



Chancellor's Advisory Council Meeting Agenda – October 18, 2013

District Board Room
1:30-3:30 p.m.

(Note: Physical meeting cancelled, electronic vote conducted on proposed new, revised, and retired policies and procedures)

AGENDA TOPIC	PURPOSE	DISCUSSION LEADER
<p>I. Policies (new and revised)</p> <ul style="list-style-type: none"> • AP 2105 Student Trustee Selection Procedures (revised) • BP & AP 2110 Vacancies on the Board (BP revised; AP new) • BP 2220 Committees of the Board (new) • BP 2310 Regular Meetings (revised) • BP 2315 Closed Session (revised) • BP and AP 2320 Special and Emergency Meetings (revised) • BP 2330 Quorum and Voting (new) • BP and AP 2340 Agendas (revised BP; new AP) • BP 2345 Public Participation at Board Meetings (revised) • BP 2350 Speakers (new) • BP 2355 Decorum (new) • BP 2360 Minutes (new) • BP & AP 2365 Recording (new) • BP & AP 2410 Policy and Administrative Procedure (revised) • BP 2430 Delegation of Authority to Chancellor (revised) • BP 2431 Chancellor or President Selection (revised) • BP 2432 Acting Chancellor in the Absence of Chancellor (revised) • BP 2433 Acting College President in Absence of a President (revised) • BP & AP 2435 Evaluation of the Chancellor (revised) • AP 2714 Distribution of Tickets or Passes (revised) • BP and AP 7337 Fingerprinting of Employees (revised) <p><u>Board policies to be retired:</u></p> <ul style="list-style-type: none"> • BP 1110 Communication With Public • BP 1170 Participation of Citizens' Committees • BP 1180 Staff Participation in Community Activities • BP 2211 Chancellor as Secretary to the Board • BP 2310 Treatment of Outside reports • BP 2410 Administrative Procedure When Commendation or Criticism of Staff Members Received • BP 2610 Communication Between Staff and Board • BP 9600 Flags at Half-Staff 	D/A	Linda

Distribution: Linda Thor, Karen Chow, Leo Contreras, Robert Cormia, Dolores Davison, Joseline Diaz/ASFC, Araceli Kaliasara, Rich Hansen, Truly Hunter, Reza Kazempour Kevin McElroy, Judy Miner, Blanche Monary, Joe Moreau, Brian Murphy, Leif Nelson, Dorene Novotny, Erin Ortiz, George Robles, Rowena Tomaneng, Pablo Zamorano/DASB

DRAFT – REVISED (Legally Required)

Student Trustee Selection Procedures

AP 2105 9110.1

1. Qualifications/Responsibilities/Privileges

- 1.1 Board Policy **2015 9110.1** and Education Code Section 72023.5 provide for the inclusion of one or more students who are residents of California as determined pursuant to Part 41 (commencing with Section 68000), are enrolled in five semester units (8 quarter units), and are in good academic standing throughout the term of office. In accordance with Board Policy, two student trustees, one from each college, shall be non-voting members of the Board of Trustees with the right to make and second motions and receive compensation, as determined by the Board, for attendance at Board meetings. Neither Student Trustee may hold any other position in either student government during his/her term of office, except as ex-officio student trustee.
- 1.2 The Student Trustee shall be limited to two consecutive one-year terms of office. In the event that a Student Trustee is appointed to complete another student's term due to a vacancy, the appointment shall not count toward the two-year limit if the appointment occurs on or after the start of the Winter Quarter.
- 1.3 Throughout the term of office (1st week of June through the last week of May of the succeeding academic year) the Student Trustee shall:
 - Be a resident of California as determined by the registrar
 - Maintain at least a 2.0 GPA throughout their term of office
 - Be currently enrolled in a minimum of 8 units at the college for which they represent, except during the summer term
 - Attend all public board meetings
 - Attend Student Government meetings at least once a month but recommended twice a month
 - ~~Meet at least quarterly with the Chancellor~~
 - Communicate on a regular basis with the College President **and Chancellor**
 - Represent the Board of Trustees at meetings and social events outside of regular Board meetings (whenever possible)

The Student Trustee may not hold any other position in student government during his/her term of office.

- 1.4 The Student Trustee's privileges are as follows:
 - Casting an advisory vote
 - The right to make and second motions
 - Receive compensation as determined by elected Trustees

DRAFT – REVISED (Legally Required)

2. Applications

- 2.1 Applications for candidacy for the position of Student Trustee shall be available beginning the first week of the spring quarter. Applications will be available at the Activities Office at both colleges. Every effort should be made to ensure that the candidacy pool reflects the gender, ethnic, racial and other diversity of the campus.
- 2.2 The application shall include space for the entry of the applicant's name, address, telephone number, cumulative grade point average, social security number, number of units completed, and number of units in which the applicant is currently enrolled. In addition, the application shall require the student to state the reason he or she wishes to be selected as the Student Trustee and the way in which the candidate believes he or she will be able to contribute to the deliberations of the Board of Trustees. The application may also require any other information so long as it is reasonably related to the task of selecting a highly qualified candidate for the position of Student Trustee.
- 2.3 Each student who is interested in the position shall file a fully completed application for the position no later than one week prior to the posted election date. The application shall be filed at the Activities Office of the respective college. Applications shall be checked for eligibility by the Director of Student Activities at each campus to ensure eligibility requirements are met.

3. Election Process/Procedures

- 3.1 Rules and regulations for conducting the Student Body Elections at each respective campus shall be used for election of the Student Trustee.
- 3.2 The district shall provide reimbursement per eligible candidate in accordance with each colleges' ASB election code for the purpose of campaigning, to ensure that the candidate pool is representative of all socioeconomic levels. This will be on a reimbursement basis, not to exceed \$200 per candidate, based on verified receipts for goods or services purchased.
- 3.3 The campus official making reimbursement decisions shall be guided by the financial need of the applicant and whether the campaign activities for which reimbursement is sought conformed to the applicable campus election code, but shall not consider the political views of the student requesting reimbursement.

4. Advertising

- 4.1 The election committee of each respective campus shall advertise the announcement in campus publications beginning the 1st day of Spring Quarter.

DRAFT – REVISED (Legally Required)

In addition, the committee shall consider dissemination of its announcement in the following ways:

- The posting of appropriate notices at places on each campus commonly frequented by students;
- The distribution of appropriate memoranda or bulletins to faculty members and student clubs with the request that they inform students of the selection committee's announcement;
- The broadcast of appropriate announcements over the De Anza Television and the Foothill Radio stations.

5. Recall by Trustees' own student government

~~5.1 Each Student Trustee is subject to recall by the student government of his/her respective campus following appropriate due process procedures.~~

~~5.2 The Student Trustee may be recommended for recall by the affirmative vote of five of the six members constituting a Student Trustee Recall Committee composed of six student representatives, at least three of whom shall be selected from students at large, approved by the student government of the campus by which the student trustee was selected, in accordance with the Bylaws of that student government.~~

~~5.3 A staff member designated by the Chancellor along with the ASB advisor shall also sit with the recall committee as non-voting members for the sole purpose of assisting the committee with the implementation of these procedures.~~

~~5.4 A Student Trustee Recall Committee shall be convened whenever the student government at either college formally resolves, by a 2/3 majority, that their respective Student Trustee be recalled, or upon receipt by the student government of a petition signed by at least 5% of the members of the ASB of that college. Such a resolution or petition shall set forth the specific charges against the student trustee and specify which standards of board conduct or responsibilities of the student trustee have been violated.~~

~~5.5 Before voting on a recommendation to recall, the Student Trustee Recall Committee shall, at a meeting open to the public, permit the proponents and opponents of the recall to address the committee and shall specifically provide the Student Trustee an opportunity to be heard.~~

~~5.6 If the Student Trustee Recall Committee does not recommend recall, no further action is necessary. If the committee's recommendation is in favor of recall, the same shall be reported to the student government. In a public meeting and after permitting the proponents and the opponents of recall and the Student Trustee~~

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~~the opportunity to address the full body, the student government shall vote on the recommendation to recall. The recall of the Student Trustee shall require a minimum of a 2/3 majority.~~

The student member may be recalled in an election conducted in the same manner as the election to office. An election will be called upon presentation to the Chancellor of a petition signed by at least 10% of the students enrolled at the time of filing the petition. No recall election will be held if the petition is received within 30 calendar days of a regularly scheduled election for student member.

~~5.7~~

6. Removal ~~due to ineligibility:~~ for failure to meet requirements:

Student trustees are subject to removal upon 10 days written notice from the Chancellor's office if any or all of the following exist:

- a) Failure to meet residency requirements per Education Code section 68000.
- b) Failure to maintain unit enrollment requirements, per Education Code section 72023.5(a) and Board Policy 9110.1.
- c) Failure to maintain minimum standards of scholarship, per Education Code section 72023.5(a) and Board Policy 9110.1.
- d) The Chancellor and/or his Designee will conduct quarterly audits of the Student Trustee status to insure compliance with the Education code sections cited above.

Such action shall be subject to ASB ratification at the next regularly scheduled meeting.

7. Vacancies

~~6.1 If a Student Trustee vacates his/her position before the end of his/her term, whether because of resignation, recall, or otherwise, the vacancy created shall be filled by an ASB nominee, in accordance with a process provided for in the associated student body constitution and bylaws for the filling of vacant appointed positions, in consultation with the Chancellor.~~

~~6.2 A Student Trustee selected to fill a vacancy shall hold office for the unexpired term of his/her predecessor.~~

DRAFT – REVISED (Legally Required)

The office shall become vacant if the student member becomes ineligible for the office, resigns, is recalled, or dies. Upon notice to the Chancellor that a vacancy has occurred, the College President or designee shall arrange for a special election that provides for:

- Notice communicated to the student body of the result of the recall election, if the vacancy has occurred as the result of a recall election, and arrangements for a special election;
- An open application period for students to submit an application for the vacant position will be open for at least 10 regularly scheduled college days;
- Following the application period, candidates shall have a period of no less than 10 regularly scheduled college days for campaigning, and;
- Voting for the special election shall be concluded within 45 calendar days within the academic year (excludes summer session) following the date the position became vacant.

No special election will be called if the vacancy occurs within 90 calendar days of a regularly scheduled election for student member.

See Board Policy 2015 Student Members ~~9110.1~~

Revised 3/17/97; 4/22/02; 4/21/03
Endorsed by Chancellor's Advisory Council 4/29/05
Revised 4/30/07; 7/15/08
Revised by Chancellor's executive staff, 4/28/09

DRAFT – NEW (LEGALLY ADVISED)

Vacancies on the Board

AP 2110

When the Board 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.

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.

Persons applying for appointment to the Board shall receive a letter from the Chancellor containing application instructions and information about the District and the Board.

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

Each Board member will review all application letters and resumes 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 10 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 governing board member upon the appointee immediately following his or her appointment.

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for governing 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.

*Foothill-De Anza Community College District
Administrative Procedures*

DRAFT – NEW (LEGALLY ADVISED)

See Board Policy 2110 Vacancies on the Board

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

Approved by the Chancellor's Advisory Council _____

DRAFT – NEW (LEGALLY REQUIRED)

Special and Emergency Meetings

AP 2320

Whenever a special meeting of the governing board is called, the Chancellor shall cause the call and notice to be posted at least 24 hours prior to the meeting in a location freely accessible to the public. The Chancellor shall also ensure that the following notices of the meeting are delivered either personally or by other means:

- Written notice to each member of the governing board, including student trustees.
- Written notice to each local newspaper of general circulation, and each radio or television station that has previously requested in writing to be provided notice of special meetings.

The written notice must be received at least 24 hours before the time of the meeting as set out in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. The notice may be waived by members of the governing board in writing either prior to or at the time of the meeting.

Whenever an emergency meeting of the Governing Board is called, the Chancellor shall cause notice to be provided by telephone at least one hour prior to the meeting to each local newspaper of general circulation and each radio or television station that has requested notice of special meetings. If telephone services are not functioning, the Chancellor shall provide the newspapers, radio stations and television stations with information regarding the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible

See Board Policy 2320 Special and Emergency Meetings

Education Code Sections 72023.5, 72129
Government Code Sections 54956, 54956.5

Approved by the Chancellor's Advisory Council _____

DRAFT – NEW (LEGALLY ADVISED)

Agendas

AP 2340

The Chancellor, in consultation with the Board President, shall direct the compilation of each Board of Trustees meeting agenda. Items to be considered for inclusion on the agenda may be submitted to the Chancellor through the vice chancellors and college presidents for Chancellor's Cabinet review. In accordance with board policy, members of the public may request that a matter within the jurisdiction of the board be placed on the agenda of a regular meeting.

Each meeting agenda shall set forth the location and time of the meeting and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. Each regular meeting agenda shall also provide members of the public an opportunity to comment on matters not on the agenda, but within the subject matter jurisdiction of the Board.

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Chancellor recommends approval. In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

At least 72 hours prior to each regular meeting and 24 hours prior to a special meeting, the meeting agenda shall be posted in a location freely accessible to members of the public and on the internet at the following link: <http://www.boarddocs.com/ca/fhda/Board.nsf/Public>. Upon request to the Chancellor's Office, agendas and supporting documents shall be distributed via website link to members of the public. The agenda and documents in the agenda packet shall be made available in appropriate alternate formats to persons with a disability upon request. A request for mailed copies of agendas or agenda packets may be made in writing to the Chancellor's Office. The request will be valid for the calendar year in which it is filed and must be renewed following January 1 of each year. The governing board may establish a reasonable fee for mailing the agenda or agenda packet.

See Board Policy 2340 Agendas

Education Code Section 72121
Government Code Sections 54954 et seq. and 6250 et seq.

Approved by the Chancellor's Advisory Council _____

DRAFT – NEW (LEGALLY ADVISED)

Recording

AP 2365

Audio recordings of governing board meetings made by the District are maintained in the Chancellor's Office for at least 30 days following the recording. After 30 calendar days, the recordings may be destroyed. The recordings shall be made available to the public and news media in accordance with the California Public Records Act, Government Code Section 6250. Copies of recordings may be obtained through Chancellor's Office upon written request and payment of a fee covering the direct costs of duplication.

See Board Policy 2365 Recording

Government Code Section 54953.5

Approved by the Chancellor's Advisory Council _____

DRAFT – NEW (GOOD PRACTICE)

Policy and Administrative Procedure

AP 2410

Recommendations for new board policies and administrative procedures or changes to existing policies and procedures shall be submitted to the Chancellor for evaluation by the Chancellor’s Cabinet and subsequent review by the Chancellor’s Advisory Council. If any part of the proposed change involves an academic and professional matter or a collective bargaining issue, the recommendation will be referred to the Academic and Professional Matters Committee or the appropriate employee bargaining unit(s) prior to Chancellor’s Advisory Council review.

New and revised administrative procedures shall be effective upon approval by the Chancellor’s Advisory Council. New and revised board policies shall not be operable until approved by the Board of Trustees.

See Board Policy 2410 Policy and Administrative Procedure

**Education Code Section 70902
Accreditation Standard IV.B.1.b & e**

Approved by the Chancellor’s Advisory Council _____

DRAFT – NEW (REQUIRED BY ACCREDITATION STANDARDS)

Evaluation of Chancellor

AP 2435

The Board shall evaluate the Chancellor annually using the mutually agreed upon process described in the Chancellor's contract. The evaluation shall assess the Chancellor's performance based on Board policy, the Chancellor's job description, and the performance goals and objectives developed annually between the Chancellor and Board.

See Board Policy 2435 Evaluation of Chancellor

Accreditation Standard IV.A and IV.B

Approved by the Chancellor's Advisory Council _____

Distribution of Tickets or Passes

AP 2714 3201

From time to time, the district receives tickets or passes to community facilities, events, shows, or performances for an entertainment, amusement, recreational or similar purpose. The District will distribute these tickets or passes when attendance at the event will further the District's mission or will significantly contribute to the professional development of an employee or a member of the Board of Trustees.

The District will distribute the ticket or pass to the person who will benefit most directly or whose regular role in the District most directly relates to the facility, event, show or performance. If more than one person would benefit equally or their role relates equally to the facility, event, show, or performance, the District will select one person to receive the ticket or pass by lot or rotation. The person receiving a ticket or pass pursuant to this procedure may not transfer the ticket or pass to any other person.

When the District provides a ticket or pass to an official of the District, the ticket or pass is not subject to the provisions of ~~this procedure~~ **the district's conflict of interest procedure**, so long as the official treats the ticket or pass as income consistent with applicable state and federal income tax laws and the District reports the distribution of the ticket or pass as income to the official and on its website as set forth below.

For each ticket or pass distributed, including those which the recipient treats the ticket or pass as income consistent with applicable state and federal income tax laws according to the paragraph above, the District will complete the California Fair Political Practices Commission (FPPC) Form 802. The District will post these completed forms on its website.

See Administrative Procedure 2710 Conflict of Interest

Title 2 Section 18944.1

Approved CAC 1/28/11

DRAFT – NEW (LEGALLY ADVISED)

Citizens' Bond Oversight Committee

AP 6740

Section 1. Citizen's Bond Oversight Committee established.

The Foothill-De Anza Community College District (the "District") was successful at the election conducted on June 6, 2006 (the "Election"), in obtaining authorization from the District's voters to issue up to \$490,800,000 aggregate principal amount of the District's general obligation bonds (the "Measure C"). The election was conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 *et seq.* of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District is now obligated to establish the Committee in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the Foothill-De Anza Community College District (the "Board") hereby establishes the Citizens' Bond Oversight Committee (the "Committee") which shall have the duties and rights set forth in these Bylaws. The Committee does not have independent legal capacity from the District.

Section 2. Purpose

The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 39 as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the *Ralph M. Brown Public Meetings Act* of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee's purposes, as set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under Measure C. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee's review.

Section 3. Duties

To carry out its stated purposes, the Committee shall perform only the following duties:

3.1 Inform the Public. The Committee shall inform the public concerning the District's expenditure of bond proceeds.

3.2 Review Expenditures. The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in the Measure C; and (b) no bond proceeds

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were used for any teacher or administrative salaries or other operating expenses.

3.3 Annual Report. The Committee shall present to the Board, in public session, an annual written report which shall include the following:

(a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and

(b) A summary of the Committee's proceedings and activities for the preceding year.

3.4 Duties of the Board and/or Chancellor. Either the Board or the Chancellor, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

(i) Approval of construction contracts,

(ii) Approval of construction change orders,

(iii) Expenditure of construction funds,

(iv) Handling of all legal matters,

(v) Approval of construction plans and schedules,

(vi) Approval of all deferred maintenance plans, and

(vii) Approval of the sale of bonds.

3.5 Voter-Approved Projects Only. In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the Board has not charged the Committee with responsibility for:

(a) Projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the authority of the Committee.

(b) The establishment of priorities and order of construction for the bond projects, which shall be made by the Board in its sole discretion.

(c) The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based

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on District criteria established by the Board in its sole discretion.

(d) The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) by the Board in its sole discretion and shall report to the Committee on any cost saving techniques considered or adopted by the Board.

(e) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.

(f) The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Prop 39 and included herein.

Section 4. Authorized Activities

4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:

(a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIII A of the California Constitution.

(b) Inspect college facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's Chancellor.

(c) Review copies of deferred maintenance proposal or plans developed by the District.

(d) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

Section 5. Membership

5.1 Number.

The Committee shall consist of a minimum of seven (7) members appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39, to wit:

- One (1) student enrolled and active in a community college support group, such as student government.
- One (1) member active in a business organization representing the

DRAFT – NEW (LEGALLY ADVISED)

business community located in the District.

- **One (1) member active in a senior citizens' organization.**
- **One (1) member active in a bona-fide taxpayers association.**
- **One (1) member active in a support organization for Foothill College or De Anza College, such as a foundation or advisory council.**
- **Two (2) members of the community at-large.**

5.2 Qualification Standards.

(a) To be a qualified person, he or she must be at least 18 years of age and reside within the boundaries of the District.

(b) The committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3 Ethics: Conflicts of Interest.

By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code.

5.4 Term.

Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing on the date of the first meeting of the Committee. No member may serve more than two (2) consecutive terms. At the Committee's first meeting, members will draw lots or otherwise select a minimum of two members to serve for an initial one (1) year term and the remaining members for an initial two (2) year term.

5.5 Appointment.

Members of the Committee shall be appointed by the Board through the following process:

- (a) appropriate local groups will be solicited for applications;**
- (b) the Chancellor or his or her designee will review the applications; and**
- (c) the Chancellor or his or her designee, following consultation with the Board President, will make recommendations to the Board.**

DRAFT – NEW (LEGALLY ADVISED)

5.6 Removal; Vacancy.

The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Board of Trustee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. Vacancies shall be filled within 90 days from the initial date of each such vacancy.

5.7 Compensation.

The Committee members shall not be compensated for their services.

5.8 Authority of Members.

(a) Committee members shall not have the authority to direct staff of the District,

(b) individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual, and

(c) the Committee may only receive copies of reports and documents which have been previously presented to the Board and which are a public record.

Section 6. Meetings of the Committee

6.1 Regular Meetings.

The Committee is required to meet at least once a year but may meet more often as the Committee shall determine, but no more frequently than quarterly.

6.2 Location.

All meetings shall be held within the boundaries of the Foothill-De Anza Community College District.

6.3 Procedures.

All meetings shall be open to the public in accordance with the Ralph M. Brown Act, Government Code Section 54950 et seq. Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business of the Committee.

DRAFT – NEW (LEGALLY ADVISED)

Section 7. District Support

7.1 Assistance.

The District shall provide to the Committee necessary technical and administrative assistance as follows:

- (a) preparation of and posting of public notices as required by the Brown Act, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the District Board;**
- (b) provision of a meeting room, including any necessary audio/visual equipment;**
- (c) preparation and copies of any documentary meeting materials, such as agendas and reports; and**
- (d) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.**

7.2 Attendance

District staff and/or District consultants shall attend Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.

7.3 Proceeds to support the committee

No bond proceeds shall be used to provide District support to the Committee.

Section 8. Reports

In addition to the Annual Report required in Section 3.2, the Committee may report to the Board from time to time in order to advise the Board on the activities of the Committee. The Annual Report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. Officers

The Chancellor shall appoint the initial Chair to serve for an initial one (1) year term. The Committee shall elect an initial Vice-Chair. Thereafter, the Committee shall elect a Chair and a Vice-Chair who shall act as chair only when the Chair is absent

Section 10. Amendment of Bylaws

DRAFT – NEW (LEGALLY ADVISED)

Any amendment to these Bylaws shall be approved by a majority vote of the Board.

Section 11. Termination

The Committee shall automatically terminate and disband 180 days following the date when all Measure C bond proceeds have been spent.

See Board Policy 6740 Citizens' Bond Oversight Committee

Education Code Sections 15278, 15280, and 15282

Approved by the Chancellor's Advisory Council

DRAFT – NEW (LEGALLY REQUIRED)

Fingerprinting of Employees, Volunteers and Student Workers

AP 7337

Fingerprinting and Request for Records

As a condition of employment, each person to be employed as an employee, including temporary and short-term employees, or engaged as a volunteer shall, within 10 working days of employment as an employee or engagement of services as a volunteer, submit to the creation of a duplicate personal identification card upon which shall appear the legible fingerprints and personal description of the employee as prepared by the Foothill-De Anza Police Department. For purposes of this procedure, employment includes all employees and volunteers. In addition, student workers, if identified as required and in accordance with campus procedures as a condition of employment, shall also be fingerprinted in accordance with these procedures.

There will be no fee charged to the employee, volunteer or student worker.

The Foothill-De Anza Police Department shall immediately transmit the card to the Department of Justice with a request for records regarding all conviction(s) against the named individual.

Receipt of Records

Upon receipt of the report of convictions from the Department of Justice, the Foothill-De Anza Police Department shall forward any information regarding convictions included on the Department of Justice conviction(s) report to: 1) the District Office of Human Resources for any record regarding an employee or volunteer; and to 2) the college Financial Aid Office for any record regarding a student worker.

Review and Determination of Records Regarding Employees and Volunteers

The District Office of Human Resources, in consultation with the appropriate senior hiring administrator, for example Vice President or Vice Chancellor, shall review the conviction information and make a determination as to whether there exists sufficient information to: 1) preclude the hiring or retention of the employee or volunteer on the basis of sex offense or controlled substance offense as defined by Education Code 87010 and 87011; or 2) prohibit hiring or retention of the employee or volunteer on the basis of the prohibition being job related and consistent with business necessity.

Review and Determination of Records Regarding Student Workers

The college Financial Aid Office, in consultation with the college-designated administrator, shall review the conviction record and make a determination as to whether there exists sufficient information to: 1) preclude the hiring or retention of the student worker on the basis of sex offense or controlled substance offense as defined by Education Code 87010 and 87011; or 2) prohibit

DRAFT – NEW (LEGALLY REQUIRED)

hiring or retention of the student worker on the basis of the prohibition being job related and consistent with business necessity.

Recordkeeping

All conviction reports are confidential and shall be maintained to the extent required by law and in accordance with applicable recordkeeping requirements.

See Board Policy 7337 Fingerprinting of Employees, Volunteers and Student Workers

Education Code Sections 87010, 87011, 87013 and 88024
Penal Code Sections 11102.2 and 11077.1

Approved by the Chancellor's Advisory Council _____

DRAFT – REVISED (LEGALLY REQUIRED)

Vacancies on the Board

21109111

~~Vacancies on the Board will be filled in accordance with the provisions of the Education Code.~~

Vacancies on the Board may be caused by any of the events specified in Government Code Section 1770 or any applicable provision in the Elections Code, or by a failure to elect. Resignations from the Board shall be governed by Education Code Section 5090.

Within 60 days of the vacancy or filing of a deferred resignation, the Board shall either order an election or make a provisional appointment to fill the vacancy.

If an election is ordered, it shall be held on the next regular election date not less than 130 days after the occurrence of the vacancy.

If a provisional appointment is made, it shall be subject to the conditions in Education Code Section 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for district governing board members, when the election shall be held to fill the vacancy for the remainder of the unexpired term.

The provisional appointment will be made by a majority public vote of the Board members at a public meeting.

The Chancellor shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board will determine the schedule and appointment process, which may include interviews at a public meeting.

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Education Code section 5090 *et seq.*
Government Code Section 1770

Approved 3/2/64

Philosophy of the Board of Trustees

(approved 3/15/99, reaffirmed 10/2/00, and amended and reaffirmed 7/12/04)

We, the trustees of the Foothill-De Anza Community College District, commit ourselves individually and collectively to the highest standards of conduct. We acknowledge that each of us shares a profound obligation to exercise our best possible judgment as we face the matters affecting the health and vitality of this institution which we hold in trust for current and future generations. We pledge to work together on behalf of our community in a spirit of cooperation and collaboration.

Mission of the Board of Trustees

(adopted 5/11/92, amended and reaffirmed 7/12/04)

The Board of Trustees carries out the philosophy, mission and priorities of Foothill-De Anza Community College District through the execution of the following responsibilities:

- Determines policy and direction of the institution, and evaluates the implementation of policy recognizing the philosophy of participatory governance that exists in the District;
- Establishes and protects districtwide a climate in which teaching and learning are deeply valued, where the worth and dignity of each individual is respected, and where cultural diversity is celebrated;
- Acknowledges students, their opportunities, and their progress as the central purpose of our colleges and supports their academic pursuit through careful program review;
- Ensures the fiscal health and stability of the Colleges and Central Services by having close working relationships with the Chancellor, financial staff, and auditors, and assures that proper procedures are in place to monitor this fiscal stability;
- Appoints, supports and assesses the performance of the Chancellor, and assures integrity and oversight of the evaluation processes for all district employees and the Board itself;
- Ensures quality teaching through its oversight of policies and procedures for hiring, tenure review, and professional growth of faculty and administrative staff, and clearly recognizes the contribution of classified staff in enabling teaching and learning to take place;
- Acts as a community bridge, recognizing that community priorities are to be addressed through program offerings, types of facilities, and neighborly cooperation;
- Serves as a positive agent of change, recognizing that it holds the Colleges in trust for future generations of students;
- Serves as a court of appeal; and

- Works constantly to improve the Board's quality of trusteeship through orientation, education, and assessment of its own performance.

Roles and Responsibilities

(adopted 3/15/99, amended and reaffirmed 7/12/04)

The Board of Trustees fulfills its roles and responsibilities in each of the following areas:

A. BOARD LEADERSHIP, OVERSIGHT AND REPRESENTATION

1. To establish and oversee the District's mission, purposes, goals, policies, programs, services, and needs, and ensure implementation through the Chancellor.
2. To appoint, support, and evaluate the Chancellor.
3. To hold the educational welfare of the students attending the colleges as a primary concern of the Trustees.
4. To preserve the institutional autonomy and integrity of the District by serving as a model for all to emulate.
5. To represent a broad cross section of the community and reflect the public interest; to represent the District, its Colleges, its aspirations, its students, and the taxpayers; to serve the District as a whole rather than any special interests; and to serve as a bridge between the community, the District and its Colleges.
6. To ensure that the District is well managed.
7. To assure long range planning.
8. To fulfill its fiduciary responsibilities to the public by approving the District's budget, ensuring that it reflects the District's mission, priorities and goals; and informing the community of the financial needs of the District.
9. To provide leadership and advocacy to obtain and assure adequate funding, fiscal soundness, and sustainability of the District's programs and facilities.
10. To support the Foundation and Chancellor in implementing fundraising strategies through donor cultivation and solicitation.
11. To participate in the life of the Colleges' communities (e.g., attending staff and student recognition ceremonies, special events, fundraisers, etc.) and to be willing to serve on committees.
12. To advocate for legislation to meet the needs of the District and be active and supportive of political activity at the local, state and national level concerning laws and funding activities of the community college system, and to remain informed of and participate in community college trustee organizations to keep each member abreast of state and national trends and issues.

B. BOARD CONDUCT, PERFORMANCE AND STATUTORY RESPONSIBILITIES

13. To observe all state and federal statutes and administrative regulations, including the open meeting requirements of the Brown Act, the Education Code, the Government Code, and the Labor Code.
14. To follow all statutes regarding conflicts of interest, to avoid even the appearance of a conflict of interest that might embarrass the Board or the institution, and to reveal any possible conflict of interest to the Board in a timely fashion.
15. To attend all Board meetings regularly and promptly, and review all materials sent out in advance of the meetings in order to assure meaningful participation and make informed decisions.
16. To ask appropriate, timely and substantive questions at Board meetings consistent with one's conscience and convictions.
17. To periodically suggest agenda items for Board meetings to ensure that significant policy-related matters are addressed.
18. To vote on all motions of the Board except when removal from action for conflict of interest is declared, to make decisions only after all the facts have been presented and discussed.
19. To maintain the confidentiality of the Board's closed sessions.
20. To serve as a court of appeal.
21. To support and defend all appropriate actions by the Chancellor, the Presidents, Administration, Faculty and Staff.
22. To make judgments, without prejudice, based upon information received from individuals on the campuses and encourage those with real or perceived grievances to follow established policies and procedures through their supervisors. All matters of potential significance should be brought to the attention of the Chancellor or Board President. Any personal criticisms of staff should be presented to the Chancellor.
23. To consult with the Chancellor's designated contact persons responsible for board items; to request special information, studies or board items through the Board or Board President; to be at all times polite and respectful of staff, remembering that they have other duties and responsibilities, and to avoid placing or appearing to place pressure of any kind on individual students, faculty, staff, or administrators.
24. To speak for the Board only when designated to do so if contacted by the media.
25. To follow the same rules, regulations, and policies of the District as do other employees related to benefits, travel, parking, financial reimbursements, etc.
26. To encourage periodic review of the Board's performance.
27. To communicate with the Chancellor's Office regarding extended absences, vacations, etc.

Accreditation Standard IV.B.1.d

DRAFT – REVISED (LEGALLY REQUIRED)

Committees of the Board

2220 9122

The Board President may on his or her own initiative or by Board authorization appoint *ad hoc* committees of not more than two members for special projects or purposes. Such a special project or purpose may continue more than one year, and the Board committee may continue on without annual reappointment.

The Board may invite citizens appointed by the Board to join with the Board to consider any subject or item of high significance so the Board may obtain a broadened community viewpoint or reaction.

~~Citizens advisory committees may be organized by the administration. The Board will be kept informed of such membership.~~

~~(Note: Moved to BP 6740 Citizens' Oversight Committee) If a bond measure has been authorized pursuant to the conditions of Proposition 39 as defined in the California Constitution, the Chancellor shall establish a Citizens' Oversight Committee in accordance with the applicable law and necessary regulations.~~

The Board may by action establish committees that it determines are necessary to assist the Board in its responsibilities. Any committee established by Board action shall comply with the requirements of the Brown Act and with these policies regarding open meetings.

Board committees that are composed solely of less than a quorum of members of the Board that are advisory are not required to comply with the Brown Act, or with these policies regarding open meetings, unless they are standing committees.

Board committees that are only advisory have no authority or power to act on behalf of the Board. Findings or recommendations shall be reported to the Board for consideration.

The Board has established the following committee(s):

Audit and Finance Committee – Acts in an advisory role to the Board in carrying out its oversight and legislative responsibilities as they relate to the District's financial management.

Citizens' Bond Oversight Committee – Established pursuant to the conditions of Proposition 39 to:

- **inform the public about the expenditure of bond revenues;**
- **review and report on the proper expenditure of taxpayers' money for school construction; and**

DRAFT – REVISED (LEGALLY REQUIRED)

- **advise the public as to the District’s compliance with the Proposition 39 requirements as contained in the California Constitution.**

See Board Policy 9123 Audit and Finance Committee

See Board Policy 6740 Citizens’ Bond Oversight Committee

Government Code Section 54952
Education Code Sections 15278, 15280, 15282

Approved 3/2/64
Reviewed/Approved by CAC 12/10/10
Amended 2/3/97; 2/7/11

DRAFT – REVISED

Regular Meetings

2310 9125

The Governing Board shall hold regular monthly meetings. Unless the Board otherwise prescribes, the meetings shall occur commencing at 6:00 p.m. on the first Monday of each month at the Board Room in the District Office, 12345 El Monte Road, Los Altos Hills, California. Notice of all regular and special meetings, and posting of agendas, shall be accomplished in conformity with the requirements of the Ralph M. Brown Act, California Government Code section 54950, *et seq.* and with the requirements of California Education Code section 72000(d) and any related provisions.

A notice identifying the location, date, and time of each regular meeting of the Board shall be posted at each community college maintained by the district 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 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 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.

Education Code section 72000(d)
Government Code section 54950, *et seq.*, **54961**

Approved 2/3/97
Revised 6/18/07

DRAFT - REVISED

Closed Session

2315 9127

The Governing Board shall hold closed sessions of the Board only as permitted by applicable legal provision including but not limited to the Brown Act, California Government Code and California Education Code. **Matters discussed in closed session may include:**

- **the appointment, employment, evaluation of performance, discipline or dismissal of a public employee;**
- **charges or complaints brought against a public employee by another person or employee;**
- **advice of counsel on pending litigation, as defined by law;**
- **consideration of tort liability claims as part of the district's membership in any joint powers agency formed for purposes of insurance pooling;**
- **real property transactions;**
- **threats to public security;**
- **review of the District's position regarding labor negotiations and giving instructions to the District's designated negotiator;**
- **discussion of student disciplinary action, with final action taken in public;**
- **conferring of honorary degrees;**
- **consideration of gifts from a donor who wishes to remain anonymous;**
- **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.

After any closed session, the Board shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote of every member present.

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 or by law.

Education Code 72122
Government Code **11125.4 and 54956.89** *et seq.*

Reviewed/Approved by CAC 12/10/10
Approved 2/7/11

DRAFT - REVISED

Closed Session

2315 9127

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Education Code 72122
Government Code **11125.4 and 54956.89** *et seq.*

Reviewed/Approved by CAC 12/10/10
Approved 2/7/11

DRAFT – REVISED

Special and Emergency Meetings

2320 9126

Special meetings may be called from time to time by the President of the Board or by a majority of the members of the Board. Notice of such meetings shall be posted at least 24 hours before the time of the meeting, and shall be noticed in accordance with the Brown Act. No business other than that included in the notice may be transacted or discussed.

Emergency meetings may be called by the President of the Board or a majority of the members of the Board when prompt action is needed because of actual or threatened disruption of public facilities. Such circumstances as are permitted by the Brown Act include work stoppage, crippling disasters, and other activity that severely impairs public health or safety.

No closed session shall be conducted during an emergency meeting, except as provided for in the Brown Act to discuss a dire emergency.

The Chancellor shall be responsible to ensure that notice of such meetings is provided to local news media as required by law.

See Administrative Procedure 2320 Special and Emergency Meetings

Education Code 72129
Government Code 54956 *et seq.*
Reviewed/Approved by CAC 12/10/10
Approved 2/7/11

DRAFT – NEW (LEGALLY ADVISED)

Quorum and Voting

2330

A quorum of the Board shall consist of three members.

The Board shall act by majority vote of all of the membership of the Board, except as noted below.

No action shall be taken by secret ballot.

The following actions require a two-thirds majority of all members of the Board:

- Resolution of intention to sell or lease real property (except where a unanimous vote is required);
- Resolution of intention to dedicate or convey an easement;
- Resolution authorizing and directing the execution and delivery of a deed;
- Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
- Appropriation of funds from an undistributed reserve;
- Resolution to condemn real property.

The following actions require a unanimous vote of all members of the Board:

- Resolution authorizing a sale or lease of District real property to the state, any county, city, or to any other school or community college district;
- Resolution authorizing lease of District property under a lease for the production of gas.

Education Code Sections 72000(d)(3), 81310 et seq., 81365, 81511, and 81432
Government Code Section 53094
Code of Civil Procedure Section 1245.240

Approved _____

DRAFT – REVISED (LEGALLY REQUIRED)

Agendas

2340 9128

An agenda shall be posted adjacent to the place of meeting at least 72 hours prior to the meeting time for regular meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

Agendas shall be developed by the Chancellor in consultation with the Board President. Additionally, any two members of the board may submit to the Chancellor an item for discussion or consideration on the agenda.

No business may be acted on or discussed which is not on the agenda, except when one or more of the following apply:

- **A majority decides there is an “emergency situation” as defined for emergency meetings;**
- **Two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the Board subsequent to the agenda being posted;**
- **An item appeared on the agenda of and was continued from a meeting held not more than five days earlier.**

The order of business may be changed by consent of the Board.

The Chancellor shall establish administrative procedures that provide for public access to agenda information.

Members of the public may place matters directly related to District business on an agenda by submitting a written summary of the item to the Chancellor. The written summary must be signed by the initiator **and contain his/her residence or business address and organizational affiliation, if any.** Agenda items submitted by members of the public must be received by the Chancellor’s Office no later than two weeks prior to the regularly scheduled Board meeting and shall be placed on the Board’s agenda following the items of business initiated by the Board and staff. The Board reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.

Any agenda item submitted by a member of the public and heard at a public meeting cannot be resubmitted by the member of the public before the expiration of a 90-day period following the initial submission.

DRAFT – REVISED (LEGALLY REQUIRED)

Note: Moved the following two paragraphs to BP 2350 Speakers

Addressing Items on the Agenda

~~Members of the public are able to address the Board regarding items on the agenda as such items are taken up. Members of the public who wish to address the Board on items on the agenda shall complete a written request to the Chancellor at the beginning of the meeting at which they wish to speak. The request shall note the item on which they wish to speak and identify the submitter by name and by organizational affiliation, if any. In order to insure the orderly conduct of public business, unless the Governing Board otherwise directs at the time, citizens wishing to discuss agendized matters with the Board at Board meetings shall be limited to five minutes per person. The Board President may at his/her discretion limit the total number of speakers addressing a particular subject and/or reduce the minutes allowed per person below five minutes.~~

Addressing Items Not on the Agenda

~~This regulation shall not preclude the taking of public testimony or comment during the Public Hearings at regularly scheduled meetings on matters not on the agenda which any member of the public may wish to bring before the Board, provided that no action is taken by the Board on such matters at the same meeting at which such testimony or comment is taken. In order to facilitate such interaction with the public, each meeting agenda shall include a time for general public input on any matter not otherwise covered in the agenda for that meeting. Members of the public who wish to address the Board during the Public Hearing shall complete a written request to the Chancellor at the beginning of the meeting at which they wish to speak. The request shall identify the subject and the submitter by name and by organizational affiliation, if any. The Board President may at his/her discretion limit the total number of speakers addressing a particular subject and/or reduce the minutes allowed per person below five minutes.~~

Note: Moved the following paragraph to BP 2355 Decorum

~~The Board recognizes the need to encourage public participation but also recognizes the need to preserve order and the proper functioning of the meeting. Citizens addressing the Board at meetings shall therefore conduct themselves at all times in a manner appropriate to the setting.~~

Note: Moved the following paragraph to BP 2350 Speakers

~~Each speaker coming before the Board is limited to one presentation per specific agenda item before the Board and to one presentation per meeting on non-agenda~~

*Foothill-De Anza Community College District
Board of Trustees
Board Policy Manual*

DRAFT – REVISED (LEGALLY REQUIRED)

~~matters.~~

See Administrative Procedure 2340 Agendas

Education Code sections 72121 and 72121.5
Government Code Sections 54954 et seq., 6250 et seq.
Approved 2/3/97
Approved by CC 4/8/11
Revised 9/10/01; 6/6/11

DRAFT – REVISED (LEGALLY REQUIRED)

Public Participation at Invited to Board Meetings

2345 1130

In conformity with the Board policy of keeping the public fully informed on all activities of the District and also in keeping with the concerted effort of the Board to comply strictly with the provisions of the “Brown Act,” the Board wishes to encourage the attendance of the public at Board meetings.

~~The administration periodically, through its normal channels of communication, will renew the Board's invitation to citizens of the area to attend Board meetings. Special invitations will be sent to those organizations which might wish to send a representative on a regular basis.~~

The Board shall provide opportunities for members of the general public to participate in the business of the Board.

Members of the public may bring matters directly related to the business of the District to the attention of the Board in one of two ways:

- **There will be a time at each regularly scheduled board meeting for the general public to discuss items not on the agenda. Members of the public wishing to present such items shall submit a written request as described in board policy 2350 Speakers.**
- **Members of the public may place items on the prepared agenda in accordance with the provisions set forth in board policy 2340 Agendas.**

Members of the public also may submit written communications to the Board on items on the agenda and/or speak to agenda items at the Board meeting. Written communication regarding items on the Board's agenda should reach the office of the Chancellor not later than the Friday prior to the meeting at which the matter concerned is to be before the Board. All such written communications shall be dated and signed by the author, and shall contain the residence or business address of the author and the author's organizational affiliation, if any.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board under this rule, but shall be submitted to the District.

See Board Policy 2340 Agendas

See Board Policy 2350 Speakers

*Foothill-De Anza Community College District
Board of Trustees
Board Policy Manual*

DRAFT – REVISED (LEGALLY REQUIRED)

~~*For policy relative to distribution of agenda and minutes of Board meetings see Board Policy 9125 Regular Meetings*~~

Education Code Section 72121.5
Government Code Sections 54954.3 and 54957.5

Approved 12/17/62
Amended 11/15/93

DRAFT – NEW (LEGALLY ADVISED)

Speakers

2350

Persons may speak to the Board either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board.

Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.

Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public hearings.

Those wishing to speak to the Board are subject to the following:

- No member of the public may speak without being recognized by the President of the Board.
- The President of the Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.
- Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.
- Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.

*(Note: Following three paragraphs moved from BP 2340 (formerly 9128) Agendas)
Addressing Items on the Agenda)*

Members of the public are able to address the Board regarding items on the agenda as such items are taken up. Members of the public who wish to address the Board on items on the agenda shall complete a written request to the Chancellor at the beginning of the meeting at which they wish to speak. The request shall note the item on which they wish to speak and identify the submitter by name and by organizational affiliation, if any. In order to insure the orderly conduct of public business, unless the Governing Board otherwise directs at the time, citizens wishing to discuss agenda items with the Board at Board meetings shall be limited to five minutes per person. The Board President may at his/her discretion limit the total number of speakers addressing a particular subject and/or reduce the minutes allowed per person below five minutes.

Addressing Items Not on the Agenda

This regulation shall not preclude the taking of public testimony or comment during the Public Hearings at regularly-scheduled meetings on matters not on the agenda which any member of the public may wish to bring before the Board, provided that no action is taken by the Board on such matters at the same meeting at which such testimony or comment is taken. In order to facilitate such interaction with the public, each meeting

DRAFT – REVISED (LEGALLY ADVISED)

agenda shall include a time for general public input on any matter not otherwise covered in the agenda for that meeting. Members of the public who wish to address the Board during the Public Hearing shall complete a written request to the Chancellor at the beginning of the meeting at which they wish to speak. The request shall identify the subject and the submitter by name and by organizational affiliation, if any. The Board President may at his/her discretion limit the total number of speakers addressing a particular subject and/or reduce the minutes allowed per person below five minutes.

Each speaker coming before the Board is limited to one presentation per specific agenda item before the Board and to one presentation per meeting on non agenda matters.

Education Code Section 72121.5
Government Code Sections 54950 et seq.

DRAFT – NEW (GOOD PRACTICE)

Decorum

2355

(Note: The following paragraph was moved from BP 2340 (formerly 9128) Agendas.)

The Board recognizes the need to encourage public participation but also recognizes the need to preserve order and the proper functioning of the meeting. Citizens addressing the Board at meetings shall therefore conduct themselves at all times in a manner appropriate to the setting.

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

- Remarks or discussion in public meetings on charges or complaints which the Board has scheduled to consider in closed session.
- Profanity, obscenity and other offensive language.
- Physical violence and/or threats of physical violence directed towards 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 person(s) may be removed from the meeting room.

Speakers who engage in such conduct may be removed from the podium and denied the opportunity to speak to the Board 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, 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.

If order cannot be restored by the removal in accordance with these rules of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and may continue in session. The Board 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.

Education Code Section 72121.5
Government Code Sections 54954.3(b)

DRAFT – NEW (LEGALLY ADVISED)

Minutes

2360

The Chancellor shall cause minutes to be taken of all meetings of the Board. The minutes shall record all actions taken by the Board. The minutes shall be public records available to the public. If requested, the minutes shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Education Code Section 72121(a)
Government Code Section 54957.5

DRAFT – NEW (LEGALLY ADVISED)

Recording

2365

Any audio or video recording of an open and public Board meeting made by or at the direction of the Board shall be subject to inspection by members of the public in accordance with the California Public Records Act, Government Code Sections 6250 et seq. The Chancellor is directed to enact administrative procedures to ensure that any such recordings are maintained for at least thirty days following the taping or recording.

Persons attending an open and public meeting of the Board may, at their own expense, record the proceedings with an audio or video tape recording or a still or motion picture camera or may broadcast the proceedings. However, if the Board finds by a majority vote that the recording or broadcast cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings, the Board President will ask that recording cease.

See Administrative Procedure 2365 Recording

Education Code Section 72121(a)
Government Code Section 54957.5

DRAFT – REVISED (GOOD PRACTICE)
Changes in Board Policy Policy and Administrative Procedure 2410 2615

~~So that the Board may assure fair opportunities to be heard and may have the recommendations of its professional advisors, a request for a change in existing policy, for formulation of a new policy, or for a Board action of import must be presented in writing to the Chancellor sufficiently in advance of the time it is to be considered by the Board so that adequate time will be available for study.~~

~~The Chancellor will then institute a study of the request in a manner usual for the study of all questions of policy of proposed substantive action. Following this study, the Chancellor will place the matter on the agenda of a regularly scheduled meeting of the Board, at which time the organization making the original suggestion may present its views and the Chancellor will make a recommendation to the Board.~~

The Board may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the District. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction.

The policies have been written to be consistent with provisions of law, but do not encompass all laws relating to district activities. All District employees are expected to know of and observe all provisions of law pertinent to their job responsibilities.

Policies of the Board may be adopted, revised, added to or amended at any regular board meeting by a majority vote. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended.

Administrative procedures are to be issued by the Chancellor as statements of method to be used in implementing Board Policy. Such administrative procedures shall be consistent with the intent of Board Policy. Administrative procedures may be revised as deemed necessary by the Chancellor The Board reserves the right to direct revisions of the administrative procedures should they, in the Board's judgment, be inconsistent with the Board's own policies.

Copies of all policies and administrative procedures shall be readily available to District employees through the district web site.

See Administrative Procedure 2410 Policy and Administrative Procedure

**Education Code Section 70902
Accreditation Standard IV.B.1.b and e**

Approved 5/1/95

DRAFT – REVISED (GOOD PRACTICE)

Delegation of Authority to Chancellor as Executive Officer of the Board 2430 2210

The Board of Trustees of the Foothill-De Anza Community College District delegates to the Chancellor of the District the executive responsibility for administering the policies adopted by the Board and executing all decisions of the Board requiring administrative action. In the initiation and formulation of District policies the Chancellor shall act as the professional advisor to the Board.

The Chancellor may delegate any powers and duties entrusted to him/her by the Board including the administration of each **college and center campus**, but he/she 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** ~~for which the Board has provided no policy for administrative action~~, the Chancellor shall have the power to act, but his/her decisions shall be subject to review by the Board. It shall be the duty of the Chancellor to inform the Board promptly of such action and to recommend a written Board policy if one is required.

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

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 is expected to perform the duties contained in the Chancellor job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions. The job description and objectives for performance shall be developed by the Board in consultation with the Chancellor. ~~The Chancellor shall perform all duties specifically required of or assigned to the Chancellor in the Education Code.~~ In his/her capacity as Chancellor, he/she shall attend all meetings of the Board (except when the current Chancellor's Contract is under consideration) and serve as Secretary to the Board.

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

Approved 11/7/60
Amended 5/1/95

DRAFT – REVISED (REQUIRED BY ACCREDITATION STANDARDS)

Chancellor or President Selection

2431 2215

In the event of a Chancellor vacancy the Board shall establish a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations.

In the event of a President vacancy the Chancellor shall establish a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations. The Chancellor shall inform the Board of the process.

Title 5 53000 *et seq.*
Accreditation Standard IV.B.1 and IV.B.1.j

Reviewed/Approved by CAC 12/10/10
Approved 2/7/11

DRAFT – REVISED (GOOD PRACTICE)

Acting Chancellor in Absence of Chancellor

2432 ~~2212~~

When the Chancellor is absent from the District, the line of authority will be as follows, depending on the presence in the District of the administrators listed:

1. President, Foothill College;
2. President, De Anza College;
3. Vice Chancellor of Business Services;
4. Vice Chancellor of Human Resources and Equal Opportunity
5. Vice Chancellor of Technology

In the absence of all of the administrators listed above, the line of authority shall be the highest ranking administrator at Foothill College, then De Anza College. The Acting Chancellor will assume all responsibilities normally assigned to the Chancellor.

The Board shall appoint an acting Chancellor for periods exceeding three months.

Education Code Sections 70902(d) and 72400

Title 5 Section 53021(b)

Approved 12/14/60

Reviewed/Approved by CAC 12/10/10

Amended 7/5/67; 4/6/70; 5/1/95; 9/8/03; 2/7/11

DRAFT – REVISED (GOOD PRACTICE)

Acting College President in Absence of a President

2433 ~~2213~~

The Chancellor will determine that a line of authority is established for each college in case of the absence of the President of a campus.

Education Code Sections 70902(d) and 72400
Title 5 Section 53021(b)

Approved 7/5/67
Reviewed/Approved by CAC 12/10/10
Amended 5/1/95; 2/7/11

DRAFT – REVISED (REQUIRED BY ACCREDITATION STANDARDS)

Evaluation of Chancellor

2435 9301

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

The criteria for evaluation shall be based on Board policy, the Chancellor job description, and performance goals and objectives developed jointly between the Chancellor and Board.

Accreditation Standard IV.B.1

Approved 6/21/04

(Note: Moved from BP 9122 Committees)

If a bond measure has been authorized pursuant to the conditions of Proposition 39 as defined in the California Constitution, the Chancellor shall establish a Citizens' Bond Oversight Committee in accordance with the applicable law and necessary regulations.

See Administrative Procedure 6740 Citizens' Bond Oversight Committee

Education Code Sections 15278, 15280, 15282
California Constitution Article XIII A Section 1(b), Article XVI Section 18(b)

DRAFT – REVISED

Fingerprinting of Employees, Volunteers and Student Workers 7337 4510

Each employee hired by **and each volunteer engaged to provide service to** the Foothill-De Anza Community College District, ~~with the exception of hourly and short term classified and student employees,~~ shall be fingerprinted **as a condition of employment** and such fingerprints shall be submitted to the Department of Justice **with a request for records regarding conviction of any crime(s).** **Further, each campus shall determine and identify, by tasks, responsibilities and other business-related criteria, those student workers which shall be fingerprinted as a condition of student employment.**

~~All It is further directed that any~~ information received in response to this policy **is considered sensitive and** shall be handled in a confidential manner consistent with the District's personnel practices **and applicable state regulations.**

The District shall not employ or retain in employment, including employees, volunteers, and student workers, any person who has been convicted of: 1) a sex offense as defined by Education Code § 87010 or a controlled substance offense as defined by Education Code § 87011; or 2) a crime, where such conviction is determined to be job related and consistent with business necessity.

See Administrative Procedure 7337 Fingerprinting of Employees, Volunteers and Student Workers

**Education Code Sections 87010, 87011, 87013 and 88024
Penal Code Sections 11102.2 and 11077.1**

Approved 6/11/90
Amended 11/18/96

Policies to be retired:

BP 1110 Communication With Public

BP 1160 Catalogs

BP 1170 Participation of Citizens' Committees (We also have BP 9122 Committees which is currently being revised)

BP 1180 Staff Participation in Community Activities

BP 1200 Public Performances by Students

BP 1210 Contests for Students

BP 1220 Use of students as Volunteers in Community Services Projects

BP 2211 Chancellor as Secretary to the Board (duplicates language in BP 2210)

BP 2310 Treatment of Outside Reports

BP 2410 Administrative Procedure When Commendation or Criticism of Staff Members Received

BP 2610 Communication between Staff and Board

BP 9600 Flags at Half Staff

It is the obligation of the District to keep the public informed of all aspects of the District's activity and development. Procedures will be established for communicating with the public by disseminating information through news releases, direct mailing of printed pieces, participation by District staff in community events, and other appropriate techniques.

Approved 12/17/62
Amended 3/8/72; 11/15/93

Each year or every other year a catalog or catalogs or addenda will be published containing information on all phases of the academic programs and requirements of the colleges and a full description of courses.

In addition to being distributed to colleges, universities, high schools, public libraries and other agencies in the area served by the district colleges, catalogs will be available for use by potential enrollees and the businesses and industries of the community in the college libraries and Student Services offices. Copies will also be available for purchase in the college bookstores.

Approved 12/17/63
Amended 3/8/72,11/15/93

The Board by its election and in conformity with Code requirements, has been charged with responsibility for the formulation of policy and the final determination of actions to be taken by the administration. It is also recognized that the Board can better perform its responsibilities if it has the means to determine the wishes of the District constituency.

Therefore, the Board may request the participation of representative citizens of the District in discussions of major policy decisions.

The administration is authorized to use advisory committees in all areas where appropriate. Particular consideration will be given to the appointment of advisory committees for each major vocational curriculum and for planning of programs of public interest which may be offered by the Colleges. The Board shall be consulted on selections for committee appointments.

Approved 12/17/62
Amended 11/15/93

De Anza and Foothill Colleges can best perform their mission of being community colleges if members of the staff assume individual responsibility for participation in some type of community activity; therefore, the administration is directed to encourage such participation.

Approved 1/7/63
Amended 11/15/93

Public performance by student groups is endorsed and encouraged with the requirement that such participation will not exploit students or interfere unduly with other educational requirements established at the Colleges.

The administration will insure that participation before community groups, with the attendant preparation and travel for such performances does not violate the academic and other regulations of the Colleges.

Approved 10/6/60
Amended 11/15/93

Many organizations sponsor contests which are intended to promote a particular value, idea, or belief. Such contests may or may not have educational value commensurate with the time required for representative participation.

The administration is empowered to evaluate each request for contest to determine if it is to be approved. The primary criteria to be used as a guide in such determination will be:

Would the sanctioning of participation by District students assure educational value commensurate with the effort to be expended by the students and by the Colleges?

Approved 10/6/70
Amended 3/8/72; 11/15/93

Even though the students of the Colleges are encouraged to participate in worthwhile community activities, it is the responsibility of the administration to determine that participation in activities sponsored by the college does not interfere with the primary function of the Colleges — that of education. Therefore, the following guidelines are established:

1. That organized participation of students in community services or projects will be sanctioned and sponsored by a College if both values are apparent:
 - a. That the students will receive educational benefit because of such participation.
 - b. That there is a worthwhile community need which merits College participation.
2. That the administration will rotate the services authorized equitably among the communities comprising the District.
3. That preference will be given to services which have social benefits for the community instead of commercial value to a limited group.
4. That the Colleges will not sponsor student participation in any type of community services which are conducted solely for profit.

Approved 10/6/60

Amended 11/15/93

The Chancellor will be Secretary to the Board and in such capacity perform the following duties:

1. have prepared and distributed Board meeting materials in accordance with the regulations of the Ralph M. Brown Act;
2. have prepared for adoption minutes of Board meetings;
3. maintain a file of minutes and exhibit of documents;
4. attend all Board meetings;
5. attend all Board committee meetings except the personnel closed session to consider the contract of the Chancellor;
6. sign, where legally possible, all documents which otherwise would require the signature of a Clerk of the Board;
7. perform all other duties outlined in the Education Code.

Approved 11/7/70
Amended 5/1/95

Within a reasonable time after receiving significant reports from such outside agents as the auditor, fire, police and/or health departments, the Chancellor shall inform the Board of the report and of any actions taken pursuant to recommendations made in such reports.

Approved 4/3/61
Amended 5/1/95

Administrative Procedure When Commendation of Criticism of Staff Members Received

2410

Commendation:

The administration will at all times be alert to noting commendation of staff members from any source. Such commendation will be called to the attention of the Board at a Board meeting and official cognizance will be made and relayed to the employee or employees concerned.

Criticism:

In public education it is inevitable that criticism at times will be directed toward some staff members or programs. Well-intentioned criticism should be interpreted as having constructive intent. The administration, therefore, will make every effort to communicate directly with the person or persons making the criticism so better understanding may evolve.

If the criticism is of a type that endangers the welfare or standing of a College or the District, the Board should be apprised of the situation so that those directly responsible to the community can assist in determining the best course of action.

If the criticism concerns an individual staff member, all effort will be made to give appropriate protection. All consideration of a personnel matter will be conducted within the framework of the Government Code.

Approved 5/1/61
Amended 5/1/95

The Board is confident that District employees believe in fulfillment of the letter and spirit of our California laws and in channeling all problems and grievances in accord with due process toward maintaining and enhancing mutual trust and confidence. The Board also believes that the most important asset of the District is its personnel, and it is the desire of the Board to establish and maintain an open, honest, and respectful relationship with all members of the staff. For this reason the Board has promulgated these policies (2610-2610.2) designed to insure open communication between the Board and individual staff members and organizations, and it is the intention of the Board to abide by these policies in spirit as well as by rule.

Communication Procedures**A. Individual Staff Member:**

1. An individual staff member may make brief announcements at any Board meeting without a listing on the agenda.
2. If an item is lengthy or requires study, the Chancellor will be asked to place it on a Board agenda. If study is required, adequate time will be allowed before it becomes an agenda item.

B. Unrecognized Staff Organizations:

1. Representatives of an unrecognized staff organization may make brief announcements at any Board meeting without a listing on the agenda.
2. If an item is lengthy or requires study, the Chancellor will be asked to place it on a Board agenda. If study is required, adequate time will be allowed before it becomes an agenda item.
3. An unrecognized organization will not have the privilege of meeting and conferring with the Board under the meaning of Govt. Code Sections 3540-3549.1.

C. Certified Employee Organizations:

1. Representatives of a recognized organization may make brief announcements at any Board meeting without a listing on the agenda.
2. If an item is lengthy or requires study, the Chancellor will be asked to place it on a Board agenda. If study is required, adequate time will be allowed before it becomes an agenda item.
3. Recognized staff organizations have the privilege of meeting and conferring or meeting and negotiating with the Board or its designated representatives upon matters specified and under conditions specified in Govt. Code Sections 3540-3549. (*See Board Policy 2610.2—Board Representative for Meet and Confer or Meet and Negotiate*)

See Board Policy 2223—Role of the Academic Senate

Approved 4/19/67

Amended 6/7/72; 6/28/76; 5/1/95

The American flag will be flown at full staff except when it is decreed by National or State authority or when approved by the Board of Trustees.

Approved 2/2/70