
Kern Community College District
Administrative Procedure
Chapter 2 – Board of Trustees

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

References:

Education Code Section 70902:

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

The District Chancellor may delegate any powers and duties entrusted to him/her by the Board of Trustees (including the administration of colleges and centers), but will be specifically responsible to the Board for the execution of such delegated powers and duties.

The District Chancellor shall be responsible for reasonable interpretation of board policy. In situations where there is no board policy direction, the District Chancellor shall have the power to act, but such decisions shall be subject to review by the Board. It is the duty of the District Chancellor to inform the Board of such action and to recommend written board policy if one is required.

The District Chancellor is expected to perform the duties contained in the District Chancellor's job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions.

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

The District Chancellor delegates full responsibility and authority to the College Presidents to implement and administer delegated policies without interference and holds College Presidents accountable for the operation of the colleges.

NOTE: The **red ink** signifies language that is **suggested as good practice** by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore) to comply with the accreditation requirements. The Policy & Procedure Service issued a legal update to this document in November 2014.

Approved:

(This is a new procedure)

Legal Citations for AP 2430

EDUCATION CODE - EDC

TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]

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

DIVISION 7. COMMUNITY COLLEGES [70900 - 88651]

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

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

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

70902.

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

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

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

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

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

(3) Establish academic standards, probation and dismissal and readmission policies, and graduation requirements not inconsistent with the minimum standards adopted by the board of governors.

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

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

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

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

Standard IV: Leadership and Governance

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

B. Chief Executive Officer

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

C. Governing Board

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

D. Multi-College Districts or Systems

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