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BP 2110 Vacancies on the Board of Education

References:

ORS 341.335

NOTE: *The following language is legally advised.*

The Board of Education shall declare the office of a board member vacant if it finds any of the following:

- The incumbent has died or resigned.
- The incumbent has been removed or recalled from office or the election of the incumbent thereto has been declared void by the judgment of a court.
- The incumbent has ceased to be a resident of the district from which the incumbent was nominated or elected.
- The incumbent has ceased to discharge the duties of office for two consecutive months unless prevented therefrom by sickness or other unavoidable cause or unless excused by the chairperson of the Board of Education.

When a vacancy is declared the remaining Board of Education members shall meet and appoint a person to fill the vacancy from any of the electors of the district if the position is one filled by both nomination and election at-large, and otherwise from any of the electors of the zone from which the vacancy occurs.

The period of service of a Board of Education member appointed to a vacant position commences upon appointment and expires June 30 next following the next regular district election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office on July 1.

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

Adopted by Board of Education:

BP 2210 Board of Education Officers

References:

ORS 341.283

NOTE: *Although this policy is recommended as good practice, it is up to the entity to determine the applicability of this board policy given state law and the entity's organizational culture.*

The terms of officers shall be for **one year**.

The Board of Education does not have an official system of rotation of Chair and Vice-Chair; it elects these officers each year from among all its members.

The duties of the Chair of the Board of Education are:

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

The duties of the Vice-Chair of the Board of Education are:

- To preside over Board meetings in the absence of the chair;
- To fulfill the duties of the Chair as needed.

The **President** shall continuously serve as Clerk to the Board of Education.

- Notify members of the Board of Education of regular, special, emergency, and adjourned meetings;
- Attend all Board of Education meetings and closed sessions, unless excused, and in such cases to assign a designee;
- Certify as legally required all Board of Education actions;
- Sign, when authorized by law or by Board of Education action, any documents that would otherwise require the signature of the Secretary of the Board of Education.
- Conduct the official correspondence of the Board of Education;

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The Executive Assistant to the President shall continuously serve as the Assistant to the Board. In the Executive Assistant to the President is not available, the President will designate another College staff member to fill this role. The duties of the Assistant are:

- Prepare and post Board of Education meeting agendas, minutes and supporting materials;
- Receive communications on behalf of the Board;
- Have prepared for adoption minutes of Board of Education meetings;

Adopted by Board of Education:

BP 2305 Annual Organizational Meeting

References:

ORS 341.283, ORS 255.335(5)

NOTE: *The following language is legally advised.*

The annual organizational meeting of the Board of Education will be held **by July 31 each year**. In years following a district election Oregon law requires that the annual organization meeting to be held in July. The purpose of the annual organizational meeting is to elect a Chair and Vice-Chair and conduct any other business as required by law or determined by the Board of Education.

Adopted by Board of Education:

BP 2315 Closed/Executive Sessions

References:

ORS 192.660

NOTE: *This policy is legally advised as permitted or required by state law. Review with local legal counsel to ensure it meets the requirements of any state and local laws.*

Executive sessions of the Board of Education shall only be held as permitted by ORS 192.660. Matters discussed in closed session may include:

- To consider the employment of a public officer, employee, staff member or individual agent.
- To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
- To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
- To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- To consider information or records that are exempt by law from public inspection.
- To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

Matters discussed in executive session remain confidential and may not be discussed outside of the closed session.

No final actions may be taken in executive session.

If any person requests an opportunity to present complaints to the Board of Education about a specific employee, such complaints shall first be presented to the **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 Board of Education as permitted under Oregon law.

Adopted by the Board of Education:

BP 2330 Quorum and Voting

References:

ORS 192.610 to ORS 192.690, ORS 341.283

NOTE: This policy is legally advised as permitted or required by state law.

A quorum of the Board of Education shall consist of a majority of Board of Education members.

The affirmative vote of the majority of members of the Board of Education is required to transact any business.

Adopted by the Board of Education:

BP 2350 Speakers

References:

There is no Oregon statutory requirement. This is based on local board practice.

NOTE: This policy is legally advised as permitted or required by state law.

Persons may speak to the Board of Education either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board of Education.

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 Board of Education are subject to the following:

NOTE: *It is legally advised that the Board of Education adopt as policy the point on the agenda when a person can speak before the vote is called. It could be at the start of the meeting, the beginning of the agenda item before Board of Education discussion, or just prior to the Board of Education vote.*

NOTE: *It is suggested as good practice that entities have policies that require persons wishing to speak to make their request in writing, and that establish time limits on presentations. The following is suggested language.*

- The Chair of the Board of Education 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 Board of Education or if their remarks are unduly repetitive.
- Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.
- Speakers shall complete a written request to address the Board of Education 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 Chair of the Board of Education.

- Each speaker will be allowed a maximum of **five** minutes per topic. **The Board Chair may establish at the meeting** maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one Board of Education meeting. At the discretion of a majority of the Board of Education these time limits may be extended.
- Each speaker coming before the Board of Education is limited to one presentation per specific agenda item before the Board of Education, and to one presentation per meeting on non-agenda matters.

Adopted by Board of Education:

BP 2360 Minutes

References:

ORS 192.650

NOTE: This policy is legally advised as permitted or required by state law.

The Board of Education will assign responsibility for taking minutes of all meetings of the Board of Education. The minutes shall record all actions of the Board of Education. 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. The minutes shall record all actions taken by the Board of Education.

Pursuant to Oregon law, the minutes shall also include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- (c) The results of all votes and the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to ORS 192.311 to 192.478 relating to public records, a reference to any document discussed at the meeting.

Adopted by Board of Education:

BP 2410 Board Policies and Administrative Procedures

References:

NWCCU Standards 2.A.2 and 2.A.6

NOTE: *This policy is **accreditation-related**. It is up to the entity to determine the applicability of this board policy given state law and the entity's organizational culture. This policy is useful to define the Board of Education's use of its authority.*

The Board of Education may adopt such policies as are authorized by law or determined by the Board of Education to be necessary for the efficient operation of the **College**. Board policies are intended to be statements of intent by the Board of Education 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 the **College's** activities. All **College** employees are expected to know and observe all provisions of law pertinent to their job responsibilities.

Policies of the Board of Education may be adopted, revised, added to, or amended at any regular Board of Education 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. The Board of Education shall regularly assess its policies for effectiveness in fulfilling the **College's** mission.

Administrative procedures are to be issued by the **President** as statements of method to be used in implementing Board of Education policy. Such administrative procedures shall be consistent with the intent of Board of Education Policy. Administrative procedures may be revised as deemed necessary by the **President**.

The **President** shall, provide each member of the Board of Education with **access to the administrative procedures** and notice of any revisions to administrative procedures. The Board of Education reserves the right to direct revisions of the administrative procedures should they, in the Board of Education's judgment, be inconsistent with the Board of Education's own policies.

Copies of all Board of Education policies and administrative procedures shall be readily available to the **College's** employees through the **President**.

Adopted by the Board of Education:

BP 2431 Selection of the President

References:

NWCCU Standards 2.A.7 and 2.A.10

NOTE: *This policy is accreditation-related and legally advised. Local entities may insert their own practice here. The following is an illustrative example.*

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

Adopted by the Board of Education:

BP 2432 Administrator in Charge and Acting President

References:

There is no Oregon statutory requirement.

NOTE: *The following language is legally advised.*

The Board of Education delegates authority to the **President** to appoint an acting **President** to serve in his/her absence for short periods of time, not to exceed **60** calendar days at a time.

In the absence of the **President** and when an acting **President** has not been named, administrative responsibility shall reside with a College administrator designated by the President as Administrator in Charge (AIC)

The Board of Education shall appoint an acting **President** for periods exceeding **60 days.**

Adopted by Board of Education:

BP 2435 Evaluation of the President

References:

NWCCU Standard 2.A.7

NOTE: *This policy is accreditation-related. The entity should reflect its organizational culture below.*

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

The Board of Education shall evaluate the **President** using an evaluation process the Board of Education and the **President** jointly agree to and develop.

The criteria for evaluation shall be based on Board of Education policy, the President's job description, and performance goals/objectives developed in accordance with BP 2430 Delegation of Authority to the **President**.

Adopted by Board of Education:

****BP 2510** **Participation in Local Decision-Making** *added to 12/11/18*
BOE Agenda

References:

NWCCU Standard 2.A.1

ORS 341.283(5)

NOTE: *This policy is **accreditation-related**. It is up to the entity to reflect its organizational culture below.*

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

Except for unforeseeable emergency situations, the Board of Education 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.

NOTE: Pursuant to Oregon law, authority to act lies in the Board of Education and not individual members.

Any duty imposed upon the Board of Education as a body shall be performed at a regular or special meeting and shall be made a matter of record. The consent to any particular measure obtained from individual Board of Education members when the Board of Education is not in session shall not be an act of the Board of Education and shall not be binding upon the district.

Adopted by the Board of Education:

BP 2710 Conflict of Interest

References:

NWCCU Standards 2.A.4 and 2.A.23

ORS 244.010 to ORS 244.047

NOTE: This policy is accreditation-related and legally advised.

Board of Education members shall adhere to state laws relating to financial conflict of interest and government ethics. Board of Education members shall declare actual and potential conflict of interest on the record prior to taking any action when an actual or potential conflict of interest exists.

NOTE: *The following language is legally advised.*

Board of Education members are encouraged to seek counsel from the college's legal advisor or the Oregon Government Ethics Commission in every case where any question arises.

Adopted by Board of Education:

BP 2715 Code of Ethics/Standards of Practice

References:

NWCCU Standard 2.A.23

ORS 244.010 to ORS 244.400

NOTE: This policy is accreditation-related and legally advised.

The Board of Education maintains high standards of ethical conduct for its members. Members of the Board of Education are responsible to:

- Act only in the best interests of the entire community.
- Ensure public input into board deliberations; adhering to the law and spirit of the open meeting laws and regulations.
- Prevent conflicts of interest and the perception of conflicts of interest.
- Exercise authority only as a Board.
- Use appropriate channels of communication.
- Respect others; acting with civility.
- Be informed about the college(s), educational issues, and responsibilities of Board membership.
- Devote adequate time to board work, including preparing for Board deliberations by reviewing the agenda and materials prior to meetings.
- Maintain confidentiality of executive sessions.

NOTE: *The code of ethics should contain a clearly defined statement for addressing behavior that violates the code of ethics.*

All Board of Education members are expected to maintain the highest standards of conduct and ethical behavior and to adhere to the Board's Code of Ethics. The Board of Education will be prepared to investigate the factual basis behind any charge or complaint of Board member misconduct. A Board of Education member may be subject to a resolution of censure by the Board of Education should it be determined that trustee misconduct has occurred. Censure is an official expression of disapproval passed by the Board.

A complaint of Board of Education member misconduct will be referred to an ad hoc committee composed of three Board of Education members not subject to the complaint. In a manner deemed appropriate by the committee, a fact-finding process shall be initiated and completed within a reasonable period of time to determine the validity of the complaint. The committee shall

be guided in its inquiry by the standards set forth in the Board of Education's Code of Ethics as defined in policy. The Board of Education member subject to the charge of misconduct shall not be precluded from presenting information to the committee.

The committee shall, within a reasonable period of time, make a report of its findings to the Board of Education for action.

Each member of the Board of Education will reaffirm adherence to the Code of Ethics by signing a statement at the annual organizational meeting.

Adopted by Board of Education:

BP 2716 Board of Education Political Activity

References:

ORS 260.432

NOTE: *Although this policy is **recommended as good practice**, it is up to the entity to determine the applicability of this board policy given state law and the entity's organizational culture.*

Members of the Board of Education and employees shall not use the college's funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure, initiative petition or candidate, including, but not limited to, any candidate for election to the Board of Education.

The Board of Education may, by resolution, express the Board of Education position on ballot measures.

Adopted by the Board of Education:

BP 2720 Communications Among Board of Education Members

References:

ORS 192.610 to ORS 192.690, ORS 341.283(5)

NOTE: *Although this policy is recommended as good practice, it is up to the entity to determine the applicability of this board policy given state law and the entity's organizational culture.*

The Board of Education may take action on matters properly before it only in public at a regular, special, or emergency meeting, except in those instances where action is permitted by law in executive session. The authority of the Board of Education may be exercised only as a Board and only at such meetings or closed sessions as are duly and legally constituted. Individual members acting in their individual capacities have no authority to commit the Board of Education or the **President** to any policy determination or course of action.

A quorum of members of the Board of Education 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 Board of Education. In addition, Board of Education members may not use a series of communications by any means or through any person to discuss, deliberate, or take action on any item of business within the subject matter jurisdiction of the Board.

Adopted by the Board of Education:

BP 2735 Board of Education Member Travel

References:

ORS 341.283(6), ORS 244.040

NOTE: This policy is legally advised as permitted or required by state law.

[Insert the entity's policy governing payment of expenses to Board of Education members for travel when they are acting as representatives of the entity or performing services directed by the entity.]

NOTE: The Board of Education may wish to add local policies that describe expectations and processes for approving Board of Education member travel.

Adopted by the Board of Education:

BP 2745 Board of Education Self-Evaluation

References:

NWCCU Standards 2.A.8 and 2.A.23

There is no Oregon statutory requirement.

NOTE: *Although this policy is **accreditation-related**. It is up to the entity to reflect its organizational culture below.*

The Board of Education is committed to assessing its own performance as a Board of Education in order to identify its strengths and areas in which it may improve its functioning. To that end, the Board of Education will complete a formal self-evaluation instrument at least every third year. The President will consult with the Board chair to recommend an evaluation instrument. Any evaluation instrument shall incorporate criteria contained in these Board of Education policies regarding Board of Education operations, as well as criteria defining Board of Education effectiveness promulgated by recognized practitioners in the field. All Board of Education members will be asked to complete the evaluation instrument and submit them to **the Assistant to the Board**.

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

Adopted by Board of Education: