



## SUGGESTED ORDER OF BUSINESS

### SPECIAL MEETING OF THE GOVERNING BOARD SOUTHWESTERN COMMUNITY COLLEGE DISTRICT

TIM NADER, GOVERNING BOARD PRESIDENT  
NORMA L. HERNANDEZ, GOVERNING BOARD VICE PRESIDENT  
NICK AGUILAR, GOVERNING BOARD MEMBER  
JEAN ROESCH, ED.D., GOVERNING BOARD MEMBER  
TERRI VALLADOLID, GOVERNING BOARD MEMBER  
MANUEL R. LOPEZ, JR., STUDENT GOVERNING BOARD MEMBER  
DENISE WHITTAKER, INTERIM SECRETARY TO GOVERNING BOARD  
AND INTERIM SUPERINTENDENT/PRESIDENT

Written notice is hereby given in accordance with Government Code Section 54956 that a special meeting of the Governing Board of the Southwestern Community College District will be held as noted below:

DATE: Wednesday, February 16, 2011  
TIME: 6:00 p.m.  
LOCATION: Southwestern College  
Learning Resource Center (LRC), L238

#### Compliance with Americans With Disabilities Act

Southwestern Community College District, in compliance with the American Disabilities Act (ADA), requests individuals who may need special accommodation to access, attend, and/or participate in Board meetings to contact Mary Ganio at (619) 482-6301 in advance of the meeting for information on such accommodation.

	ITEM
<i>Call to Order</i>	<b>1. CALL TO ORDER</b> (Nader)  6:00 p.m., LRC L238  Attendance at this special meeting (Board members arriving after meeting commences will be noted as "present" at point in this suggested order of business at which they arrive).  Present: Absent:
<i>Pledge of Allegiance</i>	<b>2. PLEDGE OF ALLEGIANCE</b> (Nader)
<i>Oral Communication</i>	<b>3. ORAL COMMUNICATION</b> (Nader)  Persons wishing to address the Governing Board under this item should fill out a yellow request card (available at the reception table) and indicate on the card if they wish to be called under Oral Communication, or when a specific agenda item is considered.  An oral presentation to the Board does <i>not</i> constitute an open discussion on the presentation topic, unless that topic is on the posted agenda. Pursuant to the Brown Act (Government Code Section 54954.2(a)): "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may <i>briefly</i> respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3."

	ITEM
<b>Study Session</b>	<p><b>4. BOARD STUDY SESSION</b> (Nader)</p> <p>The Governing Board will conduct a study session, facilitated by Interim Superintendent/ President Whittaker, to address accreditation recommendations related to the Board and may take action as indicated below.</p> <p><b>4A. RECOMMENDATION #9</b></p> <p>Information 4A1. Review Recommendation #9 (ENCLOSURE)</p> <p>Information 4A2. Review of AACJC Standards IV (ENCLOSURE)</p> <p>Action 4A3. Board Resolution on Governance (ENCLOSURE) (The Board will consider adoption of a Board resolution.)</p> <p>Information 4A4. Review Education Code Applicable to Community College Governing Boards (ENCLOSURE)</p> <p>Information 4A5. Review CCLC Board Policies (ENCLOSURE)</p> <p>Discussion 4A6. Discuss Clarification of "Micromanagement" and Role of the Governing Board and Role of the Superintendent/President</p> <p>Action 4A7. Establish Board Training Schedule (The Board will discuss and establish a training/study session schedule.)</p> <p><b>4B. RECOMMENDATION #10</b></p> <p>Information 4B1. Review Recommendation # 10 (ENCLOSURE)</p> <p>Information 4B2. Review of AACJC Standards IV.B2.g (ENCLOSURE)</p> <p>Information 4B3. Review Self Evaluation Policy No. 2745 (ENCLOSURE)</p> <p>Information 4B4. Review Campus Climate Survey Results (ENCLOSURE)</p> <p>Information 4B5. Review Governing Board Self-Evaluation Instrument (ENCLOSURE)</p> <p>Information 4B6. Review of Board Goals (ENCLOSURE)</p> <p>Action 4B7. Establish Timeline for Completion of Governing Board Self Evaluation (The Board will establish a timeline.)</p> <p>Information 4B8. Review of Education Code Related to Code of Ethics (ENCLOSURE)</p> <p>Information 4B9. Review Conflict of Interest Policy and Procedure No 2710 (ENCLOSURE)</p> <p>Information 4B10. Review Conflict of Interest Code Policy and Procedure No. 2712 (ENCLOSURE)</p> <p>Information 4B11. Review Code of Ethics Policy and Procedure No. 2715 (ENCLOSURE)</p> <p>Information 4B12. California Fair Political Practices Commission (ENCLOSURE)</p> <p>Action 4B13. Code of Ethics Compliance Form (ENCLOSURE) (The Board will review/sign the Code of Ethics Compliance form.)</p>

	ITEM
Information	4B14. Review CCLC Board Policies (ENCLOSURE)
Information	4B15. Review CCLC Administrative Procedures (ENCLOSURE)
	4C. <u>REFERENCES</u>
Information	4C1. Prior Training Materials (ENCLOSURE)
Information	4C2. Brown Act (ENCLOSURE)
Information	4C3. Academic Calendars (ENCLOSURE)
Adjournment	5. <b>ADJOURNMENT</b> (Nader)

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 Tim Nader  
 Governing Board President

Enclosure 4A1

## ACCJC Follow-up Report

### Southwestern Community College District

#### A Confidential Report Prepared for the AACJC

*This report represents the findings of the evaluation team that visited Southwestern College in 2003 and on November 15, 2010*

**Yellow Highlight** = Accreditation Team Recommendation

**Italics** = Positive Board Action regarding resolving the Recommendation

**RED** = Additional Action Needed

#### 2010 Team Recommendation 9:

As previously identified in the 2003 ACCJC WASC Accreditation Report, the team recommends the Governing Board:

1. **adhere to its role as a policy-making body and not interfere with the authority and responsibility of the Superintendent/President for college operations.**
2. **The team further recommends that the Governing Board act as a whole once it reaches a decision** and as an advocate for the college (IV.B.1.a and IV.B.1.j).

#### Observation and Analysis

Members of the Board and other institutional leaders participated in training sessions focused on the Board's role and *received training* by Accreditation Commission staff on accreditation. It appears all members of the Board participated in these activities and *generally agree on the Board's role as a policy-making body.*

In June 2010, the Board took action to *eliminate Policy 2432*, Selection of Vice Presidents. This policy allowed for Board input into the selection of College vice-presidents. With the elimination of the policy, this operational activity was officially discontinued. Additionally, Board members ceased participating on the College's budget committee, another operational activity. It does *not appear that Board members participate in operational activities* of the College.

Although Board members interact with College staff, *communication appears generally filtered through the Superintendent/President.* The Board *does not appear to micromanage or usurp the authority and responsibility of the Superintendent/President to manage college operations.* However, despite it being made quite clear that *communication between trustee and the College*

*staff should occur through the Superintendent/President*, trustees and staff reported the continual involvement of one board member. He was reported to be *contacting and communicating with College personnel without the Superintendent/President's knowledge*. The trustees report that they have made significant effort to inform this Board member that his actions are inappropriate, and the team witnessed such attempts during the visit.

There continues to be *tension between Board members* regarding advocating for the College after the whole reaches a decision. This tension is mirrored by the difficult environment leading up to the election of two new Board members in November 2010. Further, the recent unexpected *departure of the Superintendent/President raises concerns that the changes will exacerbate the tensions*. While the College has taken positive actions to implement part of this recommendation, more time is necessary to *assess the extent recent changes support or detract* from the action recommended by the Accrediting Commission.

### **Conclusion**

The Board has made significant progress in adhering to its policy making role. However, continued **direct communication between trustees and College staff rather than through the College President** will interfere with a new President's ability to manage the operations of the College.

The College requires more time following recent leadership changes to determine their effect on satisfying all aspects of this recommendation.

This recommendation has been partially met.

## **ACTION TO-DATE ON RECOMMENDATION #9**

1. Training by Accreditation Commission staff whereby all members of the Board participated in these activities and generally agree on the Board's role as a policy-making body.
2. June 2010, the Board took action to eliminate Policy 2432, Selection of Vice Presidents
3. Board members ceased participating on the College's budget committee, another operational activity. It does not appear that Board members participate in any other operational activities of the College.

4. Communication appears generally filtered through the Superintendent/President.
5. The Board does not appear to micromanage or usurp the authority and responsibility of the Superintendent/President to manage college operations.
6. Communication between trustees and the College staff should occur through the Superintendent/President, trustees and staff reported the continual involvement of one board member.
7. The November, 2010 election provided two new trustees to the SWCCD Governing Board, eliminating tension between Board members.

#### **ADDITIONAL ACTION & COMMITMENTS FOR RECOMMENDATION #9**

8. Departure of the Superintendent/President and the hire of the Interim Superintendent/President has eliminated tension and provided an atmosphere of mutual trust and respect.
9. Review of Accreditation Standard IV: Leadership and Governance
10. Study Session to openly discuss what constitutes “micromanagement”.
11. Review of Education Code applicable to Community College Governing Boards
12. Review of CCLC Trustees Handbook – Tab 2: The Governing Board
13. Governing Board Resolution: Commitment to the Role of the Board
- 14.
- 15.
- 16.
- 17.

Enclosure 4A2



## **Standard IV: Leadership and Governance**

The institution recognizes and utilizes the contributions of leadership throughout the organization for continuous improvement of the institution. Governance roles 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 administrator.

### **A. Decision-Making Roles and Processes**

The institution recognizes that ethical and effective leadership throughout the organization enables the institution to identify institutional values, set and achieve goals, learn, and improve.

1. Institutional leaders create an environment for empowerment, innovation, and institutional excellence. They encourage staff, faculty, administrators, and students, no matter what their official titles, to take initiative in improving the practices, programs, and services in which they are involved. When ideas for improvement have policy or significant institution-wide implications, systematic participative processes are used to assure effective discussion, planning, and implementation.
2. The institution establishes and implements a written policy providing for faculty, staff, administrator, and student participation in decision-making processes. The policy specifies the manner in which individuals bring forward ideas from their constituencies and work together on appropriate policy, planning, and special-purpose bodies.
  - a. Faculty and administrators have a substantive and clearly defined role in institutional governance and exercise a substantial voice in institutional policies, planning, and budget that relate to their areas of responsibility and expertise. Students and staff also have established mechanisms or organizations for providing input into institutional decisions.
  - b. The institution relies on faculty, its academic senate or other appropriate faculty structures, the curriculum committee, and academic administrators for recommendations about student learning programs and services.
3. Through established governance structures, processes, and practices, the governing board, administrators, faculty, staff, and students work together for the good of the institution. These processes facilitate discussion of ideas and effective communication among the institution's constituencies.
4. The institution advocates and demonstrates honesty and integrity in its relationships with external agencies. It agrees to comply with Accrediting Commission standards, policies, and guidelines, and Commission requirements for public disclosure, self study and other reports, team visits, and prior approval of substantive changes. The institution moves expeditiously to respond to recommendations made by the Commission.
5. The role of leadership and the institution's governance and decision-making structures and processes are regularly evaluated to assure their integrity and effectiveness. The institution widely communicates the results of these evaluations and uses them as the basis for improvement.

## B. Board and Administrative Organization

In addition to the leadership of individuals and constituencies, institutions recognize the designated responsibilities of the governing board for setting policies and of the chief administrator for the effective operation of the institution. Multi-college districts/systems clearly define the organizational roles of the district/system and the colleges.

1. The institution has a governing board that is responsible for establishing policies to assure the quality, integrity, and effectiveness of the student learning programs and services and the financial stability of the institution. The governing board adheres to a clearly defined policy for selecting and evaluating the chief administrator for the college or the district/system.

- a. The governing board is an independent policy-making body that reflects the public interest in board activities and decisions. Once the board reaches a decision, it acts as a whole. It advocates for and defends the institution and protects it from undue influence or pressure.

- b. The governing board establishes policies consistent with the mission statement to ensure the quality, integrity, and improvement of student learning programs and services and the resources necessary to support them.

- c. The governing board has ultimate responsibility for educational quality, legal matters, and financial integrity.

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

- e. The governing board acts in a manner consistent with its policies and bylaws. The board regularly evaluates its policies and practices and revises them as necessary.

- f. The governing board has a program for board development and new member orientation. It has a mechanism for providing for continuity of board membership and staggered terms of office.

- g. The governing board's self-evaluation processes for assessing board performance are clearly defined, implemented, and published in its policies or bylaws.

- h. The governing board has a code of ethics that includes a clearly defined policy for dealing with behavior that violates its code.

- i. The governing board is informed about and involved in the accreditation process.

- j. The governing board has the responsibility for selecting and evaluating the district/system chief administrator (most often known as the chancellor) in a multi-college district/system or the college chief administrator (most often known as the president) in the case of a single college. The governing board delegates full responsibility and authority to him/her to implement and administer board policies without board interference and holds him/her accountable for the operation of the district/system or college, respectively. In multi-college districts/systems, the governing board establishes a clearly defined policy for selecting and evaluating the presidents of the colleges.

2. The president has primary responsibility for the quality of the institution he/she leads. He/she provides effective leadership in planning, organizing, budgeting, selecting and developing personnel, and assessing institutional effectiveness.

- a. The president plans, oversees, and evaluates an administrative structure organized and staffed to reflect the institution's purposes, size, and complexity. He/she delegates authority to administrators and others consistent with their responsibilities, as appropriate.

- b. The president guides institutional improvement of the teaching and learning environment by the following:
- establishing a collegial process that sets values, goals, and priorities;
  - ensuring that evaluation and planning rely on high quality research and analysis on external and internal conditions;
  - ensuring that educational planning is integrated with resource planning and distribution to achieve student learning outcomes; and
  - establishing procedures to evaluate overall institutional planning and implementation efforts.
- c. The president assures the implementation of statutes, regulations, and governing board policies and assures that institutional practices are consistent with institutional mission and policies.
- d. The president effectively controls budget and expenditures.
- e. The president works and communicates effectively with the communities served by the institution.

**Adopted, June 2002**

Enclosure 4A3

WHEREAS, Education Code 70902 authorizes and defines local Boards and authorizes local Boards to delegate authority to the chief executive officer, unless prohibited by law<sup>1</sup>;

WHEREAS, the Governing Board of Southwestern Community College District (SWCCD) recognizes that the primary purpose of an ACCJC-accredited institution is to foster learning in its students and has established Accreditation Standards whereby institutions of higher learning are accredited<sup>2</sup>;

WHEREAS, a Governing Board comprising of new members now exists and is committed to adhering to ethical leadership and governance standards;

WHEREAS, Standard IV, *Leadership and Governance*, establishes that "ethical and effective leadership throughout the organization guides the accomplishment of the mission and supports institutional effectiveness and improvement"<sup>1</sup> and provides that ethical and effective leadership throughout the organization enables the institution to identify institutional values, set and achieve goals, learn, and improve<sup>3</sup>;

WHEREAS, Standard IV-B: *Board and Administrative Organization* provides that institutions recognize the designated responsibilities of the governing board for setting policies and of the chief administrator for the effective operation of the institution<sup>4</sup>;

WHEREAS, Standard IV-B1a: *Board and Administrative Organization* provides that once the SWCCD Governing Board reaches a decision, it acts as a whole<sup>5</sup>;

WHEREAS, Standard IV-Bj: *Board and Administrative Organization* provides that the SWCCD Governing Board delegates full responsibility and authority to Superintendent/President to implement and administer board policies without board interference and holds him/her accountable for the operation of the district/system or college, respectively<sup>6</sup>;

WHEREAS, Standard IV-Bj: *Board and Administrative Organization* provides that the SWCCD Governing Board has the responsibility for evaluating the Superintendent/President, recognizing that the Governing Board intervenes when negative circumstances arise which potentially interfere with the ability of the institution to maintain Accreditation, ethical, and/or legal standards<sup>7</sup>;

WHEREAS, Standard IV-B2: *Board and Administrative Organization* provides that the Superintendent/ President has primary responsibility for the quality of the institution he/she leads and provides effective leadership in planning, organizing, budgeting, selecting and developing personnel, and assessing institutional effectiveness<sup>8</sup>;

Therefore Be It Resolved, each member of the SWCCD Governing Board accepts and adheres to the ACCJC/WASC Accreditation Standards, particularly applicable to leadership and governance, as publicly witnessed and signed below this ninth day of March, 2011.

\_\_\_\_\_  
Governing Board President, Tim Nader

\_\_\_\_\_  
Trustee, Nick Aguilar

\_\_\_\_\_  
Trustee, Norma Hernandez

\_\_\_\_\_  
Trustee, Jean Roesch, Ph.D.

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Trustee, Terri Valladolid

\_\_\_\_\_  
Student Trustee, Manuel Lopez

Witness:

\_\_\_\_\_  
Interim Superintendent/President, Denise Whittaker

<sup>1</sup> California Education Code Section 70902

<sup>2-8</sup> Accrediting Commission for Community and Junior Colleges (ACCJC) / Western Association of Schools and Colleges (WASC), Standard IV, Adopted, June 2002

Enclosure 4A4

# EDUCATION CODE

## SECTION 71020.5-71051

71020.5. (a) It is the intent of the Legislature in enacting this section to foster the creation, implementation, and phase-in of a comprehensive community college accountability system that describes the performance of community colleges in meeting the postsecondary educational needs of students. This educational and fiscal accountability system shall provide performance data on students, programs, and institutions.

It is further the intent of the Legislature that this accountability system assist all participants in the community college system, including students, faculty, staff, administrators, local governing boards, the chancellor, the state board of governors, the public, and other interested constituencies, in identifying the educational and fiscal strengths and weaknesses of colleges in order to improve educational quality in community colleges.

(b) The board of governors shall develop and implement a comprehensive community college educational and fiscal accountability system. In developing and implementing this system, the board of governors shall solicit consultation from institutional and organizational representatives of the California Community Colleges, including statewide faculty and staff organizations. At a minimum, the system shall do all of the following:

(1) Be consistent with the Legislature's intent as expressed in this act, Chapter 136 of the Statutes of 1987, and Chapter 1465 of the Statutes of 1986.

(2) Draw from, and build upon, the system proposed in the report entitled "AB 3409 Community College Accountability Report," prepared pursuant to Chapter 1465 of the Statutes of 1986.

(3) Be designed to promote student success in community colleges.

(4) Define and measure, quantitatively and qualitatively, accountability information, including all of the following:

(A) Student access to community colleges.

(B) The extent to which the community college student body reflects proportionately the adult population of the state.

(C) Student transfer rates and programs.

(D) Academic standards and student achievement.

(E) Student goal satisfaction and success in courses and programs.

(F) Completion rates of courses and programs.

(G) Occupational preparation relative to state and local work force needs and for entry-level employment, occupational advancement, and career changes of students.

(H) Adequacy of basic skills and English as a second language courses and instruction in preparing students to succeed in collegiate level work.

(I) Adequacy of, and student satisfaction with, student services.

(J) The extent to which the community college work force reflects proportionately the adult population of the state.

(K) Fiscal conditions of community college districts.

(5) Be designed to streamline the use of multiple performance measures from appropriate sources of data, including, but not limited to, matriculation evaluations, categorical program evaluations, the



community college management information system, and other existing data collection and evaluation systems.

(6) Provide feedback to individual colleges in order to improve access to community colleges, student performance, and educational programs where needed.

(7) Produce a published report of community college accountability.

(c) The Legislature finds and declares that successful implementation of a comprehensive educational and fiscal accountability system is, in part, dependent upon an adequate data collection and reporting system. The accountability system developed and implemented pursuant to this section shall be phased in, to the extent necessary, with the funding and local implementation of the community college management information system.

71021. All official acts of the board shall require the affirmative vote of a majority of the board, as determined by the policies of the board. The vote of all members shall be recorded.

71022. All meetings of the board shall be open and public except as otherwise provided.

The board may hold executive sessions closed to the public to consider the employment of any person, or the dismissal or other form of disciplinary action to be taken against any officer or employee under the jurisdiction of the board, except where that person, officer, or employee requests a public hearing. The employment status of the Chancellor of the California Community Colleges is subject to this authority of the board. The board may exclude from that meeting, whether public or closed to the public, during the examination of a witness, any or all other witnesses in the matter being investigated.

71024. The Board of Governors of the California Community Colleges has the duties, powers, purposes, responsibilities, and jurisdiction heretofore vested in the State Board of Education, Superintendent of Public Instruction, the Department of Education, and the Director of Education with respect to the management, administration, and control of the community colleges.

Whenever in any law other than a provision of the Education Code, enacted prior to January 1, 1977, relating to the management, administration and control of the community colleges reference is made to the State Board of Education, Superintendent of Public Instruction, the Department of Education, or the Director of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

71025. (a) The name "California Community Colleges" is the property of the state. No person shall, without permission of the Board of Governors of the California Community Colleges, use this name, or any



abbreviation of it, or any name of which these words are a part in any of the following ways:

- (1) To designate any business, social, political, religious, or other organization, including but not limited to, any corporation, firm, partnership, association, group, activity or enterprise.
- (2) To imply, indicate or otherwise suggest that any organization, or any product or service of that 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.
- (3) 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.

The provisions of this section shall not preclude the use of the name "California Community Colleges" by any person or organization otherwise subject to this section using the name immediately prior to March 4, 1972.

(b) 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.

(c) Every person violating provisions of this section is guilty of a misdemeanor.

71027. (a) The Board of Governors of the California Community Colleges shall develop, maintain, and disseminate a general common course numbering system for use by the community college districts.

(b) The office of the Chancellor of the California Community Colleges shall absorb the costs of developing, maintaining, and disseminating a general common course numbering system pursuant to this section within the office's existing resources.

71028. The board of governors shall adopt regulations to ensure that the California Community Colleges, as a system, establish and apply the statewide participation goals for contracting with minority business enterprises and women business enterprises specified in Section 10115 of the Public Contract Code. The statewide participation goal for the California Community Colleges shall be based upon the total dollar amount of contracts awarded, with not less than 15 percent being awarded to minority business enterprises, and not less than 5 percent being awarded to women business enterprises. The regulations adopted by the board of governors shall be adapted from and consistent with the provisions of Article 1.5 (commencing with Section 10115) of Chapter 1 of Part 1 of the Public Contract Code.

71029. It is the intent of the Legislature that the Board of Governors of the California Community Colleges, in cooperation with the Trustees of the California State University and Colleges and the Regents of the University of California, may support existing and additional programs which provide postsecondary educational opportunities and services for prison inmates, wards, and parolees of the Department of Corrections and the Department of the Youth Authority. The board of governors may support programs developed and operated cooperatively by at least one correctional institution and a two- or four-year college. Priority shall be given to programs linking more than two correctional institutions, educational agencies, parolee programs, community agencies, and potential employers. The board of governors may support existing programs and additional demonstration projects which have one or more of the following components:

(a) Academic and vocational instructional programs at the postsecondary educational level offered inside state prisons, county jails, or Department of the Youth Authority institutions.

(b) Information, counseling, and tutoring services for inmates, wards, and ex-offenders presently enrolled or interested in a postsecondary educational program.

(c) Courses for inmates and wards which also serve prison personnel and college students who are not incarcerated.

(d) Cooperative efforts linking postsecondary education programs with potential employers of ex-offenders.

(e) Research on alternative methods of assessing academic abilities of inmates and alternative ways of making available education to inmates and ex-offenders.

71040. The board of governors may allow actual and necessary travel expenses to community college students, faculty, staff, or other community college officials or employees who serve on study teams, task forces, or similar groups formed by the board of governors or by the chancellor's office and who, in these capacities, attend meetings of any association, organization, or agency that has as its principal purpose the study of matters pertinent to education or to a particular field or fields of education relevant to community colleges.

71046. The Board of Governors of the California Community Colleges may accept on behalf of, and in the name of, the state gifts, donations, bequests, and devises that may be made to the board of governors, or to any school or other institution under the jurisdiction of the board of governors whenever the gift, donation, bequest, or devise and the terms and conditions thereof, will aid the Board of Governors of the California Community Colleges in carrying out its primary functions, as specified in Sections 70900 to 70902, inclusive. Gifts, donations, bequests, and devises may be made subject to the conditions or restrictions as the board of governors may deem advisable.

71049. For the purposes of Government Code Section 11032, the

following constitute, among other proper purposes of like or different character, state business for officers and employees of the board of governors and the chancellor's office for which the officers and employees shall be allowed actual and necessary traveling expenses:

(a) Attending meetings of any national association or organization having as its principal purpose the study of matters relating to education or to a particular field or fields of education, or any agency of such association.

(b) Conferring with officers or employees of the United States, or appearing before committees of either house of the Congress of the United States, relative to problems relating to education in California.

(c) Conferring with officers or employees of other states engaged in the performance of similar duties.

(d) Obtaining information useful to the agency in the conduct of its work.

When traveling is outside the state, traveling and expense shall be approved by the Governor and Director of Finance as provided in Government Code Section 11032.

71050. The Board of Governors of the California Community Colleges shall survey local community college districts to determine the level and type of services needed and available for welfare recipients pursuant to Article 3.2 (commencing with Section 11320) of Chapter 2

Part 3 of Division 9 of the Welfare and Institutions Code. The board of Governors of the California Community Colleges shall develop a plan and standards for the level of participation by community college districts required to meet the goal of providing open entry/open exit education, skills training, assessment, and counseling to these recipients. The plan shall provide for local in-service training and technical assistance to community college districts in development of contracts and programs in cooperation with county welfare agencies, service delivery areas under the Job Training Partnership Act, and others necessary to carry out the intent of that article. The plan shall also provide for the identification of necessary funding levels and sources of funding, including employer-based training and funds available under Section 202(b)(1) of the Job Training Partnership Act, to meet the goals of Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, and the development and implementation of monitoring and reporting tools for the continued participation of community college districts in the provision of services under contracts required by that article.

71051. (a) The board of governors shall develop a process for the approval and funding of new collaborative facilities projects that are proposed by community college districts.

(b) The board of governors shall not implement subdivision (a) without statutory authorization.



Enclosure 4A5

## BP 2200 Board Duties and Responsibilities

Reference:

*Accreditation Standard IVB.1.d*

**Note:** This policy is suggested as good practice. Board duties and responsibilities are also reflected throughout the Board Policy Manual and are addressed in BP 2715, Code of Ethics/Standards of Practice.

Insert local practice; sample concepts are provided below. Additional resources may be found in Chapter 7 of the League's *Trustee Handbook* and other publications on trusteeship.

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 is committed to fulfilling its responsibilities to:

- Represent the public interest

- Establish policies that define the institutional mission and set prudent, ethical and legal standards for college operations

- Hire and evaluate the CEO

- Delegate power and authority to the chief executive to effectively lead the district

- Assure fiscal health and stability

- Monitor institutional performance and educational quality

- Advocate and protect the district

*Additional duties and responsibilities may be added.*

New 08/06

## B. Board and Administrative Organization

In addition to the leadership of individuals and constituencies, institutions recognize the designated responsibilities of the governing board for setting policies and of the chief administrator for the effective operation of the institution. Multi-college districts/systems clearly define the organizational roles of the district/system and the colleges.

1. The institution has a governing board that is responsible for establishing policies to assure the quality, integrity, and effectiveness of the student learning programs and services and the financial stability of the institution. The governing board adheres to a clearly defined policy for selecting and evaluating the chief administrator for the college or the district/system.
    - a. The governing board is an independent policy-making body that reflects the public interest in board activities and decisions. Once the board reaches a decision, it acts as a whole. It advocates for and defends the institution and protects it from undue influence or pressure.
    - b. The governing board establishes policies consistent with the mission statement to ensure the quality, integrity, and improvement of student learning programs and services and the resources necessary to support them.
    - c. The governing board has ultimate responsibility for educational quality, legal matters, and financial integrity.
    - d. The institution or the governing board publishes the board bylaws and policies specifying the board's size, duties, responsibilities, structure, and operating procedures.
    - e. The governing board acts in a manner consistent with its policies and bylaws. The board regularly evaluates its policies and practices and revises them as necessary.
    - f. The governing board has a program for board development and new member orientation. It has a mechanism for providing for continuity of board membership and staggered terms of office.
    - g. The governing board's self-evaluation processes for assessing board performance are clearly defined, implemented, and published in its policies or bylaws.
    - h. The governing board has a code of ethics that includes a clearly defined policy for dealing with behavior that violates its code.
    - i. The governing board is informed about and involved in the accreditation process.
    - j. The governing board has the responsibility for selecting and evaluating the district/system chief administrator (most often known as the chancellor) in a multiStandard IV: Leadership and Governance 31 college district/system or the college chief administrator (most often known as the president) in the case of a single college. The governing board delegates full responsibility and authority to him/her to implement and administer board policies without board interference and holds him/her accountable for the operation of the district/system or college, respectively.
- In multi-college districts/systems, the governing board establishes a clearly defined policy for selecting and evaluating the presidents of the colleges.

## BP 2430 Delegation of Authority to [CEO ]

### Reference:

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

**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 policies are suggested as good practice to fulfill the intent.**

The Board delegates to the [ CEO ] the executive responsibility for administering the policies adopted by the Board and executing all decisions of the Board requiring administrative action.

The [CEO] may delegate any powers and duties entrusted to him or 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 [CEO] is empowered to reasonably interpret board policy. In situations where there is no board policy direction, the CEO shall have the power to act, but such decisions shall be subject to review by the Board. It is the duty of the CEO to inform the Board of such action and to recommend written board policy if one is required.

The [ CEO ] is expected to perform the duties contained in the [ CEO ] 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 [CEO].

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

The [ CEO ] 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 [ CEO ], they are not unduly burdensome or disruptive to District operations. Information provided to any trustee shall be [ available/provided ] to all trustees.

The [ CEO ] shall act as the professional advisor to the Board in policy formation..



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

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.

j. The governing board has the responsibility for selecting and evaluating the district/system chief administrator (most often known as the chancellor) in a multicollge district/system or the college chief administrator (most often known as the president) in the case of a single college. The governing board delegates full responsibility and authority to him/her to implement and administer board policies without board interference and holds him/her accountable for the operation of the district/system or college, respectively.

In multi-college districts/systems, the governing board establishes a clearly defined policy for selecting and evaluating the presidents of the colleges.

#### **IV.B.2**

2. The president has primary responsibility for the quality of the institution he/she leads. He/she provides effective leadership in planning, organizing, budgeting, selecting and developing personnel, and assessing institutional effectiveness.

a. The president plans, oversees, and evaluates an administrative structure organized and staffed to reflect the institution's purposes, size, and complexity. He/she delegates authority to administrators and others consistent with their responsibilities, as appropriate.

b. The president guides institutional improvement of the teaching and learning environment by the following:

Establishing a collegial process that sets values, goals, and priorities.

Ensuring that evaluation and planning rely on high quality research and analysis on external and internal conditions.

Ensuring that educational planning is integrated with resource planning and distribution to achieve student learning outcomes.

Establishing procedures to evaluate overall institutional planning and implementation efforts.

c. The president assures the implementation of statutes, regulations, and governing board policies and assures that institutional practices are consistent with institutional mission and policies.

d. The president effectively controls budget and expenditures.

e. The president works and communicates effectively with the communities served by the institution.

Enclosure 4B1

# **EVALUATION REPORT**

## **Southwestern College**

900 Otay Lakes Road  
Chula Vista, CA 91910-7299

A Confidential Report Prepared for the  
Accrediting Commission for Community and Junior Colleges

This report represents the findings of the evaluation team that visited Southwestern College  
on October 5-8, 2009

Gari Browning, Ph.D., Team Chair  
President/Superintendent, Ohlone Community College District

Generally, the Board acts in a manner consistent with its policies. Although no specific timeline is referenced for the systematic review of policies, the procedures do call for regular review, essentially on an as-needed basis. (IV.B.1.e)

Although the college has subscribed to an external source for policies, including a policy on board education, no evidence of ongoing or external board training for all trustees was found. Despite encouragement from the Superintendent/President, the new trustee has not attended external training. (IV.B.1.f)

The Governing Board has conducted regular self-evaluations since 2004, the most recent occurring in July 2009. However, the evaluation process is not codified or consistently implemented. Following the most recent evaluation, the Board reports it discussed areas in need of improvement. No improvement plans or goals are documented, and there is disagreement among board members regarding the purpose of the self-evaluation. (IV.B.1.g)

An ethics code and policy are in place, but the self study indicates that the Board does not deal with violations effectively. There is at least the appearance of a conflict of interest with a board member and senior administrator of the college having a personal relationship and with trustees sitting on another board that is responsible for the oversight of a fellow trustee's employer. However, there is no evidence that a recusal process is followed when decisions arise that may be impacted by these conflicts. The issue of board ethics has been addressed by the media and was the subject of a Grand Jury review. The Superintendent/President reports that this issue is under control. (IV.B.1.h)

The Board has an approved policy specifically delegating operational functions of the college to the Superintendent/President. Nevertheless, some college policies are inconsistent with the effective application of this policy. There is evidence that the Board has been kept apprised of the development of the self study. (IV.B.1.i, IV.B.1.j)

Another example of Board interference occurred in 2006 when the Board insinuated itself into the hiring of the Vice President of Academic Affairs by not accepting the recommendation of the Superintendent/President and interviewing three finalists. As an apparent result of the Board selecting its own candidate, the Superintendent/President resigned. The current Superintendent/President reports that the Board elected to retain the right to interview finalists for vice president positions in its policy. According to multiple sources, under the current Superintendent/President the Board has not interviewed candidates in the hiring of the last four vice presidents. Trustees reported that they wanted the policy to remain in place until the newly hired Superintendent/President was established; the President/Superintendent has left the policy in place to build trust. (IV.B.1.j)

Trustees interact regularly with college staff and think this direct communication is important; they report feedback to the rest of the Board and Superintendent/President. The Board reports that it seeks communication between its members and the college staff. (IV.B.1.j)

Recently the Superintendent/President has begun to take steps to reinstate the college planning processes. He has hired a researcher to supply data for decisions. A continuation of the 2006-2009 Strategic Plan was recently provided to the College Leadership Council. (IV.B.2)

Accrediting Commission for Community and Junior Colleges  
Western Association of Schools and Colleges

**Policy on Conflict of Interest for Commissioners,  
Evaluators, Consultants, Administrative Staff,  
and Other Agency Representatives**

*(Adopted June 1997; Revised June 1999, March 2001;  
Edited June 2005; Revised January 2006)*

## Background

The Accrediting Commission believes that those who engage in accreditation activities must make every effort to protect the integrity of accrediting processes and outcomes. The intent of the Commission is to:

Maintain the credibility of the accreditation process and confidence in its decisions; Assure that decisions are made with fairness and impartiality;  
Avoid allegations of undue influence; relationships which might bias deliberations, decisions, or actions; and situations which could inhibit an individual's capacity to make objective decisions; Make all of its decisions in an atmosphere which avoids even the appearance of conflict of interest;  
Provide the means to disclose any existing or apparent conflict of interest.

## Policy

The Commission will not knowingly invite or assign participation in the evaluation of an institution anyone who has a conflict of interest or the appearance thereof.

## Policy Elements

1. The Commission relies on the personal and professional integrity of individuals to guard against conflict of interest, or the appearance of conflict of interest, by refusing any assignment where the potential for conflict of interest exists. Any individuals representing the Commission, who have had contact of the types listed below with an institution/district/system, normally within the last five years, will not participate in the evaluation of that institution.
  - a. Any current or prior employment at the institution/district being evaluated;

- b. Candidacy for employment at the institution/district being evaluated;
- c. Any current or prior service as a paid consultant or other business relationship with the institution/district/system being evaluated;
- d. Any written agreement with an institution/district/system that may create a conflict or the appearance of a conflict of interest with the institution/district/system;
- e. Personal or financial interest in the ownership or operation of the institution/district/system;
- f. Close personal or familial relationships with a member of the institution/district;
- g. Other personal or professional connections that would create either a conflict or the appearance of a conflict of interest;
- h. Receipt of any remuneration, honoraria, honorary degrees, honors or other awards from the institution/district/system.

Notwithstanding the above list defining what is considered to be a conflict or potential conflict of interest, a conflict of interest arising from one of the relationships described above does not go into perpetuity, but expires five years after the relationship ends. Nevertheless, the individual is expected to ask him/herself whether the existence of such relationship would in any way interfere with his/her objectivity, and, if the answer is in the affirmative, he/she is expected to refuse the assignment.

2. A Commissioner is expected to recuse him/herself from any deliberation or vote on decisions regarding individual institutions where any of the above conditions exist. A Commissioner who served on the most recent evaluation team of the institution being considered may participate in the discussion, but does not vote. Any such potential conflict of interest shall be reported to the Commission in advance of the deliberation and action and shall be recorded in the Commission minutes.

The following connections have been determined to be of the type that do not constitute a conflict of interest or the appearance thereof. It is recognized that it is the nature of the academy to engender collegial, professional relationships among and between members of institutions. Those professional and collegial relationships are generally considered innocuous. Examples of relationships that do not create a conflict or the appearance of a conflict of interest include:



- a. Attending meetings or cultural events on a campus;
- b. Having infrequent social contact with members of Institutions/districts/systems;
- c. Making a presentation at an institution on a one-time, unpaid basis, with no sustained relationship with the institution;
- d. Fulfilling a professional assignment with members of an institution on an issue not related to the institution's accreditation.

A Commissioner whose connections with the institution/district/system are limited solely to connections of this nature need not disclose them or recuse him/herself.

The purpose of this list is to reduce the burden on the Commission to disclose every relationship for discussion by the Commission. A Commissioner who is uncertain regarding a possible conflict of interest may recuse him/herself, in which case there is no requirement to disclose the nature of the contact(s) for review by the Commission. Alternatively, the Commissioner may disclose the nature of the contact for review by the Commission. The Commission shall then determine in all such cases by majority vote whether the connections raise a conflict of interest or the appearance of conflict of interest. Commission decisions regarding any issue raised relating to conflict of interest shall be noted in the minutes. Commissioners should be especially sensitive to the newly emerging possibilities of conflict of interest created by inter-institutional collaborations such as distance education or international education projects.

3. During the period of Commission employment, Commission staff members are expected to refrain from connections and relationships with candidate or member institutions which could represent a conflict of interest. Commission staff may not engage in private consulting or employment with, nor accept honoraria, or honorary degrees from ACCJC member institutions. Commission staff may engage in such arrangements with outside organizations or institutions other than ACCJC members only with the approval of the President. The President may engage in such arrangements only with the approval of the Commission Chair. At no time during their appointment as Commissioners, should Commissioners consult with institutions on matters of accreditation for compensation.

4. Each Commissioner, evaluator, consultant, and member of the Commission administrative staff is asked to review the Conflict of Interest Policy for Commissioners, Evaluators, Consultants, Administrative Staff, and Other Agency Representatives, and consider potential conflicts of interest in his/her proposed assignments. Institutions being evaluated also review the prospective evaluation team for potential conflict of interest. The President should be notified immediately if there are conflicts of interest or any concerns that there might be conflicts of interest.
5. During the period in which the visit is occurring and Commission action is pending, evaluation team chairs and team members are expected to refrain from any paid relationship with an institution for which they have been an evaluator.

## Professional and Ethical Responsibilities of Commission Members

*(Adopted January 2001, Edited June 2001, June 2003, June 2005)*

### Purposes Of Accreditation

The Commission expects its members to accept and subscribe to the defined purposes of accreditation. The purposes of the Commission shall be the evaluation of member institutions to assure the educational community, the general public, and other organizations and agencies that an institution has clearly defined objectives appropriate to higher education; has established conditions under which their achievement can reasonably be expected; appears in fact to be accomplishing them substantially; is so organized, staffed, and supported that it can be expected to continue to do so; and demonstrates that it meets Commission standards. The Commission encourages and supports institutional development and improvement through self study and periodic evaluation by qualified peer professionals.

### Commission Responsibilities

The Commission as a whole:

- ☐ Establishes and periodically reviews accreditation standards, policies, and practices for member institutions;
- ☐ Serves as the primary decision-maker on accredited status of member institutions;
- ☐ Evaluates institutions in terms of their own stated purposes;
- ☐ Strives for consistency in determining accredited status of institutions;
- ☐ Assists in interpreting accreditation issues to the various publics served by the Commission.

### Professional Responsibilities Of Commission Members

A Commissioner:

- ☐ Participates in all Commission meetings and attends them for their entire duration;

- ☐ Studies documents as assigned prior to the meetings;
- ☐ Serves as an in depth reader of evaluation visit materials as assigned;
- ☐ Votes according to his or her best professional judgment in the light of existing policy and standards;
- ☐ Participates on Commission committees and in activities representing the Commission's interests as assigned;
- ☐ Attends and actively participates in Commission activities such as evaluation team visits and retreats;
- ☐ Participates in self study and evaluation of the Commission;
- ☐ Participates in Commission planning efforts;
- ☐ Ensures that all functions of the Commission are executed responsibly through the Executive Director;
- ☐ Participates in the evaluation of the Executive Director;
- ☐ Notifies the Commission chairperson or Executive Director in a timely manner if the Commissioner's position or status changes during a term so that the Commissioner no longer meets the requirement for the category to which appointed.

## Ethical Responsibilities Of Commission Members

A Commissioner:

- ☐ Respects the confidentiality of relationships between the Commission and the institutions it accredits.
- ☐ Avoids conflicts of interest and the appearance of conflicts of interest.
- ☐ Is familiar with and adheres to established bylaws and policies.

## ACCJC Follow-up Report

### Southwestern Community College District

### A Confidential Report Prepared for the AACJC

*This report represents the findings of the evaluation team that visited Southwestern College in 2003 and on November 15, 2010*

**Yellow Highlight** = Accreditation Team Recommendation

**Italics** = Positive Board Action regarding resolving the Recommendation

**RED** = Additional Action Needed

**2003 Team Recommendation 10:** The Team recommends that the Governing Board establish and implement ongoing Board training as previously indicated in the 1996 AACJC WASC Accreditation Report, and include a consistent self-evaluation process (Standard 10.A.6)

**2010 Team Recommendation 10:**

**The Team recommends that the Governing Board establish and implement a formal procedure for handling potential conflict of interest and ethics policy violations and document adherence to the protocol.**

#### Observation and Analysis

On June 9, 2010, the board approved Procedure 2701: Conflict of Interest. This action satisfies part of the recommendation. In October 2010, the Board of Trustees approved the final reading of a new Code of Ethics procedure and Code of Ethics policy. The Code of Ethics policy includes specific language regarding conflict of interest and ethics, while the new procedure outlines the process for handling violations. The procedure is specific in the actions required to investigate and respond to violations. For example, the procedures require each Board member *to review and sign the Code of Ethics during the Board's annual retreat as well as use the Code of Ethics as criteria in the Board self-evaluation process.* Further, the procedures include a review of the Code of Ethics when orienting new Board members.

While the Board took formal action to establish the appropriate protocols required by this recommendation, the final approval coincided with the Board's approval of the Accreditation Follow-up Report. *The lateness in approving these protocols indicates insufficient time to show adequate implementation.* This is evidenced by the following conditions:

- *The Board has not conducted an annual retreat including the review and signing of a Code of Ethics form,*
- *The Board has not conducted a self-evaluation since early 2009, and*
- *There is no evidence indicating integration of the Code of Ethics into the Board's self-evaluation process.*

**Conclusion**

The College has partly implemented this recommendation and requires additional time to demonstrate appropriate implementation. **Further, with the introduction of two new Board members in December 2010, the additional time will allow for assessing the inclusion of the Code of Ethics in the new Board orientation process.**

This recommendation has been partially met.

**ACTION TO-DATE ON RECOMMENDATION #10**

1. Conflict of Interest Policy and Procedures adopted.
2. Study Session – February 16, 2011

**OTHER ACTION NEEDED**

3. Reviewed Conflict of Interest Policy and Procedure
4. Review Ethics Policy and Procedure
5. Plan Annual Board Retreat
  - a. Review and Sign Ethics Policy
  - b. Self-Evaluation
  - c. Annual Board Training Schedule
6. Plan Training Schedule for remainder of the year.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

Enclosure 4B2

## **Standard IV: Leadership and Governance**

The institution recognizes and utilizes the contributions of leadership throughout the organization for continuous improvement of the institution. Governance roles 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 administrator.

### **A. Decision-Making Roles and Processes**

The institution recognizes that ethical and effective leadership throughout the organization enables the institution to identify institutional values, set and achieve goals, learn, and improve.

1. Institutional leaders create an environment for empowerment, innovation, and institutional excellence. They encourage staff, faculty, administrators, and students, no matter what their official titles, to take initiative in improving the practices, programs, and services in which they are involved. When ideas for improvement have policy or significant institution-wide implications, systematic participative processes are used to assure effective discussion, planning, and implementation.
2. The institution establishes and implements a written policy providing for faculty, staff, administrator, and student participation in decision-making processes. The policy specifies the manner in which individuals bring forward ideas from their constituencies and work together on appropriate policy, planning, and special-purpose bodies.
  - a. Faculty and administrators have a substantive and clearly defined role in institutional governance and exercise a substantial voice in institutional policies, planning, and budget that relate to their areas of responsibility and expertise. Students and staff also have established mechanisms or organizations for providing input into institutional decisions.
  - b. The institution relies on faculty, its academic senate or other appropriate faculty structures, the curriculum committee, and academic administrators for recommendations about student learning programs and services.
3. Through established governance structures, processes, and practices, the governing board, administrators, faculty, staff, and students work together for the good of the institution. These processes facilitate discussion of ideas and effective communication among the institution's constituencies.
4. The institution advocates and demonstrates honesty and integrity in its relationships with external agencies. It agrees to comply with Accrediting Commission standards, policies, and guidelines, and Commission requirements for public disclosure, self study and other reports, team visits, and prior approval of substantive changes. The institution moves expeditiously to respond to recommendations made by the Commission.
5. The role of leadership and the institution's governance and decision-making structures and processes are regularly evaluated to assure their integrity and effectiveness. The institution widely communicates the results of these evaluations and uses them as the basis for improvement.



## B. Board and Administrative Organization

In addition to the leadership of individuals and constituencies, institutions recognize the designated responsibilities of the governing board for setting policies and of the chief administrator for the effective operation of the institution. Multi-college districts/systems clearly define the organizational roles of the district/system and the colleges.

1. The institution has a governing board that is responsible for establishing policies to assure the quality, integrity, and effectiveness of the student learning programs and services and the financial stability of the institution. The governing board adheres to a clearly defined policy for selecting and evaluating the chief administrator for the college or the district/system.

- a. The governing board is an independent policy-making body that reflects the public interest in board activities and decisions. Once the board reaches a decision, it acts as a whole. It advocates for and defends the institution and protects it from undue influence or pressure.

- b. The governing board establishes policies consistent with the mission statement to ensure the quality, integrity, and improvement of student learning programs and services and the resources necessary to support them.

- c. The governing board has ultimate responsibility for educational quality, legal matters, and financial integrity.

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

- e. The governing board acts in a manner consistent with its policies and bylaws. The board regularly evaluates its policies and practices and revises them as necessary.

- f. The governing board has a program for board development and new member orientation. It has a mechanism for providing for continuity of board membership and staggered terms of office.

- g. The governing board's self-evaluation processes for assessing board performance are clearly defined, implemented, and published in its policies or bylaws.

- h. The governing board has a code of ethics that includes a clearly defined policy for dealing with behavior that violates its code.

- i. The governing board is informed about and involved in the accreditation process.

- j. The governing board has the responsibility for selecting and evaluating the district/system chief administrator (most often known as the chancellor) in a multi-college district/system or the college chief administrator (most often known as the president) in the case of a single college. The governing board delegates full responsibility and authority to him/her to implement and administer board policies without board interference and holds him/her accountable for the operation of the district/system or college, respectively. In multi-college districts/systems, the governing board establishes a clearly defined policy for selecting and evaluating the presidents of the colleges.

2. The president has primary responsibility for the quality of the institution he/she leads. He/she provides effective leadership in planning, organizing, budgeting, selecting and developing personnel, and assessing institutional effectiveness.

- a. The president plans, oversees, and evaluates an administrative structure organized and staffed to reflect the institution's purposes, size, and complexity. He/she delegates authority to administrators and others consistent with their responsibilities, as appropriate.

- b. The president guides institutional improvement of the teaching and learning environment by the following:
- establishing a collegial process that sets values, goals, and priorities;
  - ensuring that evaluation and planning rely on high quality research and analysis on external and internal conditions;
  - ensuring that educational planning is integrated with resource planning and distribution to achieve student learning outcomes; and
  - establishing procedures to evaluate overall institutional planning and implementation efforts.
- c. The president assures the implementation of statutes, regulations, and governing board policies and assures that institutional practices are consistent with institutional mission and policies.
- d. The president effectively controls budget and expenditures.
- e. The president works and communicates effectively with the communities served by the institution.

**Adopted, June 2002**

Enclosure 4B3

## BOARD SELF-EVALUATION

**References:** Accreditation Standard IV.B.1.e and g

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

To that end, the Governing Board shall establish procedures for annual self-evaluation.

Please see District Procedure No. 2745 "Board Self-Evaluation."

Enclosure 4B4

## Twenty Lowest Scored Questions by Job Classification

### Overall

	Question	Score
OL1	39. The Governing Board utilizes a consistent and transparent self-evaluation process in which input from the College community is solicited and the results are accessible and communicated to the college community.	1.62
OL2	57. The Governing Board listens and responds to recommendations from College constituencies.	1.63
OL3	38. The Governing Board and Superintendent/President are aware of and demonstrate support for faculty, classified staff, students, and administration in the shared planning and decision making.	1.69
OL4	41. I am aware of the results of the Governing Board self-evaluation that are posted on the SWC website and in the Outlook public folder.	1.75
OL5	8F. [Governing Board] Institutional leaders create an environment that promotes trust and respect.	1.75
OL6	40. An opportunity was given for constituents to provide input as part of the Governing Board self-evaluation process.	1.75
OL7	8e. [Superintendent/President] Institutional leaders create an environment that promotes trust and respect.	1.80
OL8	2f. [Governing Board] Institutional leaders create an environment for empowerment, innovation, and institutional excellence.	1.81
OL9	3f. [Governing Board] Institutional leaders create an environment that promotes institutional effectiveness.	1.82
OL10	3e. [Superintendent/President] Institutional leaders create an environment that promotes institutional effectiveness.	1.85
OL11	2e. [Superintendent/President] Institutional leaders create an environment for empowerment, innovation, and institutional excellence.	1.87
OL12	6. I feel an environment of trust and respect exists for all employees at SWC.	1.91
OL13	56. Decision making processes are regularly evaluated and the results are widely communicated and distributed to all members of the college community.	2.03
OL14	12. I feel that institutional leaders make optimal use of existing shared planning and decision making processes to assure effective discussion, planning and implementation of ideas for improvement.	2.03
OL15	51. SWC is organized and staffed appropriately and proportionately to reflect the institution's purpose, size, and complexity.	2.05
OL16	15. I have a substantive and clearly defined role in the shared planning and decision making process.	2.08
OL17	46. I have participated in a dialogue about improving institutional processes.	2.08
OL18	37. The Governing Board establishes itself as a policy-making body, delegates operational authority to the Superintendent/President, clarifies management roles, and supports the authority of the management in the administration of the College.	2.11
OL19	14. Input provided by me or the constituent group that represents me is welcomed, respected, and given appropriate consideration by institutional leaders when decisions are made.	2.12
OL20	7. The College fosters an environment of ethical behavior.	2.12

Based on a numerical scale with 4=Strongly Agree, 3=Moderately Agree, 2=Moderately Disagree, 1=Strongly Disagree, No Opinion is not included.

Enclosure 4B5

# **SOUTHWESTERN COMMUNITY COLLEGE DISTRICT**

## **GOVERNING BOARD SELF-EVALUATION**





## SELF EVALUATION

The items are based on the criteria outlined in Board Roles and Responsibilities, as well as ACCT's statement "On the Effective Governance of Community Colleges" and the ACCT Code of Ethics. After each item indicate one of the following:

1. Meets Expectation
2. Needs Improvement
3. Unable to evaluate
4. Average
5. No Response

## BOARD ORGANIZATION

	Meets Expectation	Needs Improvement	Unable to Evaluate	Average	No Response
Board Members uphold the final majority decision of the Board.					
Board Members represent Board policy in responding to public and employee questions.					
Board members make decisions after thorough discussion and exploration of many perspectives.					
The Board's decisions are independent of partisan bias.					
Board meetings are conducted in an orderly, efficient manner that allows for sufficient discussion.					
The meeting agendas are relevant to the work of the Board.					
Board officer responsibilities are clear.					

Comments and/or feedback regarding Board organization:

**POLICY RULE**

	Meets Expectation	Needs Improvement	Unable to Evaluate	Average	No Response
The Board understands that the primary function of the Board is to establish the policies by which the community college is to be administered.					
Board members understand and support the concept that Board policy is the primary voice of the Board.					
The Board assures a systematic, comprehensive review of Board policies.					
The Board focuses on policy in Board discussions, not administrative matters.					
The Board has clarified the difference between its policy role and roles of the CEO and staff.					
The Board, through the CEO, seeks advice and recommendations from faculty, staff and students in developing educational policy.					

Comments and/or feedback regarding policy rule:

## COMMUNITY RELATIONS

	Meets Expectation	Needs Improvement	Unable to Evaluate	Average	No Response
The Board is committed to protecting the public interest.					
The Board has determined what benefits the community should derive from the college.					
Board members adhere to protocols for dealing with citizens and the media.					
Board members keep the CEO informed of community contacts.					
The Board assists in developing educational partnerships with community agencies, businesses and local government, where appropriate.					

Comments and/or feedback regarding community relations:

## POLICY DIRECTION

	Meets Expectation	Needs Improvement	Unable to Evaluate	Average	No Response
The Board is appropriately involved in defining the vision, mission and goals.					
The Board has ensured that the mission and goals are sufficiently responsive to community current and future needs.					
The Board bases decisions in terms of what is best for students and faculty.					
The Board maintains a future-oriented, visionary focus in Board discussions.					
The Board annually sets annual priorities in conjunction with the CEO.					
The Board is appropriately involved in the planning process.					
The Board is familiar with the general strategic and master plans of the institution.					
The Board encourages partnerships and other cooperative agreements with business, government, community agencies, and other educational institutions.					

Comments and/or feedback regarding policy direction:



## BOARD – CEO RELATIONS

	Meets Expectation	Needs Improvement	Unable to Evaluate	Average	No Response
The Board and CEO have a positive, cooperative relationship.					
A climate of mutual trust and respect exists between the Board and CEO.					
The CEO's job description is current and accurate.					
The Board provides a high level of support to the chief executive.					
The Board effectively evaluated the CEO.					
The Board clearly delegates the administration of the college to the CEO.					
Board members respect the role of the CEO as the link between the Board and staff.					

Comments and/or feedback regarding Board-CEO relations:

STANDARDS FOR COLLEGE OPERATIONS	Meets Expectation	Needs Improvement	Unable to Evaluate	Average	No Response
The Board is knowledgeable about the educational programs and services of the college.					
The Board has established parameters for college budget planning.					
The Board requires and is involved in long-range fiscal planning.					
Board policies adequately address parameters for facilities maintenance and appearance.					
Board policies adequately address parameters for investments and management of assets.					
Board policies adequately address parameters for fiscal management that meet audit standards.					
The Board has established clear parameters for collective bargaining with employee groups.					

Comments and/or feedback regarding standards for college operations:

## INSTITUTIONAL PERFORMANCE

	Meets Expectation	Needs Improvement	Unable to Evaluate	Average	No Response
The Board requires the college to regularly evaluate program effectiveness.					
The Board is appropriately involved in the accreditation process.					
The Board monitors performance related to its policies for facilities development, maintenance, and appearance.					
The Board monitors its policies for collective bargaining.					

Comments and/or feedback regarding institutional performance:

## BOARD LEADERSHIP

	Meets Expectation	Needs Improvement	Unable to Evaluate	Average	No Response
The Board adheres to its roles and responsibilities.					
The Board adheres to a code of ethics or standards of practice.					
Board members work together as a team to accomplish the work of the Board.					
The Board bases its decisions upon all available facts in each situation.					
Board members avoid conflicts of interest and the perception of conflicts of interest.					
Board members may contribute single interest or their own professional perspectives to discussion, but always vote on behalf of the community as a whole.					
Once a decision is made, Board members cease debate and uphold the decision of the Board.					
The Board maintains confidentiality of privileged information.					
The Board works together in a spirit of harmony and cooperation.					
Through its behavior, the Board has set a positive example for the CEO and other employees.					

Comments and/or feedback regarding Board leadership:



## ADOPTED BOARD GOALS

	Meets Expectation	Needs Improvement	Unable to Evaluate	Average	No Response
Establish a comprehensive long-range planning process that would include revisiting the mission, vision, and goals of the institution.					
Implement a series of study sessions/workshops for Board education and discussion of issues that are critical to the district.					
Establish a process for review and update of Board policies and administrative procedures.					
Develop policy for trustee education including new trustee orientation and trustee evaluation process.					
Delegate responsibility for managerial process to the CEO (i.e. personnel, bargaining, and budgeting) with clear expectations that these processes be open and involve faculty and staff in decision making.					
Strengthen communication with the community-at-large and business/industry.					
Establish goals and timelines for the Superintendent/President.					

Comments and/or feedback regarding adopted board goals:

1. What are the Board's greatest strengths?
2. What are the major accomplishments of the Board in the past year?
3. What are areas in which the Board could improve?
4. As a trustee, I am most pleased about. . . .
5. As a trustee, I have concerns about. . . .
6. As a trustee, I would like to see the following changes in how the Board operates:
7. I recommend that the Board has the following goals for the coming year:

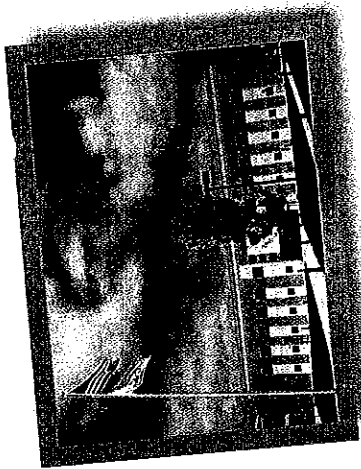
8. What do you see as the major challenges and opportunities in the next five years for the college?
9. Do you understand the Board's role in the accreditation process?
10. Comments regarding the self-evaluation instrument and the process as a whole:
11. Other questions/concerns:

Enclosure 4B6



## *Board Mission*

We are committed to meeting the educational goals of students and other stakeholders in an environment that promotes intellectual growth and develops human potential. The mission is accomplished by providing technology and tools, varied curriculum, and a culture of inclusiveness where all students can learn, grow and succeed.



## **SOUTHWESTERN COMMUNITY COLLEGE DISTRICT GOVERNING BOARD**

Jean Roesch, Ed.D.

Yolanda Salcido

Nick Aguilar

Jorge Dominguez, Ph.D.

Terri Valladolid

Chris DeBauche, Student Trustee

Raj K. Chopra, Ph.D.

Superintendent/President

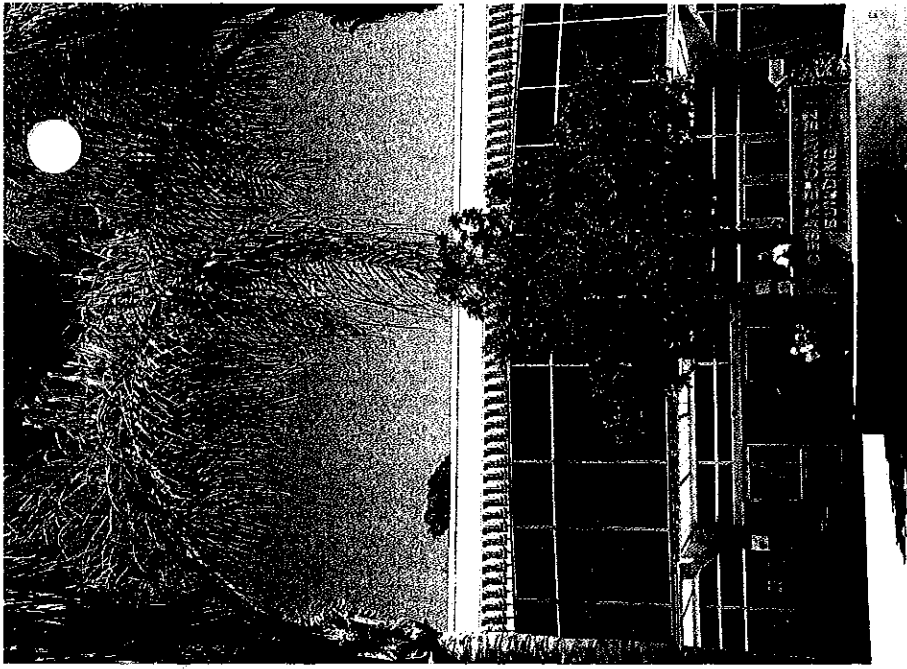
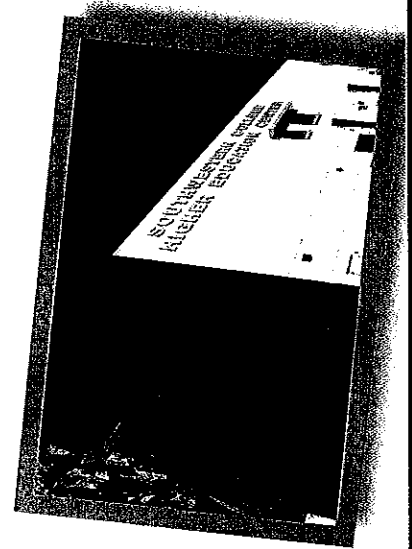


Southwestern College

900 Oray Lakes Road

Chula Vista, CA 91910-7299

[www.swccd.edu](http://www.swccd.edu)



**SOUTHWESTERN COMMUNITY COLLEGE  
DISTRICT GOVERNING BOARD**

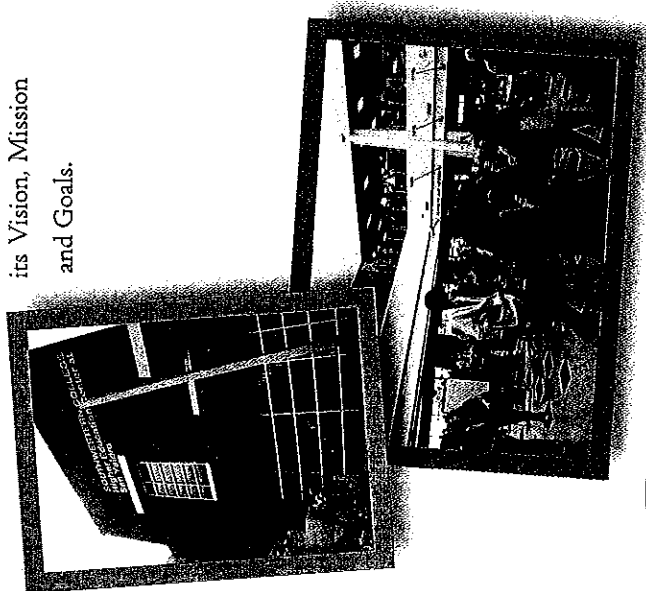
## *Vision, Mission and Goals*

Adopted August 12, 2009



*August 12, 2009*

On Wednesday, August 12, 2009, the Southwestern Community College District Governing Board adopted its Vision, Mission and Goals.



## *Board Vision*

Southwestern Community College District, in recognizing diversity, serves to enrich the community resources as a foundation where students prepare for University, the workforce, the global economy and productive citizenship.

## *Board Goals*

### SHORT-TERM GOALS (2009-2010)

1. Improve District Image
2. Appraise organizational effectiveness through assessment of at least two areas annually:
  - Distance Education
  - Office Support Services
3. Implement student learning outcomes to improve student retention, persistence and success rates
4. Ensure a transparent and priority-based budgeting process, demonstrating integrated planning

### MID-TERM GOALS (2010-2011)

1. Develop and implement a timely comprehensive budget process that meets the Board's goals
2. Appraise organizational effectiveness through assessment of at least two areas annually

### LONG-TERM GOALS

1. Improve student transfer preparedness
2. Improve student transfer rate
3. Appraise organizational effectiveness through assessment of at least two areas annually



Enclosure 4B8

## EDUCATION CODE

### SECTION 72530-72533

72530. (a) The offering of any valuable thing to any member of the governing board of any community college district, with the intent to influence his or her action in regard to the granting of any instructor's certificate, the appointment of any instructor, superintendent, or other officer or employee, the adoption of any textbook, or the making of any contract to which the board of which he or she is a member is a party, or the acceptance by any member of the governing board of any valuable thing, with corrupt intent, is a misdemeanor.

(b) Any contract or appointment obtained from the governing board of any community college district by corrupt means is void.

72533. The prohibitions contained in Article 4 (commencing with Section 1090) and Article 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code are applicable to members of governing boards of community college districts and to members of citizens' oversight committees appointed by those governing boards pursuant to Chapter 1.5 (commencing with Section 5264) of Part 10.

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Enclosure 4B9

## **CONFLICT OF INTEREST**

**References:** Government Code Sections 1090 et seq., 1126, and 87200 et seq.;  
Title 2 Section 18730 et seq.

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

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

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

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

In compliance with law and regulation, the Superintendent/President shall establish administrative procedures to provide for disclosure of assets of income of Governing 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.

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

Governing Board members are encouraged to seek counsel from the District's legal advisor in every case where any question regarding possible conflict of interest arises.

**CONFLICT OF INTEREST**

**References:** *Government Code Sections 87105, 87200-87210;  
Title 2 Sections 18700 et seq.; and as listed below*

**Incompatible Activities** (Government Code Sections 1126 and 1099)

Governing Board members shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Governing Board member's duties as an officer of the District. A Governing Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Governing Board member shall be deemed to have forfeited the first office upon acceding to the second.

**Financial Interest** (Government Code Sections 1090 et seq.)

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

A Governing Board member shall not be considered to be financially interested in a contract if his or her interest meets the definitions contained in applicable law (Government Code Section 1091.5).

A Governing Board member shall not be deemed to be financially interested in a contract if he or she has only a remote interest in the contract and if the remote interest is disclosed during a Governing Board meeting and noted in the official Governing Board minutes. The affected Governing Board member shall not vote or debate on the matter or attempt to influence any other member of the Governing Board to enter into the contract. Remote interests are specified in Government Code Sections 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his or her minor child.

**No Employment Allowed** (Education Code Section 72103(b))

An employee of the District may not be sworn in as an elected or appointed member of the Governing Board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is, at the time of election to the Governing Board, employed part time by the District to teach no more than one course per semester or quarter in the subject matter of that individual's occupation (Education Code Section 72103(b)).

**Financial Interest in a Decision** (Government Code Sections 87100 et seq.)

If a Governing Board member or designated employee determines that he or she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Governing Board's official minutes. In the case of a designated employee, this announcement shall be made in writing and

**CONFLICT OF INTEREST**

submitted to the Governing Board. A Governing Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter.

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself or herself from discussing and voting on the matter;
- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A Governing Board member may, however, discuss the issue during the time the general public speaks on the issue.

**Gifts (Government Code Section 89503)**

Governing Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506.

A gift of travel does not include travel provided by the District for Governing Board members and designated employees.

Governing Board members and any employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering (Government Code Sections 89501 and 89502).

Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. The term "honorarium" does not include:

**CONFLICT OF INTEREST**

- Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade or profession is making speeches.
- Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction from income tax purposes.

**Representation** (Government Code Section 87406.3)

Elected officials shall not, for a period of one-year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

**Conflict of Interest Violations** (Government Code Section 1097)

Any violation of the provisions of law regarding financial interests is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the state prison, and disqualification from holding any elected office in the State of California.

**Procedure for Monitoring and Handling Allegations of Conflict of Interest**

The Governing Board has responsibility for monitoring itself, and ensuring that laws and policies are followed. Addressing allegations of Conflict of Interest is the responsibility of the Board Chair or other trustees identified by the Board. Any response to such allegations must uphold the public trust..

The Superintendent/President and Board President 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 regarding conflict of interest. Violations of law may be referred to the District Attorney or Attorney General as provided for in law.

Violations of Board Policy & Procedure 2710 "Conflict of Interest" or Board Procedure 2712 "Conflict of Interest Code" will be addressed by the Board President, 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 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 Board to censure the member. If the Board President is perceived to have committed the violation, the Vice President of the Board is authorized to pursue resolution.

Enclosure 4B10

## **CONFLICT OF INTEREST CODE**

***Reference: Government Code Section 81000, et seq.***

Pursuant to the Political Reform Act, Southwestern Community College District will adopt and publish a Conflict of Interest Code compliant with the California Code of Regulations, title 2, Section 18730, et seq., and any amendments to it duly adopted by the Fair Political Practices Commission. The District's Conflict of Interest Code is contained in District Procedure No. 2712.

## **CONFLICT OF INTEREST CODE**

**References:** *Government Code §§ 81000, et seq., 87103(e), 87300-87302, & 89501- 89503; California Code of Regulations Title 2 §18730*

The Political Reform Act (Government Code Section 81000, et seq.) requires the Southwestern Community College District ("District") to adopt and publish a Conflict of Interest Code. California Code of Regulations, title 2, Section 18730, which contains the terms of a standard Conflict of Interest Code, and any amendments to it duly adopted by the Fair Political Practices Commission, is hereby incorporated by reference. This regulation, the list of Designated Positions establishing disclosure requirements, and the list of Disclosure Categories, shall constitute the Conflict of Interest Code of Southwestern Community College District.

**Designated Positions.** The persons holding positions listed as Designated Positions are employees who make or participate in making decisions which may foreseeably have a material effect on the District's economic interests. Designated employees must file a Statement of Economic Interest, Form 700 annually.

Pursuant to Title 2, §18734, consultants are also included in the list of designated employees and must disclose pursuant to the broadest disclosure category in this Code. However, the Superintendent/President, or designee, may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the broadest disclosure requirements. Such written determination shall include a description of the consultant's duties and, based on that description, a statement of the extent of disclosure requirements. This determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

All persons assuming designated positions shall file Statements of Economic Interest within 30 days after assuming the designated position. All persons who leave designated positions shall file Statements within 30 days after leaving the designated position.

**Disclosure Categories.** Designated employees must report economic interests according to the disclosure category(ies) which have been assigned to each designated position.

**Disqualification.** No employee holding a designated position shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable on its effect on the general public, on the employee or a member of his or her immediate family. (California Code of Regulations, title 2, §18730(b)(9)).



**CONFLICT OF INTEREST CODE****DESIGNATED POSITIONS**

<b>Designated Position</b>	<b>Disclosure Categories</b>
Governing Board Members	1
Superintendent/President	1
Vice President for Academic Affairs	2 & 3
Vice President for Business & Financial Affairs	2 & 3
Vice President for Human Resources	2 & 3
Vice President for Student Affairs	2 & 3
Director of Finance	2 & 3
Dean, Higher Education Center National City & Crown Cove Aquatic Center at Coronado	4
Dean, Higher Education Centers Otay Mesa & San Ysidro	4
Dean, Student Services	4
Dean, Counseling & Matriculation	4
Director of Institutional Research, Grants & Planning	4
Dean, School of Business, Professional & Technical Education	4
Dean, School of Arts & Communication	4
Dean, School of Social Sciences & Humanities	4
Dean, School of Languages & Literature	4
Dean, School of Math, Science & Engineering	4
Dean, School of Continuing Education, Economic & Workforce Development	4
Dean, School of Health, Exercise Science & Athletics	4
Director of Athletics	4
Director of Facilities, Operations & Planning	2 & 4
Director of Bookstore	4
Director of Contracting, Purchasing & Central Services	4
Director of Continuing Education & Special Projects	4
Director of Computer Systems & Services	4
Director of Finance	4
Director of Payroll & Risk Management	4
Director of Food Services Contracts Food Program Projects	4
District Buyers	2 & 3
Facilities Coordinator	2 & 3
Consultants	1

## **CONFLICT OF INTEREST CODE**

**DISCLOSURE CATEGORIES:** Individuals holding designated positions must report their economic interests according to the following disclosure category(ies) to which their position has been assigned.

**Disclosure Category 1:** Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts<sup>1</sup>, and travel payments, from all sources.

**Disclosure Category 2:** Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

**Disclosure Category 3:** Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

**Disclosure Category 4:** Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the department or division to which the filer is assigned duties.

**Disclosure Category 5:** Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

**Disclosure Category 6:** Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that are of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- A license
- Utility permit
- Station vendor permit.

Upon receipt of the annual Statements of Economic Interest for all designated positions, the Human Resources Compliance Coordinator for the District shall make and retain a copy and forward the original of each statement to the County Board of Supervisors.

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<sup>1</sup> "Gifts," as used in all disclosure categories, shall be defined as gifts with a value of \$50 or more received from persons doing business with Southwestern Community College District.

Enclosure 4B11

**CODE OF ETHICS**

**References:** *Accreditation Standard IV.B.1.a, e, and h*

The Governing Board of Southwestern Community College District is committed to serving the educational needs of all residents of the District community and to carrying out its duties and responsibilities in accordance with the highest standards of ethical conduct.

District Policy and Procedure No. 2715, "Code of Ethics," together with District Policy No. 3015, "Institutional Code of Ethics," shall constitute the ethical standard for its members in both the conduct of policy and in its relationships with the administration, staff, students, and the District community.

Within this ethical context and the Board's obligation to the District's primary mission, each member of the Board is responsible to adhere to the standards of practice set forth below. The process for addressing alleged violations of this policy are set forth in District Procedure No. 2715.

1. Practice good citizenship in community and state affairs;
2. Accept the legal and ethical commitments and responsibilities of the Governing Board to residents of the District, to the staff, to the taxpayers, and, most important, to the students served;
3. Dedicate themselves to the highest ideals of honor and integrity in all public and personal relationships;
4. Not accept or solicit loans or gifts from employees of the Southwestern Community College District or their family members;
5. Recognize that a Governing Board member has no legal authority as an individual, that decisions can be made only by a majority vote of the entire Board at a Board meeting, and that no individual Governing Board member has authority to direct staff or programs at the District;
6. Render all decisions regarding the issues at hand based on the available facts and independent judgment, and to refuse to surrender that judgment to any other individual or special interest group;
7. Be aware of the cultural and economic make-up, and the geographic distribution of the members of our community, and to make responsible decisions to meet the educational goals of a diverse population;

**CODE OF ETHICS**

8. Encourage the free expression of opinion by all Governing Board members and to seek systematic communications between the Board and students, staff and all elements of the community;
9. Abide by majority decisions of the Governing Board, while retaining the right to seek changes in decisions through ethical and constructive channels;
10. Keep confidential all information and discussions conducted during closed sessions of the Governing Board;
11. Bring direct and indirect credit to the District through personal effort in business, social, professional, and personal relationships;
12. Avoid any conflict of interest or the appearance of impropriety that could result because of their position as Governing Board members, and to not intentionally use Board membership, the goodwill or name of the College or District for personal gain or prestige;
13. Fulfill the responsibilities of their commission without regard to prejudice, provinciality, partisanship, or animosity;
14. Recognize that the District is a major employer and that the Governing Board's actions will affect the capacity of many people to practice the profession or trade in which they have so much personal investment;
15. Refrain from using District time, personnel, supplies, and equipment for non-District activities;
16. Work with other Governing Board members to establish effective Board policies and to delegate authority for the administration of the District to the Superintendent/President;
17. Ensure public input into Governing Board deliberations and adhere to the law and spirit of the open meeting laws and regulations;
18. Be informed and educated about the District, educational issues and the responsibilities of trusteeship and devote adequate time to perform the work of the Governing Board.

**CODE OF ETHICS**

*Reference: Accreditation Standard IV.B.1.a, e, and h*

The Governing Board is committed to serving the educational needs of all residents of the Southwestern Community College District, and to carrying out its duties in accordance with the highest standards of ethical behavior. The Governing Board shall foster awareness of ethical expectations by:

- Providing the Code of Ethics policy and procedure to all trustees and having them available at Board meetings;
- Including a review of the Code of Ethics when orienting new Board members;
- Assuring the vitality of the Code of Ethics by reviewing, reading and signing the Code of Ethics at its annual retreat;
- Using the Code of Ethics as criteria in the Board self-evaluation process.

The Governing Board has responsibility for monitoring itself, and ensuring that laws and policies are followed. Addressing alleged violations of the Code of Ethics is the responsibility of the Board President or other members identified by the Board. Any response to such allegations must uphold the public trust.

Possible violations of the Code of Ethics include, but are not limited to, the following:

- Verbal attacks against any person at a public meeting;
- Publicly advocating against Board decisions after they are made;
- Sabotaging the work of the Board;
- Attempting to administer, rather than govern the District;
- Advocating a single interest instead of the common public good;
- Appearing to be the agent of a union, specific community group, or business interest.

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

The Superintendent/President and Board President are authorized to consult with legal counsel when they become aware of or are informed about actual or perceived violations of Policy No. 2715, "Code of Ethics." Violations of law may be referred to the District Attorney or Attorney General as provided for in law.

Violations of Board Policy No. 2715, "Code of Ethics," will be addressed by the Board President, who will first discuss the alleged violation with the Board member. If resolution is not achieved and further action is deemed necessary, the President will appoint a two-member ad hoc committee. The committee will initiate a thorough fact-finding process regarding the alleged violation, including interviews with the person making the allegation and the member in question. The committee will recommend further courses of action to the Board. The Board will consider the committee's findings. If the Board determines that

**CODE OF ETHICS**

the member has not violated Policy No. 2715, the process shall be concluded. If the Board determines that a violation has occurred, sanctions will be determined by the Board. If the Board President is perceived to have committed the violation, the Vice President of the Board is authorized to pursue resolution.

Enclosure 4B12



# CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION

## Adopting a Conflict of Interest Code

Under the Political Reform Act (the "Act"), all public agencies are required to adopt a conflict of interest code (code). A code designates positions required to file Statements of Economic Interests (Form 700), and assigns disclosure categories specifying the types of interests to be reported. The Form 700 is a public document intended to alert public officials and members of the public to the types of financial interests that may create conflicts of interests.

**Three Components:** Each code must contain the following:

### 1. Terms of the code

The terms of the code comprise the main body of a code and include such provisions as the manner to report financial interests, the disqualification procedures, etc. The FPPC recommends that agencies incorporate FPPC Regulation 18730 by reference because the type of information required to be in the main body of the code is quite complex and Regulation 18730 contains all of these provisions. The FPPC will amend the regulation to include legislative and regulatory changes that affect the main body of the code; therefore, this component of an agency's code is automatically in compliance with the Act. To view FPPC Regulation 18730, [click here](#).

### 2. Designated positions

The code must specifically list positions that make or participate in making decisions. Typically, positions that involve voting on matters, negotiating contracts, or making recommendations on purchases without substantive review must be included in codes. Positions listed in Government Code Section 87200 (i.e. City Council members, Planning Commissioners, Members of the Board of Supervisors, etc.) are not required to be included, because these positions automatically file Form 700.

An agency may review duty statements or enlist the assistance of department or division managers to determine which positions should be included.

### 3. Disclosure Categories

A primary purpose of the code is to require disclosure of those types of investments, interests in real property, sources of income and business positions that designated positions may affect in their decision-making. For example, the manager of an agency should be assigned full disclosure (all investments, interests in real property, sources of income and business positions) because the manager makes decisions that affect a wide range of interests. Alternatively, a purchasing agent whose decision-making is limited to the purchase of office supplies should only be assigned disclosure of investments, sources of income and business positions in entities that provide office supplies, equipment or merchandise of the type used by the agency.

## Code Approval

Codes are not effective until they have been approved by an agency's code reviewing body (section 87303). The code reviewing body for city agencies is the city council. The code reviewing body for an agency wholly within a county is the county board of supervisors. The code reviewing body for multi-county and state agencies is the FPPC. Contact the specific code reviewing body or the FPPC for further guidance regarding code adoption procedures. (Revised 5/03)

Enclosure 4B13



## Code of Ethics Compliance Form

We, the undersigned Southwestern Community College District Governing Board members, have reviewed Policy and Procedure No. 2715, "Code of Ethics," pursuant to the charge contained in Procedure No. 2715 that Governing Board members shall

*assure the vitality of the Code of Ethics by reviewing, reading and signing the Code of Ethics at its annual retreat.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Tim Nader  
Governing Board President

\_\_\_\_\_  
Norma Hernandez  
Governing Board Vice-President

\_\_\_\_\_  
Nick Aguilar  
Governing Board Member

\_\_\_\_\_  
Jean Roesch  
Governing Board Member

\_\_\_\_\_  
Terri Valladolid  
Governing Board Member

Enclosure 4B14

## BP 2435 Evaluation of [ CEO ]

Reference:

*Accreditation Standard IV.B.1*

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

The Board shall evaluate the [CEO] using an evaluation process developed and jointly agreed to by the Board and the [CEO].

The criteria for evaluation shall be based on board policy, the CEO job description, and performance goals and objectives developed in accordance with Board Policy 2430.

See Administrative Procedure [ # ].

**Note: The League has resource materials to assist boards and CEOs in developing the CEO evaluation process.**

IV.B.1. The institution has a governing board that is responsible for establishing policies to assure the quality, integrity, and effectiveness of the student learning programs and services and the financial stability of the institution. The governing board adheres to a clearly defined policy for selecting and evaluating the chief administrator for the college or the district/system.

## BP 2710 Conflict of Interest

### Reference:

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

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

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

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

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

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

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

**Note: Although the following is not legally required it is legally advised.**

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

See Administrative Procedures [ # ].

1090. Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.

As used in this article, "district" means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.

1090.1. No officer or employee of the State nor any Member of the Legislature shall accept any commission for the placement of insurance on behalf of the State.

1091. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which the officer is a member within the meaning of this article if the officer has only a remote interest in the contract and if the fact of that interest is disclosed to the body or board of which the officer is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article, "remote interest" means any of the following:

(1) That of an officer or employee of a nonprofit entity exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) or a nonprofit corporation, except as provided in paragraph (8) of subdivision (a) of Section 1091.5.

(2) That of an employee or agent of the contracting party, if the contracting party has 10 or more other employees and if the officer was an employee or agent of that contracting party for at least three years prior to the officer initially accepting his or her office and the officer owns less than 3 percent of the shares of stock of the contracting party; and the employee or agent is not an officer or director of the contracting party and did not directly participate in formulating the bid of the contracting party.

For purposes of this paragraph, time of employment with the contracting party by the officer shall be counted in computing the three-year period specified in this paragraph even though the contracting party has been converted from one form of business organization to a different form of business organization within three years of the initial taking of office by the officer. Time of employment in that case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party is the same or substantially similar to that which existed before the transfer or change in organization. For purposes



of this paragraph, stockholders, bondholders, partners, or other persons holding an interest in the contracting party are regarded as having the "real or ultimate ownership" of the contracting party.

(3) That of an employee or agent of the contracting party, if all of the following conditions are met:

(A) The agency of which the person is an officer is a local public agency located in a county with a population of less than 4,000,000.

(B) The contract is competitively bid and is not for personal services.

(C) The employee or agent is not in a primary management capacity with the contracting party, is not an officer or director of the contracting party, and holds no ownership interest in the contracting party.

(D) The contracting party has 10 or more other employees.

(E) The employee or agent did not directly participate in formulating the bid of the contracting party.

(F) The contracting party is the lowest responsible bidder.

(4) That of a parent in the earnings of his or her minor child for personal services.

(5) That of a landlord or tenant of the contracting party.

(6) That of an attorney of the contracting party or that of an owner, officer, employee, or agent of a firm that renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of 10 percent or more in the law practice or firm, stock brokerage firm, insurance firm, or real estate firm.

(7) That of a member of a nonprofit corporation formed under the Food and Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products or the supplying of water.

(8) That of a supplier of goods or services when those goods or services have been supplied to the contracting party by the officer for at least five years prior to his or her election or appointment to office.

(9) That of a person subject to the provisions of Section 1090 in any contract or agreement entered into pursuant to the provisions of the California Land Conservation Act of 1965.

(10) Except as provided in subdivision (b) of Section 1091.5, that of a director of, or a person having an ownership interest of, 10 percent or more in a bank, bank holding company, or savings and loan association with which a party to the contract has a relationship of borrower or depositor, debtor or creditor.

(11) That of an engineer, geologist, or architect employed by a consulting engineering or architectural firm. This paragraph applies only to an employee of a consulting firm who does not serve in a primary management capacity, and does not apply to an officer or director of a consulting firm.

(12) That of an elected officer otherwise subject to Section 1090, in any housing assistance payment contract entered into pursuant to Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f) as amended, provided that the housing assistance payment contract was in existence before Section 1090 became applicable to

the officer and will be renewed or extended only as to the existing tenant, or, in a jurisdiction in which the rental vacancy rate is less than 5 percent, as to new tenants in a unit previously under a Section 8 contract. This section applies to any person who became a public official on or after November 1, 1986.

(13) That of a person receiving salary, per diem, or reimbursement for expenses from a government entity.

(14) That of a person owning less than 3 percent of the shares of a contracting party that is a for-profit corporation, provided that the ownership of the shares derived from the person's employment with that corporation.

(15) That of a party to litigation involving the body or board of which the officer is a member in connection with an agreement in which all of the following apply:

(A) The agreement is entered into as part of a settlement of litigation in which the body or board is represented by legal counsel.

(B) After a review of the merits of the agreement and other relevant facts and circumstances, a court of competent jurisdiction finds that the agreement serves the public interest.

(C) The interested member has recused himself or herself from all participation, direct or indirect, in the making of the agreement on behalf of the body or board.

(16) That of a person who is an officer or employee of an investor-owned utility that is regulated by the Public Utilities Commission with respect to a contract between the investor-owned utility and a state, county, district, judicial district, or city body or board of which the person is a member, if the contract requires the investor-owned utility to provide energy efficiency rebates or other type of program to encourage energy efficiency that benefits the public when all of the following apply:

(A) The contract is funded by utility consumers pursuant to regulations of the Public Utilities Commission.

(B) The contract provides no individual benefit to the person that is not also provided to the public, and the investor-owned utility receives no direct financial profit from the contract.

(C) The person has recused himself or herself from all participation in making the contract on behalf of the state, county, district, judicial district, or city body or board of which he or she is a member.

(D) The contract implements a program authorized by the Public Utilities Commission.

(c) This section is not applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he or she is a member to enter into the contract.

(d) The willful failure of an officer to disclose the fact of his or her interest in a contract pursuant to this section is punishable as provided in Section 1097. That violation does not void the contract unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

1091.1. The prohibition against an interest in contracts provided by this article or any other provision of law shall not be deemed to prohibit any public officer or member of any public board or commission from subdividing lands owned by him or in which he has an interest and which subdivision of lands is effected under the provisions of Division 2 (commencing with Section 66410) of Title 7 of the **Government Code** or any local ordinance concerning subdivisions; provided, that (a) said officer or member of such board or commission shall first fully disclose the nature of his interest in any such lands to the legislative body having jurisdiction over the subdivision thereof, and (b) said officer or member of such board or commission shall not cast his vote upon any matter or contract concerning said subdivision in any manner whatever.

1091.2. Section 1090 shall not apply to any contract or grant made by local workforce investment boards created pursuant to the federal Workforce Investment Act of 1998 except where both of the following conditions are met:

(a) The contract or grant directly relates to services to be provided by any member of a local workforce investment board or the entity the member represents or financially benefits the member or the entity he or she represents.

(b) The member fails to recuse himself or herself from making, participating in making, or in any way attempting to use his or her official position to influence a decision on the grant or grants.

1091.3. Section 1090 shall not apply to any contract or grant made by a county children and families commission created pursuant to the California Children and Families Act of 1998 (Division 108 (commencing with Section 130100) of the Health and Safety Code), except where both of the following conditions are met:

(a) The contract or grant directly relates to services to be provided by any member of a county children and families commission or the entity the member represents or financially benefits the member or the entity he or she represents.

(b) The member fails to recuse himself or herself from making, participating in making, or in any way attempting to use his or her official position to influence a decision on the grant or grants.

1091.4. (a) As used in Section 1091, "remote interest" also includes a person who has a financial interest in a contract, if all of the following conditions are met:

(1) The agency of which the person is a board member is a special district serving a population of less than 5,000 that is a landowner voter district, as defined in Section 56050, that does not distribute water for any domestic use.

(2) The contract is for either of the following:

(A) The maintenance or repair of the district's property or

facilities provided that the need for maintenance or repair services has been widely advertised. The contract will result in materially less expense to the district than the expense that would have resulted under reasonably available alternatives and review of those alternatives is documented in records available for public inspection.

(B) The acquisition of property that the governing board of the district has determined is necessary for the district to carry out its functions at a price not exceeding the value of the property, as determined in a record available for public inspection by an appraiser who is a member of a recognized organization of appraisers.

(3) The person did not participate in the formulation of the contract on behalf of the district.

(4) At a public meeting, the governing body of the district, after review of written documentation, determines that the property acquisition or maintenance and repair services cannot otherwise be obtained at a reasonable price and that the contract is in the best interests of the district, and adopts a resolution stating why the contract is necessary and in the best interests of the district.

(b) If a party to any proceeding challenges any fact or matter required by paragraph (2), (3), or (4) of subdivision (a) to qualify as a remote interest under subdivision (a), the district shall bear the burden of proving this fact or matter.

1091.5. (a) An officer or employee shall not be deemed to be interested in a contract if his or her interest is any of the following:

(1) The ownership of less than 3 percent of the shares of a corporation for profit, provided that the total annual income to him or her from dividends, including the value of stock dividends, from the corporation does not exceed 5 percent of his or her total annual income, and any other payments made to him or her by the corporation do not exceed 5 percent of his or her total annual income.

(2) That of an officer in being reimbursed for his or her actual and necessary expenses incurred in the performance of official duties.

(3) That of a recipient of public services generally provided by the public body or board of which he or she is a member, on the same terms and conditions as if he or she were not a member of the body or board.

(4) That of a landlord or tenant of the contracting party if the contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial, or other public district of this state or an adjoining state unless the subject matter of the contract is the property in which the officer or employee has the interest as landlord or tenant in which event his or her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Section 1091.

(5) That of a tenant in a public housing authority created pursuant to Part 2 (commencing with Section 34200) of Division 24 of

the Health and Safety Code in which he or she serves as a member of the board of commissioners of the authority or of a community development commission created pursuant to Part 1.7 (commencing with Section 34100) of Division 24 of the Health and Safety Code.

(6) That of a spouse of an officer or employee of a public agency in his or her spouse's employment or officeholding if his or her spouse's employment or officeholding has existed for at least one year prior to his or her election or appointment.

(7) That of a nonsalaried member of a nonprofit corporation, provided that this interest is disclosed to the body or board at the time of the first consideration of the contract, and provided further that this interest is noted in its official records.

(8) That of a noncompensated officer of a nonprofit, tax-exempt corporation, which, as one of its primary purposes, supports the functions of the body or board or to which the body or board has a legal obligation to give particular consideration, and provided further that this interest is noted in its official records.

For purposes of this paragraph, an officer is "noncompensated" even though he or she receives reimbursement from the nonprofit, tax-exempt corporation for necessary travel and other actual expenses incurred in performing the duties of his or her office.

(9) That of a person receiving salary, per diem, or reimbursement for expenses from a government entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that the interest is disclosed to the body or board at the time of consideration of the contract, and provided further that the interest is noted in its official record.

(10) That of an attorney of the contracting party or that of an owner, officer, employee, or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm, or real estate firm.

(11) Except as provided in subdivision (b), that of an officer or employee of, or a person having less than a 10-percent ownership interest in, a bank, bank holding company, or savings and loan association with which a party to the contract has a relationship of borrower, depositor, debtor, or creditor.

(12) That of (A) a bona fide nonprofit, tax-exempt corporation having among its primary purposes the conservation, preservation, or restoration of park and natural lands or historical resources for public benefit, which corporation enters into an agreement with a public agency to provide services related to park and natural lands or historical resources and which services are found by the public agency, prior to entering into the agreement or as part of the agreement, to be necessary to the public interest to plan for, acquire, protect, conserve, improve, or restore park and natural lands or historical resources for public purposes and (B) any officer, director, or employee acting pursuant to the agreement on behalf of the nonprofit corporation. For purposes of this paragraph, "agreement" includes contracts and grants, and "park," "natural lands," and "historical resources" shall have the meanings set forth

in subdivisions (d), (g), and (i) of Section 5902 of the Public Resources Code. Services to be provided to the public agency may include those studies and related services, acquisitions of property and property interests, and any activities related to those studies and acquisitions necessary for the conservation, preservation, improvement, or restoration of park and natural lands or historical resources.

(13) That of an officer, employee, or member of the Board of Directors of the California Housing Finance Agency with respect to a loan product or programs if the officer, employee, or member participated in the planning, discussions, development, or approval of the loan product or program and both of the following two conditions exist:

(A) The loan product or program is or may be originated by any lender approved by the agency.

(B) The loan product or program is generally available to qualifying borrowers on terms and conditions that are substantially the same for all qualifying borrowers at the time the loan is made.

(b) An officer or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his or her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor.

1091.6. An officer who is also a member of the governing body of an organization that has an interest in, or to which the public agency may transfer an interest in, property that the public agency may acquire by eminent domain shall not vote on any matter affecting that organization.

1126. (a) Except as provided in Sections 1128 and 1129, a local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed. The officer or employee shall not perform any work, service, or counsel for compensation outside of his or her local agency employment where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of his or her employing body, unless otherwise approved in the manner prescribed by subdivision (b).

(b) Each appointing power may determine, subject to approval of the local agency, and consistent with the provisions of Section 1128 where applicable, those outside activities which, for employees under its jurisdiction, are inconsistent with, incompatible to, or in conflict with their duties as local agency officers or employees. An employee's outside employment, activity, or enterprise may be prohibited if it: (1) involves the use for private gain or advantage of his or her local agency time, facilities, equipment and supplies; or the badge, uniform, prestige, or influence of his or her local agency office or employment or, (2) involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his or her local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her local agency employment or as a part of his or her duties as a local agency officer or employee or, (3) involves the performance of an act in other than his or her capacity as a local agency officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee or the agency by which he or she is employed, or (4) involves the time demands as would render performance of his or her duties as a local agency officer or employee less efficient.

(c) The local agency shall adopt rules governing the application of this section. The rules shall include provision for notice to employees of the determination of prohibited activities, of disciplinary action to be taken against employees for engaging in prohibited activities, and for appeal by employees from such a determination and from its application to an employee. Nothing in this section is intended to abridge or otherwise restrict the rights of public employees under Chapter 9.5 (commencing with Section 3201) of Title 1.

(d) The application of this section to determine what outside activities of employees are inconsistent with, incompatible with, or in conflict with their duties as local agency officers or employees may not be used as part of the determination of compensation in a collective bargaining agreement with public employees.

87200. This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other public officials who manage public investments, and to candidates for any of these offices at any election.

87201. Every candidate for an office specified in Section 87200 other than a justice of an appellate court or the Supreme Court shall file no later than the final filing date of a declaration of candidacy, a statement disclosing his or her investments, his or her interests in real property, and any income received during the immediately preceding 12 months.

This statement shall not be required if the candidate has filed, within 60 days prior to the filing of his or her declaration of candidacy, a statement for the same jurisdiction pursuant to Section 87202 or 87203.

87202. (a) Every person who is elected to an office specified in Section 87200 shall, within 30 days after assuming the office, file a statement disclosing his or her investments and his or her interests in real property held on the date of assuming office, and income received during the 12 months before assuming office. Every person who is appointed or nominated to an office specified in Section 87200 shall file such a statement not more than 30 days after assuming office, provided, however, that a person appointed or nominated to such an office who is subject to confirmation by the Commission on Judicial Appointments or the State Senate shall file such a statement no more than 10 days after the appointment or nomination.

The statement shall not be required if the person has filed, within 60 days prior to assuming office, a statement for the same jurisdiction pursuant to Section 87203.

(b) Every elected state officer who assumes office during the month of December or January shall file a statement pursuant to Section 87203 instead of this section, except that:

(1) The period covered for reporting investments and interests in real property shall begin on the date the person filed his or her declarations of candidacy.

(2) The period covered for reporting income shall begin 12 months prior to the date the person assumed office.



87203. Every person who holds an office specified in Section 87200 shall, each year at a time specified by commission regulations, file a statement disclosing his investments, his interests in real property and his income during the period since the previous statement filed under this section or Section 87202. The statement shall include any investments and interest in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

87204. Every person who leaves an office specified in Section 87200 shall, within thirty days after leaving the office, file a statement disclosing his investments, his interests in real property, and his income during the period since the previous statement filed under Sections 87202 or 87203. The statement shall include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

87205. A person who completes a term of an office specified in Section 87200 and within 45 days begins a term of the same office or another such office of the same jurisdiction is deemed not to assume office or leave office.

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18730. Provisions of Conflict-of-Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict-of-interest code within the meaning of Section 87300 or the amendment of a conflict-of-interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict-of-interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict-of-interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict-of-interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict-of-interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict-of-interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he

or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories

are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict-of-interest code.2

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making

of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds

office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of \$100 or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised

to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

Designated employees who are required to file statements of economic interests under any other agency's conflict-of-interest code, or under article 2 for a different jurisdiction, may expand their statement of



economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

2See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

3For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

4Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

5A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

6Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

## BP 2715 Code of Ethics/Standards of Practice

Reference:

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

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

*[ Insert the current board code of ethics or standards of board practice. The code must contain a clearly defined statement for dealing with behavior that violates its code ]*

**Note: The Community College League of California has resources to assist boards develop codes or standards. It suggests that standards address the following areas:**

- Acting only in the best interests of the entire community.
- Ensuring public input into board deliberations; adhering to the law and spirit of the open meeting laws and regulations.
- Preventing conflicts of interest and the perception of conflicts of interest.
- Exercising authority only as a board.
- Using appropriate channels of communication.
- Respecting others; acting with civility.
- Being informed about the district, educational issues, and responsibilities of trusteeship.
- Devoting adequate time to board work.
- Maintaining confidentiality of closed sessions.

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## Standard IV: Leadership and Governance

### B. Board and Administrative Organization

In addition to the leadership of individuals and constituencies, institutions recognize the designated responsibilities of the governing board for setting policies and of the chief administrator for the effective operation of the institution. Multi-college districts/systems clearly define the organizational roles of the district/system and the colleges.<sup>6</sup>

1. The institution has a governing board that is responsible for establishing policies to assure the quality, integrity, and effectiveness of the student learning programs and services and the financial stability of the institution. The governing board adheres to a clearly defined policy for selecting and evaluating the chief administrator for the college or the district/system.

a. The governing board is an independent policy-making

body that reflects the public interest in board activities and decisions. Once the board reaches a decision, it acts as a whole. It advocates for and defends the institution and protects it from undue influence or pressure.

e. The governing board acts in a manner consistent with its policies and bylaws. The board regularly evaluates its policies and practices and revises them as necessary.

h. The governing board has a code of ethics that includes a clearly defined policy for dealing with behavior that violates its code.

## BP 2745 Board Self-Evaluation

Reference:

*Accreditation Standard IV.B.1.e & g*

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

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

**Note: Local districts may insert their own process here. The Community College League has resources to assist boards in developing processes. 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.

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1. The institution has a governing board that is responsible for establishing policies to assure the quality, integrity, and effectiveness of the student learning programs and services and the financial stability of the institution. The governing board adheres to a clearly defined policy for selecting and evaluating the chief administrator for the college or the district/system.

e. The governing board acts in a manner consistent with its policies and bylaws. The board regularly evaluates its policies and practices and revises them as necessary.

g. The governing board's self-evaluation processes for assessing board performance are clearly defined, implemented, and published in its policies or bylaws.

Enclosure 4B15

## AP 2710 Conflict of Interest

### Reference:

*Government Code Sections 87105, 87200-87210; Title 2, Section 18700 et seq.; and as listed below.*

<b>Note: It is required that districts have this procedure.</b>
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### *Incompatible Activities (Government Code Section 1126, 1099)*

Board members shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the District. A board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a board member shall be deemed to have forfeited the first office upon acceding to the second.

### *Financial Interest (Government Code Section 1090 et seq.)*

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

A board member shall not be considered to be financially interested in a contract if his or her interest meets the definitions contained in applicable law (Government Code Section 1091.5).

A board member shall not be deemed to be financially interested in a contract if he or she has only a remote interest in the contract and if the remote interest is disclosed during a board meeting and noted in the official board minutes. The affected board member shall not vote or debate on the matter or attempt to influence any other member of the Board to enter into the contract. Remote interests are specified in Government Code Sections 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his or her minor child.

### *No Employment Allowed (Education Code Section 72103(b))*

An employee of the District may not be sworn in as an elected or appointed member of the governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is, at the time of election to the board, employed part time by the District to teach no more than one course per semester or quarter in the subject matter of that individual's occupation (Education Code Section 72103(b)).

### *Financial Interest in a Decision (Government Code Section 87100 et seq.)*

If a board member or designated employee determines that he or she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board. A board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter.

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87105. (a) A public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

(1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

(2) Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.

(3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

(4) Notwithstanding paragraph (3), a public official described in subdivision (a) may speak on the issue during the time that the general public speaks on the issue.

(b) This section does not apply to Members of the Legislature.



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## GOVERNMENT CODE SECTION 87200-87210

87200. This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other public officials who manage public investments, and to candidates for any of these offices at any election.

87201. Every candidate for an office specified in Section 87200 other than a justice of an appellate court or the Supreme Court shall file no later than the final filing date of a declaration of candidacy, a statement disclosing his or her investments, his or her interests in real property, and any income received during the immediately preceding 12 months.

This statement shall not be required if the candidate has filed, within 60 days prior to the filing of his or her declaration of candidacy, a statement for the same jurisdiction pursuant to Section 87202 or 87203.

87202. (a) Every person who is elected to an office specified in Section 87200 shall, within 30 days after assuming the office, file a statement disclosing his or her investments and his or her interests in real property held on the date of assuming office, and income received during the 12 months before assuming office. Every person who is appointed or nominated to an office specified in Section 87200 shall file such a statement not more than 30 days after assuming office, provided, however, that a person appointed or nominated to such an office who is subject to confirmation by the Commission on Judicial Appointments or the State Senate shall file such a statement no more than 10 days after the appointment or nomination.

The statement shall not be required if the person has filed, within 60 days prior to assuming office, a statement for the same jurisdiction pursuant to Section 87203.

(b) Every elected state officer who assumes office during the month of December or January shall file a statement pursuant to Section 87203 instead of this section, except that:

(1) The period covered for reporting investments and interests in

real property shall begin on the date the person filed his or her declarations of candidacy.

(2) The period covered for reporting income shall begin 12 months prior to the date the person assumed office.

87203. Every person who holds an office specified in Section 87200 shall, each year at a time specified by commission regulations, file a statement disclosing his investments, his interests in real property and his income during the period since the previous statement filed under this section or Section 87202. The statement shall include any investments and interest in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

87204. Every person who leaves an office specified in Section 87200 shall, within thirty days after leaving the office, file a statement disclosing his investments, his interests in real property, and his income during the period since the previous statement filed under Sections 87202 or 87203. The statement shall include any investments and interests in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

87205. A person who completes a term of an office specified in Section 87200 and within 45 days begins a term of the same office or another such office of the same jurisdiction is deemed not to assume office or leave office.

87206. If an investment or an interest in real property is required to be disclosed under this article, the statement shall contain:

- (a) A statement of the nature of the investment or interest.
- (b) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged.
- (c) The address or other precise location of the real property.
- (d) A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed one hundred thousand dollars (\$100,000), whether it exceeds one hundred thousand dollars (\$100,000) but does not exceed one million dollars (\$1,000,000), or whether it exceeds one million dollars (\$1,000,000).
- (e) In the case of a statement filed under Sections 87203 or 87204, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.
- (f) For purposes of disclosure under this article, "interest in

real property" does not include the principal residence of the filer or any other property which the filer utilizes exclusively as the personal residence of the filer.

87207. (a) When income is required to be reported under this article, the statement shall contain, except as provided in subdivision (b):

(1) The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source.

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred dollars (\$500) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but was not greater than ten thousand dollars (\$10,000), whether it was greater than ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000).

(3) A description of the consideration, if any, for which the income was received.

(4) In the case of a gift, the amount and the date on which the gift was received.

(5) In the case of a loan, the annual interest rate, the security, if any, given for the loan, and the term of the loan.

(b) When the filer's pro rata share of income to a business entity, including income to a sole proprietorship, is required to be reported under this article, the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity.

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from that person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

(c) When a payment, including an advance or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interest. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.

87208. Except in statements required by Section 87203, investments and interests in real property which have been disclosed on a statement of economic interests filed in the same jurisdiction within the previous 60 days may be incorporated by reference.

87209. When a statement is required to be filed under this article, every person specified in Section 87200 shall disclose any business positions held by that person. For purposes of this section, "business position" means any business entity in which the filer is a director, officer, partner, trustee, employee, or holds any position of management, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction or has done business in the jurisdiction at any time during the two years prior to the date the statement is required to be filed.

87210. No person shall make a gift totaling fifty dollars (\$50) or more in a calendar year to a person described in Article 2 on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the gift both his own full name, street address, and business activity, if any, and the full name, street address, and business activity, if any, of the actual donor. The recipient of the gift shall include in his Statement of Economic Interests the full name, street address, and business activity, if any, of the intermediary or agent and the actual donor.

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(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18700. Basic Rule; Guide to Conflict of Interest Regulations.

(a) No public official at any level of state or local government may make, participate in making or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know he/she has a disqualifying conflict of interest. A public official has a conflict of interest if the decision will have a reasonably foreseeable material financial effect on one or more of his/her economic interests, unless the public official can establish either: (1) that the effect is indistinguishable from the effect on the public generally, or (2) a public official's participation is legally required. (b) To determine whether a given individual has a disqualifying conflict of interest under the Political Reform Act, proceed with the following analysis: (1) Determine whether the individual is a public official, within the meaning of the Act. (See Government Code section 82048; 2 Cal. Code Regs. § 18701.) If the individual is not a public official, he or she does not have a conflict of interest within the meaning of the Political Reform Act. (2) Determine whether the public official will be making, participating in making, or using or attempting to use his/her official position to influence a government decision. (See 2 Cal. Code Regs. § 18702.) If the public official is not making, participating in making, or using or attempting to use his/her official position to influence a government decision, then he or she does not have a conflict of interest within the meaning of the Political Reform Act. (3) Identify the public official's economic interests. (See 2 Cal. Code Regs. § 18703.) (4) For each of the public official's economic interests, determine whether that interest is directly or indirectly involved in the governmental decision which the public official will be making, participating in making, or using or attempting to use his/her official position to influence. (See 2 Cal. Code Regs. § 18704.) (5) Determine the applicable materiality standard for each economic interest, based upon the degree of involvement determined pursuant to California Code of Regulations, title 2, section 18704. (See 2 Cal. Code Regs. § 18705.) (6) Determine whether it is reasonably foreseeable that the governmental decision will have a material financial effect (as defined in California Code of Regulations, title 2, section 18705) on each economic interest identified pursuant to California Code of Regulations, title 2, section 18703. (See 2 Cal. Code Regs. § 18706.) If it is not reasonably foreseeable that there will be a material financial effect on any of the public official's economic interests, he or she does not have a conflict of interest within the meaning of the Political Reform Act. If it is reasonably foreseeable that there will be a material financial effect on any of the public official's economic interests, and the official does not participate in the decision, determine whether the official may segment the decision into separate decisions to allow his or her participation in subsequent decisions. (See 2 Cal. Code Regs. § 18709.) (7) Determine if the reasonably foreseeable financial effect is distinguishable from the effect on the public generally. If the official can establish that the reasonably foreseeable material financial effect on his or her economic interest is indistinguishable from the effect on the public generally, he or she does not have a conflict of interest within the meaning of the Political Reform Act. If the reasonably foreseeable material financial effect on the public official's economic interest is distinguishable from the effect on the public generally, he or she has a conflict of interest within the meaning of the Political Reform Act. (See 2 Cal. Code Regs.

§ 18707.) (8) Determine if the public official's participation is legally required despite the conflict of interest. If the official can establish that his or her participation is legally required, he or she may participate in the governmental decision despite the conflict of interest. (See 2 Cal. Code Regs. § 18708.) Note: Authority cited: Section 83112, Government Code. Reference: Sections 87100 and 87103, Government Code.

**HISTORY**

1. Repealer and new section filed 12-17-76, as an emergency; effective upon filing (Register 76, No. 51). For prior history, see Register 76, No. 40. 2. Certificate of Compliance filed 3-31-77 (Register 77, No. 14). 3. Amendment of section heading and repealer of subsections (e) and (f) filed 8-2-85; effective thirtieth day thereafter (Register 85, No. 33). 4. Amendment of section and Note filed 6-23-94; operative 6-23-94 (Register 94, No. 25). 5. Editorial correction of subsection (a)(2)(B) (Register 96, No. 43). 6. Amendment of subsection (d)(2) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43). 7. Editorial correction of subsection (d) (Register 98, No. 44). 8. Repealer and new section filed 11-23-98; operative 11-23-98 pursuant to the 1974 version of Government Code section 11380.2 and title 2, California Code of Regulations, section 18312(d) and (e) (Register 98, No. 48). 9. Editorial change reformatting table (Register 98, No. 52). 10. Change without regulatory effect amending table filed 1-27-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 5). 11. Editorial correction of 8 (Register 2000, No. 25). 12. Change without regulatory effect amending table filed 7-18-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 29). 13. Amendment of subsections (b)(1) and (b)(8) filed 2-13-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7). 14. Change without regulatory effect amending subsection (b)(8) filed 1-16-2003. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3). 15. Amendment of subsections (b)(1)-(8) filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41). 16. Amendment of subsections (a), (b)(7) and (b)(8) filed 12-20-2005; operative 1-19-2006. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third District Court of Appeal, unpublished decision, 1992. (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements.) (Register 2005, No. 51).

## AP 2712 Conflict of Interest Code

### Reference:

Title 2, Section 18730; Government Code Sections 87103(e), 87300-87302, 89501, 89502 and 89503

**Note: This procedure is essentially verbatim from Title 2 Section 18730 et seq. The number system reflects the system used in the code and includes gaps in numbering.**

*The first paragraph states that if an agency adopts the verbatim text of that regulation, the agency will be presumed to have adopted a code that complies with the Political Reform Act.*

Pursuant to Section 18730 of Title 2 of the California Code of Regulations, incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

### Section 1. Definitions

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

### Section 2. Designated Employees

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

### Section 3. Disclosure Categories

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself or herself from discussing and voting on the matter;
- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A board member may, however, discuss the issue during the time the general public speaks on the issue.

#### ***Gifts (Government Code Section 89503)***

Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506.

A gift of travel does not include travel provided by the District for board members and designated employees.

Board members and any employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering (Government Code Sections 89501, 89502).

Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. The term "honorarium" does not include:

- Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade or profession is making speeches.
- Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction from income tax purposes.

#### ***Representation (Government Code 87406.3)***

Elected officials shall not, for a period of one-year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

**Revised 02/03, 02/06**



Title 2, Cal. Code Regs., § 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest. (b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows: (1) Section 1. Definitions. The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code. (2) Section 2. Designated Employees. The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests. (3) Section 3. Disclosure Categories. This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply: (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency; 2 CCR section 18730, p. 1

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and (C) The filing officer is the same for both agencies. 1 Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office. (4) Section 4.

Statements of Economic Interests: Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code. 2 (5) Section 5. Statements of Economic Interests:

Time of Filing. (A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment. (B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed. (C) Annual Statements. All designated employees shall file statements no later than April 1. (D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office. (5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office. Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did 2 CCR section 18730, p. 2

not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following: (1) File a written resignation with the appointing power; and (2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. (6) Section 6. Contents of and Period Covered by Statements of Economic Interests. (A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code. (B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively. (C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Government Code section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to 2 Cal. Code

Regs. section 18754. (D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office. (7) Section 7. Manner of Reporting. 2 CCR section 18730, p. 3

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information: (A) Investments and Real Property Disclosure. When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following: 1. A statement of the nature of the investment or interest; 2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged; 3. The address or other precise location of the real property; 4. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000). (B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain: 1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source; 2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000); 3. A description of the consideration, if any, for which the income was received; 4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received; 5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan. (C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain: 1. The name, address, and a general description of the business activity of the business

2 CCR section 18730, p. 4

entity; 2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000). (D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity. (E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal. (8) Section 8. Prohibition on Receipt of Honoraria. (A) No member of a state board or commission, and

no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code section 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506. (8.1) Section 8.1 Prohibition on Receipt of Gifts in Excess of \$360. (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$360 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section. (8.2) Section 8.2. Loans to Public Officials. (A) No elected officer of a state or local government agency shall, from the date of his or

2 CCR section 18730, p. 5

her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control. (B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual. (C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. (D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on

terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual. (E) This section shall not apply to the following: 1. Loans made to the campaign committee of an elected officer or candidate for elective office. 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section. 2 CCR section 18730, p. 6

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time. 4. Loans made, or offered in writing, before January 1, 1998. (8.3) Section 8.3. Loan Terms. (A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan. (B) This section shall not apply to the following types of loans: 1. Loans made to the campaign committee of the elected officer. 2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section. 3. Loans made, or offered in writing, before January 1, 1998. (C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code. (8.4) Section 8.4. Personal Loans. (A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances: 1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired. 2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following: a. The date the loan was made. b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.

2 CCR section 18730, p. 7

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months. (B) This section shall not apply to the following types of loans: 1. A loan made to the campaign committee of an elected officer or a candidate for elective office. 2. A loan that would otherwise not be a gift as defined in this title. 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due. 4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy. (C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code. (9) Section 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on: (A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more; (B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more; (C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made; 2 CCR section 18730, p. 8

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$360 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made. (9.3) Section 9.3. Legally Required Participation. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section. (9.5) Section 9.5. Disqualification of State Officers and Employees. In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken: (A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or (B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more. (10) Section 10. Disclosure of Disqualifying Interest. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest. (11) Section 11. Assistance of the Commission and Counsel. Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the

attorney for the agency to issue any formal or informal opinion. (12) Section 12. Violations.

2 CCR section 18730, p. 9

2 CCR section 18730, p. 10

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300 87302, 89501, 89502 and 89503, Government Code.

1 Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004. 2See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer. 3For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer. 4Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater. 5A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency. 6Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

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Note from HB: the footnotes are part of the adopted regulation.

87103. A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

(a) Any business entity in which the public official has a direct or indirect investment worth two thousand dollars (\$2,000) or more.

(b) Any real property in which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.

(c) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. The amount of the value of gifts specified by this subdivision shall be adjusted biennially by the commission to equal the same amount determined by the commission pursuant to subdivision (f) of Section 89503.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.



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87300. Every agency shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of this article. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter.

87301. It is the policy of this act that Conflict of Interest Codes shall be formulated at the most decentralized level possible, but without precluding intra-departmental review. Any question of the level of a department which should be deemed an "agency" for purposes of Section 87300 shall be resolved by the code reviewing body.

87302. Each Conflict of Interest Code shall contain the following provisions:

(a) Specific enumeration of the positions within the agency, other than those specified in Section 87200, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

(b) Requirements that each designated employee, other than those specified in Section 87200, file statements at times and under circumstances described in this section, disclosing reportable investments, business positions, interests in real property and income. The information disclosed with respect to reportable investments, interests in real property, and income shall be the same as the information required by Sections 87206 and 87207. The first statement filed under a Conflict of Interest Code by a designated employee shall disclose any reportable investments, business positions, interests in real property, and income. An initial statement shall be filed by each designated employee within 30 days after the effective date of the Conflict of Interest Code, disclosing investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12 months before the effective date of the Conflict of Interest Code. Thereafter, each new designated employee shall file a statement within 30 days after assuming office, or if subject to State Senate confirmation, 30 days after being appointed or nominated, disclosing investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of assuming office or the date of being

appointed or nominated, respectively. Each designated employee shall file an annual statement, at the time specified in the Conflict of Interest Code, disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year. Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

(c) Specific provisions setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making, participating in the making, or using their official position to influence the making of any decision. Disqualification shall be required by the Conflict of Interest Code when the designated employee has a financial interest as defined in Section 87103, which it is reasonably foreseeable may be affected materially by the decision. No designated employee shall be required to disqualify himself or herself with respect to any matter which could not legally be acted upon or decided without his or her participation.

(d) For any position enumerated pursuant to subdivision (a), an individual who resigns the position within 12 months following initial appointment or within 30 days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within 30 days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

- (1) File a written resignation with the appointing power.
- (2) File a written statement with the filing officer on a form prescribed by the commission and signed under the penalty of perjury stating that the individual, during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

89501. (a) For purposes of this chapter, "honorarium" means, except as provided in subdivision (b), any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.

(b) The term "honorarium" does not include:

(1) Earned income for personal services which are customarily provided in connection with the practice of a bona fide business, trade, or profession, such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting, unless the sole or predominant activity of the business, trade, or profession is making speeches. The commission shall adopt regulations to implement this subdivision.

(2) Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the State Controller for donation to the General Fund, or in the case of a public official for local government agency, delivered to his or her agency for donation to an equivalent fund, without being claimed as a deduction from income for tax purposes.

(c) Section 89506 shall apply to all payments, advances, or reimbursements for travel and related lodging and subsistence.

89502. (a) No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept any honorarium.

(b) (1) No candidate for elective state office, for judicial office, or for elective office in a local government agency shall accept any honorarium. A person shall be deemed a candidate for purposes of this subdivision when the person has filed a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or, if the person lost the election after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 84214 or after certification of the election results, whichever is earlier.

(2) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(c) No member of a state board or commission and no designated employee of a state or local government agency shall accept an honorarium from any source if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(d) This section shall not apply to a person in his or her capacity as judge. This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless that position is an elective office.

89503. (a) No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250).

(b) (1) No candidate for elective state office, for judicial office, or for elective office in a local government agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250). A person shall be deemed a candidate for purposes of this subdivision when the person has filed a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or, if the person lost the election, after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 84214 or after certification of the election results, whichever is earlier.

(2) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(c) No member of a state board or commission or designated employee of a state or local government agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250) if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(d) This section shall not apply to a person in his or her capacity as judge. This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless that position is an elective office.

(e) This section shall not prohibit or limit the following:

(1) Payments, advances, or reimbursements for travel and related lodging and subsistence permitted by Section 89506.

(2) Wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

(f) Beginning on January 1, 1993, the commission shall adjust the gift limitation in this section on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the nearest ten dollars (\$10).

(g) The limitations in this section are in addition to the limitations on gifts in Section 86203.

Enclosure 4C1

# Accreditation Standards Annotated for Continuous Quality Improvement and SLOs (Jan 06)

Blue type references assessment, research, planning and continuous quality improvement.

Violet type references responsibilities of the governing board.

Yellow highlights reference focus on teaching (instruction) and learning, and SLOs.

## Introduction to the Accreditation Standards

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### Shaping the Dialogue

The primary purpose of an ACCJC-accredited institution is to foster learning in its students. An effective institution ensures that its resources and processes support student learning, continuously assesses that learning, and pursues institutional excellence and improvement. An effective institution maintains an ongoing, self-reflective dialogue about its quality and improvement.

An institution-wide dialogue must be at the heart of the self-evaluation process for the college community to gain a comprehensive perspective of the institution. Although the standards are presented in four parts, they work together to facilitate this dialogue on the institution's effectiveness and on ways in which it may improve. The self study provides the Commission with the institution's assessment of itself as a whole.

The institutional mission provides the impetus for achieving student learning and other goals that the institution endeavors to accomplish. The institution provides the means for students to learn, assesses how well learning is occurring, and strives to improve that learning through ongoing, systematic, and integrated planning (Standard I). Instructional programs, student support services, and library and learning support services facilitate the achievement of the institution's stated student learning outcomes (Standard II). Human, physical, technology, and financial resources enable these programs and services to function and improve (Standard III). Ethical and effective leadership throughout the organization guides the accomplishment of the mission and supports institutional effectiveness and improvement (Standard IV).

A college-wide dialogue that integrates the elements of the Standards provides the complete view of the institution that is needed to verify integrity and to promote quality and improvement.

## Standard I: Institutional Mission and Effectiveness

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**T**he institution demonstrates strong commitment to a mission that emphasizes achievement of student learning and to communicating the mission internally and externally. The institution uses analyses of quantitative and qualitative data and analysis in an ongoing and systematic cycle of evaluation, integrated planning, implementation, and re-evaluation to verify and improve the effectiveness by which the mission is accomplished.

### A. Mission

The institution has a statement of mission that defines the institution's broad educational purposes, its intended student population, and its commitment to achieving student learning.

1. The institution establishes student learning programs and services aligned with its purposes, its character, and its student population.
2. The mission statement is approved by the governing board and published.
3. Using the institution's governance and decision-making processes, the institution reviews its mission statement on a regular basis and revises it as necessary.
4. The institution's mission is central to institutional planning and decision making.

## Standard I: Institutional Mission and Effectiveness

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### B. Improving Institutional Effectiveness

The institution demonstrates a conscious effort to produce and support student learning, measures that learning, assesses how well learning is occurring, and makes changes to improve student learning. The institution also organizes its key processes and allocates its resources to effectively support student learning. The institution demonstrates its effectiveness by providing 1) evidence of the achievement of student learning outcomes and 2) evidence of institution and program performance. The institution uses ongoing and systematic evaluation and planning to refine its key processes and improve student learning.

1. The institution maintains an ongoing, collegial, self-reflective dialogue about the continuous improvement of student learning and institutional processes.
2. The institution sets goals to improve its effectiveness consistent with its stated purposes. The institution articulates its goals and states the objectives derived from them in measurable terms so that the degree to which they are achieved can be determined and widely discussed. The institutional members understand these goals and work collaboratively toward their achievement.
3. The institution assesses progress toward achieving its stated goals and makes decisions regarding the improvement of institutional effectiveness in an ongoing and systematic cycle of evaluation, integrated planning, resource allocation, implementation, and re-evaluation. Evaluation is based on analyses of both quantitative and qualitative data.
4. The institution provides evidence that the planning process is broad-based, offers opportunities for input by appropriate constituencies, allocates necessary resources, and leads to improvement of institutional effectiveness.



## **Standard I: Institutional Mission and Effectiveness**

5. The institution uses documented assessment results to communicate matters of quality assurance to appropriate constituencies.
6. The institution assures the effectiveness of its ongoing planning and resource allocation processes by systematically reviewing and modifying, as appropriate, all parts of the cycle, including institutional and other research efforts.
7. The institution assesses its evaluation mechanisms through a systematic review of their effectiveness in improving instructional programs, student support services, and library and other learning support services.

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*Standard IB—Improving Institutional Effectiveness*

## Standard II: Student Learning Programs and Services

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The institution offers high-quality instructional programs, student support services, and library and learning support services that facilitate and demonstrate the achievement of stated student learning outcomes. The institution provides an environment that supports learning, enhances student understanding and appreciation of diversity, and encourages personal and civic responsibility as well as intellectual, aesthetic, and personal development for all of its students.

### A. Instructional Programs

The institution offers high-quality instructional programs in recognized and emerging fields of study that culminate in identified student outcomes leading to degrees, certificates, employment, or transfer to other higher education institutions or programs consistent with its mission. Instructional programs are systematically assessed in order to assure currency, improve teaching and learning strategies, and achieve stated student learning outcomes. The provisions of this standard are broadly applicable to all instructional activities offered in the name of the institution.

1. The institution demonstrates that all instructional programs, regardless of location or means of delivery, address and meet the mission of the institution and uphold its integrity.<sup>1</sup>
  - a. The institution identifies and seeks to meet the varied educational needs of its students through programs consistent with their educational preparation and the diversity, demographics, and economy of its communities. The institution relies upon research and analysis to identify student learning needs and to assess progress toward achieving stated learning outcomes.
  - b. The institution utilizes delivery systems and modes of instruction compatible with the objectives of the curriculum and appropriate to the current and future needs of its students.<sup>1</sup>
  - c. The institution identifies student learning outcomes for courses, programs, certificates, and degrees; assesses student achievement of those outcomes; and uses assessment results to make improvements.

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Standard IIA—Instructional Programs

## **Standard II: Student Learning Programs and Services**

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2. The institution assures the quality and improvement of all instructional courses and programs offered in the name of the institution, including collegiate, developmental, and pre-collegiate courses and programs, continuing and community education, study abroad, short-term training courses and programs, programs for international students, and contract or other special programs, regardless of type of credit awarded, delivery mode, or location.<sup>1, 2</sup>
  - a. The institution uses established procedures to design, identify learning outcomes for, approve, administer, deliver, and evaluate courses and programs. The institution recognizes the central role of its faculty for establishing quality and improving instructional courses and programs.
  - b. The institution relies on faculty expertise and the assistance of advisory committees when appropriate to identify competency levels and measurable student learning outcomes for courses, certificates, programs including general and vocational education, and degrees. The institution regularly assesses student progress towards achieving those outcomes.
  - c. High-quality instruction and appropriate breadth, depth, rigor, sequencing, time to completion, and synthesis of learning characterize all programs.
  - d. The institution uses delivery modes and teaching methodologies that reflect the diverse needs and learning styles of its students.<sup>1</sup>
  - e. The institution evaluates all courses and programs through an on-going systematic review of their relevance, appropriateness, achievement of learning outcomes, currency, and future needs and plans.

## **Standard II: Student Learning Programs and Services**

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- f. The institution engages in ongoing, systematic evaluation and integrated planning to assure currency and measure achievement of its stated student learning outcomes for courses, certificates, programs including general and vocational education, and degrees. The institution systematically strives to improve those outcomes and makes the results available to appropriate constituencies.
  - g. If an institution uses departmental course and/or program examinations, it validates their effectiveness in measuring student learning and minimizes test biases.
  - h. The institution awards credit based on student achievement of the course's stated learning outcomes. Units of credit awarded are consistent with institutional policies that reflect generally accepted norms or equivalencies in higher education.
  - i. The institution awards degrees and certificates based on student achievement of a program's stated learning outcomes.
3. The institution requires of all academic and vocational degree programs a component of general education based on a carefully considered philosophy that is clearly stated in its catalog. The institution, relying on the expertise of its faculty, determines the appropriateness of each course for inclusion in the general education curriculum by examining the stated learning outcomes for the course.
- General education has comprehensive learning outcomes for the students who complete it, including the following:
- a. An understanding of the basic content and methodology of the major areas of knowledge: areas include the humanities and fine arts, the natural sciences, and the social sciences.
  - b. A capability to be a productive individual and life long learner: skills include oral and written communication, information competency, computer literacy, scientific and quantitative reasoning, critical analysis/logical thinking, and the ability to acquire knowledge through a variety of means.

## **Standard II: Student Learning Programs and Services**

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- c. A recognition of what it means to be an ethical human being and effective citizen: qualities include an appreciation of ethical principles; civility and interpersonal skills; respect for cultural diversity; historical and aesthetic sensitivity; and the willingness to assume civic, political, and social responsibilities locally, nationally, and globally.
- 4. All degree programs include focused study in at least one area of inquiry or in an established interdisciplinary core.
- 5. Students completing vocational and occupational certificates and degrees demonstrate technical and professional competencies that meet employment and other applicable standards and are prepared for external licensure and certification.
- 6. The institution assures that students and prospective students receive clear and accurate information about educational courses and programs and transfer policies. The institution describes its degrees and certificates in terms of their purpose, content, course requirements, and expected student learning outcomes. In every class section students receive a course syllabus that specifies learning outcomes consistent with those in the institution's officially approved course outline.
  - a. The institution makes available to its students clearly stated transfer-of-credit policies in order to facilitate the mobility of students without penalty. In accepting transfer credits to fulfill degree requirements, the institution certifies that the expected learning outcomes for transferred courses are comparable to the learning outcomes of its own courses. Where patterns of student enrollment between institutions are identified, the institution develops articulation agreements as appropriate to its mission.
  - b. When programs are eliminated or program requirements are significantly changed, the institution makes appropriate arrangements so that enrolled students may complete their education in a timely manner with a minimum of disruption.<sup>3</sup>



## Standard II: Student Learning Programs and Services

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- c. The institution represents itself clearly, accurately, and consistently to prospective and current students, the public, and its personnel through its catalogs, statements, and publications, including those presented in electronic formats. It regularly reviews institutional policies, procedures, and publications to assure integrity in all representations about its mission, programs, and services.
- 7. In order to assure the academic integrity of the teaching-learning process, the institution uses and makes public governing board-adopted policies on academic freedom and responsibility, student academic honesty, and specific institutional beliefs or worldviews. These policies make clear the institution's commitment to the free pursuit and dissemination of knowledge.
  - a. Faculty distinguish between personal conviction and professionally accepted views in a discipline. They present data and information fairly and objectively.
  - b. The institution establishes and publishes clear expectations concerning student academic honesty and the consequences for dishonesty.
  - c. Institutions that require conformity to specific codes of conduct of staff, faculty, administrators, or students, or that seek to instill specific beliefs or worldviews, give clear prior notice of such policies, including statements in the catalog and/or appropriate faculty or student handbooks.
- 8. Institutions offering curricula in foreign locations to students other than U.S. nationals operate in conformity with standards and applicable Commission policies.<sup>2</sup>

## Standard II: Student Learning Programs and Services

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### B. Student Support Services

The institution recruits and admits diverse students who are able to benefit from its programs, consistent with its mission.

Student support services address the identified needs of students and enhance a supportive learning environment. The entire student pathway through the institutional experience is characterized by a concern for student access, progress, learning, and success. The institution systematically assesses student support services using student learning outcomes, faculty and staff input, and other appropriate measures in order to improve the effectiveness of these services.

1. The institution assures the quality of student support services and demonstrates that these services, regardless of location or means of delivery, support student learning and enhance achievement of the mission of the institution.<sup>1, 2</sup>
2. The institution provides a catalog for its constituencies with precise, accurate, and current information concerning the following:
  - a. General Information
    - Official Name, Address(es), Telephone Number(s), and Web Site Address of the Institution
    - Educational Mission
    - Course, Program, and Degree Offerings
    - Academic Calendar and Program Length
    - Academic Freedom Statement
    - Available Student Financial Aid
    - Available Learning Resources
    - Names and Degrees of Administrators and Faculty
    - Names of Governing Board Members
  - b. Requirements
    - Admissions
    - Student Fees and Other Financial Obligations
    - Degree, Certificates, Graduation and Transfer

## Standard II: Student Learning Programs and Services

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- c. Major Policies Affecting Students
  - Academic Regulations, including Academic Honesty
  - Nondiscrimination
  - Acceptance of Transfer Credits
  - Grievance and Complaint Procedures
  - Sexual Harassment
  - Refund of Fees
- d. Locations or publications where other policies may be found

### 3. The institution researches and identifies the learning support needs of its student population and provides appropriate services and programs to address those needs.

- a. The institution assures equitable access to all of its students by providing appropriate, comprehensive, and reliable services to students regardless of service location or delivery method.<sup>1</sup>
- b. The institution provides an environment that encourages personal and civic responsibility, as well as intellectual, aesthetic, and personal development for all of its students.
- c. The institution designs, maintains, and evaluates counseling and/or academic advising programs to support student development and success and prepares faculty and other personnel responsible for the advising function.
- d. The institution designs and maintains appropriate programs, practices, and services that support and enhance student understanding and appreciation of diversity.
- e. The institution regularly evaluates admissions and placement instruments and practices to validate their effectiveness while minimizing biases.



## **Standard II: Student Learning Programs and Services**

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- f. The institution maintains student records permanently, securely, and confidentially, with provision for secure backup of all files, regardless of the form in which those files are maintained. The institution publishes and follows established policies for release of student records.
- 4. The institution evaluates student support services to assure their adequacy in meeting identified student needs. Evaluation of these services provides evidence that they contribute to the achievement of student learning outcomes. The institution uses the results of these evaluations as the basis for improvement.

### **C. Library and Learning Support Services**

Library and other learning support services for students are sufficient to support the institution's instructional programs and intellectual, aesthetic, and cultural activities in whatever format and wherever they are offered. Such services include library services and collections, tutoring, learning centers, computer laboratories, and learning technology development and training. The institution provides access and training to students so that library and other learning support services may be used effectively and efficiently. The institution systematically assesses these services using student learning outcomes, faculty input, and other appropriate measures in order to improve the effectiveness of the services.

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*Standard IIB--Student Support Services*

*Standard IIC--Library and Learning Support Services*

## Standard II: Student Learning Programs and Services

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1. The institution supports the quality of its instructional programs by providing library and other learning support services that are sufficient in quantity, currency, depth, and variety to facilitate educational offerings, regardless of location or means of delivery.<sup>1</sup>
  - a. Relying on appropriate expertise of faculty, including librarians and other learning support services professionals, the institution selects and maintains educational equipment and materials to support student learning and enhance the achievement of the mission of the institution.
  - b. The institution provides ongoing instruction for users of library and other learning support services so that students are able to develop skills in information competency.
  - c. The institution provides students and personnel responsible for student learning programs and services adequate access to the library and other learning support services, regardless of their location or means of delivery.<sup>1</sup>
  - d. The institution provides effective maintenance and security for its library and other learning support services.
  - e. When the institution relies on or collaborates with other institutions or other sources for library and other learning support services for its instructional programs, it documents that formal agreements exist and that such resources and services are adequate for the institution's intended purposes, are easily accessible, and utilized. The performance of these services is evaluated on a regular basis. The institution takes responsibility for and assures the reliability of all services provided either directly or through contractual arrangement.
2. The institution evaluates library and other learning support services to assure their adequacy in meeting identified student needs. Evaluation of these services provides evidence that they contribute to the achievement of student learning outcomes. The institution uses the results of these evaluations as the basis for improvement.

## Standard III: Resources

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**T**he institution effectively uses its human, physical, technology, and financial resources to achieve its broad educational purposes, including stated student learning outcomes, and to improve institutional effectiveness.

### A. Human Resources

The institution employs qualified personnel to support student learning programs and services wherever offered and by whatever means delivered, and to improve institutional effectiveness. Personnel are treated equitably, are evaluated regularly and systematically, and are provided opportunities for professional development. Consistent with its mission, the institution demonstrates its commitment to the significant educational role played by persons of diverse backgrounds by making positive efforts to encourage such diversity. Human resource planning is integrated with institutional planning.

1. The institution assures the integrity and quality of its programs and services by employing personnel who are qualified by appropriate education, training, and experience to provide and support these programs and services.
  - a. Criteria, qualifications, and procedures for selection of personnel are clearly and publicly stated. Job descriptions are directly related to institutional mission and goals and accurately reflect position duties, responsibilities, and authority. Criteria for selection of faculty include knowledge of the subject matter or service to be performed (as determined by individuals with discipline expertise), effective teaching, scholarly activities, and potential to contribute to the mission of the institution. Institutional faculty play a significant role in selection of new faculty. Degrees held by faculty and administrators are from institutions accredited by recognized U.S. accrediting agencies. Degrees from non-U.S. institutions are recognized only if equivalence has been established.<sup>4</sup>

## Standard III: Resources

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- b. The institution assures the effectiveness of its human resources by evaluating all personnel systematically and at stated intervals. The institution establishes written criteria for evaluating all personnel, including performance of assigned duties and participation in institutional responsibilities and other activities appropriate to their expertise. Evaluation processes seek to assess effectiveness of personnel and encourage improvement. Actions taken following evaluations are formal, timely, and documented.
  - c. Faculty and others directly responsible for student progress toward achieving stated student learning outcomes have, as a component of their evaluation, effectiveness in producing those learning outcomes.
  - d. The institution upholds a written code of professional ethics for all of its personnel.
2. The institution maintains a sufficient number of qualified faculty with full-time responsibility to the institution. The institution has a sufficient number of staff and administrators with appropriate preparation and experience to provide the administrative services necessary to support the institution's mission and purposes.
3. The institution systematically develops personnel policies and procedures that are available for information and review. Such policies and procedures are equitably and consistently administered.
- a. The institution establishes and adheres to written policies ensuring fairness in all employment procedures.
  - b. The institution makes provision for the security and confidentiality of personnel records. Each employee has access to his/her personnel records in accordance with law.

### Standard III: Resources

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4. The institution demonstrates through policies and practices an appropriate understanding of and concern for issues of equity and diversity.
  - a. The institution creates and maintains appropriate programs, practices, and services that support its diverse personnel.
  - b. The institution regularly assesses its record in employment equity and diversity consistent with its mission.
  - c. The institution subscribes to, advocates, and demonstrates integrity in the treatment of its administration, faculty, staff and students.
5. The institution provides all personnel with appropriate opportunities for continued professional development, consistent with the institutional mission and based on identified teaching and learning needs.
  - a. The institution plans professional development activities to meet the needs of its personnel.
  - b. With the assistance of the participants, the institution systematically evaluates professional development programs and uses the results of these evaluations as the basis for improvement.
6. Human resource planning is integrated with institutional planning. The institution systematically assesses the effective use of human resources and uses the results of the evaluation as the basis for improvement.



## Standard III: Resources

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### B. Physical Resources

**Physical resources**, which include facilities, equipment, land, and other assets, **support student learning programs and services and improve institutional effectiveness**. **Physical resource planning is integrated with institutional planning.**

1. The institution provides safe and sufficient physical resources that support and assure the integrity and quality of its programs and services, regardless of location or means of delivery.
  - a. The institution **plans, builds, maintains, and upgrades or replaces its physical resources in a manner that assures effective utilization and the continuing quality necessary to support its programs and services.**
  - b. The institution assures that physical resources at all locations where it offers courses, programs, and services are constructed and maintained to assure access, safety, security, and a **healthful learning and working environment.**
2. To assure the feasibility and effectiveness of physical resources in supporting institutional programs and services, **the institution plans and evaluates its facilities and equipment on a regular basis, taking utilization and other relevant data into account.**
  - a. Long-range capital plans support institutional improvement goals and reflect projections of the total cost of ownership of new facilities and equipment.
  - b. Physical resource planning is integrated with institutional planning. The institution systematically assesses the effective use of physical resources and uses the results of the evaluation as the basis for improvement.

## Standard III: Resources

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### C. Technology Resources

Technology resources are used to support student learning programs and services and to improve institutional effectiveness. Technology planning is integrated with institutional planning.

1. The institution assures that any technology support it provides is designed to meet the needs of learning, teaching, college-wide communications, research, and operational systems.
  - a. Technology services, professional support, facilities, hardware, and software are designed to enhance the operation and effectiveness of the institution.
  - b. The institution provides quality training in the effective application of its information technology to students and personnel.
  - c. The institution systematically plans, acquires, maintains, and upgrades or replaces technology infrastructure and equipment to meet institutional needs.
  - d. The distribution and utilization of technology resources support the development, maintenance, and enhancement of its programs and services.
2. Technology planning is integrated with institutional planning. The institution systematically assesses the effective use of technology resources and uses the results of evaluation as the basis for improvement.

## Standard III: Resources

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### D. Financial Resources

Financial resources are sufficient to support student learning programs and services and to improve institutional effectiveness. The distribution of resources supports the development, maintenance, and enhancement of programs and services. The institution plans and manages its financial affairs with integrity and in a manner that ensures financial stability. The level of financial resources provides a reasonable expectation of both short-term and long-term financial solvency. Financial resources planning is integrated with institutional planning.

1. The institution relies upon its mission and goals as the foundation for financial planning.
  - a. Financial planning is integrated with and supports all institutional planning.
  - b. Institutional planning reflects realistic assessment of financial resource availability, development of financial resources, partnerships, and expenditure requirements.
  - c. When making short-range financial plans, the institution considers its long-range financial priorities to assure financial stability. The institution clearly identifies and plans for payment of liabilities and future obligations.
  - d. The institution clearly defines and follows its guidelines and processes for financial planning and budget development, with all constituencies having appropriate opportunities to participate in the development of institutional plans and budgets.



## Standard III: Resources

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2. To assure the financial integrity of the institution and responsible use of financial resources, the financial management system has appropriate control mechanisms and widely disseminates dependable and timely information for sound financial decision making.
  - a. Financial documents, including the budget and independent audit, reflect appropriate allocation and use of financial resources to support student learning programs and services. Institutional responses to external audit findings are comprehensive, timely, and communicated appropriately.
  - b. Appropriate financial information is provided throughout the institution.
  - c. The institution has sufficient cash flow and reserves to maintain stability, strategies for appropriate risk management, and realistic plans to meet financial emergencies and unforeseen occurrences.
  - d. The institution practices effective oversight of finances, including management of financial aid, grants, externally funded programs, contractual relationships, auxiliary organizations or foundations, and institutional investments and assets.
  - e. All financial resources, including those from auxiliary activities, fund-raising efforts, and grants are used with integrity in a manner consistent with the mission and goals of the institution.
  - f. Contractual agreements with external entities are consistent with the mission and goals of the institution, governed by institutional policies, and contain appropriate provisions to maintain the integrity of the institution.<sup>5</sup>
  - g. The institution regularly evaluates its financial management processes, and the results of the evaluation are used to improve financial management systems.

## **Standard III: Resources**

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3. The institution systematically assesses the effective use of financial resources and uses the results of the evaluation as the basis for improvement.

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*Standard IIID—Financial Resources*

## Standard IV: Leadership and Governance

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**T**he institution recognizes and utilizes the contributions of leadership throughout the organization for continuous improvement of the institution. Governance roles 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 administrator.

### A. Decision-Making Roles and Processes

The institution recognizes that ethical and effective leadership throughout the organization enables the institution to identify institutional values, set and achieve goals, learn, and improve.

1. Institutional leaders create an environment for empowerment, innovation, and institutional excellence. They encourage staff, faculty, administrators, and students, no matter what their official titles, to take initiative in improving the practices, programs, and services in which they are involved. When ideas for improvement have policy or significant institution-wide implications, systematic participative processes are used to assure effective discussion, planning, and implementation.
2. The institution establishes and implements a written policy providing for faculty, staff, administrator, and student participation in decision-making processes. The policy specifies the manner in which individuals bring forward ideas from their constituencies and work together on appropriate policy, planning, and special-purpose bodies.
  - a. Faculty and administrators have a substantive and clearly defined role in institutional governance and exercise a substantial voice in institutional policies, planning, and budget that relate to their areas of responsibility and expertise. Students and staff also have established mechanisms or organizations for providing input into institutional decisions.
  - b. The institution relies on faculty, its academic senate or other appropriate faculty structures, the curriculum committee, and academic administrators for recommendations about student learning programs and services.

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*Standard IVA—Decision-Making Roles and Processes*

## Standard IV: Leadership and Governance

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3. Through established governance structures, processes, and practices, the governing board, administrators, faculty, staff, and students work together for the good of the institution. These processes facilitate discussion of ideas and effective communication among the institution's constituencies.
4. The institution advocates and demonstrates honesty and integrity in its relationships with external agencies. It agrees to comply with Accrediting Commission standards, policies, and guidelines, and Commission requirements for public disclosure, self study and other reports, team visits, and prior approval of substantive changes. The institution moves expeditiously to respond to recommendations made by the Commission.
5. The role of leadership and the institution's governance and decision-making structures and processes are regularly evaluated to assure their integrity and effectiveness. The institution widely communicates the results of these evaluations and uses them as the basis for improvement.

## Standard IV: Leadership and Governance

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### B. Board and Administrative Organization

In addition to the leadership of individuals and constituencies, institutions recognize the designated responsibilities of the governing board for setting policies and of the chief administrator for the effective operation of the institution. Multi-college districts/systems clearly define the organizational roles of the district/system and the colleges.<sup>6</sup>

1. The institution has a governing board that is responsible for establishing policies to assure the quality, integrity, and effectiveness of the student learning programs and services and the financial stability of the institution. The governing board adheres to a clearly defined policy for selecting and evaluating the chief administrator for the college or the district/system.
  - a. The governing board is an independent policy-making body that reflects the public interest in board activities and decisions. Once the board reaches a decision, it acts as a whole. It advocates for and defends the institution and protects it from undue influence or pressure.
  - b. The governing board establishes policies consistent with the mission statement to ensure the quality, integrity, and improvement of student learning programs and services and the resources necessary to support them.
  - c. The governing board has ultimate responsibility for educational quality, legal matters, and financial integrity.
  - d. The institution or the governing board publishes the board bylaws and policies specifying the board's size, duties, responsibilities, structure, and operating procedures.

## Standard IV: Leadership and Governance

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- e. The governing board acts in a manner consistent with its policies and bylaws. The board regularly evaluates its policies and practices and revises them as necessary.
- f. The governing board has a program for board development and new member orientation. It has a mechanism for providing for continuity of board membership and staggered terms of office.
- g. The governing board's self-evaluation processes for assessing board performance are clearly defined, implemented, and published in its policies or bylaws.
- h. The governing board has a code of ethics that includes a clearly defined policy for dealing with behavior that violates its code.
- i. The governing board is informed about and involved in the accreditation process.
- j. The governing board has the responsibility for selecting and evaluating the district/system chief administrator (most often known as the chancellor) in a multi-college district/system or the college chief administrator (most often known as the president) in the case of a single college. The governing board delegates full responsibility and authority to him/her to implement and administer board policies without board interference and holds him/her accountable for the operation of the district/system or college, respectively.

In multi-college districts/systems, the governing board establishes a clearly defined policy for selecting and evaluating the presidents of the colleges.



## Standard IV: Leadership and Governance

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2. The president has primary responsibility for the quality of the institution he/she leads. He/she provides effective leadership in planning, organizing, budgeting, selecting and developing personnel, and assessing institutional effectiveness.
  - a. The president plans, oversees, and evaluates an administrative structure organized and staffed to reflect the institution's purposes, size, and complexity. He/she delegates authority to administrators and others consistent with their responsibilities, as appropriate.
  - b. The president guides institutional improvement of the teaching and learning environment by the following:
    - establishing a collegial process that sets values, goals, and priorities;
    - ensuring that evaluation and planning rely on high quality research and analysis on external and internal conditions;
    - ensuring that educational planning is integrated with resource planning and distribution to achieve student learning outcomes; and
    - establishing procedures to evaluate overall institutional planning and implementation efforts.
  - c. The president assures the implementation of statutes, regulations, and governing board policies and assures that institutional practices are consistent with institutional mission and policies.
  - d. The president effectively controls budget and expenditures.
  - e. The president works and communicates effectively with the communities served by the institution.

## Standard IV: Leadership and Governance

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3. In multi-college districts or systems, the district/system provides primary leadership in setting and communicating expectations of educational excellence and integrity throughout the district/system and assures support for the effective operation of the colleges. It establishes clearly defined roles of authority and responsibility between the colleges and the district/system and acts as the liaison between the colleges and the governing board.<sup>7</sup>
  - a. The district/system clearly delineates and communicates the operational responsibilities and functions of the district/system from those of the colleges and consistently adheres to this delineation in practice.
  - b. The district/system provides effective services that support the colleges in their missions and functions.
  - c. The district/system provides fair distribution of resources that are adequate to support the effective operations of the colleges.
  - d. The district/system effectively controls its expenditures.
  - e. The chancellor gives full responsibility and authority to the presidents of the colleges to implement and administer delegated district/system policies without his/her interference and holds them accountable for the operation of the colleges.
  - f. The district/system acts as the liaison between the colleges and the governing board. The district/system and the colleges use effective methods of communication, and they exchange information in a timely manner.
  - g. The district/system regularly evaluates district/system role delineation and governance and decision-making structures and processes to assure their integrity and effectiveness in assisting the colleges in meeting educational goals. The district/system widely communicates the results of these evaluations and uses them as the basis for improvement.



## **Policies Referenced in the Standards**

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<sup>1</sup>Policy on Distance Learning, Including Electronically-Mediated Learning

<sup>2</sup>Principles of Good Practice in Overseas International Education Programs for Non-U.S. Nationals

<sup>3</sup>Policy Statement on Considerations when Closing a Postsecondary Educational Institution

<sup>4</sup>Joint Policy Statement on Transfer and Award of Academic Credit

<sup>5</sup>Contractual Relationships with Non-Regionally Accredited Organizations

<sup>6</sup>The Governing Board

<sup>7</sup>Policy and Procedures for the Evaluation of Institutions in Multi-College/Multi-Unit Districts or Systems

## **ACCJC Standards Glossary**

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**Assessment—**

Methods that an institution employs to gather evidence and evaluate quality.

**Collegial—**

Participative and mutually respectful

**Dialogue—**

Self-reflective exchanges engaged in by the college community, characterized by a free exchange of ideas without the purpose of defending or deciding on a course of action.

**Evidence of Institution and Program Performance—**

Quantitative and qualitative data which an institution as a whole uses to determine the extent to which it attains the performance goals it establishes for itself.

**Information Competency—**

Capability to access, evaluate, and use information in fulfillment of coursework and independent study.

**Ongoing—**

Addressed regularly as part of the business of the college rather than in response to periodic external requirements.

**Qualitative Data**

Data relating to, or involving quality or kind, which cannot be represented numerically, such as portfolios of work, narrative description and evaluation of a performance, learner description and analysis of a learning experience.

**Quantitative Data —**

Data which can be represented numerically

**Student Learning Outcomes—**

Knowledge, skills, abilities, and attitudes that a student has attained at the end (or as a result) of his or her engagement in a particular set of collegiate experiences.

**Total Cost of Ownership**

In addition to the initial cost of a purchase, all long-term and indirect costs resulting from that purchase.



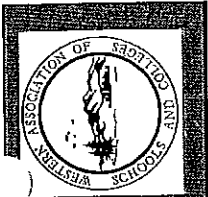
# Accreditation: Building Capacity for Educational Excellence

Presentation to Southwestern Community College District's  
Board of Trustees

*by*

Dr. Barbara A. Beno, ACCJC President

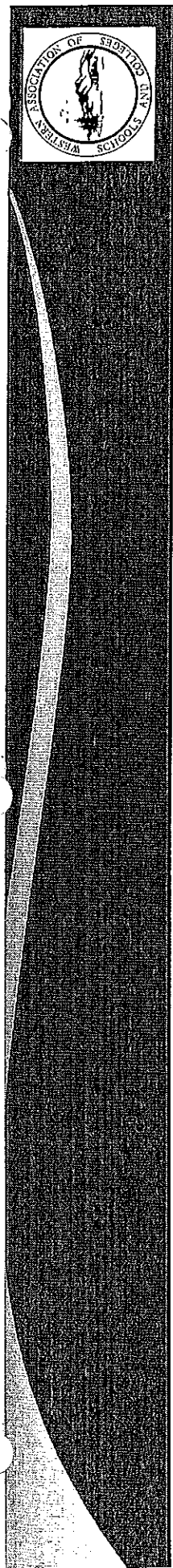




## We'll Cover These Topics

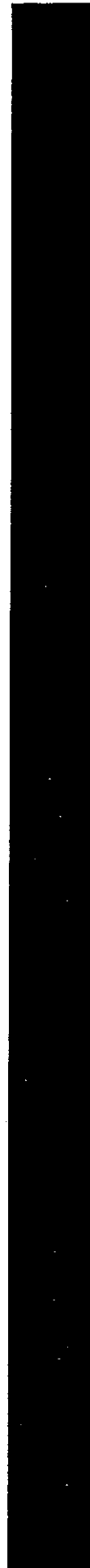
1. What is this thing called Accreditation?
2. What is WASC?
  - ACCJC
3. How do governing boards build institutional capacity for educational excellence?
4. Where are we headed in the future with accreditation?





1. What is this thing called Accreditation?

It is complex! It works well!





## The Purposes of Accreditation are:

- To provide assurance to the public that education provided by institutions meets acceptable levels of quality.
- To promote continuous institutional improvement.
- To maintain the high quality of higher education institutions in the region/nation.
- Accreditation is the proven method for assuring that higher education institutions can continue to improve and offer a quality education to the men and women who will lead their communities in the future. By establishing high standards and then periodically evaluating themselves, colleges and universities can provide a degree or certificate that students and the community trust.





# The Purposes of Accreditation

## *Bylaws for the ACCJC, Article I, Section 2*

- The purposes of the Commission shall be the evaluation of member institutions to assure the educational community, the general public, and other organizations and agencies that an institution has clearly defined objectives appropriate to higher education; has established conditions under which their achievement can reasonably be expected; appears in fact to be accomplishing them substantially; is so organized, staffed, and supported that it can be expected to continue to do so; and demonstrates that it meets Accreditation Standards.





# The Purposes of Accreditation

*Bylaws for the ACCJC, Article I, Section 2 continued...*

- The Commission encourages and supports institutional development and improvement through institutional self evaluation and periodic evaluation by qualified peer professionals

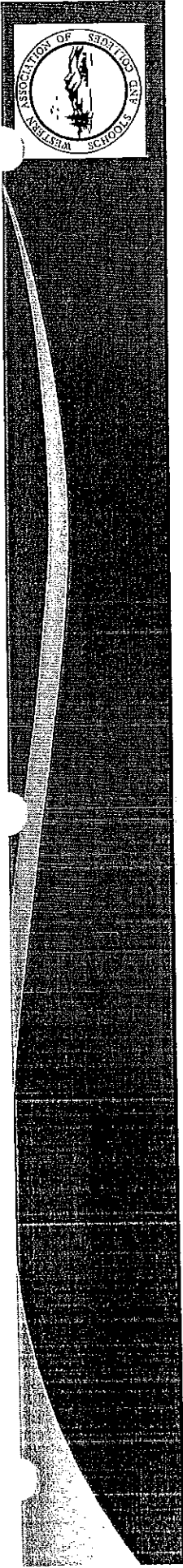




# What is Regional Accreditation?

- Accreditation is the voluntary system of self regulation developed by higher education institutions to evaluate overall institutional quality. Colleges and universities in a geographic region set up accrediting bodies, and develop the quality standards that the accrediting bodies then use to evaluate member institutions.
- Regional accreditation is a successful and powerful model of professional peer evaluation. The commissions with responsibility for accreditation are legally acknowledged and time-tested authorities on quality in higher education.
- A means by which educators, the public, and students learn about the quality of a higher education institution.





# What Authority do Regional Accreditors like ACCJC have to Impose Standards on Institutions?

- The ACCJC and other regional accrediting bodies are authorized to operate by the U.S. Department of Education through the Higher Education Opportunities Act. The USDE evaluates accrediting bodies every five years through a process called “recognition.”
- Accreditation from a U.S. Department of Education-recognized accreditor, such as the ACCJC, enables institutions to qualify for federal Title IV funds and other federal grants and contracts.
- Accreditation is voluntary self regulation. Institutions voluntarily agree to meet Accreditation Standards. They give the Commission the requisite authority.

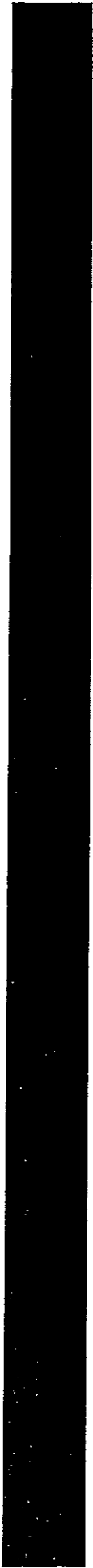




# How is Accreditation Conducted?

There are four phases to the accreditation process involving self evaluation, peer evaluation, commission evaluation, and institutional follow-up action to meet standards and improve.

1. Every accreditation review starts with a self evaluation. An institution writes an analysis, holding itself up to current standards, and develops its own plans for improvement where needed, and submits the written analysis to its accrediting agency for review.
2. Then a trained team of experts from other accredited institutions engages in peer evaluation, examines the institutional self analysis, examines institutional practices, and writes an evaluative report with recommendations for improvement.





## How is Accreditation Conducted? *continued*

3. Then the members of the regional commission evaluate all the information. The regional accrediting commission makes decisions on the accredited status of institutions, and may also provide the institution with recommendations and direction for improvement.
4. Whether the institution meets the current standards or not, the next phase is about follow-up and self-improvement and each institution takes the recommendations and its own plans and works to make the institution better.



# What are the Accreditation Standards?

- The Accreditation Standards are the basic tool used by member institutions, the evaluations teams, and the Commission to gauge an institution's success in continually improving.
- The Standards are statements of expected practice that are developed regionally by the Accrediting Commission with input from the USDE and are established in collaboration with member institutions. They are discussed in public hearings with multiple opportunities for comment by the member institutions before they are adopted.





## What are the Accreditation Standards? *continued*

- The Standards describe good practices in ten areas of institutional operations, including institutional mission, institutional effectiveness (i.e., achieving stated mission, providing effective educational services), instruction, support services, library and learning resources, human resources, facilities and physical resources, information technology resources, fiscal resources and fiscal management, and governance and decision making.
- There are also pre-accreditation requirements that potential member institutions must meet before the Commission spends time to train an institution in the Standards and in the accreditation process.





## Who are the Commissioners?

- The ACCJC has 19 Commissioners who represent the interests of the general public and the regional member institutions.
  - five Commissioners are faculty from member institutions;
  - five represent the public and have no affiliation with any member institution;
  - three are administrators from member institutions; and
  - six people each represents one of the following educational entities:
    - California Community College System,
    - Hawaii Community College System,
    - Accrediting Commission for Senior Colleges and Universities of WASC,
    - Accrediting Commission for Schools of WASC,
    - Pacific Colleges of the ACCJC membership, and
    - Private colleges accredited by the ACCJC.



## Who Serves on Evaluation Teams?

- Evaluation teams are comprised of eight to 12 volunteer education professionals from member institutions who have professional expertise and are trained to employ the ACCJC Standards of Accreditation in reviewing institutional practices. These individuals are administrators, faculty, and sometimes trustees of two-year colleges.

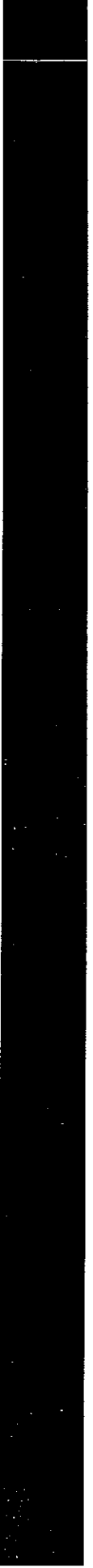






# Does the Commission Require Institutions to Meet All Standards at All Times?

- Yes it does. Institutions that seek ACCJC accreditation agree to adhere to Standards at all times. Since accredited status is a signal to the public that an institution satisfies all accreditation standards, institutions have to remain in compliance at all times. Anything short of that would diminish public confidence in accreditation as a means of assuring quality.





# Does the Commission's Process Help Institutions Improve?

- The accreditation process is very effective in helping institutions to improve their educational and institutional effectiveness. Accreditation Standards developed by the ACCJC are drawn from best practices within the member institutions as well as from best institutional practices nationally. The accreditation processes reinforces the institutional responsibility to continually improve educational effectiveness.
- Institutions regularly tell the Commission that accreditation recommendations help the institution change and improve and that sanctions, when imposed, help the institution overcome inertia.





# Is There a Limit on the Amount of Time an Institution will be Given to Improve?

- Yes there is. Federal law requires higher education institutions to come into full compliance with all Standards within two years of a finding of non-compliance. This is known as the "Two Year Rule."

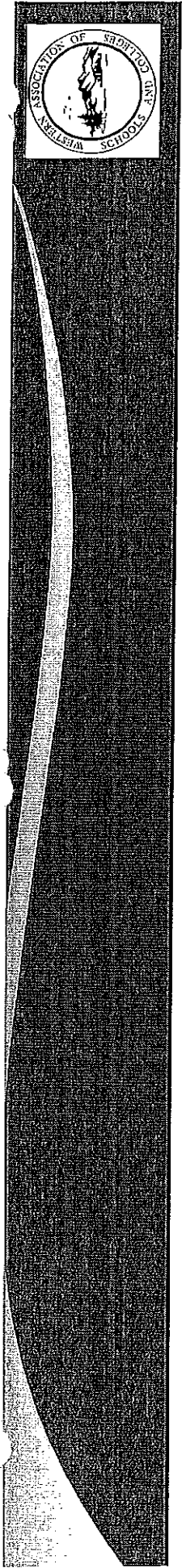




# How Does the Commission Work to Ensure that its Decisions and Evaluation Teams are Fair and Unbiased?

- The accreditation process is designed to be transparent and collaborative so that all parties can be heard and all participants are subject to peer evaluation. The Commission works to make sure the process is fair through the development of clear conflict of interest policies, effective training of evaluators, rigorous evaluation of team members by staff and member institutions, and by encouraging feedback by institutions undergoing evaluation.





## 2. What is WASC?

The Western Association of Schools and Colleges





# The Western Region

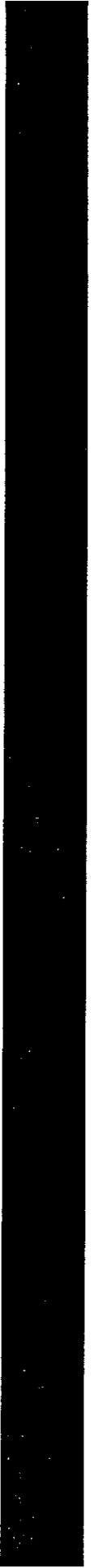
- The Western Association of Schools and Colleges (WASC) consists of the:
  - States of California and Hawai'i,
  - Territories of Guam and American Samoa,
  - Federated States of Micronesia,
  - Commonwealth of the Northern Marianas Islands,
  - Republic of Palau
  - Republic of the Marshall Islands
- WASC also covers "areas of the Pacific and East Asia where American/International schools or colleges may apply." (WASC Constitution, Article II)

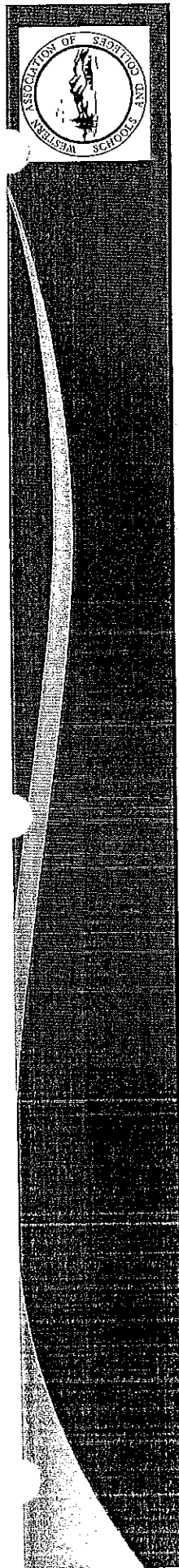




# WASC

- One corporation, three Commissions:
  - Accrediting Commission for Senior Colleges and Universities
  - Accrediting Commission for Community and Junior Colleges
  - Accrediting Commission for Schools
- Each commission has its own decision-making body, its own staff, its own standards and bylaws.
- WASC Constitution describes some of the policies that govern all three commissions, such as the Appeals Policy.





### 3. How do Governing Boards Build Institutional Capacity for Educational Excellence?

By Doing their job well and setting  
expectations for institutional excellence!







# ACCJC Standards About Governing Boards

- **Eligibility Requirement 1:** The governing board is responsible for the quality, integrity and financial stability of the institution, and for ensuring that the institution's mission is being carried out.
- **Standard I** describes the role of the governing board in approving mission in the context of institutional quality, integrity, and financial stability.
- **Standard IV** describes many of the specific requirements of governing boards.

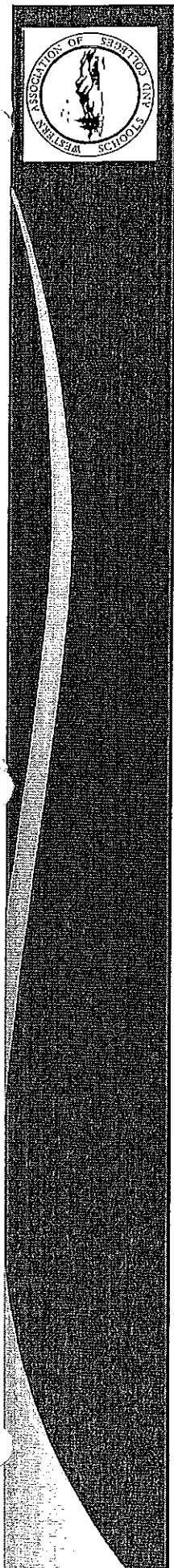




# ACCJC Standards

- Standard I : Mission and Educational Effectiveness
- Standard II: Educational Services
  - Instructional Services
  - Student Support Services
  - Library and Learning Resources
- Standard III: Resources
  - Human Resources
  - Physical Resources
  - Technology Resources
  - Financial Resources
- Standard IV: Leadership and Governance
  - Part B, Board and Administrative Organization

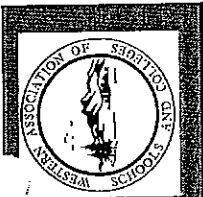




# Let's look at the Accreditation Standards

Your color annotated copy will help you move  
quickly through some of the key content.





## 4. Where are we headed in the future with accreditation?

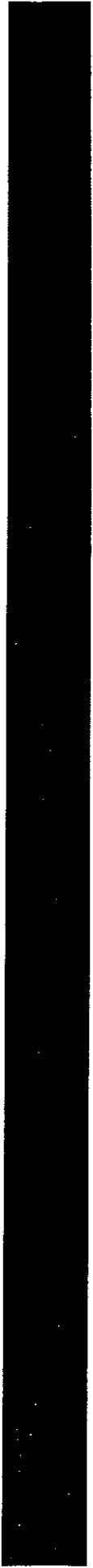
More Accountability to the Public  
and the  
Federal Government

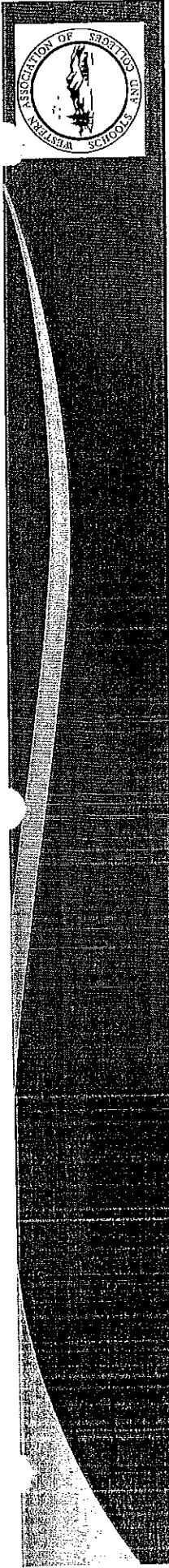




## Common Accreditor Expectations

- Ongoing CQI: Accredited institutions have assessment or evaluation processes to examine their institutional quality and student outcomes, and they employ these on a regular basis.
- Institutions measure *student achievement* such as completion, graduation, transfer, movement to graduate or professional school, success on licensure exams, job placement as measure of how well education has helped students achieve their educational goals
- Institutions define and measure what students learn, or *student learning outcomes*, as a result of their educational programs and as a measure of educational effectiveness.
- Institutions plan and implement improvements in a reasoned and formal way, allocating needed resources and attention.





## Federal Directions

- Are institutions sufficiently effective – are they helping the United States gain the skilled workforce and citizenry that is needed?
- Are accreditors holding institutions “accountable” to a sufficient degree for quality. Is sufficient information available to the public?
- Are newer forms or methodologies of education of sufficient quality?
  - Distance education
  - Contracting for portions of educational services
  - Off-campus site education

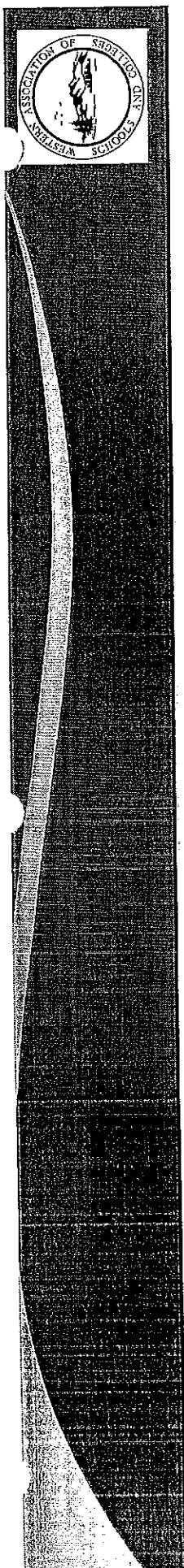




## Federal Directions *continued*

- Federal funds used for higher education
  - Are students getting a quality education that justifies the public investment in federal financial aid?
  - Are students moving through their higher education programs efficiently so that the available federal aid can be shared with the broadest number of students? (an interest in time to completion)
- National needs for a competitive workforce and economic leadership
  - Are institutions providing an education that prepares the workforce needed for global "competitiveness?"





# QUESTIONS?

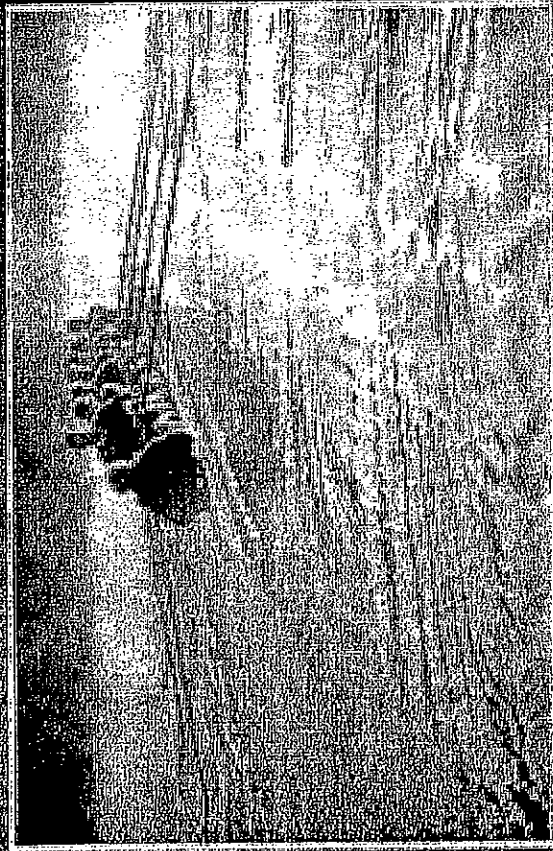




Link for Governing Board Training Session-9/23/10

<http://www.insidehighered.com/layout/set/print/news/2010/09/23/georgia>

# Southwestern CCD Trustees' Retreat



*May 2010*

*Bill McGinnis*

## TEAMWORK

TEAMWORK IS THE ABILITY TO WORK  
TOGETHER TOWARD A COMMON VISION. THE ABILITY TO  
DIRECT INDIVIDUAL ACCOMPLISHMENT TOWARD ORGANIZATIONAL  
OBJECTIVES. IT IS THE FUEL THAT ALLOWS COMMON PEOPLE  
TO ATTAIN UNCOMMON RESULTS.

# Retreat Agenda

## T E A M W O R K

- Ground Rules
- Board Governance Discussion
- Board Goals for 2010/11

# Ground Rules

## T E A M W O R K

- Be on time (from breaks, lunch, etc.)
- Everyone participates.
- Stay within the agreed upon objective / agenda.
- No private conversations.
- Say what's on your mind to all.
- Listen for content before forming an opinion (open your mind to others).
- Suspend judgment until there has been sufficient discussion and data.
- Be specific and use examples, provide data when possible.
- It is okay to disagree but be open to new ideas and don't be caught up in your own visions.
- All topics/issues are fair game.
- No cheap shots (woofing / trash talking).
- No Hogging / Frogging /or Bogging.

# Board Governance

## T E A M W O R K

- Review of Board meetings in the past year.
- Lessons learned this year
- Ground Rules that were not followed this year

# Board Governance

T E A M W O R K

**The real challenge for Trustees isn't regulatory compliance—it's high performance. Setting standards of excellence for the College and themselves and measuring performance.**

# Teamwork

## T E A M W O R K

- A high-performing Trustee Board, like a high-performing corporate team:
  - is competent,
  - coordinated,
  - collegial,
  - and focused on unambiguous goals.

# What Makes a High Performing Board?

## T E A M W O R K

**To achieve high performance,  
Trustees need to work as a team  
and critical is retaining a climate of  
trust and respect.**



# Board Discussion

## T E A M W O R K

- Does your Board work as a team?
- Do your Board meetings have a climate of trust? Among the Board? With the CEO?
- How would you describe the level of respect your Board has for each other? With the CEO?

# Board Discussion

## T E A M W O R K

- How would you rate you're the tenor of your Board meetings and Why?
  - Amicable
  - Professional
  - Unpleasant
  - Full of conflict
  - Other?

# Board Discussion

## T E A M W O R K

- What steps can your Board take to improve the tenor of your Board meetings?
- What do you need from the CEO to improve your performance?
- What does the CEO need from the Board?

# Board Discussion

## T E A M W O R K

- Over the past year what percentage of time spent in Board meetings does the board engage in Strategic Planning? How much in vision development or consensus building?
- Does the Board ever instruct the CEO/staff on how to accomplish certain goals or tasks?

# Board Discussion

## T E A M W O R K

- What has your Board done this past year to improve the tenor of your meetings?
- What is in your Board policy on Trustee code of conduct / Board ethics? (Refer to Policy # 2716)

# Board Discussion

## T E A M W O R K

- How often do you individually meet with the CEO to discuss what you and the Board need to do to assist the CEO?
- Is the work environment created by the Board supportive of employee excellence or one of a hostile work environment?

# Board Discussion

## T E A M W O R K

- How much time is spent at your Board meetings receiving reports and/or receiving information? Is it too much time or not enough time?
- Are each of your Board meeting agenda items connected to the College's vision, mission or strategic goals?

# Board Discussion

## T E A M W O R K

- Do you receive the agenda packet in a timely manner?
- Do you have sufficient time to consider the items on the Board agenda?
- Do you get answers to your questions before the meeting or at the meeting?



# Holding Colleagues Accountable

## T E A M W O R K

- The Board is responsible to hold itself and individual members accountable.
  - Ground Rules
  - Board Policies
  - Accreditation Standards
  - Enforcement of discipline

# Holding Colleagues Accountable

## T E A M W O R K

- What steps has the Board taken to held each other accountable?
- Have your actions been successful?
- What remains to be accomplished?
- Do you need to amend Policy # 2715?

# Board Discussion

## T E A M W O R K

- Do you feel your fellow trustees hear your opinion on issues coming before the Board?
- Does the Board take advice from the CEO when new policies are proposed for the college?
- Does your Board agenda allow for trustee input on issues coming before the Board?  
Public input? Staff input?

# Board Discussion

## T E A M W O R K

- Accreditation Recommendations # 8, 9 and 10. (A response to #8 is due during the scheduled October, 2010 visit.)
- What do these recommendations mean to you?

# CEO / Board Relationship

## T E A M W O R K

- Build Trust between the Board & the CEO
- Avoid Public Conflict
- Expect & Provide Commitment to Board decisions
- Hold the CEO and each other Accountable
- Focus on Results
- Maintain Open Communication

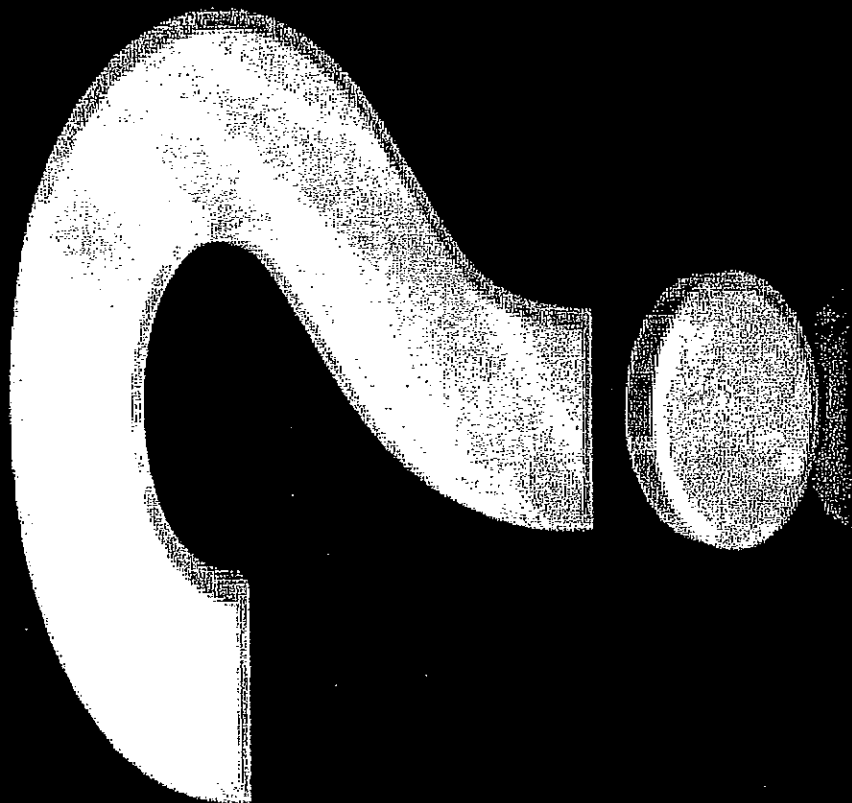
# Common Board Problems

## T E A M W O R K

- Disorderly discourse is created by:
  - One or two Board members dominating the conversations,
  - Rivalries, or
  - One way communication
- Board members who are disengaged.
  - Poor attendance at meetings
  - Not engaged in the discussions
- Board members lack of the understanding their job.

# Questions

T E A M W O R K



# Board Goals for 2010/11

## T E A M W O R K

- What should the Board work on this year to in order to improve its' performance?
- What does the Board need to improve upon in order to follow the WASC recommendations?
- How will you measure your success?



# Questions

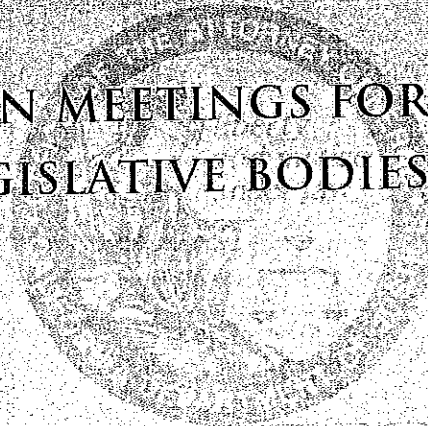
T E A M W O R K

- [mcginnisbi@butte.edu](mailto:mcginnisbi@butte.edu)

Enclosure 4C2

# THE BROWN ACT

OPEN MEETINGS FOR  
LOCAL LEGISLATIVE BODIES



2003

CALIFORNIA ATTORNEY  
GENERAL'S OFFICE

# THE --- BROWN --- ACT

## OPEN MEETINGS FOR LOCAL LEGISLATIVE BODIES

Office of the Attorney General  
Bill Lockyer  
Attorney General

Prepared by the Division of Civil Law

Chief Assistant Attorney General Andrea Lynn Hoch  
Deputy Attorney General Ted Prim, Editor



State of California  
**Office of the Attorney General**

Bill Lockyer  
Attorney General

Throughout California's history, local legislative bodies have played a vital role in bringing participatory democracy to the citizens of the state. Local legislative bodies - such as boards, councils and commissions - are created in recognition of the fact that several minds are better than one, and that through debate and discussion, the best ideas will emerge. The law which guarantees the public's right to attend and participate in meetings of local legislative bodies is the Ralph M. Brown Act.

While local legislative bodies generally are required to hold meetings in open forum, the Brown Act recognizes the need, under limited circumstances, for these bodies to meet in private in order to carry out their responsibilities in the best interests of the public. For example, the law contains a personnel exception based on notions of personal privacy, and a pending litigation exception based upon the precept that government agencies should not be disadvantaged in planning litigation strategy. Although the principle of open meetings initially seems simple, application of the law to real life situations can prove to be quite complex.

The purpose of this pamphlet is to provide a brief description of the Brown Act, along with a discussion of court decisions and opinions of this office that add to our understanding by applying it in specific factual contexts. We hope this pamphlet will assist both public officials and those who monitor the performance of local legislative bodies to minimize and resolve disputes over interpretations of the Brown Act. In recent years, both the California Supreme Court and the courts of appeal have recognized the benefit of pamphlets issued by our office. This recognition by the courts, along with many favorable comments from members of the public, strengthens our resolve to continue producing reliable informational materials on the Brown Act and other California laws. Publication of these materials constitutes a tradition of service that we value greatly.

Ideas and suggestions for future editions of this pamphlet are welcomed and should be addressed to the editor.

Sincerely,

BILL LOCKYER  
Attorney General

## Table of Contents

	<u>Page</u>
INTRODUCTION	v
SUMMARY OF KEY BROWN ACT PROVISIONS	vi
I. PURPOSE AND SCOPE	1
II. BODIES SUBJECT TO THE BROWN ACT	2
1. Local Agencies	3
2. Legislative Bodies	4
A. Governing Bodies	5
B. Subsidiary Bodies	5
C. Private or Nonprofit Corporations and Other Entities	6
D. Hospital Lessees	7
III. MEETING DEFINED	8
1. Face to Face Meetings	8
A. Conferences and Retreats	9
B. Other Public Meetings	10
C. Meetings of Other Legislative Bodies	10
D. Social or Ceremonial Occasions	11
2. Serial Meetings	11
3. Individual Contacts Between Members of the Public and Board Members	13
4. Teleconference Meetings	14
5. Writings as Meetings	15

**Table of Contents**  
**(Continued)**

	<u><b>Page</b></u>
IV. NOTICE AND AGENDA REQUIREMENTS	15
1. Regular Meetings	16
A. Agenda Requirement	16
B. Exceptions to Agenda Requirements	18
C. Public Testimony	18
2. Special Meetings	20
3. Emergency Meetings	20
4. Closed Sessions	21
A. Agenda Requirement	21
B. Oral Announcement Prior to Closed Sessions	23
C. Report at the Conclusion of Closed Sessions	24
5. Adjournments and Continuances	25
6. Location of Meetings	26
7. Special Procedures Regarding Taxes and Assessments	27
V. RIGHTS OF THE PUBLIC	27
VI. PERMISSIBLE CLOSED SESSIONS	30
1. Introduction	30
A. Narrow Construction	30
B. Semi-Closed Meetings	31
C. Secret Ballots	31
D. Confidentiality of Closed Session	32

**Table of Contents**  
**(Continued)**

	<b><u>Page</u></b>
2. Authorized Exceptions	33
A. Personnel Exception	33
B. Pending Litigation and the Attorney-Client Privilege	37
(1) Historical Background	37
(2) Pending Litigation Exception	37
C. Real Property Negotiations Exception	41
D. Labor Negotiations Exception	42
E. Public Security Exception	43
F. License Application Exception	43
3. Minute Book	43
VII. PENALTIES AND REMEDIES FOR VIOLATION OF THE ACT	44
1. Criminal Penalties	44
2. Civil Remedies	44
A. Injunctive, Mandatory or Declaratory Relief	44
B. Voidability of Action	45
C. Attorney Fees	47
APPENDIX A	49
TIME DEADLINES	49
APPENDIX B	50
THE RALPH M. BROWN ACT	51



**Table of Contents**  
**(Continued)**

	<b><u>Page</u></b>
TABLE OF AUTHORITIES	84
Cases	85
Statutes	88
Attorney General Opinions	92
Other Authorities	94

## INTRODUCTION

This pamphlet concerns the provisions of the Ralph M. Brown Act, which govern open meetings for local government bodies. The Brown Act is contained in section 54950 et seq. of the Government Code. Accordingly, all statutory references in this pamphlet are to the Government Code unless otherwise noted. The pamphlet contains a table of contents, which may also serve as a topical outline for the reader. The pamphlet also includes a brief summary of the main provisions of the Brown Act, along with references to the appropriate Government Code sections and chapters of the text. The text includes a discussion of the law along with tips on how the law should be applied in particular situations. Numerous references are made to legal authorities throughout the text. A copy of the Brown Act in its entirety is set forth in the appendix to the pamphlet. Lastly, the pamphlet contains a table of authorities so that the reader can determine all of the places in the text where references are made to a particular authority.

In preparing this pamphlet, we relied on a variety of legal resources. Appellate court cases were consulted and are cited throughout the pamphlet. While most of the more significant cases are discussed, this pamphlet is not intended to be a compendium of all court cases in this area. In addition, we drew upon published opinions and unpublished letter opinions issued by this office. Attorney General opinions, unlike appellate court decisions, are advisory only and do not constitute the law of the state. However, with respect to the Brown Act, the courts have frequently adopted the analysis of Attorney General opinions, and have commented favorably on the service afforded by those opinions and this pamphlet. (*Bell v. Vista Unified School Dist.* (2000) 82 Cal.App.4th 672; *Freedom Newspapers v. Orange County Employees Retirement System* (1993) 6 Cal. 4th 821, 829.)

Published opinions are cited by volume and page number (e.g., 32 Ops.Cal.Atty.Gen. 240 (1958)). Unpublished letter opinions are cited as indexed letters by year and page number (e.g., Cal.Atty.Gen., Indexed Letter, No. IL 76-201 (October 20, 1976).) Published opinions are available through law libraries and some attorneys' offices. As a general rule, indexed letters are available only in the Office of the Attorney General. Copies may be obtained by a request to the Public Inquiry Unit of the Office of the Attorney General.

If you have specific questions or problems, the statutes, cases and opinions should be consulted. You also may wish to refer the matter to the attorney for the agency in question, a private attorney or the district attorney.

The pamphlet is current through January 2003 with respect to statutes, case law, and Attorney General opinions.

## SUMMARY OF KEY BROWN ACT PROVISIONS

### COVERAGE

#### PREAMBLE:

Public commissions, boards, councils and other legislative bodies of local government agencies exist to aid in the conduct of the people's business. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created.

54950 Ch. I

#### GOVERNING BODIES:

Includes city councils, boards of supervisors, and district boards. Also covered are other legislative bodies of local government agencies created by state or federal law.

54952(a) Ch. I & II

#### SUBSIDIARY BODIES:

Includes boards or commissions of a local government agency as well as standing committees of a legislative body. A standing committee has continuing subject matter jurisdiction or a meeting schedule set by its parent body. Less-than-a-quorum advisory committees, other than standing committees, are exempt.

54952(b) Ch. II

#### PRIVATE OR NONPROFIT CORPORATIONS OR ENTITIES:

##### Covered only if:

- a. A legislative body delegates some of its functions to a private corporation or entity; or 54952(c)(1)(A) Ch. II
- b. If a legislative body provides some funding to a private corporation or entity and appoints one of its members to serve as a voting member of entity's board of directors. 54952(c)(1)(B)

## **MEETING DEFINED**

### **INCLUDES:**

Any gathering of a quorum of a legislative body to discuss or transact business under the body's jurisdiction; serial meetings are prohibited. 54952.2 Ch. III

### **EXEMPTS:**

- (1) Individual contacts between board members and others which do not constitute serial meetings; 54952.2(c)(1) Ch. III
- (2) Attendance at conferences and other gatherings which are open to public so long as members of legislative bodies do not discuss among themselves business of a specific nature under the body's jurisdiction; 54952.2(c)(2), (3) and (4)
- (3) Attendance at social or ceremonial events where no business of the body is discussed. 54952.2(c)(5)

### **LOCATIONS OF MEETINGS:**

A body must conduct its meetings within the boundaries of its jurisdiction unless it qualifies for a specific exemption. 54954 Ch. IV

### **TELECONFERENCE MEETINGS:**

Teleconference meetings may be held under carefully defined conditions. The meeting notice must specifically identify all teleconference locations, and each such location must be fully accessible to members of the public. 54953 Ch. III

## **PUBLIC RIGHTS**

### **PUBLIC TESTIMONY:**

Public may comment on agenda items before or during consideration by legislative body. Time must be set aside for public to comment on any other matters under the body's jurisdiction. 54954.3 Ch. IV & V

#### NON-DISCRIMINATORY FACILITIES:

Meetings may not be conducted in a facility that excludes persons on the basis of their race, religion, color, national origin, ancestry, or sex, or that is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase.

54953.2; 54961 Ch. V

#### COPY OF RECORDING:

Public may obtain a copy, at cost, of an existing tape recording made by the legislative body of its public sessions, and to listen to or view the body's original tape on a tape recorder or viewing device provided by the agency.

54953.5 Ch. V

#### PUBLIC VOTE:

All votes, except for those cast in permissible closed session, must be cast in public. No secret ballots, whether preliminary or final, are permitted.

54953(c) Ch. VI

#### CLOSED MEETING ACTIONS/DOCUMENTS:

At an open session following a closed session, the body must report on final action taken in closed session under specified circumstances. Where final action is taken with respect to contracts, settlement agreements and other specified records, the public may receive copies of such records upon request.

54957.1 Ch. IV, V & VI

#### TAPING OR BROADCASTING:

Meetings may be broadcast, audio-recorded or video-recorded so long as the activity does not constitute a disruption of the proceeding.

54953.5; 54953.6 Ch. V

#### CONDITIONS TO ATTENDANCE:

Public may not be asked to register or identify themselves or to pay fees in order to attend public meetings.

54953.3; 54961 Ch. V

#### PUBLIC RECORDS:

Materials provided to a majority of a body which are not exempt from disclosure under the Public Records Act must be provided, upon request, to members of the public without delay.

54957.5 Ch. V

## **REQUIRED NOTICES AND AGENDAS**

### **REGULAR MEETINGS:**

Agenda containing brief general description (approximately twenty words in length) of each matter to be considered or discussed must be posted at least 72 hours prior to meeting. 54954.2 Ch. IV

### **SPECIAL MEETINGS:**

Twenty-four hour notice must be provided to members of legislative body and media outlets including brief general description of matters to be considered or discussed. 54956 Ch. IV

### **EMERGENCY MEETINGS:**

One hour notice in case of work stoppage or crippling activity, except in the case of a dire emergency. 54956.5 Ch. IV

### **CLOSED SESSION AGENDAS:**

All items to be considered in closed session must be described in the notice or agenda for the meeting. A model format for closed-session agendas appears in section 54954.5. Prior to each closed session, the body must orally announce the subject matter of the closed session. If final action is taken in closed session, the body generally must report the action at the conclusion of the closed session. 54954.2; 54954.5; 54957.1 and 54957.7 Ch. IV

### **AGENDA EXCEPTION:**

Special procedures permit a body to proceed without an agenda in the case of emergency circumstances, or where a need for immediate action came to the attention of the body after posting of the agenda. 54954.2(b) Ch. IV

## CLOSED-SESSION MEETINGS

### PERSONNEL EXEMPTION:

The body may conduct a closed session to consider 54957 Ch. VI  
appointment, employment, evaluation of performance,  
discipline or dismissal of an employee. With respect to  
complaints or charges against an employee brought by another  
person or another employee, the employee must be notified, at  
least 24 hours in advance, of his or her right to have the hearing  
conducted in public.

### PUBLIC SECURITY:

A body may meet with law enforcement or security personnel 54957 Ch. VI  
concerning the security of public buildings and services.

### PENDING LITIGATION:

A body may meet in closed session to receive advice from its 54956.9 Ch. VI  
legal counsel concerning existing litigation, initiating litigation,  
or situations involving a significant exposure to litigation. The  
circumstances which constitute significant exposure to  
litigation are expressly defined in section 54956.9(b)(3).

### LABOR NEGOTIATIONS:

A body may meet in closed session with its negotiator to 54957.6 Ch. VI  
consider labor negotiations with represented and unrepresented  
employees. Issues related to budgets and available funds may  
be considered in closed session, although final decisions  
concerning salaries of unrepresented employees must be made  
in public.

### REAL PROPERTY NEGOTIATIONS:

A body may meet in closed session with its negotiator to 54956.8 Ch. VI  
consider price and terms of payment in connection with the  
purchase, sale, exchange or lease of real property.

## **REMEDIES AND SANCTIONS**

### **CIVIL REMEDIES:**

Individuals or the district attorney may file civil lawsuits for 54960; Ch. VII  
injunctive, mandatory or declaratory relief, or to void action 54960.1  
taken in violation of the Act.

Attorneys' fees are available to prevailing plaintiffs. 54960.5

### **CRIMINAL SANCTIONS:**

The district attorney may seek misdemeanor penalties against 54959 Ch. VII  
a member of a body who attends a meeting where action is  
taken in violation of the Act, and where the member intended  
to deprive the public of information which the member knew  
or has reason to know the public was entitled to receive.

**Return to Main Body**



Enclosure 4C3



# Southwestern Community College District College Calendar for 2010-2011 Academic Year

## Fall 2010 Semester

### AUGUST 2010

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

### SEPTEMBER 2010

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

### OCTOBER 2010

S	M	T	W	Th	F	S
				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

### NOVEMBER 2010

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

### DECEMBER 2010

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

## Spring 2011 Semester

### JANUARY 2011

S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

### FEBRUARY 2011

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

### MARCH 2011

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

### APRIL 2011

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

### MAY 2011

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

## Summer 2011 Semester

### JUNE 2011

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

### JULY 2011

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

### AUGUST 2011

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

## LEGEND

### FALL 2010

August 17 – December 17

Pre-semester Opening Day August 16

Fall 2010 Last day to drop August 28, 2010

Finals Week December 11 – 17

### SPRING 2011

January 12 – May 20

Pre-semester Opening Day January 11

Spring 2011 Last day to January 26, 2011

Finals Week May 14 – 20

### SUMMER 2011

June 6 – August 4

Nine-week Session June 6 – August 4

Seven-week Session June 20 – August 4

Commencement May 20, 2011

Flex Days Required

Flex Days Independent

No Classes

State Mandated Holidays

District Holiday

Classified Staff Development Day October 29<sup>th</sup> and March 18<sup>th</sup>

### NUMBER OF INSTRUCTIONAL DAYS

	M	T	W	Th	F	Total
Fall 2010	16	18	18	17	16	85
Spring 2011	15	17	18	17	17	84
Instructional Year Total						169

### FLEX DAYS

Fall 2010	3
Spring 2011	3
Flex Days Total	6
TOTAL INSTRUCTIONAL DAYS and FLEX DAYS:	175

	Sa	Su	Total
Fall 2010	15	15	30
Spring 2011	16	16	32
Total	31	31	

## Holidays

	State Mandated	Declared by SWC District
Labor Day	September 6 (M)	
Veterans Day	November 12 (F)	
Thanksgiving	November 25 (Th)	November 26 (F)
Winter Break		December 18 – January 1
Christmas Eve		December 23 (Th)
Christmas	December 24 (F)	
New Year's Eve		December 30 (Th)
New Year's Day	December 31 (F)	
Marlin Luther King, Jr. Day	January 17 (M)	
Lincoln Day	February 18 (F)	
Washington Day	February 21 (M)	
Cesar Chavez Day		March 31 (Th)
Spring Break		April 18 – April 24
Memorial Day	May 30 (M)	
Independence Day	July 4 (M)	

Governing Board Approved: December 2008

SCEA:

CSEA:





# Southwestern Community College District College Calendar for 2011-2012 Academic Year

## Fall 2011 Semester

### AUGUST 2011

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	(12)	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

### SEPTEMBER 2011

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

### OCTOBER 2011

S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

### NOVEMBER 2011

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

### DECEMBER 2011

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

## Spring 2012 Semester

### JANUARY 2012

S	M	T	W	Th	F	S
1	2	3	4	5	(6)	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

### FEBRUARY 2012

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

### MARCH 2012

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

### APRIL 2012

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

### MAY 2012

S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

## Summer 2012 Semester

### JUNE 2012

S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

### JULY 2012

S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

### AUGUST 2012

S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

## LEGEND

### FALL 2011

August 15 – December 16

Pre-semester Opening Day ( ) August 12

Finals Week ( ) December 10 – 16

### SPRING 2012

January 9 – May 18

Pre-semester Opening Day ( ) January 6

Finals Week ( ) May 12 – 18

### SUMMER 2012

June 4 – August 2

Nine-week Session June 4 – August 2

Seven-week Session ( ) June 18 – August 2

Commencement ( ) May 18, 2012

Flex Days ( ) Required

Flex Days ( ) Independent

No Classes

State Mandated Holidays

District Holiday

Classified Staff Development Day ( ) October 12 and March 23

November 23 ( ) No Evening Classes starting 4:30 p.m. or later.

## NUMBER OF INSTRUCTIONAL DAYS

	M	T	W	Th	F	Total
Fall 2011	17	17	17	17	16	84
Spring 2012	16	18	18	17	16	85
Instructional Year Total						169

## FLEX DAYS

Fall 2011	3
Spring 2012	3
Flex Days Total	6

## TOTAL INSTRUCTIONAL DAYS and FLEX DAYS:

	Sa	Su	Total
Fall 2011	15	15	30
Spring 2012	15	14	29
Total	30	29	

## Holidays

	State Mandated	Declared by SWC District
Labor Day	September 5 (M)	
Veterans Day	November 11 (F)	
Thanksgiving	November 24 (Th)	November 25 (F)
Christmas Eve		December 23 (F)
Christmas	December 26 (M)	
New Year's Eve		December 30 (F)
New Year's Day	January 2 (M)	
Martin Luther King, Jr. Day	January 16 (M)	
Lincoln Day	February 17 (F)	
Washington Day	February 20 (M)	
Cesar Chavez Day		March 30 (F)
Good Friday		April 6 (F)
Spring Break		April 2 – April 8
Memorial Day	May 28 (M)	
Independence Day	July 4 (W)	

Approved by the Governing Board  
December 9, 2009