

Board of Trustees

San Joaquin Delta Community College District
5151 Pacific Avenue, Stockton CA 95207

NON CON F
1.2
ACTION

SUBJECT: Consideration of BP 2715 Board of Trustees **DATE:** January 20, 2009
Code of Ethics and Standards of Good Practice (*Second Reading*)

1.4 The revised policy establishes procedures for investigating allegations that a board member has violated the policy or policies of the college, and the manner of sanctions that might be levied against a board member for violations, including censure.

2. Status

2.1 The policy has been reviewed by the various shared governance groups and was endorsed by the Policies and Procedures Committee on October 23, 2008 and the President's Council on December 9, 2008.

2.2 The Board of Trustees accepted the policy for first reading at its December 16, 2008 meeting. The Board recommended at that meeting that a marked up copy and a clean copy be presented for their review at Second Reading. Both versions of the policy are attached for consideration.

C. RECOMMENDATION

It is recommended that the Board of Trustees accept for second reading and adopt Board Policy 2715, Code of Ethics and Standards of Good Practice.



Board Policy 2715 – Board of Trustees Code of Ethics and Standards of Good Practice

2715 Board of Trustees Code of Ethics and Standards of Good Practice

Reference:

Accreditation Standard IVB; Government Code Sections 1090, et. seq.; 87200, et seq.; Title 2 CCR Sections 18730 et seq.

A. Members of the San Joaquin Delta Community College District Board of Trustees shall adhere to both the letter and spirit of all laws and regulations governing California community colleges, with special emphasis on implementing the intent of AB 1725. The primary responsibilities of the Trustees are maintaining the fiduciary integrity of the District and serving the educational needs of the citizens of the District, with special emphasis on providing learning opportunities to each student regardless of gender, race, ethnicity, color, religion, ancestry, age, marital status, sexual orientation, national origin, or physical or mental disability. The Board of Trustees of the San Joaquin Delta Community College District has established a Code of Ethics and Standards of Good Practice for the operation of the Board and its relationships with the administration, faculty, staff, students, and District community:

1. Board members shall bear in mind under all circumstances that the Board is legally responsible for the effective operation of the San Joaquin Delta Community District. Its primary function is to establish the policies by which the District is to be administered.
2. The Board shall maintain consistent oversight of the College as a policy-setting board with emphasis on the quality and integrity of student learning programs, operational efficiency, and fiscal stability. The Board shall enact and oversee policies consistent with the mission statement to ensure quality, integrity and improvement of student learning programs and services and the resources necessary to support them.
3. The Board shall delegate authority to the Superintendent/President as the Board's executive officer and confine Board action to policy determination, planning, performance evaluation, and maintaining the fiscal stability of the District. Problems and issues that arise shall be referred to the Superintendent/President to be dealt with through administrative channels or be placed on the Board agenda for discussion. In this regard, rather than dealing directly with staff, it is appropriate for Board members to take their concerns directly to the Superintendent/President.



4. Each Board member shall hold the educational welfare of the students attending the College as a primary concern. The Board will protect the interests of students in every decision, and assure the opportunity for high-quality education for every student. Board members are encouraged to attend awards ceremonies and student-sponsored activities to communicate the Board's interest in and respect for the accomplishment of educational goals by students.
5. Each Board member shall acknowledge that the Board represents the entire community and maintain his/her independent judgment accordingly. Board members will not defer their independent judgment to individuals, special interest or partisan political groups or in any other way.
6. Board members shall use the powers of the office honestly and constructively, communicating and promoting the needs of the community to the College, and the needs of the College to the community.
7. Board members shall avoid all conflicts of interest and the appearance of conflicts of interest, refusing to use their positions for personal gain or for personal prestige. In addition, Board members should also be aware of and avoid activities that create the perception of favoritism. Public perceptions that Board members are furthering their own interests or those of others rather than those of the District do harm to the College. Board members shall inform the entire Board or the Board President when a matter under consideration might involve or appear to involve a conflict of interest (See Board Policy 1300 – Conflict of Interest).
8. The Board exercises power through the decisions it makes as a group. Individual Board members have no legal standing. A Board member has authority only when the Board is in official meetings; an individual member cannot bind the Board outside of such meetings. Board members will recognize that the strength and effectiveness of the Board is as a unit, not as a group of individuals; and that majority decisions of the Board shall be upheld.
9. The Board shall conduct all business in accordance with the Brown Act in open and public meetings, except in those matters as specified by the Brown Act and Education Code that may be dealt with in Closed Sessions.



10. The Board shall maintain confidentiality of privileged information and Closed Session information.
11. The Board shall promote a healthy working relationship with the Superintendent/ President through supportive, open, and honest communication and regular evaluation. The Board will employ a competent, productive administration and staff, giving them confidence and support.
12. Committed to implementing a communication system that provides for an open flow of information between the Board and the people it serves, the Board will promote and encourage open, mutually supportive and accountable participation and initiative of students, faculty, and staff in the governance process. The Board shall welcome and encourage the active involvement of students, employees, and citizens of the District with respect to establishing policy on current college operation and proposed future developments, and consider their views in deliberations and decisions as a Board.
13. Board members shall develop and maintain good relations with other Board members by recognizing the importance of keeping an open mind. Board members will respect the opinions of others and abide by the principle of majority rule, respectfully working with other Board members in a spirit of harmony and cooperation, while giving members courteous consideration of their opinions.
14. Board members shall attend all scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings. Each Board member will devote the time, thought, and study necessary for effective and creditable service.
15. Board members shall be informed and involved in the accreditation process of the District and engage in suitable training to remain actively engaged in the accreditation processes.
16. The Board expects the Superintendent/President to present recommendations for Board action with complete information and in a timely manner allowing members an adequate period for study and deliberation.



Board Policy 2715 – Board of Trustees Code of Ethics and Standards of Good Practice

- B. All Board members are expected to maintain the highest standards of conduct and ethical behavior and to adhere to the Board's Code of Ethics and Standards of Good Practice. A charge or complaint of Board Member misconduct will be addressed as follows:
1. The Board President and the Superintendent/President are authorized to consult with legal counsel when they become aware of or are informed about actual or perceived violations by a member of the Board of pertinent laws and regulations, including but not limited to conflict of interest, open and public meetings, confidentiality of closed session information, and use of public resources. Matters involving potential violations of law will be reviewed by the Board and as appropriate will be referred to the proper authorities as prescribed by law.
 2. All complaints of Board member misconduct will be referred to the Board President. The Board President will refer the item to legal counsel and/or staff to determine whether there is sufficient cause to conduct an investigation. If sufficient cause is found, then the Board President and/or legal counsel will recommend an appropriate investigation of the complaint as prescribed by law or District policies and procedures. Once the investigation has been completed, a written report and recommendation shall be presented to the full Board. In the event the complaint involves the Board President, another officer of the Board, not associated with the complaint, shall refer the item to legal counsel and/or staff to conduct an investigation as prescribed by law or District policies and procedures.
 3. When it is determined that a violation of the Board's Code of Ethics and Standards of Good Practice or other Board Policy has occurred, then sanctions may be recommended to the full Board. Sanctions may include a recommendation to censure the Board member.
 4. Censure is an official expression of disapproval of the behavior of a Board member.
 5. The Student Trustee is not eligible to move, second or vote upon the imposition of a sanction on a Board member. However, the Student Trustee may participate in the discussion of a potential sanction.



Board Policy 2715 – Board of Trustees Code of Ethics and Standards of Good Practice
Page 5 of 5

6. Any reportable action taken by the Board as a result of an investigation of a Board member's conduct shall be made public at a meeting of the Board.
- C. To assure its effective operation as a policy-making body and to assure the effective service of its members, the Board will undertake an annual self-evaluation of its performance and function as a Board. The Board will seek constituent input in its self evaluation.



BP 2715 Board of Trustees Code of Ethics and Standards of Good Practice

Reference:

Accreditation Standard IVB; Government Code Sections 1090, et. Seq.; 87200, et seq.; Title 2 CCR Sections 18730 et seq.

A. **Members of the San Joaquin Delta Community College District Board of Trustees shall adhere**ing to both the letter and spirit of all laws and regulations governing California community colleges, with special emphasis on implementing the intent of AB 1725; **The primary responsibilities of the Trustees are maintaining the fiduciary integrity of the District and serving the educational needs of the citizens of the District, with special emphasis on providing learning opportunities to each student regardless of gender, race, ethnicity, color, religion, ancestry, age, marital status, sexual orientation, national origin, or physical or mental disability handicap.** The Board of Trustees of the San Joaquin Delta Community College District adopts the following **has established a Code of Ethics and** Standards of Good Practice for the operation of the Board and its relationships with the administration, faculty, staff, students, and District community:

1. Board members **sh**will bear in mind under all circumstances that the Board is legally responsible for the effective operation of the **San Joaquin Delta Community College District**. Its primary function is to establish the policies by which the ~~San Joaquin Delta Community College District~~ is to be administered. ~~The Board shall delegate authority to the Superintendent/President as the Board's executive officer and confine Board action to policy determination, planning, performance evaluation, and maintaining the fiscal stability of the District.~~
2. The Board **sh**will maintain consistent oversight of the **College** as a policy-setting board with emphasis on ~~instructional quality,~~ **the quality and integrity of student learning programs,** operational efficiency, and fiscal stability. **The Board shall enact and oversee policies consistent with the mission statement to ensure quality, integrity and improvement of student learning programs and services and the resources necessary to support them.**



39 3. The Board ~~sh~~will delegate authority to the Superintendent/President as the
40 Board's executive officer and confine Board action to policy determination,
41 planning, performance evaluation, and maintaining the fiscal stability of the
42 District. Problems and issues that arise shall be referred to the
43 Superintendent/President to be dealt with through administrative channels or
44 be placed on the Board agenda for discussion. In this regard, rather than
45 dealing directly with staff, it is appropriate for Board members to take their
46 concerns directly to the Superintendent/President.

47
48 ~~43.~~ Each Board member shwill hold the educational welfare of the students
49 attending the College as a his/her primary concern. The Board will protect
50 the interests of students in every decision, and assure the opportunity for high-
51 quality education for every student. Board members are encouraged to attend
52 awards ceremonies and student-sponsored activities to communicate the
53 Board's interest in and respect for the accomplishment of educational goals by
54 students.

55
56 ~~54.~~ Each Board member shwill acknowledge that the Board represents the entire
57 community and maintain his/her independent judgment accordingly. Board
58 members will not defer their independent judgment to individuals, special
59 interest or partisan political groups or in any other way.

60
61 ~~65.~~ Board members shwill use the powers of the office honestly and
62 constructively, communicating and promoting the needs of the community to
63 the College, and the needs of the College to the community. ~~Board members~~
64 ~~will avoid all conflicts of interest and the appearance of conflicts of interest,~~
65 ~~refusing to use their positions for personal gain or for personal prestige.~~

66
67 7. Board members ~~sh~~will avoid all conflicts of interest and the appearance of
68 conflicts of interest, refusing to use their positions for personal gain or for
69 personal prestige. In addition, Board members should also be aware of and
70 avoid activities that create the perception of favoritism. Public perceptions
71 that Board members are furthering their own interests or those of others rather
72 than those of the District do harm to the College. Board members shall inform
73 the entire Board or the Board President when a matter under consideration
74 might involve or appear to involve a conflict of interest (See Board Policy
75 1300 – Conflict of Interest).
76



- 77 ~~86.~~ The Board exercises power through the decisions it makes as a group.
78 Individual Board members have no legal standing. A Board member has
79 authority only when the Board is in official meetings; an individual member
80 cannot bind the Board outside of such meetings. Board members will
81 recognize that ~~a trustee is a member of a legal entity; that~~ the strength and
82 effectiveness of the Board is as a unit, not as a group of individuals; and that
83 majority decisions of the Board shall be upheld. ~~Board members will act~~
84 ~~honestly and openly at all times, following the letter and content of the Brown~~
85 ~~Act, and maintain the confidentiality of privileged and executive session~~
86 ~~information.~~
87
88 9. The Board ~~sh~~will conduct all business in accordance with the Brown Act in
89 open and public meetings, except in those matters as specified by the Brown
90 Act and Education Code that may be dealt with in Closed Sessions.
91
92 10. The Board ~~sh~~will maintain confidentiality of privileged information and
93 Closed Session information.
94
95 ~~7. Respecting the opinions of others and abiding by the principle of majority~~
96 ~~rule, Board members will recognize the importance of full and open~~
97 ~~discussions on all facets of any recommendation presented before Board~~
98 ~~action is taken.~~
99
100 ~~118.~~ The Board ~~sh~~will promote a healthy working relationship with the
101 Superintendent/ President through supportive, open, and honest
102 communication and regular evaluation. The Board will employ a competent,
103 productive administration and staff, giving them confidence and support.
104
105 ~~129.~~ Committed to implementing a communication system that provides for an
106 open flow of information between the Board and the people it serves, the
107 Board will promote and encourage open, mutually supportive and accountable
108 participation and initiative of students, faculty, and staff in the governance
109 process. The Board shwill welcome and encourage the active involvement
110 of students, employees, and citizens of the ~~D~~istrict with respect to
111 establishing policy on current college operation and proposed future
112 developments, and consider their views in deliberations and decisions as a
113 ~~B~~oard.
114



115 ~~1310.~~ Board members shwill develop and maintain good relations with other
116 Board members by recognizing the importance of keeping an open mind.
117 Board members will respect the opinions of others and abide by the principle
118 of majority rule, respectfully working with other Board members in a spirit of
119 harmony and cooperation, while giving members courteous consideration of
120 their opinions.

121
122 ~~1411.~~ Board members shwill attend all scheduled Board meetings insofar as
123 possible, and become informed concerning the issues to be considered at those
124 meetings. Each Board member will devote the time, thought, and study
125 necessary for effective and creditable service.

126
127 **15. Board members shall be informed and involved in the accreditation**
128 **process of the District and engage in suitable training to remain actively**
129 **engaged in accreditation processes.**

130
131 ~~162.~~ The Board ~~will~~ expects the Superintendent/President to present
132 recommendations for Board action with complete information and in a timely
133 manner allowing members an adequate period for study and deliberation.

134 ~~13.~~ ~~To assure its effective operation as a policy-making body and to assure the~~
135 ~~effective service of its members, the Board will undertake a biennial self-~~
136 ~~evaluation of its performance and function as a Board.~~

137
138 ~~**B. The Board of Trustees of the San Joaquin Delta Community College District**~~
139 ~~**is committed to the highest standards of ethical behavior and conduct and is**~~
140 ~~**adopting this policy for that purpose. To maintain that exemplar and the**~~
141 ~~**confidence of the public, the board will investigate the factual basis of any**~~
142 ~~**formal charge or complaint of trustee misconduct according to the following**~~
143 ~~**actions.**~~

144
145 B. All Board members are expected to maintain the highest standards of conduct and
146 ethical behavior and to adhere to the Board's Code of Ethics and Standards of
147 Good Practice. A charge or complaint of Board Member misconduct will be
148 addressed as follows:

149
150 **1. The Board President and the Superintendent/President are authorized to**
151 **consult with legal counsel when they become aware of or are informed**
152 **about actual or perceived violations by a member of the Board of**



- 153 pertinent laws and regulations, including but not limited to conflict of
154 interest, open and public meetings, confidentiality of closed session
155 information, and use of public resources. Matters involving potential
156 ~~v~~Violations of law will be reviewed by the Board and as appropriate will
157 ~~shall~~ be referred to the ~~appropriate~~ proper authorities as prescribed by
158 law.
- 159
- 160 2. All complaints of Board member trustee misconduct will be referred to the
161 Board President. The Board President will refer the item to legal counsel
162 and/or staff to determine whether there is sufficient cause to conduct an
163 investigation. If sufficient cause is found, then the Board President
164 and/or legal counsel will recommend an appropriate investigation of the
165 complaint as prescribed by law or District policies and procedures. ~~will~~
166 ~~appoint an ad hoc committee composed of three Board members trustees~~
167 ~~not associated with the complaint to examine~~ conduct an investigation and
168 review of the matter. ~~In a manner deemed appropriate by the committee, an~~
169 ~~investigation shall be initiated.~~ Once the investigation has been completed,
170 the ad hoc committee shall prepare a written report and recommendation shall
171 be presented to the full Board. In the event the complaint involves the
172 Board President, another officer of the Board , not associated with the
173 complaint, shall refer the item to legal counsel and/or staff to conduct an
174 investigation as prescribed by law or District policies and procedures.
175 ~~and, if necessary, to form the ad hoc committee.~~
- 176
- 177 3. When it is determined ~~by the ad hoc committee~~ that a violation of the
178 Board's Code of Ethics and Standards of Good Practice or other Board
179 Policy has occurred, then sanctions, ~~up to and including censure,~~ may be
180 recommended to the full Board. Sanctions may include a recommendation
181 to censure the Board member. ~~If the Board President is alleged to have~~
182 ~~violated the Code of Ethics and Standards of Good Practice, the Board~~
183 ~~Vice President will appoint the committee, seek resolution of the issue,~~
184 ~~and make the recommendation to the Board.~~
- 185
- 186 4. Censure is an official expression of disapproval of the behavior of a Board
187 member trustee.
- 188



- 189 5. The Student Trustee is not eligible to move, second or vote upon the
190 imposition of a sanction on a Board member. However, the Student Trustee
191 may participate in the discussion of a potential sanction.
192
193 6. Any reportable action taken by the Board as a result of an investigation of
194 a Board member's conduct shall be made public at a meeting of the
195 Board.
196
197 C. To assure its effective operation as a policy-making body and to assure the
198 effective service of its members, the Board will undertake a biennial self-
199 evaluation of its performance and function as a Board. **The Board will seek**
200 constituent input in its self evaluation.
201
202
203
204