually 100 or fewer students per grade level. They provide a rigorous academic curriculum within a supportive and nurturing environment to a student population that has been historically under-served and under-represented in colleges. While at the Middle College, students have the opportunity to take some college classes at no cost to themselves. (For details, visit <a href="http://www.mcnc.us/faqs.htm">http://www.mcnc.us/faqs.htm</a>).</td>
</tr>
<tr>
<td>Noncredit FTES</td>
<td>FTES earned in noncredit courses, generally Adult Education.</td>
</tr>
<tr>
<td>Nonresident Tuition</td>
<td>A student who is not a resident of California is required, under the uniform student residency requirements, to pay tuition. The fee shall not be less than the average statewide cost per student, and is set by the board.</td>
</tr>
</tbody>
</table>
| Object Code               | Classification category of an item or a service purchase. The general classification numbers are:  
                             - 1000 Certificated salaries  
                             - 2000 Classified salaries  
                             - 3000 Employee benefits  
                             - 4000 Books, supplies, materials  
                             - 5000 Operation expenses  
                             - 6000 Capital outlay  
                             - 7000 Other outgo  
                             - 8000 Revenues |
<p>| Outsourcing               | The practice of contracting with private companies for services such as financial aid programs or food services.                                |
| Partnership For Excellence| Funds that are specially allocated to the colleges to be used to improve student performance in five areas.                                    |
| Pell Grants               | A federal program that provides funds for student expenses related to education (including living expenses, fees, and supplies).              |
| PERS                      | Public Employees’ Retirement System. State law requires school district classified employees, school districts and the State to contribute to the fund for full-time classified employees. |
| Program-Based Funding     | The budget formula used by the System Office to determine state allocations to local districts. It does not specify where and how the funds must be spent. |
| Program Review            | A review of each college program completed on a three year cycle to determine the program’s educational value and whether updates are required to retain the relevance of the instructional materials and content. |</p>
<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposition 13</td>
<td>An initiative amendment passed in June 1978 adding Article XIII A to the California Constitution. Tax rates on secured property are restricted to no more than 1 percent of full cash value. Proposition 13 also defined assessed value and required a two-thirds vote to change existing or levy new taxes.</td>
</tr>
<tr>
<td>Proposition 98</td>
<td>An initiative passed in November 1988, guaranteeing a portion of the state’s budget for K-12 and the community colleges. The split was proposed to be 89 percent (K-12) and 11 (CCC), although the split has not been maintained.</td>
</tr>
<tr>
<td>Qualified Audit</td>
<td>When an auditor is not willing to certify the District’s financial statements are fully accurate.</td>
</tr>
<tr>
<td>Reserves</td>
<td>Funds set aside in a college district budget to provide for future expenditures or to offset future losses, for working capital, or for other purposes. There are different categories of reserves, including contingency, general, restricted and reserves for long-term liabilities.</td>
</tr>
<tr>
<td>Restricted Funds</td>
<td>Money that must be spent for a specific purpose either by law or by local board action.</td>
</tr>
<tr>
<td>Revenue</td>
<td>Income from all sources.</td>
</tr>
<tr>
<td>Revenue Limit</td>
<td>The specific amount of student enrollment fees, state and local taxes a college district may receive per student for its general education budget. Annual increases are determined by Proposition 98 formula or the Legislature.</td>
</tr>
<tr>
<td>SB 1440 – Student Transfer (Chapter #428 Statue of 2010)</td>
<td>Associate Degrees for Transfer - Enables the CCC’s and the CSU’s to collaborate on the creation of Associate in Arts Degree (AA) and Associate in Science (AS) Degree transfer programs. Students are given guaranteed admission into the CSU system, and further are given priority consideration when applying to a particular program that is similar to the student’s community college major.</td>
</tr>
<tr>
<td>Scheduled Maintenance</td>
<td>Major repairs of buildings and equipment. Some matching state funds are available to districts to establish a scheduled maintenance program.</td>
</tr>
<tr>
<td>Service Area</td>
<td>Any community college’s service area is usually defined by geography, political boundaries, commuting distances and the historical agreements developed with adjacent community colleges. In most situations the district boundary is not the best measure of potential student participation at a given college, since students tend to look for options, including distance education.</td>
</tr>
<tr>
<td>Shared Governance</td>
<td>As outlined in AB 1725 listed above.</td>
</tr>
<tr>
<td>Shortfall</td>
<td>An insufficient allocation of money, requiring an additional appropriation, and expenditures reduction, or deficits.</td>
</tr>
<tr>
<td>SLO</td>
<td>Student Learning Outcomes – knowledge, skills, abilities, and attitudes that a student has attained at the end (or as a result) of his or her engagement in a particular set of collegiate experiences. <a href="http://www.accjc.org/glossary">www.accjc.org/glossary</a></td>
</tr>
<tr>
<td>State Apportionment</td>
<td>An allocation of state money to a district, determined by multiplying the district’s total FTES times its base revenue per FTES.</td>
</tr>
<tr>
<td>Strategic Plan</td>
<td>Strategic planning is an organization’s process of defining its strategy, or direction, and making decisions on allocating its resources to pursue this strategy, including its capital and people. Various business analysis techniques can be used in strategic planning, including SWOT analysis (Strengths, Weaknesses, Opportunities, and Threats) and PEST analysis (Political, Economic, Social, and Technological analysis). The outcome is normally a strategic plan which is used as guidance to define functional and divisional plans, including Technology, Marketing, etc.</td>
</tr>
<tr>
<td>STRS</td>
<td>State Teachers’ Retirement System. State law requires that school district employees, school districts and the State contribute to the fund for full-time certificated employees.</td>
</tr>
</tbody>
</table>

State Teachers’ Retirement System. State law requires that school district employees, school districts and the State contribute to the fund for full-time certificated employees.
<table>
<thead>
<tr>
<th><strong>Student Education Plan (SEP)</strong></th>
<th>SEP is a counseling tool used to assist students in planning their educational goals. Some student groups are required to complete an SEP for their program e.g., athletes, pre-nursing, veterans.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Student Financial Aid Funds</strong></td>
<td>Funds designated for grants and loans to students. Includes federal Pell grants, College Work-Study, and the state funds EOPS grants and fee waiver programs.</td>
</tr>
<tr>
<td><strong>Subventions</strong></td>
<td>Provision of assistance or financial support, usually from higher governmental units to local governments or college districts, for example to compensate for loss of funds due to tax exemptions.</td>
</tr>
<tr>
<td><strong>Sunset</strong></td>
<td>The termination of the regulations for a categorical program or regulation.</td>
</tr>
<tr>
<td><strong>Technology Master Plan</strong></td>
<td>A five year plan for the modernization and security of the District’s electronic equipment and software.</td>
</tr>
<tr>
<td><strong>Tentative Budget</strong></td>
<td>The budget approved by the board in June, prior to when state allocations have been finalized.</td>
</tr>
<tr>
<td><strong>TMC’s</strong></td>
<td>Transfer model curriculums (AATs: Associate Arts Transfer; AST; Associate Science Transfer)</td>
</tr>
<tr>
<td><strong>Title 5</strong></td>
<td>The Section of the Administrative Code that governs community colleges. The Board of Governors may change or add to Title 5.</td>
</tr>
</tbody>
</table>
| **TOP Code** | The “Taxonomy of Programs” (TOP) is a common numeric coding system by which the College categorizes degree and certificate programs. Each course or program has a TOP code. Accountability to the State is reported through the use of TOP codes. The taxonomy is most technical in the vocational programs (0900’s).  
**Example:** The taxonomy uses a standard format to codify the offerings. The first two-digits are used for a number of State purposes including educational master planning purposes. A four-digit code is necessary for reports in the Five-Year Capital Outlay Plan.  
| 1500 – Humanities (Letters)  
| 1501 – English  
| 1509 – Philosophy  
| 2200 – Social Sciences  
| 2202 – Anthropology  
| 2205 – History |
| **TOP/CSS Code** | Taxonomy of Programs. Numbers assigned to programs to use in budgeting and reporting. Rooms or space are assigned for a particular use and function or a specific discipline or service. The State has a numeric code, a four-digit number that identifies the “type” of use that is supported by a particular room/space. (see TOP Code) Space Utilization: assumed by most faculty and staff on campus to mean the level or degree to which a room is utilized. It is the room’s capacity expressed as the percentage that the room is actually used.  
**Example:** If the lecture weekly student contact hours were 27,500 and the classroom capacity for weekly student contact hours were 35,000, the utilization would be identified as 78.6%.  
**Stations:** The total space to accommodate a person at a given task (classroom- laboratory-office, etc.). The number of appropriate student work spaces within a defined area. It generally represents the best space apportionment for a given educational program. |
<p>| <strong>Total Cost of Ownership (TCO)</strong> | Total Cost of Ownership (TCO), as used for college facilities, is defined for these purposes as the systematic quantification of all costs generated over the useful lifespan of the facility (30-50 years). The goal of TCO is to determine a value that will reflect the true, effective cost of the facility including planning, design, constructing and equipping of the facility and also the recurring costs to operate the facility over the useful lifespan of the facility (30-50 years). |
| <strong>TRANs</strong> | Districts finance short-term cash flow needs by issuing Tax and Revenue Anticipation Notes (TRANs) through bond underwriters. The notes are paid off with operating revenue. |</p>
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Unencumbered Balance</strong></td>
<td>That portion of an appropriation or allotment not yet expended or obligated.</td>
</tr>
<tr>
<td><strong>Unfunded FTES</strong></td>
<td>FTES that are generated in excess of the enrollment/FTES cap.</td>
</tr>
<tr>
<td><strong>Unit Plans</strong></td>
<td>An annual plan by college unit designed to describe the college unit’s support to the college’s educational master plan.</td>
</tr>
<tr>
<td><strong>Unqualified Audit</strong></td>
<td>When an auditor finds that the District’s financial statements comply with acceptable accounting practices.</td>
</tr>
<tr>
<td><strong>Unrestricted Funds</strong></td>
<td>Generally those monies of the General Fund that are not designated by law or a donor agency for a specific purpose. They are legally regarded as unrestricted since their use is at the Board’s discretion.</td>
</tr>
<tr>
<td><strong>WASC/ACCJC</strong></td>
<td>Western Association of Schools and Colleges/Accrediting Commission for Community and Junior Colleges</td>
</tr>
<tr>
<td><strong>WSCH</strong></td>
<td>“Weekly Student Contact Hours.” WSCH represents the total hours per week a student attends a particular class. WSCH are used to report apportionment attendance and FTES. One (1) FTES represents 525 WSCH.</td>
</tr>
<tr>
<td><strong>WSCH/FTEF</strong></td>
<td>Represents the ratio between the faculty’s hours of instruction per week (“faculty load”) and the weekly hours of enrolled students in his/her sections. It is the total weekly student contact hours (WSCH) divided by the faculty member’s load. The State productivity/efficiency measure for which funding is based is 525 WSCH/FTEF. <strong>Examples:</strong> A faculty member teaching five sections of Sociology, each section meeting for three hours per week with an average per section enrollment of 30 students, equals 450 WSCH/FTEF. (5 class sections X 3 hours/week X 30 students = 450 WSCH/FTEF). A faculty member teaching three sections of Biology, each section meeting for six hours per week with an average section enrollment of 25 students, would be teaching 450 WSCH/FTEF. (3 class sections X 6 hours/week X 25 students = 450 WSCH</td>
</tr>
</tbody>
</table>
# Parliamentary Motions Guide

Based on Robert's Rules of Order Newly Revised (10th Edition)

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>§21 Close meeting</td>
<td>I move to adjourn</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>§20 Take break</td>
<td>I move to recess for</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>§19 Register complaint</td>
<td>I rise to a question of privilege</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>§18 Make follow agenda</td>
<td>I call for the orders of the day</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>§17 Lay aside temporarily</td>
<td>I move to lay the question on the table</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>§16 Close debate</td>
<td>I move the previous question</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
</tr>
<tr>
<td>§15 Limit or extend debate</td>
<td>I move that debate be limited to ...</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>2/3</td>
</tr>
<tr>
<td>§14 Postpone to a certain time</td>
<td>I move to postpone the motion to ...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>§13 Refer to committee</td>
<td>I move to refer the motion to ...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>§12 Modify wording of motion</td>
<td>I move to amend the motion to ...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>§11 Kill main motion</td>
<td>I move that the motion be postponed indefinitely</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>§10 Bring business before assembly (a main motion)</td>
<td>I move that [or &quot;to&quot;] ...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
</tbody>
</table>
Parliamentary Motions Guide

Based on Robert's Rules of Order Newly Revised (10th Edition)

Incidental Motions - no order of precedence. Arise incidentally and decided immediately.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>§23 Enforce rules</td>
<td>Point of order</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>§24 Submit matter to</td>
<td>I appeal from the</td>
<td>Yes</td>
<td>Yes</td>
<td>Varies</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>assembly</td>
<td>decision of the chair</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§25 Suspend rules</td>
<td>I move to suspend the rules which</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§26 Avoid main motion</td>
<td>I object to the</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
</tr>
<tr>
<td>altogether</td>
<td>consideration of the question</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§27 Divide motion</td>
<td>I move to divide the</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td></td>
<td>question</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§29 Demand rising vote</td>
<td>I call for a division</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§33 Parliamentary law</td>
<td>Parliamentary</td>
<td>Yes (if urgent)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>question</td>
<td>inquiry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>§33 Request for</td>
<td>Point of information</td>
<td>Yes (if urgent)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>information</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Motions That Bring a Question Again Before the Assembly - no order of precedence. Introduce only when nothing else pending.

| §34 Take matter from       | I move to take from                            | No         | Yes  | No      | No     | Majority|
| table                     | the table ...                                  |            |      |         |        |        |
| §35 Cancel or change       | I move to rescind/                             | No         | Yes  | Yes     | Yes    | 2/3 or maj. w/ notice|
| previous action           | amend something previously adopted...          |            |      |         |        |        |
| §37 Reconsider motion      | I move to reconsider the vote ...             | No         | Yes  | Varies  | No     | Majority|

Jim Slaughter, Certified Professional Parliamentarian-Teacher & Professional Registered Parliamentarian
336-378-1899(W)  336-378-1850(F)  P.O. Box 41027, Greensboro, NC 27404
Number of Institutions, 2014-15

CCC 112 Colleges
72 Districts
76 Educational Centers
CSU 23 Colleges
UC 10 Colleges

Undergraduate Fees, 2014-15

<table>
<thead>
<tr>
<th></th>
<th>Resident</th>
<th>Nonresident</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCC</td>
<td>$1,380</td>
<td>$9,030</td>
</tr>
<tr>
<td>CSU</td>
<td>$6,759*</td>
<td>$17,919</td>
</tr>
<tr>
<td>UC</td>
<td>$13,300*</td>
<td>$36,178</td>
</tr>
</tbody>
</table>

*includes campus-based fees

Undergraduate Student Enrollment, 2013-14

<table>
<thead>
<tr>
<th></th>
<th>CCC</th>
<th>CSU</th>
<th>UC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enrollment</td>
<td>2,094,910</td>
<td>382,332</td>
<td>188,290</td>
</tr>
</tbody>
</table>

(full-year unduplicated headcount (all students))

(full-time equivalent students (FTES), credit)

(non-credit FTES)

(drop in student enrollment between 2008-09 & 2012-13 due to lack of funding)

Per-Student Funding by Education System, 2014-15

( amounts include state General Fund, local property tax, student fee revenue, and lottery funds. )

<table>
<thead>
<tr>
<th>Education System</th>
<th>2014-15</th>
</tr>
</thead>
<tbody>
<tr>
<td>K–12</td>
<td>$8,931</td>
</tr>
<tr>
<td>California Community Colleges (CCC)</td>
<td>$6,557</td>
</tr>
<tr>
<td>California State University (CSU)</td>
<td>$13,284</td>
</tr>
<tr>
<td>University of California (UC)</td>
<td>$23,892</td>
</tr>
</tbody>
</table>

Degrees & Certificates Awarded, 2013-14

<table>
<thead>
<tr>
<th>Degree Type</th>
<th>CCC 2013-14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associate in Science for Transfer</td>
<td>4,938</td>
</tr>
<tr>
<td>Associate in Arts for Transfer</td>
<td>6,901</td>
</tr>
<tr>
<td>Associate of Science (A.S.) Degree</td>
<td>31,196</td>
</tr>
<tr>
<td>Associate of Arts (A.A.) Degree</td>
<td>64,437</td>
</tr>
<tr>
<td>Credit Certificate, 18 to 29.5 units</td>
<td>13,761</td>
</tr>
<tr>
<td>Credit Certificate, 30 to 59.5 units</td>
<td>29,920</td>
</tr>
<tr>
<td>Credit Certificate, 60+ units</td>
<td>983</td>
</tr>
<tr>
<td>TOTAL (Credit)</td>
<td>152,136</td>
</tr>
<tr>
<td>TOTAL (Non-credit)</td>
<td>28,513</td>
</tr>
<tr>
<td>TOTAL (Credit &amp; Non-Credit)</td>
<td>180,649</td>
</tr>
</tbody>
</table>

2013-14 Credit Class Success Rate 70.6%

Students by Ethnicity, 2013-14

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>CCCs</th>
<th>CA Pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>African-American</td>
<td>7.0%</td>
<td>6.6%</td>
</tr>
<tr>
<td>Native American</td>
<td>0.4%</td>
<td>1.7%</td>
</tr>
<tr>
<td>Asian</td>
<td>11.7%</td>
<td>14.1%</td>
</tr>
<tr>
<td>Filipino</td>
<td>3.1%</td>
<td>**</td>
</tr>
<tr>
<td>Hispanic</td>
<td>41.0%</td>
<td>38.4%</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td>0.5%</td>
<td>0.5%</td>
</tr>
<tr>
<td>White</td>
<td>28.4%</td>
<td>39.0%</td>
</tr>
<tr>
<td>Multi-Ethnicity</td>
<td>3.9%</td>
<td>3.7%</td>
</tr>
<tr>
<td>Unknown/Nonrespondent</td>
<td>4.0%</td>
<td>—</td>
</tr>
</tbody>
</table>

*CA Pop totals more than 100% due to students of multiple ethnicity. **Filipinos are included w/Asians in California population data.

Number of Student Transfers to Four-Year Public & Private Institutions

<table>
<thead>
<tr>
<th>Transfer Type</th>
<th>2012-13</th>
<th>2013-14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Colleges to University of California</td>
<td>15,663</td>
<td>15,896</td>
</tr>
<tr>
<td>Community Colleges to California State University</td>
<td>44,236</td>
<td>56,565</td>
</tr>
<tr>
<td>Community Colleges to In-State Private Colleges/Universities</td>
<td>13,897</td>
<td>11,000</td>
</tr>
<tr>
<td>Community Colleges to Out of State Colleges/Universities</td>
<td>14,691</td>
<td>14,247</td>
</tr>
<tr>
<td>Transfer Rate, 2007-08 to 2012-13</td>
<td>48.1%</td>
<td>**</td>
</tr>
</tbody>
</table>

Percentage of Public Institution Graduates Who Started at a CCC

<table>
<thead>
<tr>
<th>Institution</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>California State University</td>
<td>52%</td>
</tr>
<tr>
<td>University of California</td>
<td>31%</td>
</tr>
</tbody>
</table>

Upon transferring to either four-year institution, CCC transfers obtain GPAs equal to, or better than, “native” UC or CSU students and graduate at rates comparable to “native” UC and CSU students.

Undergraduate Fees

<table>
<thead>
<tr>
<th></th>
<th>CCC 2013-14</th>
<th>CSU 2013-14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baccalaureate Degree Programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CCC</td>
<td>$10,560</td>
<td></td>
</tr>
<tr>
<td>CSU</td>
<td>$27,036</td>
<td></td>
</tr>
</tbody>
</table>

CCC Students by Age, 2013-14

<table>
<thead>
<tr>
<th>Age Group</th>
<th>2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤19</td>
<td>27.7%</td>
</tr>
<tr>
<td>20-24</td>
<td>37.8%</td>
</tr>
<tr>
<td>25-29</td>
<td>12.7%</td>
</tr>
<tr>
<td>30-34</td>
<td>6.6%</td>
</tr>
<tr>
<td>35 and Over</td>
<td>15.1%</td>
</tr>
<tr>
<td>Unknown</td>
<td>0.02%</td>
</tr>
</tbody>
</table>

CCC Students by Gender, 2013-14

<table>
<thead>
<tr>
<th>Gender</th>
<th>2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>52.3%</td>
</tr>
<tr>
<td>Male</td>
<td>46.7%</td>
</tr>
<tr>
<td>Unknown</td>
<td>1.0%</td>
</tr>
</tbody>
</table>

*Revised March 2015
Did You Know…

**HOMELAND SECURITY**
80% of firefighters, law enforcement officers and EMTs are credentialed at community colleges. 39 colleges administer Police Officers Standards and Training (POST) academies. 64 colleges have fire technology programs for training firefighters.

**NURSING**
70% of the nurses in California received their education from community colleges.

**SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS**
Transfer students from community colleges to the University of California account for 48% of UC’s bachelor’s degrees in science, technology, engineering and mathematics (STEM).

**ENROLLMENT**
24% of all the community college students nationwide are enrolled in a California community college.

**JOB RATINGS**
Community colleges have the highest combined “good/excellent” job rating, 65%, among California’s three segments of public higher education (according to the latest PPIC poll).

**PERSONAL INCOME**
California’s personal income will decline by 11% by the year 2020 unless the state increases the number of Latinos who attend college.

**EARNINGS**
$1.6M is the average lifetime earnings of a graduate with an associate’s degree – $400,000 more than for a high school graduate.

Students who earn a California community college degree or certificate nearly double their earnings within 3 years.

**DIVERSITY**
The enrollment of African-American students in California’s community colleges nearly matches the undergraduate enrollment of the University of California. Nearly 1/4 of all Chicanas and Chicanos who receive doctorates first attend a community college.

**VETERANS**
More than 1/2 of California veterans receiving GI educational benefits attend a community college.

**TRANSFER**
Transfer students who come to UC perform well, persisting and graduating at rates similar to students who enter as freshmen. The average time-to-degree for transfer students is just over 2 years (2.4) after coming to the University (average time-to-degree for freshman is 4.2). Transfer students continue to be a successful and valued part of the UC community.
Leadership Development

Knowledge Center

The Knowledge Center offers focused, succinct resources about governance; it's a place to come for quick answers to your governance questions.

Governance

Governance briefs are approachable explanations of specific topics.

- 50% Law - Background Paper
- Achieving the Diversity Commitment
- California Community Colleges in 2010: Four Scenarios

More on Governance...

Audio and Video

This section contains links to webinars and presentations focused on topics useful to trustees.

- Ethics and Public Service
- Introduction to the Brown Act
- Trustees Fiscal Responsibility

More Audio and Video...

Reports

Reports are prepared by the League addressing specific topics.

- Biennial Report on CEO Tenure and Retention
- No Confidence Votes
- Preparing to Serve the Students of the Future: A Planning Resource Report

More Reports...

Resources

Additional publications and resources for boards and trustees fulfilling their roles and responsibilities.

- Appointing a New Trustee to the Board
- Assessing the Performance of the CEO
- Board Candidate Information

More Resources...
Committees

If you would like to serve on either the ACES or ACL committees, please complete the online membership application. Applications will be reviewed within 3 weeks of the application close date.

Advisory Committee on Education Services

The Advisory Committee on Education Services (ACES) is responsible for identifying and reviewing needs for the educational and professional development programs provided to the colleges, particularly those targeted to trustees and CEOs. Committee members are expected to assess and evaluate the need for board, CEO, and leadership development services, prepare for and attend meetings of the committee, contribute to discussions and program design, participate in or attend events as available, and work on committee projects as time allows.

Ongoing events and activities include:
- Effective Trusteeship Workshop
- Board Chair Workshop
- Annual Trustees Conference
- Student Trustees Workshop
- Review and update of publications for trustees and CEOs
- Resources for CEOs and New CEO Support
- League On Call Consulting Services
- Annual Convention and Partner Conferences

Advisory Committee on Legislation

Primary responsibility of the Advisory Committee on Legislation (ACL) is to advise the League boards (CCCT/CEOCCC) on state and federal legislation affecting community colleges, and general advocacy strategies. The committee reviews legislation and related issues requiring legislative resolution, develops appropriate legislative solutions and recommends appropriate League advocacy priorities.

Specific activities include:
1. Analyze and develop recommendations for action by the CCCT and CEOCCC boards on state legislation and, as time permits, federal legislation. Provide advice on means to support the positions adopted by the boards. In this capacity, the committee will review legislation that impacts the community colleges, discuss potential effects, advantages and disadvantages and possible advocacy strategies; and recommend positions for CCCT and CEOCCC board actions;
2. Develop recommendations on strategies for advocacy on key legislation, and ensure local community college representatives are informed in a timely and effective manner about legislative issues and activities;
3. Explore and propose strategies to further enhance League legislative and advocacy activities through the increased involvement of locally elected governing boards, chief executive officers, students, district personnel and community leaders, including increased use of technology;
4. Advise and assist in the maintenance and distribution of the League's Advocacy Handbook and other related advocacy information, thereby encouraging and facilitating local community college governing boards, district personnel, and students to influence legislative actions and to work with the Board of Governors and Executive Branch; and
5. Prepare for and attend meetings of the committee, contribute to the discussions; and plan, attend and assist at the Annual Legislative Conference as time allows.

Commission on the Future

The League's Commission on the Future ("The Commission") is charged with studying effective policy and practice changes that, if incorporated, could be reasonably implemented by 2030 and would enable the system to increase the number of students who have access to, and are able to complete, high-quality degrees, certificates and transfer pathways in our community colleges. The Commission is composed of 33 members including CEOs, Trustees, and faculty, staff and student members. The Commission met three times in 2010, with its work culminating in a report that was published in Fall 2010.

Commission Vision
Guidelines:

Each August, members of the Cabrillo College Governing Board shall indicate which conference(s)/workshop(s) they intend to participate in for the upcoming year. Out of State conferences can only be applied for every other year.

Board Member: ___________________________

Conference/Workshop Info:

- Title: ___________________________
- Dates: ___________________________
- Cost: (please include registration fee, travel, hotel, meals): ___________________________

Please state how your participation will directly help Cabrillo College:

By signing this you agree to put in writing a conference summary to the board.

___________________________  ______________________
Trustee Signature            Date

___________________________  ______________________
Board Chair Signature       Date
Possible Trustee Conferences/Workshops
*(Cabrillo Membership)*

California Community College League Conferences:

- **Annual Convention**: Held in the fall, alternates between Northern California and Southern California
  - November 19-21, 2015: Hyatt Regency SFO, Burlingame

- **Annual Legislative Conference**
  - January 31-February 1, 2016: Sheraton Grand, Sacramento

- **Annual Trustees Conference**: Held in the spring, alternates between Northern California and Southern California
  - April 28-May 1, 2016: JW Marriott, Desert Springs

- **Effective Trustees Workshop & Board Chair workshop**
  - January 29-31, 2016: Sheraton Grand, Sacramento

HIS Central & Northern California Community College Summit
[https://admissions.ucdavis.edu/hsi_conference/](https://admissions.ucdavis.edu/hsi_conference/)

Association of American Community Colleges *(every other year participation)*
[http://www.aacc.nche.edu/newsevents/Events/convention2/Pages/default.aspx](http://www.aacc.nche.edu/newsevents/Events/convention2/Pages/default.aspx)
  - April 9-12, 2016, Chicago, IL

Academic Senate for California Community Colleges
[http://www.asccc.org/calendar/list/events](http://www.asccc.org/calendar/list/events)
  - 2015 Fall Plenary Session, November 5-7, 2015, Irvine Marriott

Association of Community College Trustees (ACCT)
  - October 14-17, 2015, San Diego, CA
Public Comment at Board Meetings:

Members of the public have the opportunity to directly address the Board on any item of interest to the public that is within the jurisdiction of this Board whether or not it is an item noticed on this agenda. A member of the public may also speak before the Board’s consideration of any item listed on this agenda.

Generally, no action may be taken on any item not noticed for action on the agenda, but the Board may receive input from the public.

Unless otherwise determined by the Board, each person is limited to three minutes. Those wishing to address the Board on Non Agenda items shall complete a Green speaker card. Those wishing to address the Board on Agenda items shall complete a Yellow speaker card. These speaker cards shall be given to the Assistant to the President prior to the Board Meeting.
<table>
<thead>
<tr>
<th>Oral Communications Speaker Request</th>
<th>Oral Communications Speaker Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items NOT on the Agenda</td>
<td>Communications directly related to</td>
</tr>
<tr>
<td>(3 Minute time limit unless otherwise determined by the Board Chair)</td>
<td>Agenda Item #_____</td>
</tr>
<tr>
<td>Name:______________________________</td>
<td>Name:______________________________</td>
</tr>
<tr>
<td>Date:______________________________</td>
<td>Date:______________________________</td>
</tr>
<tr>
<td>Subject:__________________________</td>
<td>Subject:__________________________</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>