Board of Trustees

BP 2715 CODE OF ETHICS/STANDARDS OF PRACTICE

References:

ACCJC Accreditation Standards IV.B.1.a, e, and h

- **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 *of Trustees* shall have power and authority only when acting formally as members of the Board in session or when ~~entrusted~~ *authorized* by the Board with specific and definite assignments.

No individual member of the Board ~~or the District Superintendent~~ has or shall assume *sole* 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~~ *Policies* or by *state/federal laws or regulations* ~~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 to 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 *and* 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.

❖ **From the Association of Community College Trustees' (ACCT) Model Code of Ethics**

Board members are responsible to:

- *devote time, thought, and study to the duties and responsibilities of a community college Board member so that they may render effective and creditable service;*
- *work with fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debates of points of issue;*
- *base personal decisions upon all available facts in each situation; vote by honest conviction in every case, unswayed by partisan bias of any kind; therefore, to abide by and uphold the final majority decision to the Board;*
- *remember at all times that an individual a Board member has no legal authority outside the meetings of the Board and to conduct relationships with the community college staff, the local citizenry, and all media of the community on the basis of this fact;*
- *resist every temptation and outside pressure to use their position as a community college Board member to personally benefit or benefit any other individual or agency apart from the total interest of the community college district;*
- *recognize that it is as important for the Board to understand and evaluate the educational program of the community college as it is to plan for the business of college operation;*
- *bear in mind under all circumstances that the primary function of the Board is to establish the policies by which the community college is to be administered;*
- *welcome and encourage active cooperation by citizens, organizations, and the media of communication in the District with respect to establishing policy on current college operations and proposed future developments;*
- *support the state and national community college trustees associations and;*
- *strive toward ideal conditions for the most effective community college Board service to the community, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and the perpetuation of our representative democracy.*

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 District Attorney or Attorney General as provided for in law.

Violations of this policy (BP 2715 titled Code of Ethics/Standards of Practice) 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.

NOTE: *This policy is* ***legally required****. 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*
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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.