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

BP 2010 BOARD MEMBERSHIP

References:

Education Code Sections 72023, 72103, and 72104;
WASC/ACCJC Accreditation Standard IV.C.6

NOTE: *The language in red ink is legally required.*

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

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

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

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

NOTE: *Attorney General (AG) Opinion 01-112 (8/3/01) clarified employment of a Board member as a part-time or substitute instructor. Education Code Section 72103(b)(2) makes an exception for individuals who are usually employed in an occupation other than teaching and who are employed by the district to teach no more than one course per semester or quarter in the subject matter of the individual's occupation. The AG Opinion states that this exception applies only when the contract to teach has already been executed at the time of the election to the Board of Trustees.*

Government Code Sections 1090 and 87100 and common law principles of conflict of interest prohibit such office-holding, and inclusion of this exception is not recommended.

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

❖ From current KCCD Policy 2B titled Organization of the Board of Trustees

2B1—Composition

~~The Board of Trustees is composed of seven (7) members representing the District on the basis of trustee areas as follows. See Appendix 2B1(a) of this Manual for a map of the Kern Community College District trustee areas. Appendix 2B1(b) of this Manual includes a listing of the members of the Board of Trustees and term expiration date by trustee areas.~~

- ~~—— Trustee Area #1 — Two (2) Board members~~
- ~~—— Trustee Area #2 — One (1) Board member~~
- ~~—— Trustee Area #3 — Two (2) Board members~~
- ~~—— Trustee Area #4 — One (1) Board member~~
- ~~—— Trustee Area #5 — One (1) Board member~~

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current KCCD Policy 2B titled Organization of the Board of Trustees adopted in November 2013. The language in **blue ink** is included for consideration.

Adopted:

(Replaces current KCCD Policy 2B)

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

BP 2015 STUDENT MEMBER

Reference:

Education Code Section 72023.5

NOTE: *The language in red ink is legally required.*

The Board of Trustees shall include one non-voting student member. The term of office shall be one year commencing [June 1 or May 15].

The student member shall be enrolled in and maintain a minimum of five semester units in the District at the time of nomination and throughout the term of service. The student member is not required to give up employment with the District. The student shall maintain [insert standards of scholarship as determined by the District for students in the District].

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

NOTE: *The Board of Trustees is responsible to decide whether to grant the following privileges to student members by May 15 of each year. Inclusion of the following policy will remind the Board of this requirement for annual review and action. It is **not required** that the Board adopt the following language in red ink. However, the Board must annually decide whether to grant privileges (if any) to the student trustee. The following lists possible privileges.*

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

- The privilege to make and second motions;
- The privilege to attend closed sessions, other than closed sessions on personnel or collective bargaining matters;

- The privilege to receive compensation for meeting attendance at a level of **[insert amount]** (See BP 2725 titled Board Member Compensation);
- The privilege to serve a term commencing on May 15;
- The privilege to cast an advisory vote, although the vote shall not be included in determining the vote required to carry any measure before the Board.

NOTE: *There are boards that provide the student member an advisory vote at Board meetings, even though the law does not mention this privilege. If a Board chooses to include an advisory vote, it should be listed in the above policy with a statement, "The privilege to cast an advisory vote, although the vote shall not be included in determining the vote required to carry any measure before the Board." (see last bulleted item above)*

NOTE: *The District must abide by the language in Education Code Section 72023.5 which **does not require the student trustee to be a resident**. There is a Chancellor's Office opinion dated May 23, 2001 that indicates **Districts cannot impose more restrictions than those found in Education Code Section 72023.5**.*

❖ **From current KCCD Policy 2B1A titled Student Member**

~~2B1A In accordance with Education Code Section 72023.5 one (1) student shall be a non-voting member of the Board of Trustees. Upon request, the student member's advisory position on measures before the Board shall be noted in the official minutes of the meeting. The procedures for selection are prescribed by the governing board and are outlined in Procedure 2B1A of this Manual.~~

~~2B1A1 The student member shall serve for a one-year (1-year) term as provided by law. A student member may be afforded the opportunity to attend closed sessions at the invitation of the Board of Trustees except for matters dealing with personnel and collective bargaining.~~

~~2B1A2 Student members are entitled to the same travel allowance as voting members and shall be compensated for attendance at Board meetings at the same rate as regular members.~~

~~2B1A3 In accordance with Education Code Section 72023.7(c), the Board shall, by May 15 of each year, review and adopt rules and regulations implementing this section.~~

NOTE: *The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current KCCD Policy 2B1A titled Student Member adopted on November 2013. The language in **blue ink** is included for consideration.*

Adopted: November 2013

Revised:

(Replaces current KCCD Policy 2B1A)

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

BP 2100 BOARD ELECTIONS

References:

Education Code Sections 5000 et seq. and 72036

NOTE: *The language in red ink is legally required.*

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

NOTE: *Terms of office begin on a date determined by the date of election. In districts where elections are governed by a city charter, the date will be the date all municipal officers take office. In districts governed by general law, the date will usually be the first Board meeting in December following the general election in November.*

NOTE: *For those districts that elect at large, the above policy is sufficient. For those districts that elect by trustee area [Education Code Section 72022], the following policies are required:*

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

Effective [insert date], the trustee areas are:

Two Board Members from Area 1 (name the area(s)/cities represented)

One Board Member from Area 2 (name the area(s)/cities represented)

Two Board Members from Area 3 (name the area(s)/cities represented)

One Board Member from Area 4 (name the area(s)/cities represented)

One Board Member from Area 5 (name the area(s)/cities represented)

NOTE: *The District may wish to include a map of the trustee areas OR simply include a phrase directing the reader to the District's website such as:*

[See the Kern Community College District's website for a map of the trustee areas.](#)

NOTE: *Districts with trustee areas have one of the following two options.*

Option 1. The election of a Board member residing in and registered to vote in the trustee area he/she seeks to represent shall be only by the registered voters of the same trustee areas.

Option 2. The election of a Board member residing in and registered to vote in the trustee areas he/she seeks to represent shall be by the registered voters of the entire community college district.

NOTE: *Education Code Section 5019.5 establishes the obligation to adjust the boundaries of trustee areas after each decennial census in districts where trustee areas have been established and in which each trustee is elected by the residents of the area.*

The District Chancellor shall submit recommendations to the Board regarding adjustments to be made to the boundaries of each trustee area, if any adjustment is necessary, after each decennial federal census. The District Chancellor shall submit the recommendation in time for the Board to act as required by law.

NOTE: *The Board may change from at large elections of trustees to elections by trustee areas, in accordance with Education Code section 72036 and the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code), upon the adoption by the Board of trustees of a resolution in support of the change and upon the approval of the Board of Governors of the California Community Colleges.*

❖ **From current KCCD Policy 2B2 titled Election of Members of the Board of Trustees**

~~**2B2 Election of Members of the Board of Trustees** – A candidate must be an elector residing in and registered to vote in the area to be represented. Members of the Board of Trustees shall be elected by the electors of the area in which the member(s) resides.~~

2B2A A statement filed by a candidate for inclusion in the sample ballot for distribution to the voters shall be limited to two hundred (200) words. A charge for such statement shall be levied against the candidate by the County Clerk.

2B2B If a tie vote occurs, the candidates who have received the tie votes shall be notified to appear before the Board either personally or by a representative at a designated time and place. The Board of Trustees shall at that time and place determine the winner or winners by lot.

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in March 2012. The language in **black ink** is from current KCCD Policy 2B2 titled Election of Members of the Board of Trustees adopted in November 2013. The language in **blue ink** is included for consideration.

Adopted:

(Replaces current KCCD Policy 2B2)

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

BP 2105 ELECTION OF STUDENT MEMBER

References:

Education Code Sections 72023.5 and 72103

NOTE: *The language in red ink is legally required.*

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

NOTE: *The Board of Trustees should insert its current policy here. The Board is responsible for establishing the procedure by which the student member is chosen. The board policy or administrative procedure should describe the election or selection process and require that it be completed so that the student member is able to assume office by June 1 or May 15, whichever is applicable.*

NOTE: *The following is provided as language that will comply with the requirement of the Education Code that all students enrolled be permitted to participate in the selection of this student member. See, 62 Ops. California Attorney General 126 (1979).*

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

If the seat of a student member becomes vacant during his/her term, the Board of Trustees may authorize the officers of student body associations established pursuant to Education Code Section 76060 at each community college in the District to appoint a student to serve the remainder of the term in accordance with procedures established by the Board of Trustees.

[OR]

Special elections may be held if the office becomes vacant by reason of the resignation, recall, or disqualification of an elected student member, or by any other reasons.

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

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

NOTE: Alternative suitable for *multi-college districts*:

The student member of the Board shall be elected by all the students enrolled in the District in a general election held for that purpose. Normally, an election will be held in the Spring semester so that the office is filled by June 1. The student member may be recalled by all the students of the student body in an election held for that purpose in accordance with administrative procedures adopted by the District Chancellor, except that all members of the student body shall be permitted to vote in the recall election. Special elections shall be held if the office becomes vacant by reason of the resignation, recall, or disqualification of an elected student member, or by any other reasons. Special elections shall be held within 30 days after notice of the vacancy comes to the attention of the District Chancellor. Candidates for the position may nominate themselves or be nominated by others by the filing of an application at their campus of residence certifying that the candidate is eligible for service under the criteria set forth in California law and this policy.

An election will be conducted at each college in accordance with the administrative procedures adopted by the college student elections, except that all members of the student body shall be permitted to vote for the student member. Each candidate from throughout the District who has qualified shall be listed on the ballot at each college. The successful candidate must receive a plurality of all votes cast.

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in August 2006, March 2012, and April 2014.

Adopted:

(This is a new policy)

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

BP 2110 VACANCIES ON THE BOARD

References:

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

NOTE: *The language in red ink is legally required.*

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

Within [**insert number of days, but no more than 60**] days of the vacancy or filing of a deferred resignation, the Board shall either order an election or make a provisional appointment to fill the vacancy.

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

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

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

NOTE: *The following language is suggested as good practice/optional.*

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

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in September 2001.

Adopted:

(This is a new policy)

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

BP 2130 TERM LIMITS

References:

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

NOTE: *The Board of Trustees may, by a vote of the membership of the Board, act to submit to the electors of the District a proposal to limit the number of terms a member of the governing board may serve on the Board of Trustees. Any proposal to limit the number of terms a member of the Board of Trustees may serve shall not become operative unless it is submitted to the electors of the District at a regularly scheduled election and a majority of the votes cast on the question favor adoption of the proposal. Any such proposal shall be subject to the administrative procedures set forth in the Elections Code Sections 9500 et seq.*

Any such proposal shall, if adopted by the electors of the district, apply prospectively only.

No District has yet held such an election. It is recommended that legal counsel be sought if the District is considering doing so. The resulting policy would essentially reflect the content of the proposal approved by the voters.

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

Adopted:

(This is a new policy)

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

BP 2200 BOARD DUTIES AND RESPONSIBILITIES

References:

Education Code Section 70902;
WASC/ACCJC Accreditation Standard IV

NOTE: *This policy is suggested as good practice/optional. Board duties and responsibilities are also reflected throughout the Board Policy Manual and are addressed in BP 2715 titled Code of Ethics/Standards of Practice. Insert local practice; sample concepts are provided below.*

❖ From current KCCD Policy 2BA titled General Functions

The Board of Trustees of the Kern Community College District is the governing body of the District.

The Board of Trustees exists by virtue of and derives its powers from the Constitution and the Acts of the Legislature of the State of California and the Rules and Regulations of the Board of Governors of the California Community Colleges.

The Board of Trustees governs on behalf of the citizens of the District in accordance with the authority granted and duties defined in Education Code Section 70902.

The Board of Trustees as the controlling body of the District is charged with:

- 1) approving and adopting the policies for the operation of the District ([Also see BP/AP 2410 titled Board Policies and Administrative Procedures](#)),
- 2) determining that adequate funds are available to enable the staff to execute these policies ([Also see BP/AP 6200 titled Budget Preparation, BP/AP 6250 titled Budget Management, and BP/AP 6300 titled Fiscal Management](#)), and
- 3) acting as a board of appeals.

The Board shall exercise all the powers, duties, responsibilities, and obligations given to it by law. Its primary function is the determination of general policies for and exercise of general supervision of the District. The details and administration thereof shall be carried out by its officers and employees.

The Board is committed to fulfilling its responsibilities to:

- Represent the public interest
- Establish policies that define the institutional mission and set prudent, ethical and legal standards for college operations
- Hire and evaluate the District Chancellor
- Delegate power and authority to the District Chancellor to effectively lead the District
- Assure fiscal health and stability
- Monitor institutional performance and educational quality
- Advocate and protect the District

NOTE: *Additional duties and responsibilities may be added.*

Management of the District (Also see BP/AP 3100 titled Organizational Structure)

2A2 The Board shall determine the administrative organization necessary to execute District policies. It shall elect a District Chancellor and such other officers as may be required and fix their compensation and terms of office. The Board shall hold the Chancellor responsible for the efficient administration and supervision of the entire system and shall evaluate the District Chancellor.

The administration of the ~~Kern Community College~~ District is that of line and staff. Employees should conduct College or District business according to this organizational arrangement.

The College President's administrative organization shall be the established authority on campus. Staff members should report to the designated administrator on specific problems. The College President is the final authority at the College level.

2A2A When a change in organizational structure is being considered at a College, discussions shall be held with Academic Senate and classified representatives.

2A2B When a change in organizational structure is being considered at the District Office, discussions shall be held with representatives of the Academic Senates and classified representatives.

NOTE: *The **red ink** signifies language that is **suggested as good practice/optional** from the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). This policy template was issued by the Policy & Procedure Service in August 2008 with revisions in November 2014 (to reflect the accreditation standard section reference). The language in **black ink** is from current KCCD Policy 2BA General Functions adopted on June 10, 1999 and revised on November 2013. The language in **blue ink** is included for consideration.*

Adopted: June 10, 1999

Revised: November 2013; _____

(Replaces current KCCD Policy 2BA)

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

BP 2210 OFFICERS

Reference:

Education Code Section 72000

NOTE: *The following language in red ink is legally required.*

❖ From current KCCD Policy 2B3 titled Election of Officers

The Board of Trustees, at its annual organization meeting on a day within the period December 1 to December 31, inclusive, shall organize by electing from among its members a President, Vice President, and Clerk.

The terms of officers shall be for one year.

Said officers shall hold office for two ~~(2)~~ years or until their successors shall have been elected and qualified.

Newly elected members shall be seated on the Board at a scheduled meeting after the election is certified.

❖ From current KCCD Policy 2B5 titled Duties of Officers

Duties of Officers

It shall be the duty of the President of the Board to preside at all meetings of the Board, to enforce the usual parliamentary rules and to appoint all special committees not otherwise provided for. The President shall sign all papers and documents as required by law or as authorized by action of the Board. The President shall be authorized and it shall be his/her duty to call special meetings of the Board as provided by the California Education Code.

NOTE: *The following language is suggested as good practice/optional.*

The duties of the President of the Board are: **[Insert duties per local policy. The following are examples only.]**

- Preside over all meetings of the Board;

- Call emergency and special meetings of the Board as required by law;
- Consult with the District Chancellor on board meeting agendas;
- Communicate with individual Board members about their responsibilities;
- Participate in the orientation process for new Board members;
- Assure Board compliance with policies on board education, self-evaluation, and evaluation of the District Chancellor;
- Represent the Board at official events or ensure board representation.

In the absence of the President of the Board, these duties shall be performed by the Vice President of the Board.

The Clerk shall sign all papers and documents as required by law or as authorized by action of the Board.

❖ **From current KCCD Policy 2B4 titled Secretary of the Board**

The District Chancellor shall serve as Secretary to the Board of Trustees.

NOTE: *The following language is suggested as good practice/optional.*

The duties of the Secretary are: **[Insert duties per local policy. The following is an example.]**

- Notify members of the Board of regular, special, emergency, and adjourned meetings;
- Prepare and post Board meeting agendas;
- Have prepared for adoption minutes of Board meetings;
- Attend all Board meetings and closed sessions, unless excused, and in such cases to assign a designee;
- Conduct the official correspondence of the Board;
- Certify as legally required all board actions;
- Sign, when authorized by law or by Board action, any documents that would otherwise require the signature of the Secretary or the Clerk of the Board.

NOTE: *The following language is legally advised if the Board practice is to follow an informal rotation of the Board presidency among its members, which if formalized, may be inconsistent with the requirement of Education Code Section 72000(c)(2) that the president be elected from the Board's members, suggesting that all members of the Board are to be considered eligible to be elected president every year.*

The Board of Trustees does not have an official system of rotation of officers; it elects the officers each year from among all its members.

Also see BP 2305 Annual Organizational Meeting

NOTE: This policy is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current KCCD Policy 2B3 Election of Officers adopted on November 8, 2012; Policy 2B4 Secretary of the Board adopted on July 1, 1999; and Policy 2B5 Duties of Officers adopted in November 2013. The language in **blue ink** is included for consideration.

Adopted: November 8, 2012 (Policy 2B3);
July 1, 1999 (Policy 2B4); November 2013
(Policy 2B5)

Revised:

*(Replaces current KCCD Policies 2B3, 2B4,
and 2B5)*

Legal Citation for BP 2210

EDUCATION CODE SECTION 72000

EDUCATION CODE - EDC

TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]

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

DIVISION 7. COMMUNITY COLLEGES [70900 - 88810]

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

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

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

CHAPTER 1. General Provisions [72000 - 72036.5]

(Chapter 1 enacted by Stats. 1976, Ch. 1010.)

ARTICLE 1. Naming [72000- 72000.]

(Article 1 enacted by Stats. 1976, Ch. 1010.)

72000

(a) The district and its governing board may sue and be sued, and shall act in accordance with Section 70902.

(b) The district name shall be adopted and changed as follows:

(1) The first governing board of any new community college district shall, at the first meeting of the board or as soon as practicable thereafter, name the district. The district shall be designated as the "____ Community College District."

(2) The governing board of a community college district may, by resolution, change the name of the district or of any of the community colleges maintained by the district. However, the name shall continue to contain the words "Community College District" or "Community College," as appropriate.

(3) Whenever a petition is presented to the governing board of a community college district, signed by at least 15 qualified electors of any community college district, asking that the name of the district, be changed, the governing board shall, at its next regular meeting, designate a day upon which it will conduct a hearing and act upon the petition, which hearing shall not be less than 10 days nor more than 40 days after that regular meeting. The clerk of the governing board shall give notice to all interested parties by sending a notice of the time for the hearing of the petition. Notices shall be mailed at least 10 days before the day set for the hearing. At the hearing the board shall by resolution either grant or deny the petition, and if the petition is granted, the clerk shall notify the Board of Governors of the California Community Colleges of the change of the name of the district or of any community college maintained by the district.

(4) The name "____ Community College District" and the names of community colleges maintained by the district are the property of the district. No person shall, without permission of the board, use these names, or any abbreviation of them, or any name of which these words are a part in any of the following ways:

(A) To designate any business, social, political, religious, or other organization, including, but not limited to, any corporation, firm, partnership, association, group, activity or enterprise.

(B) To imply, indicate or otherwise suggest that any organization, or any product or service of the organization is connected or affiliated with, or is endorsed, favored or supported by, or is opposed by one or more California community colleges, the Board of Governors of the California Community Colleges, or the office of the Chancellor of the California Community Colleges.

(C) To display, advertise, or announce these names publicly at or in connection with any meeting, assembly, or demonstration, or any propaganda, advertising or promotional activity of any kind which has for its purpose or any part of its purpose the support, endorsement, advancement, opposition or defeat of any strike, lockout, or boycott or of any political, religious, sociological, or economic movement, activity or program.

(D) The provisions of this section shall not preclude the use of the name "____ Community College" or "____ Community College District" by any person or organization otherwise subject to this section using the name immediately prior to the effective date of this section, so long as the name is not used in additional, different ways.

(E) Nothing in this section shall interfere with or restrict the right of any person to make a true and accurate statement in the course of stating his or her experience or qualifications for any academic, governmental, business, or professional credit or enrollment, or in connection with any academic, governmental, professional or other employment whatsoever.

(5) Any reference to junior colleges or junior college districts in any law shall be deemed to refer to community colleges and community college districts, respectively.

(c) Meetings of the governing board shall be held as follows:

(1) Within 20 days after the appointment of the community college board provided for by Section 72023, the board of governors shall call an initial organizational meeting of the board by giving at least 10 days' notice by registered mail to each member, for the purposes of organizing the community college board.

At the initial organizational meeting the community college board shall organize by electing a president from its members and a secretary, and may transact any other business relating to the affairs of the community college district.

(2) (A) The governing board of each community college district shall hold an annual organizational meeting. In a year in which a regular election for governing board members is conducted, the meeting shall be held on a day within a 15-day period that commences with the date upon which a governing board member elected at that election takes office. Organizational meetings in years in which no regular election for governing board members is conducted shall be held during the same 15-day period on the calendar. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to the first day of such 15-day period, and

the board shall notify the county superintendent of schools of the day and time selected. The secretary of the board shall, within 15 days prior to the date of the annual meeting, notify in writing all members and members-elect of the date and time selected for the meeting.

(B) If the board fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to the first day of such 15-day period and after the regular meeting of the board held immediately prior to the first day of the 15-day period, designate the day and time of the annual meeting. The day designated shall be within the 15-day period. He or she shall notify in writing all members and members-elect of the date and time.

(C) At the annual meeting, the governing board of the community college district shall organize by electing a president, from its members, and a secretary.

(3) As an alternative to the procedures set forth in paragraph (2), in a community college district the boundaries of which are coterminous with the boundaries of a city and county, the governing board members of which district are elected in accordance with a city and county charter, the annual organizational meeting of the governing board may be held between January 8 and January 31, inclusive, as provided in rules and regulations adopted by the board. At the annual organizational meeting the community college district governing board shall organize by electing a president and vice president from its members.

(4) Subject to this section, the governing board of any community college district shall hold regular monthly meetings and shall by rule and regulation fix the time and place for its regular meetings. The action shall be given proper notice to all members of the board of the regular meetings.

(d) The governing board shall conduct its meetings as follows:

(1) A notice identifying the location, date, and time of the meeting shall be posted in each community college maintained by the district at least 10 days prior to the meeting and shall remain so posted to and including the time of the meeting.

(2) The governing board shall conduct its meetings within the boundaries of the community college district, except as provided in subparagraphs (A) and (B).

(A) The governing board may meet outside of its district boundaries for the limited purpose of meeting with another local agency so long as the meeting meets both of the following criteria:

(i) The meeting occurs within the boundaries of one of the participating local agencies.

(ii) The meeting is open and accessible to the public, including the residents of the district whose board is meeting outside the boundaries of the district.

(B) The governing board may meet outside of its district boundaries if the board finds it necessary to meet in closed session with its attorney to discuss pending litigation and if the attorney's office is located outside of the boundaries of the district.

(3) Except as otherwise provided by law, the governing board shall act by majority vote of all of the membership constituting the governing board.

(4) Every official action taken by the governing board of every community college district shall be affirmed by a formal vote of the members of the board, and the governing board of every community college district shall keep minutes of its meetings, and shall maintain a journal of its proceedings in which shall be recorded every official act taken.

(5) Notwithstanding any other provision of law, if a community college district governing board consists of seven members and not more than two vacancies occur on the governing board, the vacant position or positions shall not be counted for purposes of determining how many members of the board constitute a majority. Whenever any of the provisions of this code require unanimous action of all or a specific number of the members elected or appointed to the governing board, the vacant position or positions shall be excluded from determination of the total membership constituting the governing board.

(Amended by Stats. 1991, Ch. 1038, Sec. 2. Effective October 14, 1991.)

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

BP 2220 COMMITTEES OF THE BOARD

Reference:

Government Code Section 54952

NOTE: This policy is legally required.

❖ From current KCCD Policy 2B6 titled Committees

The Board of Trustees shall act as a committee of the whole in all matters.

The President of the Board shall appoint such subcommittees as are deemed necessary. Such subcommittees shall not have executive power but shall serve in an investigative and advisory capacity only, reporting all findings and recommendations to the Board for action.

In addition, the Board of Trustees may, by action, establish committees that it determines are necessary to assist the Board in its responsibilities. Any committee established by Board action shall comply with the requirements of the Brown Act and with these policies regarding open meetings.

Board committees that are composed solely of less than a quorum of members of the Board that are advisory are not required to comply with the Brown Act, or with these policies regarding open meetings, unless they are standing committees.

NOTE: The following is legally advised.

Board committees that are only advisory have no authority or power to act on behalf of the Board. Findings or recommendations shall be reported to the Board for consideration.

NOTE: Although it is not recommended that Boards have standing committees, if the Board chooses to do so, the following would apply.

The Board has established the following committee(s):

[List committee and charge to committee.]

NOTE: This policy is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). This policy template was issued by the Policy & Procedure Service in August 2007. The language in **black ink** is from current KCCD Policy 2B6 Committees adopted in November 2013. The language in **blue ink** is included for consideration.

Adopted: November 2013

Revised:

(Replaces current KCCD Policy 2B6)

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

BP 2305 ANNUAL ORGANIZATIONAL MEETING

Reference:

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

NOTE: *This policy is legally required.*

The annual organizational meeting of the Board of Trustees will be held *[insert the time frame as per current policy. For districts holding elections in November, it would be within fifteen days of the date that elected Governing Board members take office, generally at the regular meeting held the first two weeks of December.]*

The purpose of the annual organizational meeting is to elect a president and a secretary *[list other officers that the board has established]*, and conduct any other business as required by law or determined by the Board.

Also see BP 2210 titled Officers

NOTE: *This policy is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **blue ink** is included for consideration.*

Adopted:

(This is a new policy)

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

BP 2310 REGULAR MEETINGS OF THE BOARD

References:

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

NOTE: *This policy is legally required.*

❖ From current KCCD Policy 2C1 titled Schedule

Unless there is Board action to the contrary, regular meetings of the Board of Trustees shall be held once each month. Regular meetings of the Board of Trustees shall be held [insert here regular day of the week and frequency of meetings, e.g., “second and fourth Tuesday of each month”]. Regular meetings of the Board shall normally be held at [insert address].

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

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

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

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

See Appendix 2C1 of this Manual [the District’s website](#) for a schedule of meetings of the Board of Trustees.

❖ **From current KCCD Policy 2C4 titled Order of Business**

Order of Business at Regular Meetings

The order of business at all regular meetings shall be as follows: (1) Preliminary and Communications, (2) Hearing of Citizens, (3) Work Study Session, (4) Business Services, (5) Educational Services, (6) Human Resources, (7) Reports, and (8) Adjournment. Closed Sessions may be called in accordance with the provisions of the California Education Code. The order of business may be changed by consent of the Board.

[Also see BP/AP 2340 titled Agendas](#)

NOTE: This policy is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). This policy template was issued by the Policy & Procedure Service in February 2003. The language in **black ink** is from current KCCD Policy 2C1 Schedule adopted in November 2013 and Policy 2C4 Order of Business adopted in November 2013. The language in **blue ink** is included for consideration.

Adopted: November 2013

Revised:

(Replaces current KCCD Policies 2C1 and 2C4)

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

BP 2315 CLOSED SESSIONS

References:

Education Code Section 72122;

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

NOTE: This policy is legally required.

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

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

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

After any closed session, the Board shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote or abstention of every member present.

All matters discussed or disclosed during a lawfully held closed session and all notes, minutes, records or recordings made of such a closed session are confidential and shall remain confidential unless and until required to be disclosed by action of the Board or by law.

NOTE: *Although the following language is not legally required, it is **suggested as good practice**. It is designed to assure that when charges or complaints are brought by any person against an employee, before the board hears them in accordance with Government Code Section 54957, the administration of the district has an opportunity to address, and possibly solve, the problem.*

If any person requests an opportunity to present complaints to the Board about a specific employee, such complaints shall first be presented to the [CEO]. Notice shall be given to the employee against whom the charges or complaints are directed. If the complaint is not resolved at the administrative level, the matter shall be scheduled for a closed session of the Board. The employee shall be given at least 24 hours written notice of the closed session, and shall be given the opportunity to request that the complaints be heard in an open meeting of the Board.

NOTE: *This policy is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). This policy template was issued by the Policy & Procedure Service in February 2005 and April 2014.*

Adopted:

(This is a new policy)

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

BP 2320 SPECIAL AND EMERGENCY MEETINGS

References:

Education Code Section 72129;

Government Code Sections 54956, 54956.5, and 54957

NOTE: *This policy is legally required.*

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

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

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

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

NOTE: *The language in red ink is legally required and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). This policy template was issued by the Policy & Procedure Service in February 2003.*

Adopted:

(This is a new policy)

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

BP 2330 QUORUM AND VOTING

References:

Education Code Sections 72000(d)(3), 81310 et seq., 81365, 81511, and 81432;
Government Code Sections 53094 and 54950 et seq.;
Code of Civil Procedure Section 1245.240

NOTE: This policy is legally required.

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

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

No action shall be taken by secret ballot. The Board will publicly report any action taken in open session and the vote or abstention of each individual member present.

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

- Resolution of intention to sell or lease real property (except where a unanimous vote is required);
- Resolution of intention to dedicate or convey an easement;
- Resolution authorizing and directing the execution and delivery of a deed;
- Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
- Appropriation of funds from an undistributed reserve;
- Resolution to condemn real property.

The following actions require a unanimous vote of all members of the Board:

- Resolution authorizing a sale or lease of District real property to the state, any county, city, or to any other school or community college district;
- Resolution authorizing lease of District property under a lease for the production of gas.

❖ From current KCCD Policy 2C2 titled Quorum and Rules of Proceedings

~~A majority of all the members shall constitute a quorum for the transaction of business. If less than a majority is in attendance at any regular meeting they shall have the power to adjourn. The Board may determine the rules of its proceedings; the ayes and noes shall be taken and recorded upon the call of any member. Any matter of procedure not governed by law or covered by this section shall be governed by Roberts Rules of Order.~~

NOTE: The language in **red ink** is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in August 2003 and April 2014. The language in **black ink** is from current KCCD Policy 2C2 Quorum and Rules of Proceedings adopted in November 2013.

Adopted: November 2013

Revised:

(Replaces current KCCD Policy 2C2)

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

BP 2340 AGENDAS

References:

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

NOTE: This policy is legally required.

❖ From current KCCD Policy 2C3 titled Agendas

An agenda shall be posted adjacent to the place of meeting at least ~~seventy-two (72)~~ hours prior to the meeting time for regular meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting. Upon request, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

No business may be acted on or discussed which is not on the agenda, except when one ~~(1)~~ or more of the following apply:

- ~~2C3A~~ A majority decides there is an “emergency situation” as defined for emergency meetings.
- ~~2C3B~~ Two-thirds ~~(2/3)~~ of the members [or all members if less than two-thirds ~~(2/3)~~ are present] determine there is a need for immediate action and the need to take action came to the attention of the Board subsequent to the agenda being posted.
- ~~2C3C~~ An item appeared on the Board of Trustees agenda and was continued from a meeting held not more than five ~~(5)~~ days earlier.

The order of business may be changed by consent of the Board.

The District Chancellor shall establish administrative procedures that provide for public access to agenda information and reasonable annual fees for the service.

Members of the public may place matters directly related to the business of the District on an agenda for a board meeting by submitting a written summary of the item to the District Chancellor. The written summary must be signed by the initiator. The Board reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.

NOTE: *Although the following language is not legally required it is **suggested as good practice.***

Agendas shall be developed by the District Chancellor in consultation with the Board President.

Agenda items submitted by members of the public must be received by the Office of the District Chancellor [**time frame, such as two weeks; must be at least 72 hours to assure compliance with the Brown Act**] prior to the regularly scheduled board meeting.

Agenda items initiated by members of the public shall be placed on the Board's agenda following the items of business initiated by the Board and by staff. Any agenda item submitted by a member of the public and heard at a public meeting cannot be resubmitted before the expiration of a 90 day period following the initial submission.

Public Access to Materials to be Discussed at Public Board Meeting

❖ From current KCCD Policy 2C8 titled Public Access to Materials to be Discussed at Public Board Meeting

~~(Government Code Section 54957.5) --The Board of Trustees shall provide, upon request, agendas of public meetings and copies of public records to be discussed at public meetings to members of the general public including representatives of newspapers, television and radio. Procedures governing public requests for copies of written material discussed at Board meetings are outlined in [AP 2430 Agendas and AP 3300 Public Records](#) Procedure 2C8 of this Manual.~~

2C8A If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

NOTE: *The language in **red ink** is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in February 2003. The language in **black ink** is from current KCCD Policy 2C3 Agendas adopted in November 2013 and Policy 2C8 Public Access to Materials to be Discussed at Public Board Meeting adopted in November 2013. The language in **blue ink** is included for consideration.*

Adopted: November 2013

Revised:

(Replaces current KCCD Policies 2C3 and 2C8)

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

BP 2345 PUBLIC PARTICIPATION AT BOARD MEETINGS

References:

Education Code Section 72121.5;

Government Code Sections 54954.3 and 54957.5

NOTE: *This policy is **legally required**, unless noted otherwise. The language in current KCCD Policy 2C5 closely parallels the language recommended by the Policy & Procedure Service.*

❖ From current KCCD Policy 2C5 titled Securing Board Action

The Board [of Trustees](#) shall provide opportunities for members of the general public to participate in the business of the Board. ~~Procedures and forms for securing Board action are included in Procedure 2C5 of this Manual.~~

2C5A Members of the public may bring matters directly related to the business of the District to the attention of the Board in one-of-two ways:

2C5A1 [1\)](#) There will be a time at each regularly scheduled Board meeting for the general public to discuss items not on the agenda.

Members wishing to present such items shall submit a written request at the beginning of the meeting to the President of the Board that summarizes the item and provides his/ or her name and organizational affiliation, if any. No action may be taken by the Board on such items.

2C5A2 [2\)](#) Members of the public may place items that are within the jurisdiction of the Board on the prepared agenda in accordance with ~~Policy 2C5~~ [BP 2340 titled Agendas](#).

A written summary of the item must be submitted to the [District](#) Chancellor at least ~~fourteen (14)~~ days prior to the Board meeting. The summary must be typed and signed by the initiator, contain his/ or her residence or business address, and organizational affiliation, if any.

NOTE: *The following language is shown as struck because this information is addressed in BP 2350 titled Speakers.*

~~2C5A3 Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.~~

~~2C5B Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.~~

~~2C5C The Board may direct the Chancellor to refer the matter to staff for response.~~

~~2C5D The Chancellor may make a recommendation to the Board, as appropriate.~~

NOTE: *The following language is suggested as good practice.*

Members of the public also may submit written communications to the Board on items on the agenda and/or speak to agenda items at the Board meeting. Written communication regarding items on the Board's agenda should reach the Office of the District Chancellor not later than [**insert number of days here, such as five working days**] prior to the meeting at which the matter concerned is to be before the Board. All such written communications shall be dated and signed by the author, and shall contain the residence or business address of the author and the author's organizational affiliation, if any.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board under this rule but shall be submitted to the District.

Also see BP 2350 titled Speakers and BP 2355 titled Decorum

NOTE: *The language in **red ink** is legally required (unless indicated otherwise) and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in February 2003 and March 2012. The language in **black ink** is from current KCCD Policy 2C5 Securing Board Action adopted in November 2013. The language in **blue ink** is included for consideration.*

Adopted: November 2013

Revised:

(Replaces current KCCD Policy 2C5)

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

BP 2350 SPEAKERS

References:

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

NOTE: This policy is legally required.

❖ From current KCCD Policy 2C6 titled Speakers

2C6A Persons may speak to the Board of Trustees either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board.

2C6B Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.

2C6C Persons wishing to speak to matters not on the agenda shall do so at the time designed at the meeting for public comment.

2C6D Those wishing to speak to the Board are subject to the following:

- The President of the Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.
- Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.
- Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.

NOTE: *It is suggested as good practice the Board adopt as policy the point on the agenda when a person can speak before the vote is called. It could be at the start of the meeting, the beginning of the agenda item before Board discussion, or just prior to the Board vote.*

NOTE: *It is legally advised that districts have policies that require persons wishing to speak to make their request in writing, and that establish time limits on presentations. The following are suggested clauses.*

- 2C6D1 A speaker shall complete a written request to address the Board at the beginning of the meeting at which they wish to speak.
- 2C6D2 The request shall include the person's name and name of the organization or group represented, if any, and a statement noting the agenda item or topic to be addressed.
- 2C6D3 No member of the public may speak without being recognized by the President of the Board.
- 2C6D4 Each speaker will be allowed a maximum of five (5) minutes per topic. Twenty minutes shall be the maximum time allotment for public speakers on any one (1) subject regardless of the number of speakers at any one (1) Board meeting. At the discretion of a majority of the Board, these times limits may be extended.
- 2C6D5 Each speaker coming before the Board is limited to one (1) presentation per specific agenda item before the Board, and to one (1) presentation per meeting on non-agenda matters.

NOTE: *The language shown below as struck because it is addressed in either BP 2345 Public Participation at Board Meetings or BP 2355 Decorum.*

~~2C6D6 — The President of the Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.~~

~~2C6E Members of the public also may submit written communications to the Board on items on the agenda and/or speak to agenda items at the Board meeting. Written communications regarding items on the Board's agenda should reach the office of the Chancellor not later than three (3) working days prior to the meeting at which the matter concerned is to be before the Board. All such written communications shall be dated and signed by the author, and shall contain the residence or business address of the author and the author's organizational affiliation, if any.~~

~~2C6F Claims for damages are not considered communications to the Board under this rule, but shall be submitted to the District.~~

~~2C6G In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meetings unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and continue in session.~~

~~2C6G1 Only matters appearing on the agenda may be considered in such a session.~~

~~2C6G2 Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section~~

~~2C6G3 At the discretion of the Board, an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting shall be readmitted.~~

[Also see BP 2345 titled Public Participation at Board Meetings and BP 2355 titled Decorum](#)

NOTE: This policy is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current KCCD Policy 2C6 Speakers adopted in November 2013. The language in **blue ink** is included for consideration.

Adopted: November 2013

Revised:

(Replaces current KCCD Policy 2C6)

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

BP 2355 DECORUM

References:

Education Code Section 72121.5;
Government Code Section 54954.3 (b)

NOTE: *This policy is suggested as good practice/optional because Government Code Section 54954.3(b) allows for “reasonable regulations” to limit speakers.*

The following will be ruled out of order by the presiding officer.

- Remarks or discussion in public meetings on charges or complaints which the Board of Trustees has scheduled to consider in closed session.
- Profanity, obscenity, and other offensive language.
- Physical violence and/or threats of physical violence directed towards any person or property.

In the event that any meeting is willfully interrupted by the actions of one or more persons so as to render the orderly conduct of the meeting unfeasible, the person(s) may be removed from the meeting room.

Speakers who engage in such conduct may be removed from the podium and denied the opportunity to speak to the Board for the duration of the meeting.

Before removal, a warning and a request that the person(s) curtail the disruptive activity will be made by the President of the Board. If the behavior continues, the person(s) may be removed by a vote of the Board, based on a finding that the person is violating this policy, and that such activity is intentional and has substantially impaired the conduct of the meeting.

If order cannot be restored by the removal in accordance with these rules of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and may continue in session. The Board shall only consider matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this rule.

[Also see BP 2345 titled Public Participation at Board Meetings and BP 2350 titled Speakers](#)

NOTE: The language in **red ink** is **suggested as good practice/optional** by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **blue ink** is included for consideration.

Adopted:

(This is a new policy)

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

BP 2360 MINUTES

References:

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

NOTE: This policy is legally required.

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

❖ From current KCCD Policy 2C7 titled Minutes of Meetings

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

NOTE: Although not legally required, the following is suggested as good practice.

The minutes shall also record [boards may list other information they wish to include in the minutes, such as names of those present, all motions, names of those making and seconding motions, votes, major discussion points, etc.]:

~~2C7A~~ The names of Board members who make and second motions shall be recorded.

In addition, the minutes shall be:

- 2C7B Minutes shall be written in unadopted form, duplicated and mailed to Board members before the next meeting.
- 2C7C Minutes shall be copied in the official minutes book only after they have been approved as written or as corrected.

- ~~2C7D~~ The minutes shall be indexed to facilitate finding actions that have been taken at previous meetings.

~~2C7E~~ Each action shall have headings for quick reference.

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current KCCD Policy 2C7 Minutes of Meetings adopted in November 2013. The language in **blue ink** is included for consideration.

Adopted: November 2013

Revised:

(Replaces current KCCD Policy 2C7)

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

BP 2365 RECORDING

References:

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

NOTE: *This policy is legally required.*

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

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

NOTE: *The red ink signifies language that is legally required and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in September 2012.*

Adopted:

(This is a new policy)

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

BP 2410 BOARD POLICIES AND ADMINISTRATIVE PROCEDURES

References:

Education Code Section 70902;

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

NOTE: *Education Code 70902 establishes the policy-making authority of Boards. The following language is **suggested as good practice/optional** to define the Board's use of that authority.*

The Board of Trustees may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the District. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction.

The policies have been written to be consistent with provisions of law, but do not encompass all laws relating to District activities. All District employees are expected to know of and observe all provisions of law pertinent to their job responsibilities.

Policies of the Board may be adopted, revised, added to, or amended at any regular Board meeting by a majority vote. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended. The Board shall regularly assess its policies for effectiveness in fulfilling the District's mission.

❖ From current KCCD Policy 1C titled Purpose of Board Policy Manual

~~1C1— The purpose of this Board Policy Manual is to set forth statements of policy adopted by the Board of Trustees of the Kern Community College District.~~

~~1C2— Policies are intended to be consistent with provisions of law and regulation, but do not encompass all laws and regulations relating to District operations.~~

~~1C2a Policies remain in effect until they are revised or repealed by the Board of Trustees or by statutory or constitutional authority.~~

~~1C2b Notwithstanding Policy 1C2a, P~~olicies and procedures will be reviewed on a periodic basis.

~~1C3~~ Recommendations for policy amendments shall be presented to the Board of Trustees. Unless unusual circumstances exist, such recommendations shall be presented at one (1) meeting for information, with Board action at a subsequent meeting.

~~1C4~~ Operational procedures to implement policy shall be approved by the Chancellor's Cabinet and shall be incorporated in this Manual.

~~1C5~~ Documents related to established policies and procedures are included in the appendices.

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

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

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

NOTE: The language in **red ink** is **required** to comply with accreditation and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in November 2014. The language in **black ink** is from current KCCD Policy 1C Purpose of Board Policy Manual adopted in November 2013. The language in **blue ink** is included for consideration.

Adopted: November 2013

Revised:

(Replaces current KCCD Policy 1C)

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

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

References:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~6A5A8~~ The recommendation for assignment and promotion of all employees of the District shall be made to the Board by the [District](#) Chancellor.

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

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

~~6A5A11~~ The [District](#) Chancellor shall oversee the planning and administering of a continuing staff development plan for employees of the District.

~~6A5A12~~ The [District](#) Chancellor shall recommend to the Board the purchase of all supplies and equipment.

~~6A5A13~~ The [District](#) Chancellor shall direct the preparation of the annual budget and submit it to the Board for approval.

~~6A5A14~~ The [District](#) Chancellor shall have control and supervision of all District buildings, grounds, and equipment.

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

~~6A5A16~~ The [District](#) Chancellor shall have power to make rules and regulations to govern routine matters.

~~6A5A17~~ The [District](#) Chancellor shall inform the public regarding activities of the Colleges and the District.

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

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

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

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

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

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

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

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

Adopted: April 3, 1996

Revised:

(Replaces current KCCD Policy 6A5A)

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

BP 2431 DISTRICT CHANCELLOR SELECTION

References:

Title 5 Sections 53000 et seq.

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

NOTE: *Accreditation standards require Boards to establish a formal search process for the chief executive officer and college presidents in multi-college districts. Local district practice may be inserted here. The following is an illustrative example:*

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

NOTE: *The Community College League has resource materials to assist boards in establishing CEO and college president search processes.*

NOTE: *The **red ink** signifies language **required** to comply with accreditation and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued this policy in February 2003 and provided a legal update to this document in November 2014.*

Adopted:

(This is a new policy)

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

BP 2432 DISTRICT CHANCELLOR SUCCESSION

References:

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

NOTE: *The following policy is suggested as good practice/optional.*

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

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

Insert titles of positions as appropriate

The Board shall appoint an acting District Chancellor for periods exceeding [insert time period].

NOTE: *This policy is suggested as good practice/optional by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued this policy template in August 2002 and provided a legal update in February 2003.*

Adopted:

(This is a new policy)

Legal Citations for BP 2432

EDUCATION CODE SECTIONS 70902(d) and 72400; Title 5 Section 53021(b)

EDUCATION CODE SECTION 70902(d)

70902. (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; provided, however, that 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.

EDUCATION CODE SECTION 72400

72400. The governing board of each community college district shall fix and prescribe the duties to be performed by all persons in community college service in the district.

5 CCR s 53021

Cal. Admin. Code tit. 5, s 53021

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 4. EMPLOYEES
SUBCHAPTER 1. EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS
ARTICLE 2. OTHER SPECIFIC RESPONSIBILITIES OF COMMUNITY COLLEGE
DISTRICTS

s 53021. Recruitment.

(a) Except as otherwise provided in this section, community college districts shall actively recruit from both within and outside the district work force to attract qualified applicants for all new openings. This shall include outreach designed to ensure that all persons, including persons from monitored groups, are provided the opportunity to seek employment with the district. The requirement of open recruitment shall apply to all new full-time and part-time openings in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, the chief executive officer, and all other executive/administrative/managerial positions. Recruitment for full-time faculty and educational administrator positions shall be at least statewide and, at a minimum, shall include seeking qualified applicants listed in the California Community Colleges Equal Employment Opportunity Registry and posting job announcements with the Registry. Recruitment for part-time faculty positions may be conducted separately for each new opening or by annually establishing a pool of eligible

candidates, but in either case full and open recruitment is required consistent with this section.

(b)(1) "In-house or promotional only" recruitment shall not be used to fill any new opening for any position described in subdivision (a) except when the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment; provided however, that no interim appointment or series of interim appointments exceed one year in duration. The Chancellor may approve an extension of up to one additional year if the district demonstrates "business necessity" as defined in section 53001(b).

(2) If a district believes justification exists for use of the exception listed in subsection (b)(1), it shall so notify the Equal Employment Opportunity Advisory Committee established pursuant to section 53005 and the Chancellor at least ten (10) working days prior to offering the position to a candidate.

(3) Where in-house or promotional only recruitment is permitted, the district shall comply with its established hiring procedures and all district employees shall be afforded the opportunity to apply and demonstrate that they are qualified.

(4) The job announcement for the interim position shall comply with section 53022 and the selection process shall be consistent with the requirements of this subchapter.

(c) For purposes of this section, a new opening is not created when:

(1) there is a reorganization that does not result in a net increase in the number of employees;

(2) one or more lateral transfers are made and there is no net increase in the number of employees;

(3) a position which is currently occupied by an incumbent is upgraded, reclassified, or renamed without significantly altering the duties being performed by the individual;

(4) the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term;

(5) the position is filled by a temporary, short-term, or substitute employee appointed pursuant to Education Code sections 87422, 87480, 87482.5(b), 88003, 88106 or 88109;

(6) a part-time faculty member is assigned to teach the same or fewer hours he or she has previously taught in the same discipline without a substantial break in service. For purposes of this section, "a substantial break in service" means more than one calendar year or such different period as may be defined by a collective bargaining agreement; or

(7) an individual not currently employed by the district, who is specially trained, experienced, and competent to serve as an administrator, and who satisfies the minimum qualifications applicable to the position, is engaged to serve as an administrator through a professional services contract. No appointment or series of appointments pursuant to this provision may exceed a period of one year.

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

BP 2435 EVALUATION OF THE DISTRICT CHANCELLOR

Reference:

WASC/ACCJC Accreditation Standard IV.C.3

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

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

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

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

Adopted:

(This is a new policy)

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

BP 2510 PARTICIPATION IN LOCAL DECISION-MAKING

References:

Education Code Section 70902(b)(7);
Title 5 Sections 53200 et seq. (Academic Senate), 51023.5 (Staff), and 51023.7 (Students);
WASC/ACCJC Accreditation Standards IV.A and IV.D.7

NOTE: *The language below reflects the **minimum policy requirements of the Education Code and Title 5.** It is **legally advised** that districts insert their current policies here.*

The Board of Trustees is the ultimate decision-maker in those areas assigned to it by state and federal laws and regulations. In executing that responsibility, the Board is committed to its obligation to ensure that appropriate members of the District participate in developing recommended policies for Board action and administrative procedures for District Chancellor action under which the District is governed and administered.

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

Academic Senates (Title 5 Sections 53200-53206)

The Board or its designees will consult collegially with the Academic Senate, as duly constituted with respect to academic and professional matters, as defined by law. Procedures to implement this section are developed collegially with the Academic Senate.

❖ From current KCCD Policy 5A titled Recognition of Academic Senates

5A4 The Board of Trustees affirms recognition of the Academic Senates of the Colleges of the Kern Community College District under Title 5 of the California Administrative Code and as provided for in law.

5A2 The Academic Senates shall be recognized to make recommendations to the District Chancellor, and to the Board of Trustees with respect to academic and professional matters.

5A3 The Academic Senate of each College shall be recognized to make recommendations with respect to academic and professional matters to the College President and Management Team of each College, and, if necessary, consult collegially with the Board of Trustees about individual College matters ~~as outlined in Policy 5A4.~~

5A4 Academic and professional matters means the following policy development and implementation matters:

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

5A5 The Board of Trustees or its designee shall consult collegially with the College Academic Senates when identifying or adopting policies on academic and professional matters. This requirement to consult collegially shall not limit other rights and of the Academic Senates which are specifically provided for in statute, regulations, or other sections of the [board policies and administrative procedures](#) ~~District Board Policy Manual.~~

5A6 Consult collegially means that the Board of Trustees shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

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

~~5A7~~ With respect to academic and professional matters ~~listed in Policy 5A4~~, the Board of Trustees shall rely primarily upon the advice and judgement of the Academic Senates.

~~5A8~~ While in the process of consulting collegially, the Academic Senates shall retain the right to meet with or appear before the Board of Trustees with respect to views, recommendations, or proposals of the Academic Senates. In addition, after consultation with the administration of the College and/or District, the Academic Senates may present their views and recommendations to the Board of Trustees according to ~~Policies 5C1 and 5C2~~.

~~5A9~~ The Board of Trustees shall rely primarily upon the advice and judgment of the Academic Senates in determining which policies, proposed and existing, relate to academic and professional matters. The [District](#) Chancellor shall rely primarily upon the advice and judgment of the academic senates in determining which [administrative](#) procedures relate to academic and professional matters and shall consult collegially with the Academic Senate with respect to these procedures.

❖ From current KCCD Policy 5B titled Responsibilities of the College Academic Senates

~~5B~~ Responsibilities of the College Academic Senates

~~5B1~~ The appointment of faculty members to serve on College or District committees, task forces or other groups dealing with academic and professional matters, shall be made, after consultation with the Chief Executive Officer or his/her designee, by the Academic Senates.

~~5B2~~ The Academic Senates shall implement the sections of the District's and Colleges' faculty hiring and evaluation policies for which they are responsible.

~~5B3~~ The College curriculum committee shall be established by mutual agreement between the College administration and Academic Senate.

~~5B4~~ The Academic Senates may assume such responsibilities and perform such functions as may be delegated to them in writing by the Board of Trustees of the District pursuant to Section 53203(a) of Title 5.

5B5 Each College Academic Senate and College administration shall agree upon written responsibilities delegated to the Academic Senate, including, but not limited to, academic and professional matters as defined in Section 53200 of Title 5, California Administration Code.

❖ **From current KCCD Policy 5C titled Recommendation and Consultation**

5C Recommendation and Consultation

5C1 In making a recommendation to the Board of Trustees, the College Academic Senates shall, using their own procedures, jointly agree upon the recommendation before forwarding it to the Board of Trustees.

5C2 When the Board of Trustees or its designee consults collegially with the College Academic Senates, the Academic Senates shall, using their own procedures, jointly agree upon a response before forwarding it to the Board of Trustees or its designee.

5C3 In instances where the Board of Trustees elects to rely primarily upon the advice and judgment of the Academic Senates, the recommendations of the Academic Senates shall normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the Board of Trustees or its designee, upon request of the Academic Senates, shall promptly communicate its reasons for its action in writing to the Academic Senates.

5C4 In instances where the Board of Trustees elects to provide for mutual agreement with the Academic Senates, the Academic Senates shall determine their representatives to meet with the Board of Trustees' representatives to reach a tentative mutual agreement, to be approved by each College Academic Senate. If final mutual agreement cannot be reached, existing policy shall remain in effect unless continuing with such policy exposes the District to legal liability or causes substantial fiscal hardship. In cases where there is not existing policy, or in cases where exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the Board of Trustees may act, after a good faith effort to reach agreement with the Academic Senates, only for compelling legal, fiscal, or organizational reasons.

❖ **From current KCCD Policy 5D titled Scope**

5D Scope

Nothing in ~~Policies 5A through 5F~~ of this policy shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between the collective bargaining representatives and the Board of Trustees.

❖ **From current KCCD Policy 5E titled Implementation**

~~5E~~ **Implementation**

This policy shall be deemed as a formal statement of compliance with the law and Title 5 regulations. The Academic Senate and administration of each College shall consult collegially on any additional procedures to implement the [board](#) policies in ~~Section Five of the District Board Policy Manual.~~

❖ **From current KCCD Policy 5F titled Review and Revision**

~~5F~~ **Review and Revision**

Policies on academic and professional matters are subject to review and revision at the request of any one ~~(1)~~ of the Academic Senates or the Board of Trustees. The Academic Senates and the Board of Trustees shall consult collegially on such revised policies ~~as outlined in Policy 5G,~~ before adoption of said revised policies.

❖ **From current KCCD Policy 5G titled Faculty Hiring**

~~5G~~ **Faculty Hiring**

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

❖ **From current KCCD Policy 5G1 titled Philosophy**

~~5G1~~ **Philosophy**

~~5G1A~~ It shall be the policy of the Kern Community College District that **Aa** faculty hiring process [shall](#) be established to provide for highly qualified College faculty who are expert in their subject areas, who are skilled in teaching and serving the needs of a varied student population, who can enhance overall College effectiveness, and who are sensitive to and representative of the racial and cultural diversity of the District adult community. [\(Also see BP/AP 7120 titled Recruitment and Selection and BP/AP 7210 titled Academic Employees\)](#)

Staff (Title 5 Section 51023.5)

Staff shall be provided with opportunities to participate in the formulation and development of District policies and procedures that have a significant effect on staff.

The opinions and recommendations of the [name(s) of recognized group(s)] will be given every reasonable consideration.

Students (Title 5 Section 51023.7)

The Associated Students shall be given an opportunity to participate effectively in the formulation and development of District policies and procedures that have a significant effect on students, as defined by law. The recommendations and positions of the Associated Students will be given every reasonable consideration. The selection of student representatives to serve on District committees or task forces shall be made after consultation with the Associated Students.

Except for unforeseeable emergency situations, the Board shall not take any action on matters subject to this policy until the appropriate constituent group or groups have been provided the opportunity to participate.

Nothing in this policy will be construed to interfere with the formation or administration of employee organizations or with the exercise of rights guaranteed under the Educational Employment Relations Act, Government Code Sections 3540 et seq.

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in September 2001 and November 2014. The language in **black ink** is from current KCCD Policy 5A titled Recognition of Academic Senates adopted in February 2014; Policy 5B titled Responsibilities of the College Academic Senates adopted in February 2014; Policy 5C titled Recommendation and Consultation adopted in February 2014; Policy 5D titled Scope adopted in February 2014; Policy 5E titled Implementation adopted in February 2014; Policy 5F titled Review and Revision adopted in February 2014; Policy 5G titled Faculty Hiring adopted in February 2014; and Policy 5G1 titled Philosophy adopted in February 2014. The language in **blue ink** is included for consideration.

Adopted: February 2014

Revised:

(Replaces current KCCD Policies 5A, 5B, 5C, 5D, 5E, 5F, 5G, and 5G1)

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

BP 2610 PRESENTATION OF INITIAL COLLECTIVE BARGAINING PROPOSALS

Reference:

Government Code Section 3547

NOTE: This policy is legally required.

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

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

[Insert timelines in the District’s collective bargaining agreements or reference the timelines prescribed by the rules and regulations of the California Public Employment Relations Board.]

❖ From current KCCD Policy 2D titled Board Meetings, Employee Representatives, Personnel Negotiations, Public Notice

~~2D1 Procedures for Public Notice and Negotiations~~

~~2D4A~~ The Board of Trustees shall adhere to the requirement of Public Notice as set forth in Article 8, Section 3547, of Chapter 10.7 of the Government Code.

~~2D4B~~ The District Chancellor shall notify the exclusive representative organization(s) of the District that the Board of Trustees is prepared at any regular meeting of the Board scheduled in the months of February or March to hear the initial proposal(s) of the exclusive representative organization(s) relating to the scope of representation in Chapter 10.7 of the Government Code and to include the proposal(s) by title as a published agenda item.

~~2D4C~~ The Board of Trustees shall at the meeting selected by the exclusive representative organization(s), receive the proposal(s) and shall make it available to public review and study at a known and designated place in the District [Government

Code 3547(a)]. These places are the [District](#) Chancellor's Office and the President's Office at each College.

In order to comply with the above section, the [District](#) Chancellor shall request that the exclusive representative organization(s) furnish the Board of Trustees an appropriate number of copies of the proposal(s) at the time of the public presentation.

~~2D4D~~ After the passage of not less than seven (~~7~~) calendar days following the public presentation by the exclusive representative organization(s), the Board shall then, at a regular meeting or at a called special meeting, provide the public with an opportunity to express itself regarding the proposal(s) [Government Code 3547(b)].

~~2D4E~~ The Board shall then make a public presentation of its initial proposal(s) and make it available for public review and study at a known and designated place (or places) in the District [Government Code 3547(a)].

After the passage of not less than seven (~~7~~) calendar days, the Board shall provide an opportunity for public input at a regular or called special meeting.

The Board shall then adopt its initial proposal [Government Code 3547(c)].

~~2D4F~~ Then the Board or its designated representatives shall begin meeting and negotiating with the exclusive representative organization(s) [Government Code 3547(b)].

~~2D4G~~ Within ~~twenty-four (24)~~ hours of its presentation, the Board shall make any new subject matter proposal(s) within the scope of negotiations made by either party during meeting and negotiating available in printed form for public study and review at a known and designated place (or places) in the District [Government Code 3547(d)].

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

~~2D4H~~ If any vote is taken by the Board on a new subject of negotiations, the Board shall make the roll call vote available as a matter of public record within ~~twenty-four (24)~~ hours of the time of the vote [Government Code 3547(d)].

NOTE: The language in **red ink** is **required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current KCCD Policy 2D titled Board Meetings, Employee Representatives, Personnel Negotiations, Public Notice adopted in November 2013. The language in **blue ink** is included for consideration.

Adopted: November 2013

Revised:

(Replaces current KCCD Policy 2D)

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

BP 2710 CONFLICT OF INTEREST

References:

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

NOTE: This policy is legally required.

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

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

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

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his/her duties as an officer of the District.

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

❖ From current KCCD Policy 2I titled Conflict of Interest Statement

Each member of the Board of Trustees must file a conflict of interest statement as determined by law and the Board of Trustees' Policy. Members of the Board should avoid any situation that may constitute a conflict of interest and should inform the Board

when a matter under consideration might involve or appear to involve a conflict of interest.

Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

NOTE: *The following language is legally advised.*

Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

NOTE: *The language in red ink is legally required and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in black ink is from current KCCD Policy 2I titled Conflict of Interest Statement adopted in November 2013.*

Adopted: November 2013

Revised:

(Replaces current KCCD Policy 2I)

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

BP 2715 CODE OF ETHICS/STANDARDS OF PRACTICE

Reference:

WASC/ACCJC Accreditation Standard IV.C.11

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

Members of the Board are responsible to:

[Insert the current Board code of ethics or standards of Board practice.]

NOTE: The following standards are suggested as good practice/optional:

- Act only in the best interests of the entire community.
- Ensure public input into Board deliberations; adhering to the law and spirit of the open meeting laws and regulations.
- Prevent conflicts of interest and the perception of conflicts of interest.
- Exercise authority only as a Board.
- Use appropriate channels of communication.
- Respect others; acting with civility.
- Remain informed about the District, educational issues, and responsibilities of trusteeship.
- Devote adequate time to Board work.
- Maintain confidentiality of closed sessions.

❖ From current KCCD Policy 2G titled Purpose of Standards of Good Practice

2G4 In support of effective community college governance, the Board of Trustees believes that:

- It derives its authority from the community and that it must always act as an advocate on behalf of the entire community;
- It must clearly define and articulate its role;
- It is responsible for creating and maintaining a spirit of true cooperation and a mutually supportive relationship with its CEO;

- It always strives to differentiate between external and internal processes in the exercise of its authority;
- Its Trustee members should engage in a regular and ongoing process of in-service training and continuous improvement;
- Its Trustee members come to each meeting prepared and ready to debate issues fully and openly;
- Its Trustee members vote their conscience and support the decision or policy made;
- Its behavior, and that of its members exemplify ethical behavior and conduct that is above reproach;
- It endeavors to remain always accountable to the community; and
- It honestly debates the issues affecting its community and speaks with one (1) voice once a decision or policy is made.

❖ **From current KCCD Policy 2H titled Statement of Ethics**

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

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

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

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

NOTE: *The code **must contain** a clearly defined statement for dealing with behavior that violates its code. The sample language on the following page **reflects the accreditation standards.***

Sample 1

The District Chancellor and President of the Board of Trustees are authorized to consult with legal counsel when they become aware of or are informed about actual or perceived violations of pertinent laws and regulations, including but not limited to conflict

of interest, open and public meetings, confidentiality of closed session information, and use of public resources. Violations of law may be referred to the District Attorney or Attorney General as provided for in law.

Violations of this policy will be addressed by the President of the Board, who will first discuss the violation with the Board member to reach a resolution. If resolution is not achieved and further action is deemed necessary, the President of the Board may appoint an ad hoc committee to examine the matter and recommend further courses of action to the Board. Sanctions will be determined by the Board officers [or committee] and may include a recommendation to the Governing Board to censure the Board member. If the President of the Board is perceived to have violated the code, the Vice President of the Board is authorized to pursue resolution.

Sample 2

Charges by any person that a member of the Board of Trustees has violated laws and regulations Board behavior or the Board's Code of Ethics shall be directed to the President of the Board or the Board of Trustees itself. The President of the Board may establish an ad hoc committee to examine the charges and recommend further courses of action to the Board. Possible courses of action include:

- If alleged behavior violates laws Board behavior, legal counsel may be sought and the violations referred to the District Attorney or Attorney General as provided for in law.
- If the alleged behavior violates Board Policy on ethical conduct, the President of the Board shall alert the Board member in question regarding the violation of policy, the Board may discuss the violation at a Board Meeting and affirm its policy expectation, and/or the Board may move to censure the trustee.

Sample 3

All members of the Board of Trustees are expected to maintain the highest standards of conduct and ethical behavior and to adhere to the Board's Code of Ethics. The Board will be prepared to investigate the factual basis behind any charge or complaint of Board member misconduct. A Board member may be subject to a resolution of censure by the Board should it be determine that Board member misconduct has occurred. Censure is an official expression of disapproval passed by the Board.

A complaint of Board member misconduct will be referred to an ad hoc committee composed of two Board members not subject to the complaint. In a manner deemed appropriate by the committee, a fact-finding process shall be initiated and completed within a reasonable period of time to determine the validity of the complaint. The committee shall be guided in its inquiry by the standards set forth in the Code of Ethics as defined in Board Policy. The Board member subject to the charge of misconduct shall not be precluded from presenting information to the committee. The committee

shall, within a reasonable period of time, make a report of its findings to the Board of Trustees for action.

[Also see BP 2200 titled Board Duties and Responsibilities](#)

NOTE: The language in **red ink** is **required** to comply with accreditation and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in September 2005 and November 2014. The language in **black ink** is from current KCCD Policy 2G titled Standards of Good Practice adopted in November 2013 and Policy 2H titled Statement of Ethics adopted on October 4, 2007. The language in **blue ink** is included for consideration.

Adopted: November 2013 (Policy 2G) and
October 4, 2007 (Policy 2H)

Revised:

(Replaces current KCCD Policies 2G and 2H)

Legal Citation for BP 2715

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.

C. Governing Board

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. (Accreditation Eligibility Requirement 7)

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

BP 2716 POLITICAL ACTIVITY

References:

Education Code Sections 7054, 7054.1, and 7056;
Government Code Section 8314

NOTE: *This policy is **legally required**.*

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

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

[Also see BP/AP 7370 Political Activity](#)

NOTE: *The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued this policy in February 2003 and provided legal updates to this document in February 2005, September 2012, and June 2013. The language in **blue ink** is included for consideration.*

Adopted:

(This is a new policy)

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

BP 2717 PERSONAL USE OF PUBLIC RESOURCES

References:

Government Code Section 8314;
Penal Code Section 424

NOTE: *This policy is **legally required**.*

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

Also see AP 7371 titled Personal Use of Public Resources

NOTE: *The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued this document in February 2003. The language in **blue ink** is included for consideration.*

Adopted:

(This is a new policy)

Legal Citations for BP 2717

GOVERNMENT CODE SECTION 8314

8314. (a) It is unlawful for any elected state or local officer, including any state or local appointee, employee, or consultant, to use or permit others to use public resources for a campaign activity, or personal or other purposes which are not authorized by law.

(b) For purposes of this section:

(1) "Personal purpose" means those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to state business. "Personal purpose" does not include the incidental and minimal use of public resources, such as equipment or office space, for personal purposes, including an occasional telephone call.

(2) "Campaign activity" means an activity constituting a contribution as defined in Section 82015 or an expenditure as defined in Section 82025. "Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.

(3) "Public resources" means any property or asset owned by the state or any local agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and state-compensated time.

(4) "Use" means a use of public resources which is substantial enough to result in a gain or advantage to the user or a loss to the state or any local agency for which a monetary value may be estimated.

(c) (1) Any person who intentionally or negligently violates this section is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of public resources. The penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney or any city attorney of a city having a population in excess of 750,000. If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty.

(2) If the action is brought by the Attorney General, the moneys recovered shall be paid into the General Fund. If the action is brought by a district attorney, the moneys recovered shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney, the moneys recovered shall be paid to the treasurer of that city.

(3) No civil action alleging a violation of this section may be commenced more than four years after the date the alleged violation occurred.

(d) Nothing in this section shall prohibit the use of public resources for providing information to the public about the possible effects of any bond issue or other ballot measure on state activities, operations, or policies, provided that (1) the informational activities are otherwise authorized by the constitution or laws of this state, and (2) the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

(e) The incidental and minimal use of public resources by an elected state or local officer, including any state or local appointee, employee, or consultant, pursuant to this section shall not be subject to prosecution under Section 424 of the Penal **Code**.

PENAL CODE SECTION 424

424. (a) Each officer of this state, or of any county, city, town, or district of this state, and every other person charged with the receipt, safekeeping, transfer, or disbursement of public moneys, who either: 1. Without authority of law, appropriates the same, or any portion thereof, to his or her own use, or to the use of another; or, 2. Loans the same or any portion thereof; makes any profit out of, or uses the same for any purpose not authorized by law; or, 3. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the same; or, 4. Fraudulently alters, falsifies, conceals, destroys, or obliterates any account; or, 5. Willfully refuses or omits to pay over, on demand, any public moneys in his or her hands, upon the presentation of a draft, order, or warrant drawn upon these moneys by competent authority; or, 6. Willfully omits to transfer the same, when transfer is required by law; or, 7. Willfully omits or refuses to pay over to any officer or person authorized by law to receive the same, any money received by him or her under any duty imposed by law so to pay over the same;-- Is punishable by imprisonment in the state prison for two, three, or four years, and is disqualified from holding any office in this state.

(b) As used in this section, "public moneys" includes the proceeds derived from the sale of bonds or other evidence or indebtedness authorized by the legislative body of any city, county, district, or public agency.

(c) This section does not apply to the incidental and minimal use of public resources authorized by Section 8314 of the Government **Code**.

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

BP 2720 COMMUNICATIONS AMONG BOARD MEMBERS

Reference:

Government Code Section 54952.2

NOTE: *This policy is legally required.*

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

NOTE: *The following is alternative language (to the language in the paragraph above) that may be used in this policy:*

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

NOTE: *The red ink signifies language that is legally required and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in February 2010.*

Adopted:

(This is a new policy)

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

BP 2725 BOARD MEMBER COMPENSATION

Reference:

Education Code Section 72024

NOTE: *Only if the Board has acted to provide compensation to its members is the following policy language proposed.*

Members of the Board of Trustees who attend all board meetings shall receive \$400 per month.* A member of the Board who does not attend all meetings held by the Board in any month shall receive, as compensation, an amount not greater than the pro rata share of the number of meetings actually attended. Participation by a Board member by telephone/videoconference does not constitute an absence.

A member of the Board may be paid for a meeting when absent if the Board, by resolution, finds that at the time of the meeting the member is performing services outside the meeting for the community college district, is ill, on jury duty, or the absence is due to a hardship deemed acceptable by the Board.

NOTE: *If the Board has voted to grant to the student member of the Board the privilege of receiving compensation, the following policy phrase could be included at the conclusion of the first sentence:*

*...and the student member, **[insert amount]** per month.

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

NOTE: *The following language is optional.*

The Board may, on an annual basis, increase the compensation of Board members by five percent. However, any increase is subject to rejection in a referendum by a majority of the voters in the District.

❖ **From current KCCD Policy 2K titled Compensation/Travel Allowance for Members of the Board of Trustees**

~~2K1—Members of the Board of Trustees will be compensated for services rendered, not to exceed four hundred dollars (\$400) per month, according to Education Code Section 72425.~~

~~2K1A A Trustee who does not attend all regular, special, or annual meetings held by the Board in any month may receive, as compensation for his or her services, an amount not greater than a pro rata share of the number of meetings actually attended based upon the maximum compensation authorized. Participation by a Board member by telephone/videoconference does not constitute an absence.~~

~~2K1B A Trustee may be paid for any meeting when absent if the Board by resolution duly adopted and included in its minutes finds that at the time of the meeting he or she is performing services outside the meeting for the community college district, he or she was ill, or on jury duty, or the absence was due to a hardship deemed acceptable by the Board. The resolution will either be acted upon at the meeting missed by the Trustee, or the subsequent meeting depending upon the timeliness of the notification of absence.~~

~~2K1B1—The following hardships have been deemed acceptable:~~

- ~~• Death of a family member and/or close acquaintance~~
- ~~• Serious illness of a family member~~
- ~~• Serious accident involving self or a family member~~
- ~~• Accident involving property~~
- ~~• Any appearance in any court or before any administrative tribunal as a litigant, party, or witness~~
- ~~• Religious activities~~

~~2K2—Members of the Board of Trustees are entitled to receive a travel allowance at the Board approved rate.~~

~~2K3—The student member is entitled to a travel allowance and shall be compensated as provided for in Policy 2K1, above.~~

NOTE: The **red ink** signifies language that is **legally advised** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal updates to this document in February 2002, August 2006, and June 2013. The language in **black ink** is from current KCCD Policy 2K titled Compensation/Travel Allowance for Members of the Board of Trustees adopted on February 3, 2005. The language in **blue ink** is included for consideration.

Adopted: February 3, 2005

Revised:

(Replaces current KCCD Policy 2K)

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

BP 2730 BOARD MEMBER HEALTH BENEFITS

References:

Government Code Sections 53201 and 53208.5

NOTE: *The language in red ink is **legally advised**. If the Board of Trustees has determined that Board members are permitted to participate in the District's health benefits programs, the following policy language can be used to set out the District's commitment to current **and former** Board members. The determination of whether or not Board members **and former Board members** may participate must be made in accordance with Government Code Section 53201.*

❖ From current KCCD Policy 2J titled Benefits for Members of the Board of Trustees

NOTE: *In the Policy & Procedure Service's legal Update 20 (disseminated to member districts in March 2012), this policy was revised to comply with Government Code Section 53208.5.*

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

2J1 Members of the Board of Trustees and dependents are eligible for and shall receive the District comprehensive health, dental, and vision plans. Eligible members of the Board of Trustees shall be enrolled in a life insurance plan. The District's contribution for the health, dental, vision, and life insurance plans shall be determined annually by the Board of Trustees.

2J2 Members of the Board of Trustees and dependents are eligible for and shall receive the District comprehensive health plan and dental plan upon retirement from the Board of Trustees until age ~~sixty-five (65)~~ with the following provisions.

NOTE: *The following provision should only be used **if former members** of the Board have been permitted to continue receiving health benefits since before January 1, 1995.*

Former members of the Board may continue to participate in the District's health benefits programs upon leaving the Board if the following criteria are met: the member must have begun service on the Board after January 1, 1981; the member must have been first elected to the Board before January 1, 1995; and the member must have served at least 12 years. All other former Board members may continue to participate in the District's health benefits programs on a self-pay basis.

NOTE: Please carefully review the language shaded in gray to ensure accuracy and consistency with the law.

2J2A The retired member of the Board of Trustees must have reached age ~~sixty~~ (60).

2J2B The retiree must exceed twelve (12) years of service on the Kern Community College District Board.

2J2C The retired member of the Board of Trustees must have been first elected to a term of office that began prior to January 1, 1995.

2J2D The level of benefits and the District's contribution for the health and dental plans shall be the same as for active confidential and management employees.

2J3 For Board Members elected prior to July 1, 1991, health insurance, excluding dental will be provided Board retirees beyond age sixty-five (65) and dependents with the following provisions in addition to Policies 2J2A and 2J2B.

2J3A The retiree [and eligible dependent(s), if dependent coverage is taken] must be eligible for Medicare Part A or purchase Medicare Part A as a condition of continuing with the District health plan.

2J3B At age sixty-five (65), the retiree [and eligible dependent(s), if dependent coverage is taken] must apply for and purchase Medicare Part B.

2J3C Medicare must provide primary coverage.

2J3D A surviving eligible dependent(s) of a Board retiree may continue the District health plan at his/her expense. Failure to make timely payments for two (~~2~~) consecutive months shall cause the right to continue coverage under this provision to cease.

2J3E The level of benefits and the District's monthly contribution for the health plan shall be the same as for active confidential and management employees.

2J4 Board members elected after July 1, 1991, who retire, may continue the health plan at his/her expense under the following conditions.

~~2J4A~~ At age ~~sixty-five~~ (65), the retiree (and spouse, if dependent coverage is taken) must be qualified through Social Security eligibility for Medicare Part A and shall apply for and accept Medicare Part A.

~~2J4B~~ At age ~~sixty-five~~ (65), the retiree (and spouse, if dependent coverage is taken) must apply for and purchase Medicare Part B.

~~2J4C~~ Medicare must provide primary coverage.

NOTE: The **red ink** signifies language that is **legally advised** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in March 2012. The language in **black ink** is from current KCCD Policy 2J titled Benefits for Members of the Board of Trustees adopted on December 12, 2002.

Adopted: December 12, 2002

Revised:

(Replaces current KCCD Policy 2J)

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

BP 2735 BOARD MEMBER TRAVEL

Reference:

Education Code Section 72423

NOTE: *This policy is legally required.*

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

NOTE: *The Board may wish to add local policy language that describes **expectations and processes for approving Board member travel**. (Also see new AP 2735 titled Board Member Travel)*

NOTE: *The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore).*

Adopted:

(This is a new policy)

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

BP 2740 BOARD EDUCATION

Reference:

WASC/ACCJC Accreditation Standard IV.C.9

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

NOTE: *The District may insert its own policy here regarding Board development. A general statement is:*

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

❖ From current KCCD Policy 2F titled Board In-Service Development

2F1 New members elected or appointed to the Board of Trustees will participate in an district orientation conducted by the District Cehancellor within 90 days of election or appointment and attend a statewide California community college new trustee orientation program within one year of assuming office.

2F2 In-service training will be provided annually to members of the Board as work study sessions conducted during regular board meetings or as special board meetings. In-service training may address topics such as student access and success, educational and facilities planning, government relations, emergency preparedness, human resources, technology, governance, and accreditation.

2F3 A biennial board development program will be developed in response to the governing board self-evaluation summary, which is prepared in odd numbered years, and implemented to meet the needs of newer board members and experienced board members.

NOTE: This policy is **required** to comply with accreditation and is recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in November 2014. The language in **black ink** is from current KCCD Policy 2F titled Board In-Service Development adopted in October 2013. The language in **blue ink** is included for consideration.

Adopted: October 2013

Revised:

(Replaces current KCCD Policy 2F)

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

BP 2745 BOARD SELF-EVALUATION

Reference:

WASC/ACCJC Accreditation Standard IV.C.10

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

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

NOTE: *The District may insert its own process here. A sample process is:*

A committee of the Board shall be appointed in [month] to determine the instrument or process to be used in Board self-evaluation. Any evaluation instrument shall incorporate criteria contained in these Board policies regarding board operations, as well as criteria defining board effectiveness promulgated by recognized practitioners in the field.

The process for evaluation shall be recommended to and approved by the Board.

If an instrument is used, all board members will be asked to complete the evaluation instrument and submit them to [insert position, such as Board President or Board Secretary].

A summary of the evaluations will be presented and discussed at a Board session scheduled for that purpose. The results will be used to identify accomplishments in the past year and goals for the following year.

❖ From current KCCD Policy 2E titled Board Self-Evaluation

2E4 The evaluation process is designed to provide constructive feedback to individual Board members about the performance of the Board as a whole, not individual Board members. It is the evaluation process of the overall effectiveness of the Board as a group making decisions and the results of those decisions. During the evaluation

process, the integrity and rights of individuals must be respected and as such, the product of this evaluation process and all instruments attendant thereto shall be confidential.

~~2E2~~ To this end, the Board has established the following process:

- ~~2E2A~~ The Board shall review and approve procedures for self-evaluation every five ~~(5)~~ years in the fall of every odd numbered year.
- ~~2E2B~~ In the month of October, in each odd numbered year, the Secretary of the Board shall provide an agreed upon evaluation instrument.
- ~~2E2C~~ All Board members will be asked to complete the evaluation instrument and submit responses to the Secretary of the Board.
- ~~2E2D~~ A summary of the evaluations will be presented to the Board in a written communication by December of each odd numbered year.
- ~~2E2E~~ The Board shall take appropriate action in response to the evaluation summary, during a public meeting.
- ~~2E3~~ Goals of the evaluation process are to:
 - Identify past accomplishments
 - Identify annual goals
 - Clarify roles
 - Enhance harmony and understanding
 - Improve effectiveness and efficiency of Board meetings
 - Set policies for the benefit of students, employees, institutions, and citizens of the Kern Community College District

[Also see BP 2200 Board Duties and Responsibilities](#)

NOTE: This policy is **required** to comply with accreditation and is recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued a legal update to this document in November 2014. The language in **black ink** is from current KCCD Policy 2E titled Board Self-Evaluation adopted on October 4, 2007. The language in **blue ink** is included for consideration.

Adopted: October 4, 2007

Revised:

(Replaces current KCCD Policy 2E)

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

BP 2750 BOARD MEMBER ABSENCE FROM THE STATE

Reference:

Government Code Section 1064

NOTE: *In the Policy & Procedure Service's legal Update 20 (disseminated to member districts in March 2012), BP 2750 was created to reflect the amendment of Government Code Section 1064 regarding Board member absences from the State. The language in red ink is **legally advised**.*

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

- Upon business of the District with the approval of the Board of Trustees.
- With the consent of the Board of Trustees for an additional period not to exceed a total absence of 90 days. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the State may be extended by the Board of Trustees.
- For federal military deployment, not to exceed an absence of a total of six months, as a member of the Armed Forces of the United States or the California National Guard. If the absence of a member of the Board of Trustees pursuant to this subdivision exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board of Trustees may appoint an interim member to serve in his/her absence. If two or more members of the Board of Trustees are absent by reason of the circumstances described in this subdivision, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board of Trustees to conduct business and discharge its responsibilities.
- The term of an interim member of the Board of Trustees appointed as set forth above may not extend beyond the return of the absent member, nor may it extend beyond the next regularly scheduled election for that office.

NOTE: The **red ink** signifies language that is **legally advised** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service issued this document in March 2012.

Adopted:

(This is a new policy)