

BP 1100 CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

References:

- Education Code Section 72000(b);
- Elections Code Section 18304

The District has been named the Chabot-Las Positas Community College District.

The District consists of the following colleges:

- Chabot College at 25555 Hesperian Boulevard, Hayward, CA 94545
- Las Positas College at 3000 Campus Hill Drive, Livermore, CA 94551

Pursuant to Education Code Section 72000(b)(4) the names "Chabot-Las Positas Community College District," "Chabot College," and "Las Positas College" are the property of the District. No one shall, without the permission of the Board of Trustees, use the names of any colleges or other facilities of the District, or any abbreviation of them, or parts of them to imply, indicate, or otherwise suggest that an organization, product, or service is connected or affiliated with, or is endorsed, favored, supported, or opposed by the District.

Date Adopted: February 19, 2013

This new policy replaces the current BP 2310

Board of Trustees

BP 2010 BOARD MEMBERSHIP

References:

Education Code Sections 72023, 72103, and 72104

The seven elected members plus the two non-voting student members subject to the requirements and limitations of the Education Code shall constitute the Board of Trustees for the District. Board members shall be elected by Trustee area as defined in BP 2100 titled Board Elections.

Any person who meets the criteria contained in law is eligible to be elected or appointed a member of the Board.

An employee of the District may not be sworn into office as an elected or appointed member of the Board unless he/she resigns as an employee.

No member of the Board of Trustees shall, during the term for which he/she is elected, hold an incompatible office.

The State of California and the citizens of the Chabot-Las Positas Community College District vest the authority for the development, management, control, and operation of all properties, programs, and policies of the District and the colleges in the Board of Trustees. Board members shall have authority only when acting as a Board of Trustees legally in session.

The Board of Trustees may initiate and carry on any program or activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which the District was established.

Attorney General Opinion 01-112 (8/3/01) clarified employment of a Board member as a part-time or substitute instructor. Education Code Section 72103(b)(2) makes an exception for individuals who are usually employed in an occupation other than teaching and who are employed by the District to teach no more than one course per semester or quarter in the subject matter of the individual's occupation. The AG Opinion states that this exception applies only when the contract to teach has already been executed at the time of the election to the Board. Government Code Sections 1090 and 87100 and common law principles of conflict of interest prohibit such office-holding, and inclusion of this exception is not recommended.

Date Adopted: April 16, 2013

(This new policy replaces CLPCCD Policy 7001)

Board of Trustees

BP 2015 STUDENT MEMBERS

Reference:

Education Code Section 72023.5

The Board of Trustees shall include two non-voting student members. The term of office shall be one year commencing May 15.

The student members shall be enrolled in and maintain a minimum of six semester units in the District at the time of nomination and throughout the term of service. The student members are not required to give up employment with the District. The students shall maintain good academic and disciplinary standing with cumulative grade point averages of 2.0 or better.

The student members shall be seated with the Board of Trustees and shall be recognized as full members of the Board at meetings. The student members are entitled to participate in discussion of issues and receive all materials presented to members of the Board (except for closed session). The student members shall be entitled to any mileage allowance necessary to attend Board meetings to the same extent as publicly elected trustees.

On or before May 15 of each year, the Board of Trustees shall consider whether to afford the student members any of the following privileges:

- The privilege to make and second motions.
- The privilege to receive compensation for meeting attendance at a level of \$100 per month. (Also see BP 2725 titled Board Member Compensation.)
- The privilege to serve a term commencing on May 15.

Date Adopted: April 16, 2013

(This new policy replaces CLPCCD Administrative Rules and Procedures 7003)

Board of Trustees

BP 2100 BOARD ELECTIONS

References:

Education Code Sections 5000 et seq., 72022, and 72036;
Government Code Section 1770

Elections shall be held every two years, in even numbered years. Terms of trustees are staggered so that, as nearly as practical, one half of the trustees shall be elected at each trustee election. Each person elected at a regular biennial governing board member election shall hold office for a term of four years commencing on the first Friday in December next succeeding his/her election.

The Board of Trustees has provided for the election of trustees by trustee areas. Effective February 21, 2012, the trustee areas are:

- Area 1 -- Hayward commencing in 2012 and every four years thereafter.
- Area 2 -- San Leandro commencing in 2014 and every four years thereafter.
- Area 3 -- Union City and South Hayward commencing in 2012 and every four years thereafter.
- Area 4 -- Castro Valley and portions of Oakland commencing in 2014 and every four years thereafter.
- Area 5 -- Pleasanton, Dublin, and Sunol commencing in 2012 and every four years thereafter.
- Area 6 -- Hayward and San Lorenzo commencing in 2014 and every four years thereafter.
- Area 7 -- Livermore and portions of Pleasanton commencing in 2012 and every four years thereafter.

The seven publicly elected members of the Board of Trustees shall be elected from separate trustee areas. These trustee areas shall be apportioned so that each area is, as nearly as may be, of equal population density. The boundaries of these trustee areas shall be adjusted by the Board so that the population of each area is, as nearly as may be, the same proportion of the total population of the District as each of the other areas before the first day of March of the year following the year in which the results of each decennial federal census are released.

Each trustee shall reside in one trustee area and shall be elected by only the registered voters of that particular trustee area. Each trustee shall have resided in the trustee area

from which he or she is elected not less than thirty (30) days prior to filing for candidacy. In accordance with Government Code Section 1770, if a Board member moves his/her residence from the trustee area to which the Board member was elected, the office shall be deemed vacant upon the event of the move.

The Chancellor shall submit recommendations to the Board regarding adjustments to be made to the boundaries of each trustee area, if any adjustment is necessary, after each decennial federal census. The Chancellor shall submit the recommendation in time for the Board to act as required by law.

Date Adopted:

(This new policy replaces the current CLPCCD Policies 7002 and 7040)

Board of Trustees

BP 2105 ELECTION OF STUDENT MEMBERS

References:

Education Code Sections 72023.5 and 72103
62 Ops. Cal. Atty. Gen. 126, 1979 WL 29208 (Cal.A.G.)

NOTE: *This policy is legally required.*

There shall be two student members of the Board of Trustees: Student Trustee, Chabot College; and Student Trustee, Las Positas College. Candidates for the student member positions may nominate themselves or be nominated by others by the filing of an application at their campus of residence certifying that the candidate is eligible for service under the criteria set forth in California law and these policies. Candidates for Student Trustee, Chabot College shall put forth their candidacy in accordance with the administrative procedures established at Chabot College for this purpose. Candidates for Student Trustee, Las Positas College shall put forth their candidacy in accordance with the administrative procedures established at Las Positas College for this purpose.

The student members of the Board of Trustees shall be chosen by the students enrolled in the District as follows:

The CLPCCD Student Government Coordinating Council (SGCC) will coordinate the campaign season, ballot creation, election period and vote tally for the student members of the Board of Trustees. The SGCC shall be made up of the student government president from each college (or designee), a second student government representative from each college, the sitting Student Trustees, and the college directors of student life. No candidate for student member of the Board of Trustees may serve on the SGCC in the year they will be on the ballot. The SGCC will be convened and facilitated by the Chancellor. The college Vice Presidents of Student Services may attend SGCC meetings in an advisory capacity.

The student members shall be elected by all the students enrolled in the District in a general election held for that purpose. Normally, an election will be held in the Spring semester so that the office is filled by May 15. The election will be conducted at each college in accordance with the administrative procedures adopted by the college for student elections. All students enrolled in the district may vote for Student Trustee, Chabot College and for Student Trustee, Las Positas College. The successful candidates for each student member position must receive a plurality of the votes cast for that position.

The student members may be recalled by all the students enrolled in the District in an election held for that purpose in accordance with administrative procedure established by the Chancellor and the colleges. The student members of the Board of Trustees shall serve a term of one year, commencing May 15 and ending May 14 of the following year.

Special elections shall be held if either student member office becomes vacant by reason of the resignation or disqualification of an elected student member, or by any other reasons. A resignation must be in writing. Special elections shall be held within thirty (30) days after notice of the vacancy comes to the attention of the Chancellor. No special election will be called if the vacancy occurs within sixty (60) days prior to a regularly scheduled election.

Also see BP 2015 titled Student Members

Adopted: New

Anticipated April 17, 2018

*(Replaces the previously discontinued
CLPCCD Policy 7003 (1996) as to elections of
student members)*

Board of Trustees

BP 2110 VACANCIES ON THE BOARD

References:

Education Code Sections 5090 et seq.,
Government Code Section 1770

Vacancies on the Board of Trustees 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 members of the District Board of Trustees, 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.

Date Adopted: April 16, 2013

(This is a new policy recommended by the Policy and Procedure Service)

Board of Trustees

BP 2200 BOARD DUTIES AND RESPONSIBILITIES

References:

Education Code Section 70902;
Accreditation Standard IVB.1.d

The Board of Trustees governs on behalf of the citizens of the District in accordance with the authority granted and duties defined in Education Code Section 70902.

The Board is committed to fulfilling its responsibilities to:

- Represent the public interest.
- Establish, review, and revise policies that define the institutional mission and set prudent, ethical, and legal standards for college operations aligned with appropriate State and Federal policies affecting community colleges.
- Assure fiscal health and stability.
- Monitor institutional performance and educational quality.
- Hire and evaluate the Chancellor.
- Delegate power and authority to the Chancellor to effectively lead the District.

Date Adopted: April 16, 2013

(This is a new policy recommended by the Policy and Procedure Service)

Board of Trustees

BP 2210 OFFICERS

Reference:

Education Code Section 72000

An annual organizational meeting shall be held within fifteen (15) days of the last Friday in November. At this meeting, the Board of Trustees shall select from among its members a President, a Secretary, and any other officers as the Board may from time to time designate. Each shall perform such duties normally prescribed for that office. The Chancellor shall serve as Executive Officer of the Board.

The terms of officers shall be for one year.

President of the Board

The President may vote on all motions and resolutions.

The duties of the President of the Board are:

- Preside over all meetings of the Board.
- Call emergency and special meetings of the Board as required by law.
- Consult with the Chancellor on Board meeting agendas.
- Communicate with individual Board members about their responsibilities.
- Participate in the orientation process for new Board members.
- Assure Board compliance with policies on Board education, self-evaluation and Chancellor's evaluation.
- Represent the Board at official events or ensure Board representation.
- Make appointments to standing committees at the annual meeting.

Secretary of the Board

The duties of the Secretary of the Board are:

- Preside in the absence of the President.
- Attend all Board meetings and closed sessions.
- Certify as legally required all Board actions.
- Sign, when authorized by law or by Board action, any documents that would otherwise require the signature of the Secretary of the Board.

The President and the Secretary of the Board are authorized to sign all warrants either personally or through use of a prescribed and protected machine. In lieu of the president and/or secretary, any member of the Board may sign in his or her place.

Executive Officer of the Board

The Chancellor of the District is designated as Executive Officer of the Board and as such is empowered to sign such papers and documents as the Board shall authorize.

Also see BP 2305 titled Annual Organizational Meeting

Date Adopted: April 16, 2013

(This new policy replaces CLPCCD Policies 7005, 7006, and 7007)

Board of Trustees

BP 2220 COMMITTEES OF THE BOARD

Reference:

Government Code Section 54952

The Board of Trustees 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.

At its Annual Organizational Meeting, the Board establishes its committee appointments to the following:

- Chabot-Las Positas Colleges Foundation
- Audit Subcommittee
- Alameda County School Boards Association

Date Adopted: April 16, 2013

(This is a new policy recommended by the Policy and Procedure Service)

Board of Trustees

BP 2305 ANNUAL ORGANIZATIONAL MEETING

Reference:

Education Code Section 72000(c)(2)(A)

An annual organizational meeting of the Board shall be held within fifteen (15) days of the last Friday in November.

The purpose of the meeting is to elect a President and a Secretary, and conduct any other business as required by law or determined by the Board.

The Board elects the officers each year from among all its members.

Also see BP 2210 titled Officers

Date Adopted: April 16, 2013

(This is a new policy recommended by the Policy and Procedure Service)

Board of Trustees

BP 2310 REGULAR MEETINGS OF THE BOARD

References:

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

The Board shall meet regularly the third Tuesday of each month at 6:30 p.m. unless otherwise required by law on the next succeeding day. Regular meetings of the Board shall normally be held at the District Office, 7600 Dublin Boulevard, 3rd Floor, Dublin, CA 94568. On occasion, meetings of the Board are also held in the Board Room of the Administration Building at Chabot College and/or at Las Positas College. However, meetings of the Board may be held at other locations within the Chabot-Las Positas Community College District, high school districts, or unified districts served by the District as determined by the Board. An annual calendar of meetings is posted on the District's website.

A notice identifying the location, date, and time of each regular meeting of the Board shall be posted at least ten (10) 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.

In addition to regular meetings, the Board may hold adjourned meetings from time to time as it stipulates. The Board may also hold announced study meetings. These meetings will usually be held on the first Tuesday of the month. It is not expected that any decisions will be forthcoming from the study meetings.

All meetings of the Board shall be open to the public, be accessible to persons with disabilities, and comply with Brown Act provisions, except as otherwise required or permitted by law. Minutes of the open meetings shall be taken and after approval by the Board shall be open to public inspection during normal business hours.

Notice of every regular meeting, and of any special meeting, which is called at least one week previous to the date set for the meeting, shall be mailed to any owner of property located within the District subject to the following conditions:

1. A written request must be filed with the secretary of the governing Board and shall be valid for one year from the date it is filed, unless a renewal request is filed.
2. Renewal requests for notice must be filed within ninety (90) days after January 1 of each year.
3. Any request for notice or renewal request must contain a description of the property owned by the person filing said request. Such description may be in general terms but shall be sufficient enough to readily identify such property.
4. There shall be an annual charge of \$25.00 for supplying this service, payable in advance.

Also see BP/AP 2340 titled Agendas

Date Adopted: April 16, 2013

(This new policy replaces CLPCCD Policies 7010 and 7013)

Board of Trustees

BP 2315 CLOSED SESSIONS

References:

Education Code Section 72122;
Government Code Sections 11125.4, 54956.8, 54956.9, 54957, and 54957.6

Closed sessions of the Board of Trustees shall only be held as permitted by applicable legal provisions 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, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least 24 hours written notice of the closed session.
- 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 any notes, 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.

Pursuant to Government Code Section 54957, the Board may also exclude from any such public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the Board.

Members of a legislative body may not disclose information discussed at a closed session unless specifically authorized by law. The Brown Act imposes formalized penalties on any person who willfully discloses confidential information acquired in a closed session.

Date Adopted: April 16, 2013

(This new policy replaces CLPCCD Policy 7011)