



Board Policies and Administrative Procedures

Chapter 2 – Board of Trustees

Cabinet 1st Review: 9/17/24
Cabinet 2nd review: 9/24/24
DGC 1st Review: 10/2/24
DGC 2nd Review:
Board 1st Review:
Board 2nd Review:

The following **revised** Board Policies and Administrative Procedures are being put forth for **1st review** as part of the Board's ongoing 6-year comprehensive review of all Board policies and procedures:

Category 1 Policies

New and/or major revisions to policies and/or procedures that are not required by law or regulation, but are recommended by the respective office of responsibility.

BP 2310 Regular Meetings of the Board (updated to remove provisions regarding meetings during proclaimed states of emergency pursuant to changes in the Government code; and updated language regarding the frequency of regular board meetings and other minor changes)

BP 2431 Selection of the District Chancellor and College Presidents (updated to incorporate soon to be deleted BP 2436 and to align with other districts' best practices)

BP 2435 Evaluation of the Chancellor and College Presidents (updated to incorporate soon to be deleted BP 2437)

Category 2 Policies and Procedures

New and/or revisions to policies and/or procedures in response to legal and/or regulatory requirements.

AP 2110 Vacancies on the Board (CCLC updated to add vacancy notice requirements pursuant to changes in the Education Code and best practice)

AP 2325 Teleconference Meetings (CCLC updated to align Brown Act teleconference requirements pursuant to changes in the Government code)

BP 2355 Decorum (updated with CCLC legally required language to add references to the Government Code and update language pursuant to changes in the Government Code)

BP 2430 Delegation of Authority to Chancellor (updated with related language pursuant to the 2024 changes in the ACCJC Accreditation Standards)

AP 2710 Conflict of Interest (the CCLC updated this procedure to provide legally advised language regarding the prohibition on outside employment that is inconsistent, incompatible, or in conflict with the individual's District duties, functions, and responsibilities)

BP 2715 Code of Ethics/Standards of Practice (updated with related language pursuant to the 2024 changes in the ACCJC Accreditation Standards; also updated to reflect the new District Mission and other minor changes)

Category 3 Policies

Technical and/or non-substantive revisions to policies and/or procedures, such as reference updates, title changes, or policies and procedures that are being reviewed for currency but not undergoing significant revision.

BP 2315 Closed Sessions (updated to add a citation to the Government Code and clarify when a governing board may hold a closed session)

Policies and Procedures Recommended for Deletion

AP 2345 Public Participation Board Meetings (not CCLC recommended; was created in 2018 to contain excess language from the board policy. The language is duplicative of BP 2350 and currently out of date)

BP 2436 President Selection (created in 2010 in response to an accreditation recommendation; suggested language is now incorporated in BP 2431 Selection of the District Chancellor and College Presidents)

BP 2437 Evaluation of the President (created in 2010 in response to an accreditation recommendation; suggested language is now incorporated in BP 2435 Evaluation of the Chancellor and College Presidents)

NOTE for all following documents: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current adopted board policies. The language in **blue ink** is included for consideration.



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Board Policy

Chapter 2 – Board of Trustees

BP 2310 – REGULAR MEETINGS OF THE BOARD

Regular meetings of the board of trustees shall normally be held once a month unless otherwise determined by official action. Regular meetings of the board shall normally be held in the Board Conference Room, Suite 235-255 at the Charles W. Patrick District Office Building, 3375 Camino del Rio South, San Diego, California. The board endeavors to hold at least one meeting per year at each college.

In addition to regular meetings, the board may also hold workshops/retreats from time to time throughout the year for the study of special topics of interest to the board or the community.

~~Regular meetings of the Board of Trustees shall typically be held on the second and fourth Thursday of each month, beginning at 4:00 p.m., unless otherwise specified in the posted agenda. Regular meetings of the Board of Trustees shall typically be held in the Board Conference Room, Suite 235, The Charles W. Patrick Building, 3375 Camino del Rio South, San Diego and at such other locations, if any, which are identified as teleconference locations for a meeting to be conducted through teleconferencing.~~

Regular meetings may be adjourned to a subsequent time or day at the discretion of the Board should it appear to the Board that the business of the meeting has not been completed.

The setting of time limits on Board Meetings:

1. In the event the Board has scheduled both Open and Closed Sessions during one meeting, the total meeting time of both sessions shall not exceed 5 hours, except by majority vote of the Board at that time;
2. The Board shall adjourn no later than 10:00 p.m. No action shall be taken after that time, unless there has been a majority vote of the Board to determine a time certain for adjournment in order to hear urgent matters before the Board;
3. No item shall be considered or discussed longer than 30 20 minutes in any one meeting of the Board except by a majority vote of the Board. This time limit; however, will not preclude input within the time limits set by Board, from the Senates, other District staff, students or the general public. The Board may determine how much time will be allowed for discussion or action on any item;
4. Recommended guidelines are that members of the Board shall have a total of no more than five (5) minutes each to speak or question staff, and shall be recognized no more than twice by the presiding officer, on any item during the same meeting.

5. If a Board member believes that a detailed explanation is needed on his/her/their views on an issue, he/she/they will be invited to prepare a written paper detailing the main points or concerns. Copies will be distributed to the Board and relevant parties. The Board may by majority vote, table or postpone to a date certain, any item before the Board; and
6. Individual Board members shall have no more than five (5) minutes during the REPORT OF THE TRUSTEES, to discuss any matter they determine to be pertinent to the educational jurisdiction of this District.

~~The president of the faculty senates and classified senates at each college and Continuing Education, and the presidents/representatives from all District unions shall be invited to attend regular meetings of the Board. Also, the president of the associated students at each of the colleges, and one student representative from Continuing Education shall be invited to attend regular meetings of the Board.~~

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

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

Meetings During Proclaimed States of Emergency

~~Prior to January 1, 2024, the Board may hold a regular meeting, or special or emergency meetings as defined in BP 2320 Special and Emergency Meetings, virtually through voice or video teleconferencing services during a proclaimed state of emergency under the provisions of the Brown Act.~~

~~In order for the Board to meet virtually during a proclaimed state of emergency, the Board will make findings by majority vote, as required by the Brown Act by way of a Board resolution.~~

~~If the Board elects to meet virtually during a proclaimed state of emergency, the District will comply with relevant provisions of the Brown Act regarding the posting of agendas, public access to meetings through call-in or internet-based service options, public participation, and limits on Board action in the event of a meeting disruption due to interruption of teleconferencing services.~~

~~During proclaimed states of emergency, the Board is not required to provide a physical location from which members of the public may attend or provide public comment.~~

Also see BP 2320 Special and Emergency Meetings, BP 2340 Agendas, BP 2345 Public Participation at Board Meetings, BP 2350 Speakers, and BP 2355 Decorum

References:

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

Adopted: 12/14/06

Revised: 12/14/17, 3/10/22

*(Replaces current SDCCD BP 2310; former
policies 1001.8, 1001.17)*



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Board Policy

Chapter 2 - Board of Trustees

BP 2431 SELECTION OF THE DISTRICT CHANCELLOR AND COLLEGE PRESIDENTS CHANCELLOR SELECTION

~~The Board of Trustees shall designate a Board subcommittee to oversee the search process to fill the Chancellor position in the event of a vacancy. A search committee shall be formed which will include members of District governance groups and appropriate representatives from the community. The search committee shall make recommendations concerning all aspects of the search process.~~

~~The Board of Trustees will interview finalists in closed session.~~

In the case of a Chancellor vacancy, the Board shall establish a search process to fill the vacancy that includes District stakeholders, including but not limited to constituency group representatives, and members of the community, and shall select the Chancellor.

In the case of a College President vacancy, the Chancellor shall work with the Board to establish a Board subcommittee and a search process to fill the vacancy that includes District stakeholders, including but not limited to constituency group representatives, and members of the community. Following consultation with the full Board, the Chancellor shall select the President.

The search process(es) shall be fair, open, transparent, and shall comply with relevant regulations. The final selection will be announced in open session and voted on for approval pursuant to Title 5 Regulations and relevant Government Code sections.

Reference:

Title 5, Sections 53000 et seq.;

WASC/ACCJC Accreditation Standards **4.5 IV.B and IV.C.3**

Adopted: 12/14/06

Revised: 11/10/16, 3/10/22

(Replaces current SDCCD BP 2431, BP 2436)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Board Policy

Chapter 2 - Board of Trustees

BP 2435 EVALUATION OF THE CHANCELLOR AND COLLEGE PRESIDENTS

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

The Board of Trustees shall evaluate the Chancellor using an evaluation process developed and jointly agreed to by the Board and the Chancellor. Evaluation components shall include the following:

- Goals and Objectives for the current year
- Management Feedback Instrument – to include feedback from Classified Staff, Faculty, Supervisory, Management, outside agencies, and others as designated by the Board of Trustees
- Board Evaluation Subcommittee
- Self-Evaluation
- Goals and Objectives for the following year

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

The criteria for evaluation of the Chancellor shall also include performance goals and objectives related to the District's commitment to diversity, equity, ~~and~~ inclusion, and accessibility.

The Board of Trustees shall direct the Chancellor to conduct an evaluation of the President(s) in accordance with the scheduled sequence for evaluating management employees. Such evaluation shall comply with any requirements set forth in the contract of employment with the President as well as this policy.

Reference:

Education Code Section 87663;
WASC/ACCJC Accreditation Standard ~~4.5 IV.C.3~~

Adopted: 12/14/06

Revised: 11/10/16, 3/10/22

(Replaces current SDCCD BP 2435 and BP 2437)



Administrative Procedure

Chapter 2 – Board of Trustees

AP 2110 – VACANCIES ON THE BOARD

Filling a Vacancy

When the Board of Trustees determines to fill the vacancy by appointment, the Chancellor shall assure that there is ample publicity to and information for prospective candidates. Publicity shall include posting in three public places in the District and publication in a newspaper of general circulation, **and posting a notice on the District's website.**

The posted notice of vacancy must contain the following:

- (1) The fact of the vacancy or resignation;
- (2) The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation; and
- (3) The full name of the provisional appointee to the board and the date of the provisional appointee's appointment.

The posted notice of vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying or nominated must meet the qualifications required by law for members of the Board.

Applying for an Appointment

Persons applying for appointment to the Board shall receive a letter from the Chancellor containing information about the District and the Board, and including a candidate information sheet to be completed and returned by a specific date.

Interviewing and Selecting Candidates

The Board may request personal interviews with candidates. Interviews will be conducted in a public hearing scheduled for that purpose.

Each Board member will review all candidate information sheets, with final selection made by a majority vote of the Board members at a public meeting called for that purpose.

Whenever a provisional appointment is made, the Board shall, within ten days of the provisional appointment, post notices of both the actual vacancy or the filing of a deferred resignation and the provisional appointment in three public places in the District. It shall also publish a notice in a newspaper of general circulation.

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. It shall also contain the full name of the provisional appointee to the Board, the date of appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the Office of County Superintendent of Schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

A provisional appointment confers all powers and duties of a Board member upon the appointee immediately following his/her/their appointment.

Term and Powers of Office

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for Board members. An election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

Reference: Education Code Sections 5090 et seq.;
Government Code Sections 1770 and 6061

Date Approved: March 13, 2018

Reviewed: November 13, 2023

(Supersedes AP 2110)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Administrative Procedure

Chapter 2 – Board of Trustees

AP 2325 – TELECONFERENCED MEETINGS

The Board may use teleconferencing for the benefit of the public and the Board in connection with any meeting. If the Board elects to use teleconferencing, the Board must comply with all of the following:

- At least a quorum of Board members must participate from locations within the District boundaries, except as provided by law;
- The Board will identify all teleconference sites on the agenda;
- The Board will post the agenda at all teleconference sites;
- The agenda must provide an opportunity for members of the public to address the Board directly at each teleconference site;
- The Board members must vote by rollcall; and
- The Board must conduct the teleconferenced meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board.

Meetings During States of Emergency

The Board may use teleconferencing without complying with the requirements above in **any either** of the following circumstances:

- ~~The Board holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing;~~
- The Board holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- The Board holds a meeting during a proclaimed state of emergency and has determined, by majority vote that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

If a state of emergency remains active, ~~or state or local officials have imposed or recommended measures to promote social distancing,~~ in order to continue to teleconference without complying with the location requirement described above, the Board must, not later than ~~30-45~~ days after teleconferencing for the first time pursuant to the above circumstances, and every ~~30-45~~ days thereafter, make the following findings by majority vote:

- The Board has reconsidered the circumstances of the state of emergency; and **either**
- The state of emergency continues to directly impact the ability of the members to meet safely in person.; ~~or~~
- ~~State or local officials continue to impose or recommend measures to promote social distancing.~~

Requirements for Individual Board Members Participating Remotely

The Board can use teleconferencing without posting agendas at all teleconference locations provided at least a quorum of the Board members participates in person at a single physical location within the boundaries of the District, and that location is identified on the agenda. Additionally, the Board must provide a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting as a means by which the public may remotely hear and visually observe the meeting and remotely address the Board.

A member of the Board must only participate in a meeting remotely if either:

- The member notifies the Board of the member's need to participate remotely for just cause. "Just cause" means a childcare or caregiving need, a contagious illness, a physical or mental disability, or travel on District business or for another state or local agency. The member may not participate remotely for just cause for more than two meetings per calendar year; or
- The member requests the Board allow the member to participate in the meeting remotely due to emergency circumstances and the Board takes action to approve the request. "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

The member must participate through both audio and visual technology.

A member cannot participate in meetings of the Board solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the Board within a calendar year or more than two meetings if the Board regularly meets fewer than ten times per calendar year.

Public Access Requirements When Board Is Teleconferencing Under Amended Teleconference Rules

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the Board must also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda must identify and include an opportunity for all persons to attend and address the Board through a call-in option, through an internet-based service option, and at the in-person location of the meeting.

In the event of a disruption that prevents the Board from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the District's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the Board must take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored.

The Board must not require the public to submit comments in advance of the meeting and must provide an opportunity for the public to address the Board and offer comment in real time.

If there is a change in California legislation that conflicts with this procedure, the District will comply with the legislation.

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

Date Approved: November 13, 2023

(This is a new procedure.)



Board Policy

Chapter 2 – Board of Trustees

BP 2355 – DECORUM

The rules of parliamentary law embraced in Robert's RULES OF ORDER (revised) shall serve as a guide in public meetings of the Board of Trustees in all cases in which such rules are not inconsistent with these policies of the Board.

The presiding officer is authorized to order a meeting of the Board of Trustees adjourned at any time if the legislative decorum of the meeting is disrupted by members of the audience and the audience does not observe a request by the presiding officer for restoration of order.

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

- Disrupting, disturbing, ~~or otherwise~~ impeding, ~~or rendering infeasible~~ the orderly conduct of the meeting.
- Physical violence or threats of physical violence directed toward any person or property.

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

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

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

~~Before removal for conduct other than an individual's use of force or a true threat of force, the presiding officer shall warn the individual that the behavior is disrupting the meeting and that failure to cease the behavior may result in the individual's removal. The presiding officer or their designee may then remove the individual if they do not promptly cease their disruptive behavior.~~

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

Reference: Education Code Section 72121.5;
Government Code Sections 54954.3 subdivision (b), **54957.9, and 54957.95**

Adopted: 12/14/06

Revised: 10/24/17, 3/11/21

(Replaces current SDCCD BP 2355, former policy 1101.13)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Board Policy

Chapter 2 - Board of Trustees

BP 2430 DELEGATION OF AUTHORITY TO THE CHANCELLOR

The Board of Trustees delegates to the Chancellor the executive responsibility for administering the policies adopted by the Board and executing all decisions of the Board of Trustees requiring administrative action. **The Board gives the Chancellor full authority to implement board policies and ensure effective operations and fulfillment of the institutional mission.**

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

The Chancellor is expected to perform the duties contained in the Chancellor's 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 of Trustees in consultation with the Chancellor.

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

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

The Chancellor shall act as the professional advisor to the Board of Trustees in policy formation.

Reference:

Education Code Sections 70902(d), 72400;

WASC/ACCJC Accreditation Standards ~~s-IV.B.5, IV.C.12, and IV.D.1~~ 4.5

Adopted: 12/14/06

Revised: 11/10/16, 3/10/22

(Replaces current SDCCD BP 2430)



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Administrative Procedure

Chapter 2 – Board of Trustees

AP 2710 – CONFLICT OF INTEREST

Incompatible Activities (Government Code Sections 1099 and 1126)

Board members and employees 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 Sections 1090 et seq.)

Board members and 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 employees.

A Board member shall not be considered to be financially interested in a contract if his/her/their 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/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 Section 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her/their 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 Board of Trustees unless and until he/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)).

Outside Employment (Government Code Section 1126)

An employee shall not engage in any outside employment or self-employment, activity, or enterprise which is inconsistent, incompatible, or in conflict with or inimical to his/her/their District duties, functions, responsibilities, or that of the department in which they are employed by the District. In order to avoid perceived or actual conflicts of interest that may arise from outside employment, the chancellor and all presidents, vice chancellors, vice presidents, and associate vice chancellors must disclose to the appropriate supervisor, or in the case of the chancellor, the Board, prior to undertaking any outside employment as described in this procedure.

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

If a Board member or employee determines that he/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 an 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.

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself/herself/themselves 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/their 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 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/her/their 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 Section 87406.3)

Elected officials and the Chancellor 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.

Contracts Supported by Federal Funds (2 Code of Federal Regulations Part 200.318 subdivision (c)(1))

No employee, Board member, or agent of the District may participate in the selection, award, or administration of a contract supported by a federal award if he/she/they has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, Board member, or agent, any member of his/her/their immediate family, his/her/their partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The Board members, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Disciplinary action will be taken for violations of such standards by Board members, employees, or agents of the District.

Reference: Education Code Section 72103(b);
Government Code Sections 1090 et seq., 1099, 1126, 87100 et seq., 87105,
87200-87210, 87406.3, 89501, 89502, 89503, and 89506;
Title 2 Sections 18700 et seq.

Date Approved: March 13, 2018

Reviewed: November 13, 2023

(Supersedes AP 2710)



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Board Policy

Chapter 2 - Board of Trustees

BP 2715 CODE OF ETHICS/STANDARDS OF PRACTICE

The Board maintains high standards of ethical conduct. Members of the Board are committed to the following Board Code of Ethics and Conduct:

The governing board functions effectively as a collective entity to promote the institution's values and mission and fulfill its fiduciary responsibilities. The governing board demonstrates an ability to self-govern in adherence to its policies, procedures, and expectations for best practices in board governance.

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

The mission of the San Diego Community College District is to uplifts diverse individuals and communities through culturally affirming teaching, learning, and work environments. ~~to provide accessible, high quality learning experiences, and undergraduate education at an affordable price to meet the educational needs of a diverse community.~~ The District is governed by a five-member, locally elected Board of Trustees. Trustees understand and support the mission and philosophy of community colleges in general and the District in particular. Trustees are elected to represent the public's interest in the governance of the District and have broad authority to do so under the state's education codes. As the public's representatives, Trustees must practice the highest ethical standards in performing their sworn duties and act only in the best interests of the entire community. The activities and deliberations of the Board of Trustees will be conducted following these tenets:

ACTING AS A WHOLE

Board members recognize that legal and effective functioning is by the Board of Trustees as a whole. District matters are not governed by individual actions of Board members. When acting as Board members, trustees speak and act on behalf of the District, not as individuals. Trustees use care not to misrepresent their individual opinions or actions as those of the Board of Trustees. Although trustees abide by Board direction, they retain the right to seek changes in decisions through ethical and constructive channels. In dealing with the public, individual trustees should always clarify whether they speak as a member of the Board of Trustees or as a private citizen.

MANAGING CONFLICTS OF INTEREST

Board members avoid any conflict of interest or the appearance of impropriety that could result because of their position. They do not intentionally use their Board memberships for personal gain or personal prestige.

They inform the entire Board of Trustees or the Board President when a matter under consideration might involve or appear to involve such a conflict.

MONITORING COMPENSATION AND EXPENSE ACCOUNTS

Board members ensure that all District funds are spent appropriately and legally, including those that relate to their own expenses. They ensure that their expenses are authorized, reasonable and directly related to their trusteeships.

HANDLING SPECIAL INTEREST GROUPS

Board members render all decisions regarding the issues at hand based on the available facts and their independent judgments and refuse to surrender that judgment to individuals or special interest groups. At the same time, District employees, their representatives, students, and their governing officers are encouraged to express their views to Board members.

Board members are aware that they are responsible to all citizens of the District, and not solely to those who elected them. The authority delegated to trustees by the voters must be exercised with as much care and concern for the least influential as for the most influential member of the community. All members of the public are encouraged to express their views to Board members.

USING APPROPRIATE CHANNELS

Board members promote a healthy working relationship with the Chancellor and his/her/their staff by:

- a. supporting a cohesive and responsive administration and maintaining a climate of "no surprises."
- b. supporting District personnel in the appropriate performance of their duties and ensuring that they have the requisite responsibility and necessary authority to perform effectively.
- c. sharing all concerns, complaints, and recommendations, as appropriate, with other Board members and the Chancellor.

MAINTAINING APPROPRIATE CONDUCT AT BOARD MEETINGS

Board members observe appropriate conduct at board meetings to facilitate decision-making that reflects the best interests of the college and community. Trustees meet only in public sessions unless authorized by law to meet in closed session, maintain confidentiality of privileged information and ensure an atmosphere of openness and collegiality in which controversial issues can be presented fairly.

Trustees conduct themselves with dignity and professionalism and treat every individual who interacts with the Board with respect as expressed in BP 3050 [Institutional Code of Ethics Civility and Mutual Respect](#).

EXERCISING AUTHORITY AS TRUSTEES

Board members respect their elected position as trustees and in no way misuse their authority. Trustees keep informed about educational programs and fiscal and legal responsibilities. They commit the necessary time and energy to discharge their duties and remain informed about the District, educational issues, and responsibilities of trusteeship. They strive to promote the

highest quality educational opportunities to all members of the community while ensuring fiscal stability, institutional integrity and operational efficiency.

HANDLING OF ADMINISTRATIVE MATTERS

Board members focus Board action on policy determination, planning, overall approval and evaluation, and maintaining fiscal stability of the District and delegate appropriate authority to the Chancellor as the District's **chief primary** executive officer. District employees, students, and citizens are encouraged to freely express their views to Board members. Trustees refrain from involving themselves in matters they have placed under the authority of the Chancellor, except as needed for their proper oversight responsibilities.

BEHAVIOR CONTRARY TO THE CODE OF ETHICS

Behavior that is perceived to be contrary to the Code of Ethics will be brought to the attention of the President of the Board of Trustees. The Board President will discuss the matter with the Board member in question and may establish a review process if that is warranted, which may include officers of the District in the review. The Board President will take appropriate action. If the Board President's behavior is alleged to be contrary to the Code of Ethics, the Board Executive Vice President will address the matter.

The Chancellor and President of the Board are authorized to consult with legal counsel when they become aware of or are informed about actual or perceived violations of pertinent laws and regulations, including but not limited to conflict of interest, open and public meetings, confidentiality of closed session information, and use of public resources. Violations of law may be referred to the District Attorney or Attorney General as provided for in law.

Reference:

WASC/ACCJC Accreditation Standard ~~IV.C.11~~ 3

Adopted: 12/14/06

Revised: 11/8/12, 11/08/16, 3/11/21

(Replaces current SDCCD BP 2715)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • COLLEGE OF CONTINUING EDUCATION

Board Policy

Chapter 2 – Board of Trustees

BP 2315 – CLOSED SESSIONS

Closed sessions of the Board of Trustees shall only be held as permitted by applicable legal provisions including but not limited to the Ralph M. Brown Act (Government Code Sections 54950 et seq.), other sections of the California Government Code, and the California Education Code. Matters discussed in closed session may include:

1. The appointment, employment, evaluation of performance, discipline, or dismissal of a public employee;
2. Charges or complaints brought against a public employee by another person or employee, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least 24 hours written notice of the closed session.
3. Advice of counsel on pending or anticipated litigation, as defined by law;
4. Consideration of tort liability claims as part of the District's membership in any joint powers agency formed for purposes of insurance pooling;
5. Real property transactions;
6. Threats to public security;
7. Review of the District's position regarding labor negotiations and giving instructions to the District's designated negotiator;
8. Discussion of student disciplinary action, with final action taken in public;
9. Conferring of honorary degrees;
10. Consideration of gifts from a donor who wishes to remain anonymous; and
11. To consider its response to a confidential final draft audit report from the Bureau of State Audits.

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

No minutes shall be taken of the proceedings of the Board of Trustees while convened in Closed Session. If action is taken in closed session, minutes must be taken and may be kept confidential and apart from public session minutes. Actions taken in closed session, along with the vote or abstention of every member present, shall be publicly reported as required by the Ralph M. Brown Act.

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

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

Reference: Education Code Section 72122;
Government Code Sections 54950 et seq. (Ralph M. Brown Act), [54954.5](#),
54956.8, 54956.9, 54957, 54957.1, 54957.6, and 11125.4

Adopted: 12/14/06

Revised: 5/11/17, 05/09/19

(Replaces current SDCCD BP 2315)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Administrative Procedure

Chapter 2 – Board of Trustees

~~AP 2345 – PUBLIC PARTICIPATION AT BOARD MEETINGS~~

~~In accordance with Education Code Section 72121.5, members of the public are invited to participate in the governance system of the District by utilizing the Public Comment section of the Board meeting agenda.~~

~~Public comment on items listed on the Board meeting agenda shall be heard at the time the item is discussed and prior to Board action on the item.~~

~~Public comment on matters not listed on the Board meeting agenda may do so during the Public Comments section of the Board meeting for Regular Board meetings only; for Special Meetings and Retreats, comments are only allowed for items on the posted agenda. In accordance with Education Code Section 72121.5, the Board shall take no action on such matters, other than an action of referral.~~

~~Public comments shall be limited to five minutes (a total of twenty minutes on the same subject) unless this time limit is waived by action of the Board. A member of the public who utilizes a translator may have twice the allotted time, to ensure that non-English speakers receive the same opportunity to directly address the Board of Trustees.~~

~~**Reference:** Education Code Section 72121.5;
Government Code Section 54954.2~~

~~**Date Approved:** March 13, 2018
(This is a new procedure)~~



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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~~Board Policy~~

~~Chapter 2 – Board of Trustees~~

~~BP 2436 – PRESIDENT SELECTION~~

~~The Board of Trustees shall direct the Chancellor to oversee the search process to fill the president position in the event of a vacancy. A search committee shall be formed which will include members of governance groups and, as determined, appropriate representatives from the community. The search committee shall make recommendations concerning all aspects of the search process, which may include a campuswide forum for finalists, and shall recommend final candidates to the Chancellor.~~

~~The Chancellor will recommend at least two finalists for interview with the Board of Trustees and Chancellor in closed session. The final selection will be announced in open session and voted on for approval pursuant to Title 5 and relevant Government Code sections.~~

~~**Reference:** Title 5, Sections 53000 et seq.;
WASC/ACCJC Accreditation Standard IV.D.4~~

~~**Adopted:** 12/09/10~~

~~**Revised:** 12/14/17, 3/10/22~~

~~*(Replaces current SDCCD BP 2436)*~~



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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~~Board Policy~~

~~Chapter 2 – Board of Trustees~~

~~BP 2437 EVALUATION OF THE PRESIDENT~~

~~The Board of Trustees shall direct the Chancellor to conduct an evaluation of the President(s) in accordance with the scheduled sequence for evaluating management employees. Such evaluation shall comply with any requirements set forth in the contract of employment with the President as well as this policy.~~

~~The Board of Trustees shall ensure that the Chancellor utilizes an evaluation process developed jointly with the President. Evaluation Components shall include the following:~~

- ~~• Goals and Objectives for the current year~~
- ~~• Management Feedback Instrument – to include feedback from Classified Staff, Faculty, Supervisory, Management, outside agencies and others as designated by the Chancellor~~
- ~~• Management Evaluation Form~~
- ~~• Self Evaluation~~
- ~~• Goals and Objectives for the following year~~

~~The criteria for evaluation shall be based on board policy, the President's job description, and performance goals and objectives developed in accordance with BP 2430 Delegation of Authority to the Chancellor.~~

~~The criteria for evaluation of the President shall also include performance goals and objectives related to the College's commitment to diversity, equity, and inclusion.~~

Reference:

- ~~— Education Code Section 87663;~~
- ~~— WASC/ACCJC Accreditation Standards IV.B; IV.C.3, and IV.D.4~~

Adopted: ~~12/14/06~~

Revised: ~~11/10/16, 3/10/22~~

(Replaces current SDCCD BP 2437)