BP 2715  CODE OF ETHICS

References:

ACCJC Accreditation Standards IV.B.1.a, e, and h;
Title 5 Section 51016

Understanding that the Board can legally function only as a group, each member should exercise appropriate care to speak as a member of the Board and accurately represent Board policy to the community. Personal opinions should be identified as such.

It is recognized that Trustees may from time to time have to balance the special needs and desired advantages of their own areas with the good of the entire community college district and its student population. Each Trustee shall, as to such matters, make a particular effort to consider all of the facts and arrive at a sound and fair conclusion.

Board members should recognize that the Board makes policy and employs the Superintendent/President to administer the policies. Rather than dealing directly with the staff, it is appropriate for Board members to take their concerns directly to the Superintendent/President.

Trustees should understand that while each Board member has the right, if not the duty, to speak strongly as to issues, a demonstration of respect and consideration for each other, the College staff, and members of the community, will facilitate positive decision making at the College. Attempts should be made to re-establish collegial communications in the event that violations of ethics are perceived to have occurred.

Trustees should be aware of the California laws governing conflicts of interest of public officials (see BP 2710 titled Conflict of Interest).

Board members shall maintain confidentiality as to closed sessions (see BP 2315 titled Closed Sessions).

The Board President and Superintendent/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 appropriate governing agency, District Attorney, or Attorney General as provided for in law.
Violations of this policy (BP 2715 titled Code of Ethics) will be addressed by the President of the Board, 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 composed of two Board members to examine the matter and recommend further courses of action to the Board. Sanctions will be determined by the Board officers (or committee) and may include a recommendation to the Board of Trustees to censure the Board member. If the President of the Board of Trustees is perceived to have violated the code, the Vice President of the Board of Trustees is authorized to pursue resolution.

- From current College of Marin Policy 1.2090 titled Ethics and Authority of Individual Members of the Board and the District Superintendent

All individual members of the Board shall have power and authority only when acting formally as members of the Board in session or when entrusted by the Board with specific and definite assignments.

No individual member of the Board or the District Superintendent has or shall assume power or responsibility to make decisions affecting the District, the Board, or its agents except as that power has been specifically delegated by the Board Bylaws or by Education Code Section 72400.

As a member of the governance structure of the District, but also as a public figure, it is the duty of each Board member and the District Superintendent to work in a responsible way to strengthen the institution. Support for the District should be continuing, and criticism made only after carefully ascertaining the facts. When Board members or the District Superintendent question District policy, procedures or activities, they should do so judiciously and in a constructive manner.

When a Board member or the District Superintendent expresses himself or herself publicly in a way which is not accurate or which is critical of the actions or character of a member of the Board or the District Superintendent, it shall be the responsibility of one or more Board members to bring this to the attention of the individual.

- From current College of Marin Policy 1.2091 titled Board of Trustees Code of Ethics/Standards of Practice

(Accreditation Standard 10.A.5)

The Board of Trustees acknowledges that a code of ethics and general standards of good practice, which include an affirmation of responsibilities of service and individual performance standards, are an integral part of effective community college governance.
a) In support of effective community college governance, the Board believes that it:
   • derives its authority from the community and that it must always act as an advocate on behalf of the entire community;
   • clearly define and articulate its role;
   • is responsible for creating and maintaining a spirit of true cooperation, teamwork and a mutually supportive relationship with its Superintendent/President;
   • strives to differentiate between external and internal processes in the exercise of its authority;
   • engages in a regular and ongoing process of in-service training and continuous improvement
   • comes to each meeting prepared and ready to debate issues full and openly
   • has its members listen, strive to reach agreement, vote their conscience and support the decision or policy made;
   • strives to exemplify ethical behavior and conduct that is above reproach;
   • endeavors to remain always accountable to the community
   • honestly debates the issues affecting the community and speaks with one voice once a decision or policy is made.

b) With a deep sense of responsibility and conviction, each member of the Board of Trustees affirms that he or she:
   • understands that authority exists only when acting collectively with fellow board members, and that such authority is derived from, and obliged to serve the interests of the entire community;
   • strives to exemplify ethical behavior and conduct that is above reproach;
   • engages in an ongoing process of in-service education and continuous improvement;
   • participates in open honest and deliberation with one's colleagues, votes one's own conscience rather than to advance any special interests, and supports the decisions and policy the Board makes;
   • respects and honors the division of responsibility between the Board and the Superintendent/President and staff, and contributes to creating a spirit of true cooperation and a mutually supportive relationship in support of our community.

c) In support of maintaining high standards of ethical conduct by meeting individual performance standards, each member of the Board of Trustees is responsible to:
   • act only in the best interests of the community;
   • ensure public input into Board deliberations
   • adhere to the law and the spirit of the open meeting laws and regulations;
   • prevent conflicts of interest and the perception of conflicts of interest;
   • exercise authority only as part of the Board in a legally constituted meeting, not as an individual;
• use appropriate channels of communication;
• respect others and act with civility;
• be informed about the District, educational issues and responsibilities of trusteeship;
• devote adequate time to Board work;
• maintain confidentiality of closed sessions.

**NOTE:** This policy is WASC Accreditation. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink is from current College of Marin Policies 1.2090 titled Ethics and Authority of Individual Members of the Board and the District Superintendent and 1.2091 titled Board of Trustees Code of Ethics/Standards of Practice adopted on 12-10-80 and revised on 5-10-05. The language in underlined italics reflects revisions from Board Policy Committee. Reviewed and recommended by Board Policy Committee 2/24/10. Reviewed as Info. Item by BP/AP Task Force 3/4/10.

Date Adopted:
(Replaces current College of Marin Policies 1.2090 and 1.2091)
Legal Citations for Board Policy 2715 Code of Ethics

Standard IV: Leadership and Governance
B. Board and Administrative Organization

In addition to the leadership of individuals and constituencies, institutions recognize the designated responsibilities of the governing board for setting policies and of the chief administrator for the effective operation of the institution. Multi-college districts/systems clearly define the organizational roles of the district/system and the colleges.

1. The institution has a governing board that is responsible for establishing policies to assure the quality, integrity, and effectiveness of the student learning programs and services and the financial stability of the institution. The governing board adheres to a clearly defined policy for selecting and evaluating the chief administrator for the college or the district/system.

   a. The governing board is an independent policy-making body that reflects the public interest in board activities and decisions. Once the board reaches a decision, it acts as a whole. It advocates for and defends the institution and protects it from undue influence or pressure.

   e. The governing board acts in a manner consistent with its policies and bylaws. The board regularly evaluates its policies and practices and revises them as necessary.

   h. The governing board has a code of ethics that includes a clearly defined policy for dealing with behavior that violates its code.