

# Board of Trustees

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

**NON CON E**  
**1.1**  
**ACTION**

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**SUBJECT:** Consideration of Proposed Amendment  
Board Policy 1040 "Duties and Responsibilities  
of the Board;" renumber to Board Policy 2010.1  
"Duties and Responsibilities of the Board"  
(Second Reading)

**DATE:** April 21, 2009

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## A. NAME OF AGENDA ITEM

Consideration of proposed amendment of Board Policy 1040 "Duties and Responsibilities of the Board," and renumbering it to Board Policy 2010.1 "Duties and Responsibilities of the Board." (Second Reading)

## B. STATEMENT OF ISSUE/PURPOSE

### 1. Purpose and Background:

1.1 The College has been revising its policies and administrative procedures to fit a new numbering format and language proposed by the Community College League of California (CCLC). Following the CCLC conversion, it is proposed to amend Board Policy (BP) 1040, "Duties and Responsibilities of the Board," and renumber the Board Policy (BP) 2010.1

### 2. Status:

2.1 The proposed policy has been reviewed by governance groups, the Policy and Procedures Review Committee, and the President's Council. The proposed amendment of Board Policy 1040 and renumbering it to Board Policy (BP) 2010.1 was endorsed by the President's Council at its meeting on February 24, 2009. At the Board's March 17, 2009 meeting, Board members asked for clarification of some of the items and for an analysis of Education Code provisions to ensure the policy revision matches legal duties and responsibilities listed in the Code. The proposed policy has now been amended to reflect duties and responsibilities outlined in Education Code Section 70902.

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RECOMMENDED: \_\_\_\_\_

DR. MATT WETSTEIN  
Executive Secretary  
Policy & Procedures Review  
Committee

APPROVED FOR  
CONSIDERATION: \_\_\_\_\_

DR. RAÚL RODRÍGUEZ  
Superintendent/President

**C. RECOMMENDATION**

It is recommended that the Board of Trustees accept the Second Reading of proposed amendment of Board Policy (BP) 1040 and renumbering it to Board Policy (BP) 2010.1. The proposed policy is found on the following two pages.

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**BP 1040 2010.1 Duties & Responsibilities of the Board**

1 **Reference: Education Code 70902**

2 A. The duties of the Board are:

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- 4 1. To select, employ, and evaluate the Superintendent/President of the District.
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  - 6 2. To determine the broad general policies which govern the operation of the District.
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  - 8 3. To adopt policies ~~and procedures~~ for the governance of the District and to review
  - 9 them periodically, **and to delegate the approval of College procedures to the**
  - 10 **President/Superintendent and President's Council.**
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  - 12 4. To approve the annual budget and expenditure of funds.
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  - 14 5. To appoint or dismiss employees upon the recommendation of the
  - 15 Superintendent/President of the District.
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  - 17 6. To fix the rate of compensation **and benefits** for all employees.
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  - 19 7. To pass upon recommendations of the Superintendent/President on matters of
  - 20 capital outlay, repairs, and maintenance with reference to buildings, major
  - 21 improvements, and equipment.
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  - 23 8. To require and consider reports from the Superintendent/President concerning the
  - 24 programs and condition of the College.
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  - 26 9. To consider and pass upon the curricular offerings of the College upon the
  - 27 recommendation of the Superintendent/President and the Academic Senate.
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  - 29 10. To consider and ~~pass~~ **adopt** the annual calendar.
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  - 31 11. To provide necessary procedures to assure proper accounting of receipts and
  - 32 disbursements and the annual audit of all District funds, and of other funds under
  - 33 the supervision of the District.
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  - 35 12. To consider communications and requests from citizens or organization on
  - 36 matters of policy and administration.
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  - 38 13. To establish citizen advisory committees and to approve the memberships of such
  - 39 committees.
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  - 41 14. **To R-r**review **the** final appeal of students, employees, and citizens of the District.
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**BP 1040 2010.1 Duties & Responsibilities of the Board**

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15. To consider and respond to views presented by the Academic Senate, the Classified Senate, the Management Senate, and the Associated Student Body.
  16. **To establish procedures to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration, and ensure the right to participate effectively in District and College governance.**
  17. **To establish policies that ensure the right of the Academic Senate to assume primary responsibility for making recommendations in areas of curriculum and academic standards.**
  18. **To establish policies for, and approve, current and long-range academic and facilities plans and programs, and promote orderly growth and development of the community colleges within the district.**
  19. **To establish policies for, develop, and approve, comprehensive plans for the District.**
  20. **To determine the need for elections for the override of tax levies and bond measures and request that those elections be held.**
  21. **To establish rules and regulations governing student conduct.**
  22. **To establish academic standards, probation, dismissal, readmission policies, and graduation requirements not inconsistent with the minimum standards adopted by the Board of Governors.**
  23. **To establish student fees as required by law, and, in its discretion, to establish fees that is authorized to establish by law.**
  24. **To receive and administer gifts, grants, and scholarships.**
  25. **To provide auxiliary services as deemed necessary to achieve the purposes of the College.**

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**BP 1040 2010.1 Duties & Responsibilities of the Board**

- 82           26. **To hold and convey property for the use and benefit of the District. The**  
83           **Board may acquire, by eminent domain, any property necessary to carry out**  
84           **the powers or functions of the District.**  
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86           27. **To participate in the consultation process established by the Board of**  
87           **Governors for the development and review of policy proposals.**  
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90           B. In accordance with provisions of the Government Code, the Board of Trustees may pay  
91           punitive damages on behalf of an employee if the Board makes certain findings. The  
92           findings may include all of the following:  
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94           1. That the employee (or former employee) was acting within the course and scope  
95           of employment at the time the acts complained of where committed;  
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97           2. That the employee (or former employee) was acting in good faith, without actual  
98           malice, and in the apparent best interest of the District;  
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100          3. That payment of the punitive damages would be in the best interests of the  
101          District.  
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