

Minutes of October 9, 2013

Mr. Ivan De Los Santos welcomed Matthew Rinn to the Board, and he introduced Ysrael Condori, Contra Costa College (CCC) Associated Student Union President. Chief Facilities Planner Ray Pyle introduced Energy Manager David Vaznaik. The Board welcomed Mr. Vaznaik to the District.

GOVERNING BOARD FACILITATED DISCUSSION ON COMMUNICATION PROTOCOLS

Board President John E. Márquez said it is appropriate to have a discussion on communication protocols so that Board member Enholm can understand what actions are and are not appropriate as a member of a governing board. He also said this discussion was very important to the late Sheila A. Grilli. Mr. Márquez then called on Dr. Cindra Smith to lead the discussion on the attached Discussion Guide for Major Components of Board Communication Protocols.

Dr. Smith questioned how the Board handles requests for reports that it would like presented. Mr. Márquez questioned whether members should go through the Board chair or through the chancellor. Mr. Nejedly questioned what would be most helpful. He said it might be helpful to the chancellor to have the Board chair as the "gatekeeper." Ms. Gordon said she previously sent requests to the Board chair and copied the chancellor on that correspondence.

Dr. Smith reminded the Board that they must always adhere to the District's policies and procedures. Mr. Márquez said he wanted to make sure that the entire Board took note of Dr. Smith's comments. When questioned by Dr. Smith on how a Board member might address the media, Mr. Nejedly said he would through the chancellor, staff and Board chair, for specifics when answering questions from the media. Mr. Márquez said if he were uncertain as to a response, he would tell the interviewer he would get back to them after he gathered the facts. Afterwards, Mr. Márquez said he would call the chancellor to get more information so that he could respond appropriately. Ms. Gordon said she will let the media know that she will get more information and return the call. Dr. Benjamin said the staff has a method of communicating with Board members when issues arise called the communication triangle and it is sent to the Board when emergency or other important issues arise. Ms. Gordon said District staff does a great job of keeping them informed and added that the Board is a team that works together. Mr. Nejedly agreed with Ms. Gordon's responses.

Dr. Smith questioned the Board's response to the media when a decision was made that not all members agreed with. Mr. Nejedly said the proper response in this type of situation is to say the Governing Board made a decision and it was supported by the Board. Mr. Márquez said he would say the Governing Board made a decision and while he might not agree with it, he supports it as a member of the team.

Mr. Márquez reminded members that they should never go to another elected body to make a suggestion. Mr. Márquez said those types of actions are embarrassing, and are not representative of the entire Board. Dr. Smith reminded the Board that they have a fiduciary responsibility to uphold the reputation of the District. Dr. Smith further stated when Board members attend conferences, they should advocate on behalf of the District. She cautioned, however, while everyone has freedom of speech, Board members, at all times, must be cognizant of ethics. Dr. Smith also said it is important for the Board to consult with District staff so that they can obtain the resources they might require when attending a conference or other function.

Mr. Rinn questioned the proper approach to media questions, since he is newly appointed to the Board. Dr. Smith said he should stay away from specifics and make general comments during an interview.

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Dr. Smith also said it is important for the Student Trustee to follow District policies and procedures. She said the Student Trustee should work with the chancellor and Board chair on matters of importance and/or to place items on the agenda. Dr. Smith further reminded the Board that they should follow the "no surprises" rule at Board meetings; that is, if they have questions regarding items on the agenda, they should let staff know ahead of time so that responses can be properly prepared for the Board meeting. Mr. Nejedly said Dr. Smith's comment was very important.

Mr. Márquez thanked Dr. Smith for leading their discussion and for all her work. He said he wanted it noted publicly that he was not "picking on" or being critical of Mr. Enholm. Mr. Márquez said he wanted to make sure that all Board members are on the same page, and this type of discussion is appropriate for new Board members. He also indicated he would like the document they reviewed developed as a policy for approval by the Board.

DISCUSSION GUIDE FOR MAJOR COMPONENTS OF BOARD COMMUNICATION PROTOCOLS

In order to uphold standards of good practice that contribute to Board effectiveness, ensure the notion of the Governing Board as a team/unit, guide ethical behavior, ensure the reliability of information to be communicated, and comply with accreditation standards, the Board upholds the following communication protocols.

1. Communications Between and/or among Board Members
 - a. Outside of regularly scheduled, special or emergency meetings, communications among three or more Board members that fall within the subject matter jurisdiction of the District are a violation of the Ralph M. Brown Act.
 - b. One-way communications, from Board member to Board member(s), even regarding subject matters that fall within the jurisdiction of the District, are not a violation of the Ralph M. Brown Act, as long as there is no response.
2. Communications Between Board Members and CEO/Staff Member
 - a. Communications from individual Board members to the Chancellor/staff member (or vice versa) are not a violation of the Ralph M. Brown Act.
 - b. For the most part, communication between individual Board members and the Chancellor is appropriate, i.e., when clarification is needed regarding an agenda item.
 - c. Communications from individual Board members which are a request to the Chancellor to perform special services, provide information/special reports, etc. should be directed through the Board Chair.
 - d. Communications from individual Board members which are a request of District staff to perform special services, provide information/special reports, etc. should be directed through the Board Chair or the Chancellor, who will assign appropriate staff to address the request.
 - e. With Board approval, a Governing Board member may speak on behalf of the Board to staff members and students.
3. Public Communication by Board Members

All public communications by Board members shall recognize that,

 - a. authority rests only with the Board (the legal entity) as a whole and that no trustee has individual authority;
 - b. the Board Chair and Chancellor are delegated the general responsibility for public and media communications in order to ensure a unified voice of representation for the District;
 - c. Board members refer questions from the media to the Chancellor, Board Chair, or other designated spokesperson;
 - d. any public statements represent the Board's position as formally adopted in Governing Board meetings and/or through formally adopted policies/procedures/resolutions;
 - e. the Board may delegate specific responsibilities to Board members and will provide resources and information as needed; and
 - f. any public presentations/statements regarding the District by individual Board members shall have prior approval of the Governing Board at a Board meeting, or, if that is not possible, prior approval of the Board Chair.

**Discussion Guide for Major Components of
Board Communication Protocols****-2-****4. Responding to Needs or Complaints Expressed to an Individual Board Member**

- a. Listen respectfully and impartially.
- b. If the concern is not urgent or does not have policy implications,
 - 1) refer the individual or group to the appropriate college process or person;
 - 2) uphold Board policy and college procedure, with no attempt to solve the problem; and
 - 3) inform the Chancellor of the contact.
- c. If the concern is from an external group or citizen, the Chancellor and/or Board member may provide feedback to the person raising the issue, as appropriate. Any written communication will be made by the Chancellor and/or the Board President.
- d. If the concern is urgent or could have policy implications,
 - 1) refer the individual or group to the appropriate college process or person;
 - 2) uphold Board policy and college procedure, with no attempt to solve the problem; and
 - 3) inform the Chancellor.

The Chancellor will alert the Board President. Board officers, with the Chancellor will decide how to handle the issue. Options may include communication from the Chancellor to the Board and placing the issue on a Board meeting agenda for further discussion.

5. Participation Standards

- a. Participate fully, reviewing meeting agendas and clarifying information and questions prior to meeting.
- b. Demonstrate respect and support for one another at all times.
- c. Listen with an open mind.
- d. Allow all opinions to be heard without interruption.
- e. Focus on issues, not personalities.
- f. Uphold strict confidentiality of closed session and other confidential information.

CODE OF ETHICS OF THE GOVERNING BOARD

The Contra Costa Community College District Governing Board pledges to carry out its policy-making responsibilities with the highest ethical standards as it fulfills its mission to promote student learning, progress and development. The Governing Board is committed to regularly assessing its own ethical behavior and Board effectiveness in order to identify its strengths and areas in which it may improve.

The Governing Board operates under the following principles:

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| Service | We represent all residents of the District. We will act in the best interests of the students as we support the mission of our colleges. |
| | We represent the District as a whole, but recognize the unique needs of the individual colleges and local communities. We are not advocates for special interest groups. |
| Respect | We will conduct meetings in an atmosphere of mutual trust and respect. We acknowledge the values and opinions of fellow trustees and will maintain a forum within which controversial issues are debated respectfully. |
| Accountability | We recognize that we have a fiduciary responsibility to the taxpayers of the District and will approve budgets that maintain the fiscal integrity and stability of the District. The public deserves responsive colleges, and we will ensure that our services and programs meet the needs of our students and communities. |
| | We take the needs of our many communities seriously and will thoughtfully examine data and trends to ensure well-prepared students to meet those needs. |
| Integrity | Adhering to the highest standards of responsibility, integrity and honesty, we will not engage in activities that could be considered a conflict of interest or impair our fair judgment. We will not use the position of trustee for personal benefit. We will represent the District with pride. |
| Confidentiality | We will maintain confidentiality of privileged information, including all closed session discussions. |
| Openness | We will conduct District business in public except for those items appropriate for closed session. |

Behavior that Violates the Governing Board Code of Ethics

The Chancellor and Board President 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.

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Board Policy 1010**-2-**

Violations of the Governing Board Code of Ethics will be addressed by the Board President, who will first discuss the violation with the Board member to reach a resolution. If resolution is not achieved and further action is deemed necessary, the Board President may appoint an ad hoc committee* to examine the matter and recommend further courses of action to the Board. The Board President or ad hoc committee shall make recommendations to the Governing Board for appropriate sanctions which may include censure of a Board member who is determined to have violated this Policy. If the Board President is perceived to have violated the Governing Board Code of Ethics, the Board Vice President is authorized to pursue resolution.

* Any ad hoc committee established pursuant to this policy shall also be subject to the Brown Act unless it is composed of only two members of the Governing Board with no other persons involved.

Accreditation Standard IV.B.1a,e,h

Historical Annotations:
Adopted 11/16/92
Revised 12/12/01
Second Revision 4/28/04
Third Revision 6/30/06
Fourth Revision 1/25/12

Related Board Policies:
Board Policy 2056
Rules and Regulations of the Governing Board: Authority