

Amended Agenda E.a Orientation to Board Policy “101”

Example Policy (excerpts) (Board Policy Manual [here](#))

2200 – Board of Education Duties and Responsibilities

References: NWCCU Standards 2.A.1 ORS 341.290, ORS 341.300

The Board of Education governs on behalf of the citizens of the College District in accordance with the authority granted to it by state law. The Board of Education is committed to fulfilling its responsibilities to:

- Establish policies that define the institutional mission and set prudent, ethical, and legal standards for college operations.
- Delegate power and authority to the chief executive to effectively lead the College;
- Assure fiscal health and stability;

DATE OF ADOPTION: 12/12/2018, DATE(S) OF REVISION: 03/15/2023, DATE OF LAST REVIEW: 03/15/2023

Review Process

Board Policies (BP) are core to the functioning of the College. BP must maintain compliance with State and Federal Law, and many also relate to NWCCU Accreditation Standards. All are subject to change.

- The College President shall act as the professional advisor to the Board of Education in policy formation.
- The OCCC Board has adopted a goal of all BPs with “last review dates” not to exceed 5 years.
- OCCC subscribes to a fee-based Policy Service provided by Oregon Community College Association, which includes legal review and an annual update on changes. Board Policy Templates which are categorized as:
 - LR = Legally Required; LA = Legally Advised; SUG = Suggested; AR = Accreditation Related
- As Policy Advisor to the Board, I make Board Policy recommendations to the Board which are grounded in the OCCA Policy Service and “local considerations” that do not impact advice of counsel.
- The Board reviews my policy recommendations over a two-meeting cycle: first read, and adoption.

Policy Hierarchy

Board Policy:

- High level & broad, focus on outcomes (the “what”) and establish expectations. BP is frequently expressed as “the President will...” Chapter 2 (Board Policies for its own governance) may contain some “hows.”
- Reviews, updates, changes, new policies, rescinded policies, all must be conducted by the Board during regular Board meetings. (There is an exception for “technical fixes” by the President).

Administrative Policy:

- Establish the administrative procedures for how the Board Policy will be implemented and achieved.
- APs are managed and approved by the President and Executive team, with input from subject matter experts and stakeholders as needed.
- Not every administrative process requires an AP, sometimes other documentation (catalog, web page, user manual) will suffice.
- OCCC is in a place of development on APs, transitioning from past practice of policies & practices developed and held within the various administrative areas.

Labor Negotiations Roles & Responsibilities, The Board and The President

Like other operational aspects of the College, Board Policy relevant to Labor Negotiations establishes high level expectations (the what) and delegates implementation to the President (the how). BPs related to Labor processes place strong emphasis on **execution and legal compliance responsibility resting with the President.**

Labor relations, particularly for public employees, present an exceedingly complex legal environment. For example, the Oregon Employee Relations Board offers a 65-page manual regarding the Public Employee Collective Bargaining Act (PECBA). There are many opportunities to inadvertently misstep if not an expert or guided by an expert.

Board Policy

751 – Compensation and Benefits (relevant excerpts)

It is the intent that, within resources reasonably available, compensation and benefits paid to college employees shall be consistent with total compensation in comparable rural labor markets for similar services being performed. For employees in represented bargaining units such compensation and benefit packages **shall be negotiated in accordance with applicable laws.**

2430 – Delegation of Authority to the College President

The Board of Education delegates to the College President the executive responsibility for administering the policies adopted by the Board of Education and executing all decisions of the Board of Education requiring administrative action. The College President may delegate any powers and duties entrusted to him/her by the Board of Education ...**The College President shall ensure that the College complies with all relevant laws and regulations ...**

712 – Management Rights (relevant excerpts)

the Board establishes the office of college President and delegates their powers and duties for management of the college to the President. The President will establish and maintain administrative regulations to ensure the effective operation of the college. These regulations may address areas to include (but not limited to) employee recruitment, employment status, work requirements, job sharing, hours of work, location of work, and inclement weather schedules.

Best Practice for Board Engagement re Labor Matters

Receive public comment during regularly scheduled board meetings

2345 – Public Participation at Board of Education Meetings

There will be a time at each regularly scheduled Board of Education meeting for the general public to address the Board of Education regarding topics on (or not on) the agenda.

During times of bargaining, direct interaction with members of a bargaining unit by college representatives (including Board members) who are not the designated bargaining representatives of the College creates risk, including the Unfair Labor Practice of Direct Dealing. Direct dealing is used to describe a situation where the employer (a supervisor, department head, **appointing authority**, etc.) deals directly with an individual concerning the individual's terms and conditions of employment, instead of communication among appointed and identified collective bargaining representatives.

January 24, 2024

Office of the President