PALOMAR COMMUNITY COLLEGE DISTRICT POLICIES
Chapter 1 – The District

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BP 1100 The Palomar Community College District
BP 1200 District Mission
BP 1300 Educational Philosophy

As of 11/17/06

BP 1100 THE PALOMAR COMMUNITY COLLEGE DISTRICT

References:

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

The District has been named the Palomar Community College District.

The name is the property of the District. No person shall, without the permission of the Board, use this name or the name(s) of any college(s) or other facilities of the District, or any abbreviation 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.

The District consists of the following college(s), education center(s), and sites:

Palomar College San Marcos Campus

Palomar College Escondido Center

and sites at:

Borrego Springs

Camp Pendleton

Fallbrook

Mt. Carmel

Pauma

Poway

Ramona

The official boundary description for the Palomar Community College District is on file at the San Diego County Office of Education.

NOTE: *The language in* ***black ink*** *is from current Palomar College Policy 1100 titled The Palomar Community College District adopted on 3-11-03. The language in* ***green ink*** *reflects revisions/additions made at the May 12, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 1100)

Palomar Community College District Policy **CCLC No. 1200**

The District

BP 1200 DISTRICT MISSION

References:

Accrediting Commission of Community and Junior Colleges of the Western Association of Schools and Colleges Standard 1 (as of June 2002)

The mission of the Palomar Community College District:

Palomar College is an educational leader committed to quality learning. We provide our community the knowledge, information, skills, and aesthetic appreciation necessary to live responsibly, effectively, and creatively in an interdependent and changing world.

To achieve its mission, the Palomar Community College District follows the mission of the California Community College System as determined by the State Legislature.

The mission is evaluated and revised on a regular basis.

NOTE: *The language in* ***black ink*** *is from current Palomar College Policy 1200 titled District Mission adopted on 3-11-03. The language in* ***green ink*** *reflects revisions/additions made at the May 12, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 1200)

Palomar Community College District Policy **CCLC No. 1300**

The District

BP 1300 EDUCATIONAL PHILOSOPHY

References:
No specific references

The educational philosophy of Palomar College is based upon belief in the value of the individual and belief in the individual's potential for intellectual, ethical, personal, and social growth. Only through growth in these areas and responsible examination of the question of personal rights can the rights of an individual in a democratic society be fully understood.

The fundamental assumption of the democratic way of life is the intrinsic worth of the individual. This assumption, therefore, becomes the fundamental principle of public education in a democratic community.

In order to become an effective member of a democratic society, an individual must take part in a free exchange of ideas. Only within a free society is the individual assured this free exchange of ideas and the maximum freedom of choice and opportunity for self-realization consistent with the freedoms and opportunities of others. Only within a free society can the human personality attain its greatest stature.

The community college, by providing equal opportunities for individuals to develop their differing abilities and interests, enables students to realize more fully their potentials. Thus, their talents become more readily available to the community, and their participation in society becomes more effective. ~~GB 11-8-94~~

NOTE: *The language in* ***black ink*** *is from current Palomar College Policy 1.2 titled Educational Philosophy (69-2804) adopted on 11-8-94. This policy was reviewed at the May 12, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 1.2)

PALOMAR COMMUNITY COLLEGE DISTRICT POLICIES
Chapter 2 – Governing Board

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As of 11/17/06

BP 2010 GOVERNING BOARD MEMBERSHIP

References:

Education Code Sections 72023, 72103, and 72104

The purpose of the Governing Board of the Palomar Community College District is to serve as a representative body elected by and responsible to the people of the College District. The Governing Board shall consist of five members elected by the qualified voters of the District. Members shall be elected at large.

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

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

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

See BP 2710 titled Conflict of Interest

- **From current Palomar College BP 5.0**

~~**Purpose**~~
~~It is incumbent upon each Board member to interpret the views of the public to the Board and administration.~~

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 5.0 titled Purpose with no adoption date indicated. The language in* ***green ink*** *reflects revisions/additions made at the May 12, 2006 Policy and Procedure Task Force Meeting.*

Attorney General Opinion 01-112 (8/3/01) clarified employment of a Governing 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 Governing 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:
(Replaces former Palomar College Policy 5.0)

BP 2015 STUDENT TRUSTEE

Reference:
Education Code Section 72023.5

The Governing Board shall include one non-voting Student Trustee. The term of office shall be one year commencing June 1.

The duly elected Associated Student Government President will serve as the student member of the Board. The Student Trustee shall be a resident of California at the time of nomination, and during the term of service, and 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 shall maintain minimum standards of scholarship of at least a 2.0 grade point average during his/her term.

The Student Trustee shall be seated with the Governing Board and shall be recognized as a full member of the Board at meetings. The Student Trustee is entitled to participate in discussion of issues and receive all materials presented to members of the Governing Board (except for closed session). The Student Trustee shall recuse himself/herself from both discussion and action on matters of potential conflict of interest.

On or before June 1 of each year, the Governing Board shall consider whether to afford the Student Trustee any of the following privileges:

- The privilege to second motions;
- The privilege to attend closed sessions, other than closed sessions on personnel or collective bargaining matters;
- The privilege to receive compensation for meeting attendance at a level equivalent to elected Trustees. (See BP 2725 titled Governing Board Member Compensation);
- The privilege to serve a term commencing on June 1.
- The privilege to cast an advisory vote, although the vote shall not be included in determining the vote required to carry any measure before the Governing Board.

- **From current Palomar College BP 8.1**

Student Trustee Advisory Vote (92-15673, 00-20322)
~~The Board shall consist of five voting members and one student member who may cast an advisory vote. All voting members must be residents of the District; however, the student member shall not be required to be a District resident. (EC 72023, 72023.5)~~
(reflected in previous language)

- **From current Palomar College BP 8.3**

Student Member
~~The student member shall be seated with the elected members of the Governing Board and shall be recognized as a full member of the Board at the meetings. He/she shall receive all materials presented to the Board and may participate in the questioning of witnesses and the discussion of issues.~~
~~(EC 72023.5)~~
(reflected in previous language)

- **From current Palomar College BP 8.31**

Student Member Duties
~~The student member shall not be included in determining the vote required to carry any measure before the Board and shall not have the right, or be afforded the opportunity, to attend closed sessions of the Board. The student member of the Board shall not be liable for any acts of the Governing Board.~~
~~(EC 72023.5)~~
(reflected in previous language)

- **From current Palomar College BP 8.32**

ASG President as Student Member (77-6694)
The duly elected Associated Student Government President will serve as the student member of the Board.
(moved to second paragraph in policy)

- **From current Palomar College BP 8.33**

Student Member Term (81-8757)
~~The student member shall serve for a period of one year commencing on May 15th and ending on May 14th of the following year. (EC 72023.7)~~

- **From current Palomar College BP 8.34**

Student Member Eligibility

The student member must be currently enrolled at the College for at least six semester units and maintain minimum standards of scholarship of at least a 2.0 grade point average during his/her term.
(moved to second paragraph in policy)

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policies 8.1 titled Student Trustee Advisory Vote (92-15673, 00-20322) adopted on 5-11-93 and revised on 9-26-00, 8.3 titled Student Member, 8.31 titled Student Member Duties with no adoption date indicated, 8.32 titled ASG President as Student Member (77-6694) adopted 3-14-78, 8.33 titled Student Member Term (81-8757) adopted 12-8-81, and 8.34 titled Student Member Eligibility with no adoption date indicated. The language in* ***green ink*** *reflects revisions/additions made at the May 12, 2006 and September 15, 2006 Policy and Procedure Task Force Meetings. The language in* ***blue*** *ink was added and approved by SPC on May 1, 2007.*

There are Governing Boards that provide the Student Trustee an advisory vote at Board Meetings, even though the law does not mention this privilege. If the Board chooses to include an advisory vote, it should be listed in the above policy with a statement, "The privilege to cast an advisory vote, although the vote shall not be included in determining the vote required to carry any measure before the Governing Board."

Date Adopted:
(Replaces former Palomar College Policies 8.1, 8.3, 8.31, 8.32, 8.33, and 8.34)

BP 2100 GOVERNING BOARD ELECTIONS

References:
Education Code Sections 5000 et seq., 72023, and 72027

The term of office of each Board member shall be four years, commencing on the first Friday in December following the election. Elections shall be held every two years, in even numbered years. Terms of Governing Board members are staggered so that, as nearly as practical, one half of the Board members shall be elected at each Board member election.

Candidates will be charged for the candidate's statements or other materials to be sent to the voters for the Governing Board member election. The District shall determine the length of the Candidate's Statement. The fees for such statement will be paid to the Registrar of Voter's Office by the candidate.

Ties
In the event of a tie vote in a Governing Board member election, the Governing Board of the Palomar Community College District will determine the winner or winners by lot.

- **From current Palomar College BP 9.1**

Term
~~Voting members of the Board are elected in the manner prescribed by law to serve a term of four years.~~
~~(EC 72023)~~
(new policy language reflects this policy language)

- **From current Palomar College BP 9.2**

Commencement of Term (98-19355)
~~An elected Board member will begin his/her term of office on the first Friday in December following his/her election.~~
~~(EC 72027)~~
(new policy language reflects this policy language)

- **From current Palomar College BP 9.3**

Candidate's Statement (79-7522; 88-12537)
Candidates will be charged for the candidate's statements or other materials to be sent to the voters for the Governing Board member election. *(included this language at the end of the first paragraph in the new policy)*

- **From current Palomar College BP 9.4**

Ties (79-7522; 88-12537)
~~In the event of a tie vote in a Governing Board member election, the Governing Board of the Palomar Community College District will determine the winner or winners by lot.~~
(new policy language reflects this policy language)

NOTE: *This policy is* ***legally advised****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policies 9.1 titled Term with no adoption date indicated, 9.2 titled Commencement of Term (98-19355) revised on 2-23-99, 9.3 titled Candidate's Statement (79-7522; 88-12537) adopted on 8-7-79, and 9.4 titled Ties (79-7522; 88-12537) adopted on 8-7-79. The language in* ***green ink*** *reflects revisions/additions made at the September 15, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policies 9.1, 9.2, 9.3, and 9.4)

Palomar Community College District Policy **CCLC No. 2105**

Governing Board

BP 2105 ELECTION OF STUDENT TRUSTEE

References:

Education Code Sections 72023.5 and 72103

~~The Student Trustee shall be chosen by the students enrolled in the District as follows:~~

~~The Student Trustee, who also serves as the President of the Associated Student Government, shall be elected by all the students of the student body in a general election held for the purpose. Normally an election will be held in the Spring semester so that the office is filled by June 1.~~

~~Special elections shall be held if the office becomes vacant by reason of the resignation, disqualification, or recall of an elected Student Trustee. Special elections shall be held within thirty (30) days or within thirty (30) days of the resumption of the academic year after notice of the vacancy comes to the attention of the Superintendent/President.~~

The President of the Associated Student Government (ASG) who is elected by the students enrolled in the District shall serve as the Student Trustee. Normally an election will be held in the Spring semester so that the office is filled by June 1.

Candidates for the position may nominate themselves or be nominated by others by the filing of an application certifying that the candidate is eligible for service under the criteria set forth in California law, these policies, and the bylaws of the Associated Student Government. The election will be conducted in accordance with AP 2105 titled Election of Student Trustee.

Should the office of the ASG President become vacant for any reason whatsoever, the ASG Vice President shall assume the office of President immediately, with all rights and privileges ascribed thereto. The ASG Vice President shall meet the same criteria as the ASG President.

NOTE: *This policy is* ***legally advised****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***green ink*** *reflects revisions/additions made at the September 15, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:

(This is a new procedure recommended by the CC League and the League's legal counsel)

BP 2110 VACANCIES ON THE GOVERNING BOARD

References:

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

Vacancies on the Governing 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 Governing Board shall be governed by Education Code Section 5090.

Within 60 days of the vacancy or filing of a deferred resignation, the Governing 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 Governing Board members at a public meeting.

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

- **From current Palomar College BP 10.0**

Vacancy

~~Vacancies in the Board will be filled in accordance with provisions prescribed by statute. EC 5090, 5091, 5092, 5093, 5094~~

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 10.0 titled Vacancy with no adoption date indicated. This policy language was reviewed at the September 15, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 10.0)

Palomar Community College District Policy **CCLC No. 2200**

Governing Board

BP 2200 BOARD DUTIES AND RESPONSIBILITIES

References:

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

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

The Governing Board is committed to fulfilling its responsibilities to:

- Represent the public interest;
- Establish policies that define the institutional mission and set prudent, ethical, and legal standards for District operations;
- Hire and evaluate the Superintendent/President;
- Delegate power and authority to the Superintendent/President to effectively lead the District;
- Assure fiscal health and stability;
- Monitor institutional performance and educational quality; and
- Advocate for and protect the District.

NOTE: *This is a new policy included the Community College League's Update #11 dated August 30, 2006. It is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). Board duties and responsibilities are also reflected throughout the Board Policies and are addressed in BP 2715 titled Code of Ethics/Standards of Practice. Additional resources may be found in Chapter 7 of the Community College League's Trustee Handbook and other publications on trusteeship. The language in* ***green ink*** *reflects revisions/additions made at the September 15, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(This is a new procedure recommended by the CC League and the League's legal counsel)

BP 2210 OFFICERS

Reference:
Education Code Section 72000

At the annual organizational meeting, the Governing Board shall elect from among its members a President of the Board, a Vice President of the Board, and a Secretary of the Board.

The terms of officers shall be for one year.

The duties of the President of the Board are to:

- Preside over all meetings of the Governing Board;
- Call emergency and special meetings of the Governing Board as required by law;
- Consult with the Superintendent/President on Governing Board meeting agendas;
- Communicate with individual Board members about their responsibilities;
- Participate in the orientation process for new Governing Board members;
- Assure Board compliance with policies on Board Education, Self-Evaluation, and Superintendent/President Evaluation; and
- Represent the Governing Board at official events or ensure Board representation.

The duties of the Vice President of the Board are to:

- serve as the President of the Board in the absence of the Board President;
- Preside at any Regular and/or Special meetings;
- Sign such documents that the acts of the Governing Board may require; and
- Represent the District in its relations with other Governing Board in the absence of the Board President.

The duties of the Secretary of the Board are to:

- Certify or attest to actions taken by the Governing Board whenever such certification or attestation is required for any purpose;
- Make or maintain such other records or reports as are required by law; and
- Perform such other duties as may require official signature by the Governing Board of Trustees of the District.

The Superintendent/President shall serve as Secretary to the Board.

The duties of the Secretary to the Board are to:

- Notify members of the Governing Board of regular, special, emergency and adjourned meetings;
- Prepare and post Board meeting agendas;
- Have prepared for adoption minutes of Board meetings;
- Attend all Governing Board meetings and closed sessions, unless excused, and in such cases to assign a designee;
- Conduct the official correspondence of the Governing Board;

- Certify as legally required all Board actions; and
- Sign, when authorized by law or by Board action, any documents that would otherwise require the signature of the Secretary of the Governing Board.

The Governing Board does not have an official system of rotation of officers; it elects the officers each year from among all its members.

❖ **From current Palomar College BP 12.1**

Officers
~~The Board shall elect a president, vice president, and secretary from its members at the annual organizational meeting of the Board. The Superintendent/President shall serve as Secretary to the Board.~~
~~(EC 72025)~~
(This information is reflected in the new policy language above)

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 12.1 titled Officers with no adoption date indicated. The language in* ***green ink*** *reflects revisions/additions made at the September 15, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 12.1)

Palomar Community College District Policy **CCLC No. 2220**

Governing Board

BP 2220 COMMITTEES OF THE GOVERNING BOARD

Reference:
Government Code Section 54952

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

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

Board committees that are only advisory have no authority or power to act on behalf of the Governing Board. Findings or recommendations shall be reported to the Governing Board for consideration. All Board-appointed committees serve in an advisory capacity to the Board and shall avoid making commitments which might be interpreted as binding contracts on the District.

- **From current Palomar College BP 12.14**

Committees
~~At the request of the Superintendent or a majority of the Board, the President of the Board may appoint special committees to investigate specific problems and report their findings and recommendations to the Board. There are no standing Board committees.~~ All Board-appointed committees serve in an advisory capacity to the Board and shall avoid making commitments which might be interpreted as binding contracts on the District.
(The last sentence was moved to the end of the new third paragraph above)

NOTE: *This policy is* ***legally advised****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 12.14 titled Committees with no adoption date indicated. This policy was reviewed at the September 15, 2006 Policy and Procedure Task Force Meeting. The language in* ***green ink*** *reflects revisions/additions as a result of the Community College League's Update #13 distributed on September 21, 2007.*

Date Adopted:
(Replaces former Palomar College Policy 2.14)

Palomar Community College District Policy **CCLC No. 2305**

Governing Board

BP 2305 ANNUAL ORGANIZATIONAL MEETING

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

- **From current Palomar College BP 12.2**

Organizational Meeting
The Governing Board shall hold an annual organizational meeting. The date and time of the annual organizational meeting shall be selected by the Board at its regular meeting held immediately prior to November 30 unless otherwise provided by rule of the Governing Board. The annual organizational meeting shall be held between November 30 and December 14 of each year. The Board shall notify the County Superintendent of Schools of the date and time selected for the meeting. Within 15 days prior to the meeting, the Secretary to the Board shall notify in writing all members and members elect of the date and time selected for the annual organizational meeting.
~~(EC 72125)~~ *(Note: This code no longer exists)*

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 12.2 titled Organizational Meeting with no adoption date indicated. This policy was reviewed at the September 15, 2006 Policy and Procedure Task Force Meeting and the language in current Palomar Policy 12.2 titled Organizational Meeting was retained.*

Date Adopted:
(Replaces former Palomar College Policy 12.2)

Governing Board

BP 2310 REGULAR MEETINGS OF THE GOVERNING BOARD

References:

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

Regular meetings of the Governing Board shall be held the second Tuesday of each month. Regular meetings of the Governing Board shall normally be held at the San Marcos Campus, 1140 West Mission Road, San Marcos, CA 92069.

A notice identifying the location, date, and time of each regular meeting of the Governing 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. According to the Brown Act, the Governing Board Agenda will be posted 72 hours in advance of the meeting. All regular meetings of the Governing 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 Governing 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.

- **From current Palomar College BP 7.11**

~~Meetings~~
~~The Board conducts public meetings at a regularly scheduled time and place as determined by the Board at its annual organizational meeting.~~
~~(EC 72120, 72121, 72126; GC 54954)~~

- **From current Palomar College BP 12.3**

~~Regular Meetings~~
~~The Governing Board shall hold regular public meetings as determined at the annual organizational meeting. A notice identifying the location, date, and time of the meeting shall be posted at the College at least 10 days prior to the meeting and shall remain posted up to and including the time of the meeting.~~
~~(EC 35145, 72126, 72132)~~

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policies 7.11 titled Meetings and 12.3 titled Regular Meetings with no adoption dates indicated. The language in* ***green ink*** *reflects revisions/additions made at the September 15, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policies 7.11 and 12.3)

Governing Board

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 Governing Board shall be held only 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 twenty-four (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 Governing 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 Governing Board or by law.

If any person requests an opportunity to present formal complaints to the Governing Board about a specific employee, such complaints shall first be presented to the Superintendent/President. Notice shall be given to the employee against whom the charges or

complaints are directed. If the complaint is not resolved at the administrative level, the matter shall be scheduled for a closed session of the Governing Board. The employee shall be given at least twenty-four (24) hours written notice of the closed session, and shall be given the opportunity to request that the complaints be heard in an open meeting of the Governing Board.

- **From current Palomar College BP 6.1**

~~***Legal Authority***~~
~~It is recognized that the Education Code of the California Statutes and Title 5 of the Administrative Code legalizes the authority of the Governing Board as a whole, not as individual members. Only those matters which have been discussed and approved in open Board meetings or in duly authorized closed sessions have the effect of law.~~

- **From current Palomar College BP 12.6**

~~***Closed Session***~~
~~Closed sessions of the Board may be held at the request of the members of the Governing Board, administration, academic staff, classified staff, or students. Such sessions are held in accordance with the provisions of the Ralph M. Brown Act, Government Code sections 54950-54961. Such meetings are restricted in scope to the review of academic and classified personnel, salary and fringe benefit proposals of employees, collective bargaining issues, acquisition of property, litigation affecting the District, or matters affecting an individual student. Final action of the Board will be taken at a public meeting and the result of such action shall be a public record.~~
~~(EC 35146, 72122; GC 3549.1, 11125.2, 11126, 11126.3, 54950-54961)~~

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policies 6.1 titled Legal Authority with no adoption date indicated and 12.6 titled Closed Session adopted on 8-1-72. The language in* ***green ink*** *reflects revisions/additions made at the September 15, 2006 Policy and Procedure Task Force Meeting. The language in* ***blue*** *ink was added and approved by SPC on May 1, 2007.*

Date Adopted:
(Replaces former Palomar College Policies 6.1 and 12.6)

Governing Board

BP 2320 SPECIAL AND EMERGENCY MEETINGS

References:

Education Code Section 72129;
Government Code Sections 54956, 54956.5, and 54957

Special meetings may from time to time be called by the President of the Governing 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 when prompt action is needed because of actual or threatened disruption of public facilities under such circumstances as are permitted by the Brown Act, including 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 Superintendent/President shall be responsible to ensure that notice of such meetings is provided to the local news media as required by law.

- **From current Palomar College BP 12.4**

~~***Special Meetings***~~
~~Special meetings of the Board may be held at the call of the Board President or upon call in writing and signed by a majority of members of the Board. A special meeting may also be convened at any time upon unanimous consent. Special meetings are open to the public. A notice of a special meeting must be posted at least 24 hours prior to the special meeting.~~
~~(EC 72129; GC 54956)~~

- **From current Palomar College BP 12.5**

~~***Emergency Meetings***~~
~~In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Governing Board may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Government Code Section 54956 or both of the notice and posting requirements.~~
~~(GC 54956.5)~~

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policies 12.4 titled Special Meetings adopted on 6-9-70 and 12.5 titled Emergency Meetings with no adoption date indicated. This policy was reviewed at the September 15, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policies 12.4 and 12.5)

Governing Board

BP 2330 QUORUM AND VOTING

References:

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

No action shall be taken by secret ballot.

A quorum of the Board shall consist of three members.

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

The following actions require a majority vote by all members of the Governing 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 Governing 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

❖ **From current Palomar College BP 12.7**

~~***Quorum***~~
~~The presence of three or more voting Board members at a duly noticed meeting constitutes a quorum.~~

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 12.7 titled Quorum with no adoption date indicated. The language in* ***green ink*** *reflects revisions/additions made at the September 15, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 12.7)

Governing Board

BP 2340 AGENDAS

References:

Education Code Sections 72121 and 72121.5;
Government Code Sections 6250 et seq. and 54954 et seq.

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.

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 Governing 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 Governing Board.

The Superintendent/President shall establish administrative procedures that provide for public access to agenda information and reasonable annual fees for the service.

Members of the public may place matters directly related to the business of the District on an agenda for a Board meeting by submitting a written summary of the item to the Superintendent/President. The written summary must be signed by the initiator. The Governing 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.

Agendas shall be developed by the Superintendent/President in consultation with the Governing Board President.

Agenda items submitted by members of the public must be received by the office of the Superintendent/President **ten days** prior to the regularly scheduled Governing Board meeting.

Agenda items initiated by members of the public shall be placed on the Board's agenda following the items of business initiated by the Governing Board and by staff. Any agenda item submitted by a member of the public and heard at a public meeting cannot be resubmitted before the expiration of a 90 day period following the initial submission.

- **From current Palomar College BP 12.11**

~~Action~~
The Board will act only upon matters identified as action items on the agenda. Official action taken by the Board shall be affirmed by a formal vote. The Board shall act by majority vote. Voting is by voice unless a written ballot is requested by the President of the Board. If the vote is not unanimous, the minutes shall reflect the vote of each member. A roll call vote may be called for by any Board member.
~~(EC 72202, 72203)~~ *(These Ed Code Sections no longer exist)*

- **From current Palomar College BP 12.8**

~~Agenda~~
~~The Superintendent of the District prepares the agenda for all regular, special, and emergency Board meetings. Members of the public may place matters on the agenda of open Board meetings, and may address the Board regarding any such items as they are taken up by the Board at an open Board meeting.~~
~~(EC 72121.5)~~

- **From current Palomar College BP 12.9**

~~Availability of Agenda~~
~~A copy of the agenda shall be posted in accordance with the law, and copies will be forwarded to the news media serving the College District.~~
~~(EC 72121; GC 54954.2)~~

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policies 12.8 titled Agenda adopted 11-9-93, 12.9 titled Availability of Agenda with no adoption date indicated, and 12.11 titled Action with no adoption date indicated. This policy was reviewed at the October 13, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policies 12.8, 12.9, and 12.11)

BP 2345 RIGHT TO PUBLIC PARTICIPATION

References:

Education Code 72121.5;
Government Code Sections 54954 et seq. and 54957.5

The Governing 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 Governing Board in one of two ways:

1. There will be a time at each regularly scheduled Board meeting for the general public to discuss items not on the agenda.

Members wishing to present such items shall submit a written request, prior to the public comment section of the agenda or before the agendized item is to be heard, to the Superintendent/President or President of the Governing Board (whichever is most appropriate) that summarizes the item and provides his or her name and organizational affiliation, if any. No action may be taken by the Governing Board on such items not on the agenda.

2. Members of the public may place items on the prepared agenda in accordance with BP 2340 titled Agendas.

If requested through the Superintendent/President's Office, 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 Governing Board under this rule, but shall be submitted to the District.

- **From current Palomar College BP 7.10**

~~Communication~~
Members of the College community communicate with members of the Board in accordance with established guidelines for communication.

- **From current Palomar College BP 12.10**

~~Hearings~~
At regular meetings, the Governing Board shall provide opportunities for members of the public to address the Board directly on items on the agenda or on items of interest to the public that

are within the subject matter jurisdiction of the Board. The Board welcomes the information provided by this direct interaction with the public.
~~(GC 54954.3)~~

~~The Board will accept testimony from individuals, a committee, or a delegation. Hearings from the following shall be regularly scheduled in the agenda: The Faculty, Faculty Senate, Palomar Faculty Federation, Associated Student Government, CCE/AFT, Administrative Association, Confidential and Supervisory Team, Other, and Superintendent.~~

NOTE: *This policy is* ***legally advised****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policies 7.10 titled Communication with no adoption date indicated and 12.10 titled Hearings adopted 11-9-93. The language in* ***green ink*** *reflects revisions/additions made at the October 13, 2006 Policy and Procedure Task Force Meeting. The language in* ***blue*** *ink was added and approved by SPC on May 1, 2007.*

Date Adopted:
(Replaces former Palomar College Policies 7.10 and 12.10)

BP 2350 SPEAKERS

References:

Education Code Section 72121.5;
Government Code Sections 54950 et seq.

Persons may speak to the Governing 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 comment.

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

- 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 Governing Board or if their remarks are unduly repetitive

- Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Governing 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

- They shall complete a written request to address the Governing Board at the beginning of the meeting at which they wish to speak

- The request shall include the person's name and name of the organization or group represented, if any, and a statement noting the agenda item or topic to be addressed

- No member of the public may speak without being recognized by the President of the Board

- Each speaker will be allowed a maximum of **five** minutes per topic. **Thirty** minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one Board meeting. At the discretion of a majority of the Governing Board, these time limits may be extended.

❖ **From current Palomar College Administrative Procedure 12.10.1**

~~Public Participation at Regular Meetings of the Board (97-18518) (97-18582)~~

- The Governing Board may ask a delegation to limit the number of speakers on a specific topic unless the proposed speakers are addressing different concerns.

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

NOTE: *This policy is* ***legally advised****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College AP 12.10.1 with no date referenced. The language in* ***green ink*** *reflects revisions/additions made at the October 13, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College AP 12.10.1)

Governing Board

BP 2355 DECORUM/CONDUCT

References:

Education Code Section 72121.5;
Government Code Section 54954.3(b)

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

- Remarks or discussion in public meetings on charges or complaints which the Governing Board has scheduled to consider in closed session
- Profanity, obscenity, and other offensive language and
- Physical violence and/or threats of physical violence directed toward 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 escorted from the meeting room.

Speakers who engage in such conduct may be removed from the podium and denied the opportunity to speak to the Governing 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 Governing Board. If the behavior continues, the person(s) may be removed by a vote of the Governing 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 Governing Board may order the meeting room cleared and may continue in session. The Governing 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.

- **From current Palomar College BP 12.13**

~~Rules of Procedure~~

In all matters of procedure not otherwise indicated, Robert's Rules of Order, Revised, governs.

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 12.13 titled Rules of Procedure with no adoption date indicated. The language in* ***green ink*** *reflects revisions/additions made at the October 13, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:

(Replaces former Palomar College Policy 12.13)

Palomar Community College District Policy **CCLC No. 2360**

Governing Board

BP 2360 MINUTES

References:

Education Code Section 72121(a);
Government Code Section 54957.5

The Superintendent/President shall cause minutes to be taken of all meetings of the Governing Board. The minutes shall record all actions taken by the Governing Board including, but not limited to, those present, all motions, names of those making and seconding motions, and votes. The minutes shall be public records and shall be 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.

- **From current Palomar College BP 12.12**

~~Minutes~~

~~Minutes shall be taken at all meetings recording actions of the Board. The minutes are public record and shall be available to the public.~~
~~(EC 72121, 72202)~~

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 12.12 titled Minutes with no adoption date indicated. The language in* ***green ink*** *reflects revisions/additions made at the October 13, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 12.12)

Palomar Community College District Policy **CCLC No. 2365**

Governing Board

BP 2365 RECORDING

References:

Education Code Section 72121(a);
Government Code Sections 54953.5 and 54953.6

If the Governing Board causes any tape or video recording of a meeting, the recording 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 Superintendent/President is directed to enact administrative procedures to ensure that any such recordings are maintained for two years following the taping or recording.

Persons attending an open and public meeting of the Governing 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 Governing 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, any such person shall be directed by the President of the Governing Board to stop.

NOTE: *This policy is* ***legally required****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***green ink*** *reflects revisions/additions made at the October 13, 2006 Policy and Procedure Task Force Meeting. The language in* ***blue*** *ink was added and approved by SPC on May 1, 2007.*

Date Adopted:
(This is a new procedure recommended by the CC League and the League's legal counsel)

Palomar Community College District Policy **CCLC No. 2410**

Governing Board

BP 2410 POLICY MAKING AUTHORITY AND ADMINISTRATIVE PROCEDURES

References:

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

- **From current Palomar College BP 7.01**

~~District Policy~~

All policies of the District are established by the Governing Board.

The Governing 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 Governing 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 Governing 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 Superintendent/President 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 Superintendent/President.

The Superintendent/President shall annually provide each member of the Board with copies of the administrative procedures or any revisions since the last time they were provided. The Governing Board reserves the right to direct revisions of the administrative procedures should they, in the Board's judgment, be inconsistent with the Governing Board's own policies.

Copies of all policies and administrative procedures shall be readily available to District employees through the Superintendent/President.

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 7.01 titled District Policy with no adoption date indicated. The language in* ***green ink*** *reflects revisions/additions made at the October 13, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:

(Replaces former Palomar College Policy 7.01)

Governing Board

BP 2430 DELEGATION OF AUTHORITY TO THE SUPERINTENDENT/PRESIDENT

References:

Education Code Sections 70902(d) and 72400;
Accreditation Standards IV.B.1.j and IV.B.2

The Governing Board delegates to the Superintendent/President the executive responsibility for administering the policies adopted by the Board and executing all decisions of the Governing Board requiring administrative action.

The Superintendent/President may delegate any powers and duties entrusted to him or her by the Governing Board (including the administration of the College and centers), but will be specifically responsible to the Board for the execution of such delegated powers and duties.

The Superintendent/President is empowered to reasonably interpret Board Policy. In situations where there is no Board Policy direction, the Superintendent/President shall have the power to act, but such decisions shall be subject to review by the Governing Board. It is the duty of the Superintendent/ President to inform the Board of such action and to recommend written Board Policy if one is required.

The Superintendent/President is expected to perform the duties contained in the Superintendent/President job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions. The job description and goals and objectives for performance shall be developed by the Governing Board in consultation with the Superintendent/President.

The Superintendent/President shall ensure that all relevant laws and regulations are complied with, and that required reports are submitted in timely fashion.

The Superintendent/President shall make available any information or give any report requested by the Governing Board as a whole. Individual Board member requests for information shall be met if, in the opinion of the Superintendent/ President, they are not unduly burdensome or disruptive to District operations. Information provided to any Board member shall be provided to all Board members.

The Superintendent/President shall act as the professional advisor to the Governing Board in policy formation.

- **From current Palomar College BP 6.2**

~~Management~~

The Board delegates the authority for the District administration to the Superintendent of the District.

- **From current Palomar College BP 6.3**

~~Designate Alternate Representative of Board (AB1725) (89-13785)~~
In the absence of designation of an alternate representative, the Superintendent/President shall act as the representative of the Governing Board in all matters including the implementation of the provisions of the Education Code added by Assembly Bill 1725. The Superintendent/President may delegate specific responsibility to other District employees. The Governing Board reserves its right to approve policy recommendations.

- **From current Palomar College BP 21**

~~District Superintendent/President~~
The Chief Executive Officer for the Governing Board of Palomar College and the Palomar Community College District is the District Superintendent and President of the College. He/she is responsible for the execution of policies established by the Governing Board. He/she is expected to administer the ~~College~~ District in an economical, democratic, and efficient manner for the best interests of the students and the residents of the Palomar Community College District.

NOTE: *This policy is* ***legally required****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policies 6.2 titled Management with no adoption date indicated, 6.3 titled Designate Alternate Representative of Board (AB1725) (89-13785) adopted on 5-8-90, and 21 titled District Superintendent/President with no adoption date indicated. The language in* ***green ink*** *reflects revisions/additions made at the October 13, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policies 6.2, 6.3, and 21)

Palomar Community College District Policy **CCLC No. 2431**

Governing Board

BP 2431 SUPERINTENDENT/PRESIDENT SELECTION

References:

Accreditation Standards IV.B.1 and IV.B.1.j.;
Title 5 Sections 53000 et seq.

In the case of a Superintendent/President vacancy, the Governing Board shall establish a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations.

- **From current Palomar College BP 7.02**

~~Selection of the Superintendent/President~~
A Superintendent is ~~elected~~ selected by the Board to serve as the Chief Executive Officer of the District. The initial contract of the Superintendent/President will be negotiated to the mutual agreement of the Superintendent/President and the Board, for a term not to exceed four years. The contract will be reviewed annually and renewed by mutual agreement of the Board and the Superintendent/President.

NOTE: *This policy is* ***legally required****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 7.02 titled Selection of the Superintendent/President with no adoption date indicated. The language in* ***green ink*** *reflects revisions/additions made at the October 13, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 7.02)

Palomar Community College District Policy **CCLC No. 2432**

Governing Board

BP 2432 SUPERINTENDENT/PRESIDENT SUCCESSION

References:

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

The Governing Board delegates authority to the Superintendent/President to appoint an acting Superintendent/President to serve in his or her absence for short periods of time, not to exceed 30 calendar days at a time.

In the absence of the Superintendent/President and when an Acting President has not been named, administrative responsibility shall reside with (in order):

(Per Palomar College BP 22)

- Chief Instructional Officer
- Chief Student Services Officer
- Chief Business Officer
- Chief Human Resources Officer
- Deans (in order of length of service as a dean at Palomar College)

The Governing Board shall appoint an acting Superintendent/President for periods exceeding 30 calendar days.

❖ **From current Palomar College BP 22**

~~**Designation of Administrator in Charge (89-13757)**~~
~~In the absence of designation of an administrator in charge by the Superintendent/President or by the Governing Board, the standard succession will be first, the chief instructional officer; second, the chief student services officer; and then the deans, in order of their length of service as deans at Palomar College.~~

NOTE: *This policy is* ***suggested*** *as* ***good practice****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 22 titled Designation of Administrator in Charge (89-13757) adopted on 4-24-90. The language in* ***green ink*** *reflects revisions/additions made at the October 13, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 22)

Palomar Community College District Policy **CCLC No. 2435**

Governing Board

BP 2435 EVALUATION OF THE SUPERINTENDENT/PRESIDENT

Reference:
Accreditation Standard IV.B.1

The Governing Board shall conduct an evaluation of Superintendent/President at least annually. Such evaluation shall comply with any requirements set forth in the contract of employment with the Superintendent/President as well as this policy.

The Board shall evaluate the Superintendent/President using an evaluation process developed and jointly agreed to by the Governing Board and the Superintendent/President.

The criteria for evaluation shall be based on Board Policy, the Superintendent/ President job description, and performance goals and objectives developed in accordance with BP 2430 titled Delegation of Authority to the Superintendent/ President.

- **From current Palomar College BP 21.1**

~~Conditions of Employment~~

~~A. It is a policy of the Board to review the existing contract of the District Superintendent annually.~~

~~B. In the event the Governing Board determines that the Superintendent is not to be reemployed upon the expiration of his/her contract, the Superintendent will be given written notice thereof at least six months in advance of the expiration of his/her contract period. In the event of failure to give such notice, the Superintendent shall be deemed reelected for a term of the same length as the one completed, in accordance with the California State Education Code.~~

NOTE: *This policy is* ***legally required****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 21.1 titled Conditions of Employment with no adoption date indicated. The language in* ***green ink*** *reflects revisions/additions made at the November 17, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 21.1)

Governing Board

BP 2510 PARTICIPATION IN LOCAL DECISION MAKING

References:

Education Code Section 70902(b)(7);
Title 5 Sections 53200 et seq. (Faculty Senate), 51023.5 (staff), and 51023.7 (students);
Accreditation Standard IV.A

- **From current Palomar College BP 4.0**

~~**Collegiality (83-9881)**~~
The Governing Board of the Palomar Community College District wishes to encourage the greatest possible cooperation among its employees and believes that the best ideas are often the product of collective thought. The Board affirms its commitment to collegiality and directs its employees to make every effort in sincere attempts to use the collegial model in policy development.

- **From current Palomar College BP 2510**

~~**PARTICIPATION IN LOCAL DECISION-MAKING**~~

The Board is the ultimate decision-maker in those areas assigned to it by state and federal laws and regulations. In executing that responsibility, the Board is committed to its obligation to ensure that appropriate members of the District participate in developing recommended policies for Board action and administrative procedures for Superintendent/President action under which the District is governed and administered.

Each of the following shall participate as required by law in the decision-making processes of the District:

Faculty Senate ~~(Title 5, Sections 53200-53206.)~~
Pursuant to rules adopted by the Board of Governors of the California Community Colleges, the Governing Board elects to rely primarily upon the advice and judgment of the Faculty Senate on academic and professional matters.

The term “Academic and Professional Matters” refers to the establishment or modification of the following Policy and Procedure matters:

1. Curriculum, including establishing prerequisites and placing courses within disciplines
2. Degree and certificate requirements
3. Grading policies
4. Educational program development
5. Standards or policies regarding student preparation and success
6. Governance structures, as related to faculty roles
7. Faculty roles and involvement in accreditation processes, including self-study and annual reports
8. Policies for faculty professional development activities
9. Processes for program review
10. Processes for institutional planning and budget development
11. Faculty Hiring Policy, Faculty Hiring Criteria, and Faculty Hiring Procedures
12. Other academic and professional matters as mutually agreed upon by the Governing Board and the Faculty Senate. As other such academic and professional matters are identified, they will be added to this list.

Palomar Faculty Federation
Consistent with the EERA (Educational Employment Relations Act), the Palomar Faculty Federation shall represent faculty on campus committees dealing with salaries, benefits, and working conditions.

Staff ~~(Title 5, Section 51023.5, Education Code 70901.2)~~
Staff shall be provided with opportunities to participate in the formulation and development of District policies and procedures that have a significant effect on staff. The opinions and recommendations of the CCE/AFT, Administrative Association, and Confidential and Supervisory Team will be given every reasonable consideration.

Students ~~(Title 5, Section 51023.7)~~
The Associated Students shall be given an opportunity to participate effectively in the formulation and development of District policies and procedures that have a significant effect on students, as defined by law. The recommendations and positions of the Associated Students will be given every reasonable consideration. The selection of student representatives to serve on District committees or task forces shall be made after consultation with the Associated Students.

Except for unforeseeable emergency situations, the Board shall not take any action on matters subject to this policy until the appropriate constituent group or groups have been provided the opportunity to participate.

Nothing in this policy will be construed to interfere with the formation or administration of employee organizations or with the exercise of rights guaranteed under the Educational Employment Relations Act, Government Code Sections 3540, *et seq.*

~~Education Code Section 70902(b)(7); Title 5, Sections 53200 et seq., (Academic Senate), 51023.5 (staff), 51023.7 (students)~~

- **From current Palomar College BP 4.5**

~~Academic and Professional Matters (91-14779, 92-15302)~~

~~A. Pursuant to rules adopted by the Board of Governors of the California Community Colleges, the Governing Board elects to rely primarily upon the advice and judgment of the Faculty Senate on academic and professional matters.~~

~~B. The term "academic and professional matters" means the following policy and procedures matters:~~

~~1. Curriculum, including establishing prerequisites and placing courses within disciplines~~

~~2. Degree and certificate requirements~~

~~3. Grading policies~~

~~4. Educational program development~~

~~5. Standards or policies regarding student preparation and success~~

~~6. Governance structures, as related to faculty roles~~

~~7. Faculty roles and involvement in accreditation processes, including self-study and annual reports~~

~~8. Policies for faculty professional development activities~~

~~9. Processes for program review~~

~~10. Processes for institutional planning and budget development~~

~~11. Faculty Hiring Policy, Faculty Hiring Criteria, and Faculty Hiring Procedures~~

~~12. Other academic matters as mutually agreed upon by the Governing Board and the Faculty Senate. As other such academic matters are identified, they will be added to this list.~~

~~C. The Governing Board, through the Superintendent/President or designee, will consult with the Faculty Senate when adopting policies and procedures on academic matters. Policies and procedures on academic matters shall not be adopted by the Governing Board or implemented until consultation with the Faculty Senate has occurred.~~

~~D. Modifications of this policy are to be considered a professional matter and fall within the scope of this agreement.~~

NOTE: *This policy is* ***legally advised****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 2510 titled Participation in Local Decision-Making adopted on 11-14-03, Policy 4.0 titled Collegiality adopted 1-10-84, and Policy 4.5 titled Academic and Professional Matters (91-14779, 92-15302) adopted on 10-13-92. The language in* ***green ink*** *reflects revisions/additions made at the November 17, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:

(Replaces former Palomar College Policies 2510, 4.0, and 4.5)

Palomar Community College District Policy **CCLC No. 2610**

Governing Board

BP 2610 PRESENTATION OF INITIAL COLLECTIVE BARGAINING PROPOSALS

Reference:
Government Code Section 3547

The Superintendent/President is directed to enact administrative procedures that assure compliance with the requirements of Government Code Section 3547 regarding the presentation to the Governing Board of initial proposals for collective bargaining.

All initial collective bargaining proposals, which relate to matters within the scope of representation, shall be made in accordance with the procedures set forth in Government Code Section 3547.

NOTE: *This policy is* ***legally required****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***green ink*** *is recommended by the Human Resources Office.*

Date Adopted:
(This is a new policy recommended by the CC League and the League's legal counsel)

Governing Board

BP 2710 CONFLICT OF INTEREST

References:

Government Code Sections 1090 et seq., 1126, and 87200 et seq.;
Title 2 Sections 18730 et seq.

Governing Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members.

A Board member shall not be considered to be financially interested in a contract if his or her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A Board member who has a remote interest in any contract considered by the Governing Board shall disclose his or her interest during a Board meeting and have the disclosure noted in the official Board minutes. The Governing Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his or her duties as an officer of the District.

In compliance with law and regulation, the Superintendent/President shall establish administrative procedures to provide for disclosure of assets of income of Governing Board members who may be affected by their official actions, and prevent members from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest.

Governing Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

Governing Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

- **From current Palomar College BP 9.5 titled Economic Interests**

~~Each Board member shall file Statements of Economic Interests in accordance with the Political Reform Act of 1974 and the Conflict of Interest Code of the Palomar Community College District.~~
~~(GC 87100 et seq.)~~

- **From current Palomar College BP 541 titled Conflict of Interest**

~~Governing Board members who have a legal interest in any contract brought before the Board shall abstain in the approval process. No employee of the District shall have a financial interest in any contract with a vendor specified by the employee as one from whom to purchase materials. EC 72533~~

NOTE: *This policy is* ***legally advised****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar BP 9.5 titled Economic Interests with no adoption date indicated and BP 541 titled Conflict of Interest with no adoption date indicated. The language in* ***green ink*** *reflects revisions/additions made at the November 17, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policies 9.5 and 541)

Governing Board

BP 2715 CODE OF ETHICS/STANDARDS OF PRACTICE

References:

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

- **From the CODE OF ETHICS PALOMAR COMMUNITY COLLEGE DISTRICT GOVERNING BOARD (89-13740)**

As a member of the Palomar Community College District Governing Board, I will perform my duties in accordance with my oath of office. I am committed to serving the educational needs of the citizens of the District. My primary responsibility is to provide learning opportunities to each student regardless of ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability.

It is my further responsibility to:

1. Devote time, thought, and study to my duties as a Palomar College Board member so that I may render effective and creditable service.
2. Work with my fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during vigorous debates of points at issue.
3. Base my personal decisions upon all available facts in each situation, vote my honest conviction in every case unswayed by partisan bias, and abide by and uphold the final majority decision of the Board.
4. Remember at all times that as an individual I have no legal authority outside the meetings of the Board and conduct my relationships with ~~College~~ District staff, students, the local citizenry, and the media on that basis.
5. Be aware that I am responsible to all citizens of the District and not solely to those who elected me. The authority delegated to me by the voters must be exercised with as much care and concern for the least influential as for the most influential member of the community.
6. Resist every temptation and outside pressure to use my position as a community college board member to benefit either myself or any other individual or agency apart from the total welfare of the Palomar Community College District.
7. Recognize that it is as important for the Board to understand and evaluate the educational program of Palomar College as it is to plan for the business of ~~College~~ District operation.
8. Bear in mind under all circumstances that the Board is legally responsible for the effective operation of the District. Its primary function is to establish the policies by which the Palomar Community College District is to be administered. The Board shall hold the Superintendent/President and his/her staff responsible for the administration of the educational program and the conduct of ~~College~~ District business.
9. Welcome and encourage the active involvement of students, employees, and citizens of the District with respect to establishing policy on current ~~College~~ District operation and proposed future developments and consider their views in my deliberations and decisions as a Board member.

10. Recognize that deliberations of the Board in closed session are not mine to release or discuss in public in accordance with the Brown Act. ~~without the approval of the Board by majority vote.~~
11. Avail myself of opportunities to enhance my potential as a Board member through participation in educational conferences, workshops, and training sessions offered by local, state, and national organizations.
12. Be informed about the actions and positions of state and national community college trustees' associations.
13. Strive to provide the most effective community college board service of which I am capable, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and perpetuation of our representative democracy.

NOTE: *This policy is* ***legally required****. The language in* ***black ink*** *is from current Palomar College Policy 89-13740 titled Code of Ethics Palomar Community College District Governing Board (89-13740) adopted on 4-10-90. This policy was reviewed at the November 17, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 89-13740)

Palomar Community College District Policy **CCLC No. 2716**

Governing Board

BP 2716 POLITICAL ACTIVITY

References:

Education Code Sections 7054 and 7056;
Government Code Section 8314

Members of the Governing Board shall not use District funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Governing Board.

Initiative or referendum measures may be drafted on an area of legitimate interest to the District. The Governing Board may by resolution express the Board's position on ballot measures. Public resources may be used only for informational efforts regarding ballot measures.

NOTE: *This policy is* ***legally required****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). This policy was reviewed at the November 17, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(This is a new policy recommended by the CC League and the League's legal counsel)

Palomar Community College District Policy **CCLC No. 2717**

Governing Board

BP 2717 PERSONAL USE OF PUBLIC RESOURCES

References:

Government Code Section 8314;
Penal Code Section 424

No Governing Board member shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

NOTE: *This policy is* ***legally required****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). This policy was reviewed at the November 17, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(This is a new policy recommended by the CC League and the League's legal counsel)

Palomar Community College District Policy **CCLC No. 2720**

Governing Board

BP 2720 COMMUNICATIONS AMONG GOVERNING BOARD MEMBERS

Reference:
Government Code Section 54952.2

Members of the Governing Board shall not communicate among themselves by the use of any form of communication (e.g., personal intermediaries, e-mail, or other technological device) in order to reach a collective concurrence regarding any item that is within the subject matter jurisdiction of the Governing Board.

NOTE: *This policy is* ***legally required****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). This policy was reviewed at the November 17, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(This is a new policy recommended by the CC League and the League's legal counsel)

Governing Board

BP 2725 GOVERNING BOARD MEMBER COMPENSATION

References:
Education Code Sections 1090, 35120, 72023.5, and 72024

- **From current Palomar College BP 11.0**

~~**Compensation**~~

- **From current Palomar College BP 11.1**

~~***Services (79-7791, 98-19508, 99-19753)***~~
Governing Board members and the non-voting student member are compensated for their services within the limits established by law.—Compensation for the non-voting student ~~trustee~~ member will be set by the Governing Board on or before ~~May 15~~ June 1 of each year. Board members, except for the non-voting student member, may elect to receive health and welfare benefits extended to District employees.
~~(Adopted compensation is found in EC 72023.5, 72425~~)

NOTE: *This policy is* ***legally required****. The language in* ***black ink*** *is from current Palomar College Policies 11.0 titled Compensation and 11.1 titled Services (79-7791, 98-19508, 99-19753) adopted on 3-11-80 and revised on 5-25-99 and 10-12-99. The language in* ***green ink*** *reflects revisions/additions made at the November 17, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policies 11.0 and 11.1)

Palomar Community College District Policy **CCLC No. 2730**

Governing Board

BP 2730 HEALTH BENEFITS

Reference:
Government Code Section 53201

Members of the Governing Board, except for the non-voting student member, are eligible for and may elect to participate in the District's health benefit programs.

NOTE: *This policy is* ***legally required****. The language in* ***green ink*** *reflects revisions/additions made at the November 17, 2006 Policy and Procedure Task Force Meeting and recommendations from the Human Resources Office. The language in* ***blue*** *ink was added and approved by SPC on May 1, 2007.*

Date Adopted:
(This is a new policy recommended by the CC League and the League's legal counsel)

Palomar Community College District Policy **CCLC No. 2735**

Governing Board

BP 2735 GOVERNING BOARD MEMBER TRAVEL

Reference:
Education Code Section 72423

- **From current Palomar College BP 11.2**

~~Travel Allowance~~
Board members, including the non-voting student member, incurring travel expenses in the performance of their duties shall ~~may~~ be eligible for reimbursement with approval of the Board. ~~(EC 72423)~~

NOTE: *This policy is* ***legally required****. The language in* ***black ink*** *is from current Palomar College Policy 11.2 titled Travel Allowance with no adoption date indicated. The language in* ***green ink*** *reflects revisions/additions made at the November 17, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 11.2)

Governing Board

BP 2740 GOVERNING BOARD EDUCATION

Reference:
Accreditation Standard IV.B.1.f

The Governing Board is committed to its ongoing development as a Board and to an education program that includes an orientation for new Board members.

To that end, the Governing Board will engage in study sessions, provide access to reading materials, and support conference attendance and other activities that foster Board member education.

- **From current Palomar College BP 7.15**

~~Orientation of Trustees~~ (98-19184)
~~The Governing Board will schedule a special meeting for the purpose of orienting its members within two months of the seating of a new Board member. In addition,~~ N~~n~~ew Board members are strongly encouraged to attend orientation sessions sponsored by state and national associations. ~~When a new Student Trustee is seated, the Board will arrange a special meeting or other activities to orient the Student Trustee.~~

NOTE: *This policy is* ***legally required****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 7.15 titled Orientation of Trustees adopted on 10-27-98. The language in* ***green ink*** *reflects revisions/additions made at the November 17, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 7.15)

Palomar Community College District Policy **CCLC No. 2745**

Governing Board

BP 2745 GOVERNING BOARD SELF-EVALUATION

References:
Accreditation Standards IV.B.1.e and g

The Governing Board is committed to assessing its own performance as a Board in order to identify its strengths and areas in which it may improve its functioning.

To that end, the Governing Board has established the following processes:

A committee of the Governing Board shall be appointed in March to determine the instrument or process to be used in Board self-evaluation. Any evaluation instrument shall incorporate criteria contained in these Board Policies regarding Governing Board operations, as well as criteria defining Board effectiveness promulgated by recognized practitioners in the field.

The process for evaluation shall be recommended to and approved by the Governing Board.

If an instrument is used, all Governing Board members will be asked to complete the evaluation instrument and submit them to Secretary to the Board.

A summary of the evaluations will be presented and discussed at a Board session scheduled for that purpose. The results will be used to identify accomplishments in the past year and goals for the following year.

- **From current Palomar College BP 13.0**

~~**Board Evaluation (95-17149)**~~
~~It is the policy of the Palomar Community College District to~~ The Governing Board shall conduct an annual self-evaluation ~~of the Governing Board~~. The goals of the self-evaluation of the Governing Board are to clarify roles, to enhance harmony and understanding among Board members, and to improve the efficiency and effectiveness of the Board meetings. The ultimate goal is to improve ~~College~~ District operations and policies for the benefit of the students and employees of Palomar College and the citizens of the Palomar Community College District.

The evaluation instrument will be completed by each individual Board member, discussed at an annual Board retreat, and maintained in the District Office.

NOTE: *This policy is* ***legally required****. The language in* ***red ink*** *is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in* ***black ink*** *is from current Palomar College Policy 13.0 titled Board Evaluation (95-17149) adopted on 7-18-95. The language in* ***green ink*** *reflects revisions/additions made at the November 17, 2006 Policy and Procedure Task Force Meeting.*

Date Adopted:
(Replaces former Palomar College Policy 13.0)