SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT
Special Meeting of the Board of Trustees
Thursday, February 9, 2006
Wine & Roses
2505 W. Turner Rd., Lodi, CA 95242

SPECIAL BOARD MEETING AGENDA

9 A.M. – 1 P.M.  Closed Session (Negotiations, Real Property Transactions)
1 P.M. – 4:30 P.M.  Public Session

I.  CALL TO ORDER

II.  COMMUNICATIONS
A.  Comments from the Public.

III.  PLEDGE OF ALLEGIANCE

IV.  RECESS TO CLOSED SESSION
A.  Consideration of Real Property Transactions:
   (The Board of Trustees will discuss the following properties within the North County
   District.)

   Properties:
   Site#1 – APN 005-020-14 through 005-020-16
   Site#2 – APN 015-020-17 through 015-020-19;
   Site#3 – APN 013-220-20 through 013-220-22;
   Site#4 – APN 049-130-12, 049-130-13, 049-130-18;
   049-130-52, 049-130-54, 049-130-18;
   049-130-19, 049-130-55, 049-030-73

   Negotiator(s):  Public Private Ventures; Barnhart, Inc.
   Under Negotiation:  Price, Terms of Payment
   [Government Code Section 54956.8]

   B.  Conference with Legal Counsel–Anticipated Litigation
   [Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9:
   (1) potential case]

   C.  Discussion Regarding Contract Negotiations with the Bargaining Units:
   Status on Negotiations and Benefit Issues
   [Government Code Section 54957.6]

V.  RECONVENE PUBLIC SESSION
A.  Announcement of reportable actions taken by the Board of Trustees in closed session.

VI.  PLEDGE OF ALLEGIANCE

VII.  COMMUNICATIONS
A.  Comments from the Public.

VIII.  INFORMATION/REPORT ITEMS
A.  GASB Training – Keenan & Associates
B.  Brown Act Training – Liebert, Cassidy, Whitmore
C.  Trustee Reports – Sema, Bugarin

IX.  COMING EVENTS AND CONFERENCES
A.  Calendar of Events.
SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT

MINUTES OF THE SPECIAL BOARD MEETING
Thursday, February 9, 2006

The special meeting of the Board of Trustees of the San Joaquin Delta Community College District was held on Thursday, February 9, 2006, from 9:00 a.m. to 4:00 p.m. at the Wine & Roses, 2505 W. Turner Road, Lodi, California 95242.

Members Present: Ted Simas, President; Maria Elena Serna, Vice-President; Leo Burke, Clerk; Anthony E. Bugarin; Greg McCreary; Dan S. Parises; Janet Rivera

I. Called to Order
   The Board meeting was called to order at 9:04 a.m. by Board President Ted Simas.

II. Communications
   1. Public Comments
      There were no comments from the public.

III. Recessed to Closed Session
    Board President Simas convened to the Closed Session Agenda items: Consideration of Real Property Transactions per Government Code Section 54956.8; Conference with Legal Counsel on Anticipated Litigation (pursuant to subdivision (c) of Government Code Section 54956.9, (1) potential case; and Discussion Regarding Contract Negotiations with the Bargaining Units per Government Code Section 54957.6. Vote: 7/0; motion carried.

IV. Reconvene Public Session
    The Board of Trustees returned from Closed Session and President Simas reported that the Board would reconvene the Closed Session at the end of the Public Session.

V. Communications
   There were no comments from the public.

VI. Information/Report Items
   A. GASB Training
      Chuck Thompson and Bob Schoenherr from Keenan and Associates made a presentation on the implications of GASB guidelines.
   B. Brown Act Training
      Mary Dowell from the law firm of Liebert, Cassidy & Whitmore made a presentation entitled "Focused Issues on the Brown Act and Public Records Act."
   C. Trustee Reports
      The Trustee reports were rescheduled for the next regular board meeting.
VII. **Recessed to Closed Session**
President Simas reconvened the Closed Session at 4:06 p.m.

Board President Simas adjourned the meeting at 4:20 p.m.

Respectfully submitted,

[Signature]

Raúl Rodríguez
Superintendent/President and
Secretary to the Board of Trustees
Focused Issues on the Brown Act and Public Records Act

Presented by Mary Dowell

Agenda

- Brown Act
  - Closed Sessions
  - Challenges
- Public Records Act
  - Requirements
  - Challenges
- Proposition 59

Exceptions to Open Meeting Requirements

- There is a general prohibition against closed session meetings.
- Closed sessions may only be held as expressly authorized.
- Closed sessions are confidential. Disclosure of personal recollections of members present cannot be compelled.
Focused Issues on the Brown Act and Public Records Act
Delta College / February 9, 2006
Presented by Mary Dowell

Employment Exceptions:
Evaluation of Performance
- Rare for the legislative body except for high level employees that actually report to the body.
- Be sure the proper process is followed to be sure it is really an evaluation of performance.

Employment Exception:
Discipline, Dismissal, Release
- Includes decision to suspend or penalize
- Includes decision to dismiss for cause
- Includes decision not to pass probation
- Includes release of temporary employees

Employment Exceptions:
Charges or Complaints
- Before holding a closed session on specific complaints or charges, the employee shall be given written notice of the right to have the complaints or charges heard in open session.
- The notice must be delivered personally or by mail at least 24 hours before the time for holding the session.
- If notice is not given, any ensuing discipline action taken is null and void.
Charges or Complaints

• An agency considering a hearing officer’s recommendation for discipline that rejects the recommendation and reweighs the evidence, will be deemed to be considering “charges or complaints” requiring 24 hours notice.

Morison v. HACLA

Moreno v. City of King
(1/28/05)

• Termination of at will Finance Director improper because of faulty agenda:
  “Public Employee (Employment Contract)”
  – Inaccurate notice to employee and public regarding action contemplated

Moreno v. City of King
(1/28/05)

• Termination of at will Finance Director improper because of failure to give 24 hour notice to employee
  – City manager presented 5 accusations of misconduct
  – Council discussed director and his potential termination
  – Termination was void
Employment Exceptions

- Closed session shall not include discussion or action on proposed compensation, except for a reduction of compensation that results from discipline.
- Negotiations between the board and an unrepresented individual who is either a current or prospective employee is permitted under §54957.6

Employment Exceptions:
Labor Relations

- Section 54957.6 provides that a legislative body may hold a closed session meeting with its representatives regarding salaries, salary schedules or compensation paid in the form of fringe benefits of its represented and unrepresented employees.
- Agency’s representative and the exclusive representative must be identified in an open and public session.

Employment Exceptions:
Labor Relations

- These closed sessions shall be for the purpose of reviewing its position and instructing the local agency’s designated representative, or to discuss any other matter related to represented employees within the scope of bargaining.
Reporting a Closed Session Meeting

- The report of a dismissal or of the non-renewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

Reporting a Closed Session Meeting

- Approval of a collective bargaining agreement pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party.
- The report shall identify the item(s) approved and the other party or parties to the negotiation.

Conducting Closed Session Meetings

- Closed session meetings should usually involve only the members of the legislative body of the local agency, plus any additional support staff required or any witnesses required. Individuals not necessary to the meeting should be excluded.
Unlawful Disclosures

  - No First Amendment right to disclose matters discussed in closed session.
  - Defamation action based on statements to press about reasons for discharge of public employee could go forward

Unlawful Meetings

- Section 54960 provides that the district attorney or any interested person may commence an action by mandamus, injunction or declaratory relief to stop or prevent violations or threatened violations of the Act by members of a legislative body.

Agenda – Public Records Act

- Access to Public Records – An Overview
  - Requests for records
  - Exemptions
- Recent Challenges
Focused Issues on the Brown Act and Public Records Act
Delta College / February 9, 2006
Presented by Mary Dowell

Pending Litigation Records
- Records that are generated in the ordinary course of a public agency's business which may be relevant in future litigation to which the agency might be a party are subject to disclosure under the act.

Communications from Counsel
- Memorandum submitted to the legislative body of a local agency by its legal counsel concerning pending litigation is not required to be disclosed until the pending litigation has been finally adjudicated or otherwise settled.

Personnel Records
- Personnel records are only exempt from disclosure where the disclosure of these records would subject the individual to whom the records pertain to an unwarranted invasion of privacy.
Recent Litigation

- Contradictory results?
  - Teamsters Local 856 v. Priceless, LLP
  - Bakersfield City School District v. Superior Court
  - Copley Press v. Superior Court

Employment Contracts

- Every employment contract between a state or local agency and any public official or public employee is a public record not exempt from disclosure.

Responding to a Request

- Upon a request for public records, an agency must determine within ten days after receipt of the request whether or not to comply.
- Within that 10-day period, the agency shall notify the person making the request of its determination and the reasons therefore.
Exempt Records

- Government Code Section 6254
  - Preliminary drafts
  - Complaints and Investigations
  - Pending Litigation
  - Library Circulation Records
  - Tax Information
  - Financial data

Exempt Records

- Records which are exempted or prohibited pursuant to provisions of federal or state law, including Evidence Code provisions relating to privilege, are exempt.

Exempt Records

- On the facts of the particular case the public interest served by not making the records public clearly outweighs the public interest served by disclosure of the records.
Proposition 59

- Did anything change?
  - No meeting that was not a public meeting before has been made a public meeting.
  - No document has been made a public document that was not a public document before.

Proposition 59

- Did anything change?
  - The Legislature cannot amend the Brown Act or the PRA without making findings.
  - Brown Act and PRA will now be enforceable as a constitutional right.

Proposition 59

- Did anything change?
  - When in doubt, a document will be construed as public.
  - When in doubt, meetings must be public.
  - When in doubt about process, obligations will be resolved in favor of the public/requestor.
What are Ethics

What are “Ethics”?
What are core ethical values?
Why should boards adopt a code of ethics or standards of practice?
What ethical concepts might boards address?
Four questions to ask yourself.
Developing a code of ethics.
Using a code of ethics.
What happens when boards or trustees are not ethical?
Ethical dilemmas and challenges

What are “Ethics”?

Ethics are standards of right and wrong, good and bad. Ethics are concerned with what one ought to do to fulfill one’s moral obligations.

Being able to determine what is right or wrong, good or bad

Committing to doing what is right and good.

The latter aspect means that being ethical is more than understanding what the right thing is to do; it means that one must “walk the talk.”

Being ethical means doing what is right and good and well as avoiding what is wrong or bad. The failure to be ethical can be unethical.

Ethics leads to a set of rules of conduct for specific situations. Basic ethical principles guide the development of standards professions and groups.

Ethics are a subset of values. The definition of values applies to things that are desired as well as what one ought to do, a such concepts as wealth, happiness, success, and fulfillment. Ethics define how a moral person should behave; values incl and attitudes that guide behavior.

Just because something is desirable, it does not mean it is ethical. Using only a personal value system to guide behavior is not necessarily ethical. If being ethical requires that decisions are based on ethical standards as well as being guided by one’s values. For instance, hold a value that one religion or set of beliefs is superior to all others. That belief is a legitimate one for that person. How or discriminating against others on that basis would be unethical—it would violate the ethics of respect, caring, and fairness and moral concepts that define the “oughts” of behavior (such as those related to gambling, dress, music, and some sexu while valid for some people, do not equate to core ethical standards, described below.

What are core ethical values?
Two sets of core ethical values are described below, the first from Ethical Frontiers in Public Management by Kathryn Deni from the Josephson Institute.

**Public Service Ethics**

Denhardt identifies three major ethical values inherent in public service: honor, benevolence, and justice. All three constitute foundation of public service—doing good not for personal gain but for the satisfaction of contributing to society.

**Honor** is having a strong sense of duty and pursuing good deeds as ends in themselves. Being honorable means having honest and keeping commitments. Honorable trustees are committed to the public interest and to the principles of democratic one's own interests at the district's expense, engaging in manipulation, following hidden agendas, and making power play honorably or ethically.

**Benevolence** is the disposition to do good and to promote the welfare of others. Public education is a benevolent act. The education and welfare of others is improved. Benevolence as a trustee for a public institution involves seeking good or the well being of the entire community. The common good is a higher standard than serving a particular constituent and involves aggregating many diverse interests in the community.

**Justice** underlies fairness and regard for the rights of others. A commitment to justice asks public officials to be committed to the dignity and worth of every member of society. They promote systems of laws and regulations that protect individual and regard for the rights of others is a particularly important value in higher education, where diverse values and different perspectives are explored and discussed as part of the educational process.

"Pillars of Character"

The Josephson Institute calls its core ethical values the "Six Pillars of Character". They are trustworthiness, respect, responsibility, fairness, caring and citizenship. Using these six values as filters or guides helps ensure that our decisions are based on the six pillars.

Using all six helps ensure we do not sacrifice one value for another.

*Note: The following description including excerpts from "Making Ethical Decisions" at www.josephsoninstitute.org.*

**Trustworthiness.** When we are trustworthy, people believe in us. Being trustworthy requires honesty, integrity, reliability.

Being honest means we are sincere, truthful, straightforward, and avoid deception. It does not mean, however, violating being uncivil.

Integrity refers to "wholeness." A person who has integrity is consistent in decision-making and behavior, and firmly adheres to ethics or values.

Reliability means we keep our promises. If we commit to a task, we follow through. This is one of the reasons why it is important making commitments to people prior to the public discussion in a board meeting on an issue: the discussions may identify affect trustee positions on an issue.

Loyalty means protecting and promoting the interests of certain people, a group or organization. As a trustee, the primary college and the public good—loyalty to friends and single interest groups is subordinate. The duty of loyalty also means maintaining confidentiality of confidential information.

**Respect.** The second "pillar of character" is respect. It includes civility, courtesy, decency, autonomy, and tolerance.

Civility and courtesy are particularly important when engaging in discussions with other trustees and the president of them. Autonomy means that we do not try to live others' lives for them. Tolerance means we accept others' perspectives only on their core ethical values.

**Responsibility.** Responsibility means being willing to make decisions and choices and to be accountable for them. Respo
not shift the blame to others.

Responsibility means doing the best one can, and being diligent, careful, prepared, and informed. It means persevering, finishing tasks that one commits to.

Responsibility also involves self-restraint, prudence, and recognizing the importance to set a good example. A responsible person recognizes that there are some limits on being able to say whatever one wants to, because people look to them as representatives of college.

**Fairness.** The fourth pillar, fairness, involves equality, impartiality, openness and due process. People say that “life is about being fair” in a way that all would agree. Exhibiting fairness involves using open processes for gathering and evaluating information, so that even those who disagree with a decision can understand how it means seeking equity and avoiding favoritism or prejudice.

**Caring.** Caring means that we are genuinely concerned about the welfare of others. We are benevolent. Trustees are often about many different people—community members, students, faculty, and others. As public officials, we care about the common welfare of the community. Sometimes, supporting the welfare of one group of people may mean making a decision that is beneficial to others.

Because we care about other people, we care about being ethical, about being respectful, responsible, and trustworthy. It is easier if we do not care about others.

**Citizenship.** The last “pillar” is citizenship, which involves how we behave as part of a community. Ethical citizens obey laws, care for the community through service and leadership, and protect the environment. Citizenship is concerned with the future health of society. Trusteeship is an expression of civic leadership, and the ethics of trusteeship reflect good citizenship practices.

**Why should boards adopt a code of ethics or standards of practice?**

Trusteeship brings with it certain responsibilities and expectations. Some of these are related to what is ethical and appropriate for public officials. The public expects its leaders and representatives to uphold high standards in the performance of their duties.

Codes of ethics (or “standards of practice” as they are sometimes called) define specific expectations for board members. These codes help members clarify for themselves what behavior is appropriate. It is not enough to assume that because something is legal or that everyone knows how they are supposed to act as board members that the minute they are elected or appointed to the board, they automatically meet these expectations.

At least two regional accrediting commissions require boards of trustees to have a code of ethics: the Western Association for Junior and Community Colleges, and the Northwest Association of Accrediting. During the re-accreditation process, institutions are evaluated on whether or not the board has a code of ethics.

The process of developing, adopting, and reviewing adherence to codes of ethics involves boards in very substantive discussions of expected behavior of board members. These discussions are instrumental in strengthening boardsmanship, and enhance the ability of boards to lead and set an example for the institution. The development and adoption of a code of ethics strengthens boardsmanship.

**What ethical concepts might boards address?**

Codes of ethics, which are also called standards of practice, codes of conduct, or standards for excellence, cover three general concepts:

- **Promote the public trust.**
- **Roles and responsibilities of trustees and governing board.**
- **How trustees should treat others and conduct themselves.**

**Promote the Public Trust**

**Represent common good.** Trusteeship is an expression of civic leadership. Governing boards derive their authority from accountability to the community as a whole. As public officials, trustees fulfill the core value of responsibility to society by a
the entire community. They express the value of benevolence by seeking well being of the entire community. They represent the community in their board decisions.

**Considering special interests.** Single and special interest groups play an important part in representing various segments of society, such as political parties, racial and ethnic groups, employee associations, religious groups, neighborhood associations, and others.

However, while all of these interests are important, trustees must remember that the first and foremost obligation of every member of the college’s service area. Ethical behavior involves being aware of a wide variety of interests that might affect the community needs, and integrating them into the interests of the whole.

**Open meetings.** Most states have laws that address open meetings for public governing boards. Part of the responsibility is that issues affecting the public are shared and debated in public. Doing so promotes trustworthiness and reliability. Holding executive or closed sessions to protect the rights of personnel and the college; respect for the rights of others mean: trustees do not reveal discussions in those sessions.

**Conflicts of interest/personal gain.**

Public service as a trustee is intended to benefit the college and the community, not the individual trustee or his or her friends. Preventing trustees from abrogating this responsibility is why many states have laws that define conflicts of interest. The laws may prohibit trustees from making decisions that would benefit their income, personal investments, and those of the trustee or family members. Trustees should review the specific implications of those laws and regulations to avoid conflicts.

Beyond legal implications, trustees should be aware of activities that create the perception of favoritism or personal gain. Potential problem areas include preferential treatment of other trustees or college staff, selectively sharing information with people, or informally steering business to or seeking to have friends hired. Public perceptions that board members are furthering their interests rather than those of the district harm the college. Being sensitive to situations for potential conflicts and understanding the negative impact will help avoid problems.

**Board Role and Focus**

**Student success.** The college’s purpose is to educate students and produce people who contribute to society. Boards should consider the welfare and success of students as a primary concern.

**Quality of education.** In order to fulfill the trust granted them by being appointing or elected, ethical boards spend a significant amount of time identifying and discussing the results of the college’s educational programs. Through establishing broad outcome goals and monitoring progress, boards ensure the colleges contribute to society. Boards may wish to have an ethical standard that is educational goals in their meetings.

**Promoting the college.** Ethical trustees promote and support the college in the community. They do not denigrate staff, faculty, or courses. They take advantage of opportunities to speak well of the college and advocate its interests to public officials and leaders. They are interested in the college’s welfare and effectiveness and expect the college to be the best it can be.

**Board as a unit.** One of the most basic tenets of effective trusteeship is the recognition that governing authority rests with the board, not with any individual trustee. As individuals, trustees have no authority to direct staff, determine programs and policies, or represent the college, and ethical trustees do not try to do so.

The board’s voice is expressed through the policies and actions it takes in its official meetings. Once the board has decided on a position, a trustee must be prepared to support it publicly. It is unethical to try to use authority independently from the board’s voice, or to try to sabotage a board decision.

**Making decisions; making policy.** Making ethical decisions means applying core values in decision-making. Making good means seeking and considering all available facts and perspectives. It means studying and asking questions to clarify boa
materials. Being ethical and responsible to the public means not making any promises about how one will vote prior to dis meetings.

**Delegation.** Board responsibilities include establishing policies that direct the operations of the college and assure that performs according to policies. Ethical trustees engage wisely in policy making and respect the delegation of authority to the chief executive to administer the college.

**Micromanagement.** One of the most sensitive areas facing trustees is the difference between their policy role and the role of staff. Trustees set broad policy direction and monitor adherence to policy. Problems occur when trustees become involved in day-to-day operations and try to second guess or direct staff activities. Although often well intentioned, these trustees are both harmful to the college and to the office of the chief executive.

**Board/CEO Relationship.** Respect, reliability, trustworthiness and justice are all key values in the board/CEO relationship. Ethical practices include committing to:

- thoughtful, thorough CEO search processes
- open and clear communication (including "no surprises")
- clear delegation, expectations and direction
- support for the CEO

**Communications with staff and students.** The board and CEO should discuss and reach agreement on protocols for communicating with other college administrators, faculty, and classified staff members. Ethical trustees support the authority of the CEO and respect established lines of communication.

Student and employee complaints to trustees should be referred directly through appropriate channels or to the chief executive. Every community college has, or should have, procedures that allow student and employee grievances.

**Communicating with community members and media.** A code of ethics may include statements about protocols for communicating with community members and media personnel. The protocols usually state that individual trustees do not speak for the college, and that they refer and/or follow up with community members through appropriate channels. These protocols ensure reliability of information, and respect the board as a unit and the roles of those designated as spokespeople for the college.

**Compensation and expenses.** Trustees should accurately account for their expenses and follow local protocols and laws governing compensation of any kind. There should be appropriate reimbursement criteria and procedures, which define fair reimbursement of expenses. Ethical trustees always ask themselves if their expenses are authorized, legitimate, direct, and reasonable.

**Board Relations**

**Open communication.** All board members, as well as the CEO, are responsible for maintaining an open, cooperative environment by promoting a free exchange of information at the board meetings. Trustee deliberations are characterized by fairness, including an impartial process for gathering and evaluating information. Trustees are honest and straightforward in civil and respectful interactions.

**Function as a team member.** Being a good board member requires the ability to function as part of a team. Board members must have personal qualities such as motivation, knowledge, attitude, experience, background, community stature, and capability. Differing points of view develop alternatives, stimulate the imagination, and lead to creative solutions. Being open to and respectful of other members' skills that are necessary to reach consensus.

Trustees often bring specialized knowledge to the board by virtue of their backgrounds and professions. However, the board must be "experts" in all fields — they are there to represent broad community interests and do not play other roles of a professional trustee.

**Maintaining confidentiality.** While most of what the board does is public, an important aspect of trustee ethics is maintaining confidentiality about issues discussed in closed session. Violating confidentiality occurs when individuals share closed session discussions with non-trustees.
such as informing the union of the collective bargaining positions, leaking information to the media, or discussing private information.

**Consideration for others.** An important consideration in maintaining harmonious operations is to respect fellow board members and those of other stakeholders. Remaining courteous and open-minded and treating others with honesty, decency, and respect are characteristic of ethical trustees. Avoiding bitter arguments and using courteous, non-inflammatory language at board meetings can create an atmosphere for solving problems. A good example for college employees and community members is to belittle other trustees, hurt the reputation of the entire board.

**Commitment.** Commitment relates to the core ethical value of responsibility, which requires trustees to devote time and effort to the role, the governing board, the colleges, and educational institutions. Failure and thought. Learning occurs through reading, studying agendas and other resources, and attending study sessions and discussions, as well as conference attendance.

**Four questions to ask yourself.**

To help determine ethical behavior, ask:

- Am I doing to others what I would want done to me?
- Would I mind seeing what I am doing on the front page of a newspaper?
- Am I comfortable with members of my family knowing what I am doing?
- Do I want to encourage employees and students to do this?

**Developing a code of ethics.**

Developing a code of ethics engages all trustees and the CEO in discussions of ethical concepts. The best format for these discussions is a board retreat or workshop, which can be facilitated by an outside consultant to allow all trustees to engage in discussions.

Steps in the process might include a discussion of the concepts presented on this website or provided by consultants. Part of the process involves defining ethical behavior for their particular board. They discuss and agree on what the generalities for the board members and the CEO should be. They may develop their own language or use the worksheets provided on the website or ACCT’s model code of ethics, as well as standards of good practice.

The models and samples provided on this site are designed to be the basis of discussion. However, a code of ethics has to be understood and accepted by all. Therefore we do not recommend simply adopting a model statement or someone else’s work. Each must determine the benefit of a code of ethics derives from the discussion that goes into developing one that fits the board.

After the discussion, the code of ethics should be adopted by the board in a public meeting and incorporated into board documents.

**Using a code of ethics.**

Codes of ethics are:

- Good resources when there are questions about specific situations or behaviors.
- Useful tools to orient new trustees to their responsibilities.
- Excellent criteria for board self-evaluations.
- Valuable discussion items for a board retreat.

Periodically reviewing the code helps keep it current, useful, and relevant to the board.

**What happens when boards or trustees are not ethical?**

Questionable or unethical behavior by a trustee or by the board hurts the college, and its reputation suffers. Trustees have a very important role—the institution—that they are supposed to protect.
Time and energy is wasted addressing the behavior in question, time that is better spent on ensuring that students are ec
Community members, college employees, and students lose respect. College employees and students may lower their ow
ethical behavior, based on the message they are receiving from the board. Community members and politicians may be k
support the college, including funding, if they believe that the board does not act with integrity and with the best interests
and community in mind.

**Ethical dilemmas and challenges**

We all believe that we are ethical people. In fact, each of us probably believes we are more ethical than most other people.
not possible for everyone to be more ethical than everyone else. So, even though we may have the best intentions in the
most conscientious people rationalize their behavior. And, there are times when making a decision that incorporates some
may violate others. A few common challenges and dilemmas are:

**It’s for a good cause, or the end justifies the means.** It is tempting to take short cuts in decision-making when the end a good thing. For instance, hiring a person or awarding a contract without giving other people a chance to apply for the job contract may reduce the time and money that is spent making the decision. However, not being open about the process v public service and civic leadership ethics, including being trustworthy, open, and fair. The public trust is a tenuous thing, it quickly lose faith if it suspects unfair means.

**Multiple loyalties.** Many trustees feel a reasonable obligation to promote the interests of special interest groups (communities, neighborhoods, businesses, faculty, ethnic and religious groups, etc.) and those who supported their election or appointment position. Loyalty is an ethical value. However, as a trustee, the primary loyalty is to the college and the public good—loyalties single interest groups is subordinate. The obligation can become unethical when it extends to making sure that a special interest is at the expense of other groups.

**Concealment.** We’ve all avoided giving negative feedback or expressing opinions that others won’t like because we care feelings or we don’t want to offend others. However, not being honest is disrespectful—the key is share negative informat with others in ways that still communicates respect.

Alternatively, it is unethical to use the position to bully others or misuse information that will harm the college and other t
riticizing college staff, programs, and other trustees abrogates the responsibility to protect the assets of the college. Crit concerns should be shared in the appropriate problem-solving venue.

**No one will know.** We may excuse behavior that might not meet ethical standards because “no one will be hurt.” Using position to influence staff, asking for special favors or perks, or sharing confidential information may seem easy and harmless; the ethic of trustworthiness is violated.

**Everybody’s doing it.** Others acting in unethical ways is not permission for unethical behavior. Some organizational and or systems may be so ingrained that they seem acceptable even if they are ethically questionable. Ethical trustees will always behave against the board’s ethical code.

**ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES**

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