

**RULES AND REGULATIONS
OF THE
GOVERNING BOARD
CONTRA COSTA COMMUNITY COLLEGE DISTRICT
CONTRA COSTA COUNTY
MARTINEZ, CALIFORNIA**

AUTHORITY

1. The Contra Costa Community College District is governed by the five elected members of the Governing Board. The Governing Board has full legislative authority in the operation of the Contra Costa Community College District, in accordance with the Education Code, rules of the Board of Governors of the California Community Colleges and Statutes of the State of California.

The Governing Board may delegate to the Chancellor authority over all personnel, educational, financial and business matters pertaining to the operation of the District. All actions by the Chancellor are subject to review by the Governing Board.

2. The authority of the Governing Board shall be as a whole, acting in accordance with the following Rules. No Governing Board member acting outside these Rules shall commit the Governing Board or District in any way.

ORGANIZATION

3. The officers of the Governing Board shall be elected by action of the Governing Board and shall consist of a President, a Vice President, and a Secretary, elected from among the members of the Governing Board.
4. Officers shall be elected at the annual organization meeting of the Governing Board to hold their respective offices for the period of one year, or until their successors are elected.
5. Any of the Governing Board offices provided in paragraph 3, when vacated for any cause, shall be filled by the Governing Board at its next meeting by the election of a successor for the unexpired term. Such elections shall be roll call vote and the vote of at least three members of the Governing Board shall be necessary to elect.
6. In case of temporary absence or disability of both the President and Vice President, a President pro tem shall be chosen by a majority vote of Governing Board members present.
7. At any regular meeting, or at any special meeting for which such action is specified when the meeting is called, the Governing Board may, by affirmative vote of at least three of its members, remove from any appointed office any officer, and declare the office vacant, and elect a successor to the officer so removed. Members of the Governing Board may be removed only in accordance with Government Code Section 1770.
8. Board Finance Committee: Replacement Board members for the Board Finance Committee shall be appointed annually at the January regular Board meeting. The term of service shall be two years, effective on the date of appointment, and staggered so that only one of the two Board Finance Committee members is replaced each year, providing for continuity.

(over)

STUDENT REPRESENTATION

9. On September 30, 1977, the Governor approved Assembly Bill No. 591 which provides for the inclusion of a nonvoting student within the membership of the Governing Board, in addition to the number of members otherwise prescribed. The student selected to serve on the Governing Board shall be enrolled and maintain a minimum of five (5) semester units in a community college of the District and must be a resident of the District as determined pursuant to Part 41 (commencing with Education Code Section 68000. Also see Education Code 72023.5.) The student shall meet and maintain the Standards of Scholarship, as noted in Board Policy 4001 and Curriculum and Instruction Procedure 4001. The student shall remain in good academic and disciplinary standing as defined in the Student Code of Conduct, Student Services Procedure 3027, throughout the duration of his/her term. The term of the Student Trustee commences on June 1 of each year and shall be limited to one year, irrespective of college affiliation. The Student Trustee is not required to give up employment with the District. The Student Trustee shall be entitled to any mileage allowance necessary to attend Board meetings to the same extent as publicly elected trustees. The Student Trustee is entitled to participate in the discussion of issues and receive all materials presented to members of the Governing Board, except for closed session. Under the provisions of the law, the Student Trustee shall not be liable for any acts of the Governing Board and shall not be included in determining the vote required to carry any measure before the Governing Board.
10. The nonvoting Student Trustee shall be selected and subject to recall by the students of the District for the term to be served in accordance with District procedures. In the event a nonvoting Student Trustee is unable to serve a full term, the vacancy on the Governing Board shall be filled by a student who is enrolled at the same college as the student who does not serve the full term and who is selected in accordance with District procedures.
11. The role of the Student Trustee is to:
 - a. In open session, express the student position with an advisory vote on matters that do not pertain to collective bargaining, confidential personnel and legal matters discussed in closed sessions. The advisory vote, which shall be given first, does not count in determining if an item passes, but is recorded in the official minutes. This privilege must be approved by the Governing Board for continuation on a year-to-year basis prior to May 15.
 - b. Represent attending students of the three colleges as a nonvoting member of the District Governing Board. Express the views of students to the Governing Board.
 - c. Provide general information to the Governing Board regarding student government activities on the three campuses in the form of a report presented at the monthly Governing Board meeting.
 - d. Meet monthly with the Chancellor to review the student government report prior to presentation at the Governing Board meeting.
 - e. Provide leadership to the Student Trustee Advisory Council, composed of the Chancellor, the ASU President or designee from each campus and the ASU Advisors. Chair the meetings of the Advisory Council.
 - f. Represent the District as Student Trustee at statewide conferences.

Governing Board meeting immediately following the election and shall complete the remainder of his or her term as an Associate Student Trustee until his or her term as the Student Trustee commences. The Associate Student Trustee position would serve as a training ground to allow the Associate Student Trustee to familiarize him or herself with the responsibilities of the full Student Trustee position. Then on June 1 of the same year, the Associate Student Trustee will automatically become the Student Trustee and will serve the full term through May 31 of the next year. Thus, the elected student representative may serve for a total of one and one-half years (half a year as the Associate Student Trustee and one year as the Student Trustee). The Associate Student Trustee shall be encouraged to attend all Governing Board meetings and all Student Trustee Advisory Council meetings. The Associate Student Trustee may also be encouraged to serve on at least one committee in which the Student Trustee is a member. The Associate Student Trustee shall not have an advisory vote but will be able to express his or her input to the Student Trustee for further consideration. The Associate Student Trustee shall not receive compensation until his or her term as Student Trustee commences.

15. Student Trustee Election Process

- a. The colleges will rotate in student representation. Effective June 1, 1990, the term of the Student Trustee shall be June 1 through May 31.
- b. Students who wish to run for elections will be required to submit the following:
 - (1) A letter of intent outlining their qualifications and reasons for seeking office;
 - (2) A resume;
 - (3) Unofficial transcripts;
 - (4) Written response to two standard questions developed by the Student Trustee Advisory Committee.
- c. Minimum eligibility will be verified by the college Student Life office.
- d. If three or fewer candidates are found to meet the minimum eligibility requirements, all candidates will be placed on the ballot for a Districtwide vote. Otherwise, if more than three candidates are found to meet the minimum eligibility requirements, a primary election will be held at the college where the rotation resides. Students of the college will select the top three candidates to be placed on a Districtwide ballot for a vote of all students in the District.

OFFICERS

16. The President shall preside at all sessions of the Governing Board, preserve order, enforce the rules, and when so authorized sign contracts, agreements, deeds, leases and other regular documents ordered to be executed by the Governing Board or required by law.
17. During any period of absence or other disability of the President, the Vice President shall perform all the duties of the President.
18. When both the President and Vice President are absent or otherwise disabled, the President pro tem shall perform all the duties of the President.

19. The Secretary shall record all minutes of the Governing Board, and shall sign the minutes of the Governing Board on approval when so authorized, and other contracts, agreements, deeds, leases and other legal documents ordered to be executed by the Governing Board or required by law.
20. The Assistant Secretaries shall perform such functions as the Governing Board directs, including service as Acting Secretary in the absence or other disability of the Secretary.

MEETINGS OF THE GOVERNING BOARD

21. Regular meetings of the Governing Board shall be open to the public, be accessible to persons with disabilities, and be held at the District Office or at a college of the District as regularly scheduled in accordance with Government Code Sections 54950 et seq. (Brown Act). A notice identifying the location, date and time of each regular meeting of the Governing Board shall be posted at least 72 hours prior to the meeting and shall remain posted until the day and time of the meeting.
22. Special meetings may be called by the President or by a majority of the members of the Governing Board. Notice of such meetings shall be posted at least 24 hours before the time of the meeting. No business other than that indicated in the notice may be transacted or discussed.

Emergency meetings may be called by the President of the Governing 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. Notice of such an emergency meeting will be provided to the local news media as required by law.

23. Any regular or special meeting may be adjourned to a later time or date by majority vote of those present, provided a specific future meeting time to reconvene is set for such an adjourned meeting in accordance with the Brown Act. When no quorum appears for a regular or special meeting, by mutual agreement of Governing Board members present or the Acting Secretary, if no Governing Board members are present, a specific time may be set for an adjourned meeting. At such adjourned meetings all business may be regularly transacted which would have been proper at the meeting from which adjournment is taken, all in accordance with the Brown Act.
24. A record of all transactions of the Governing Board shall be set forth in the minute book of the Governing Board, which shall be kept on file in the District Office as the permanent official record of the District. It shall be open to inspection of the public during regular office hours. For convenience, the District will make every effort to provide the Governing Board agendas, minutes, policies and procedures on the web site.
25. A quorum necessary to the transaction of business at any meeting of the Governing Board shall consist of three members (majority) of the Governing Board, except as follows.
 - a. The following actions require a two-thirds majority of all members of the 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.

(over)

- b. The following actions require a unanimous vote of all members of the 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.
26. A majority vote of those Governing Board members present shall suffice for such actions as do not require a specified number of affirmative votes. In the event of a tie vote, the motion at issue shall lose.
27. A majority of the members of the Governing Board shall not, outside a regularly scheduled meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Governing Board. This policy shall not be construed as preventing an employee or official of the District from engaging in separate conversations or communication with members of the Governing Board outside a meeting in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the Governing Board, if that person does not communicate to members of the Governing Board the comments or position of any other member or members of the Governing Board.
28. In all matters not covered by the Rules or Policies of the Governing Board, parliamentary procedures shall be governed by the most current edition of the manual known as "Robert's Rules of Order."
29. The action of the Governing Board shall be recorded in accordance with Section 72121(a) of the Education Code. A member's position on an issue or vote may be entered in the record upon the request of the member. Governing Board members' comments should be recorded immediately after the result of the vote has been announced by the President and before the introduction of a new question or issue.

ADMINISTRATIVE OFFICERS

30. The Governing Board shall employ a full-time Chancellor to serve as chief administrative and executive officer of the Contra Costa Community College District.
31. The Governing Board of the Contra Costa Community College District shall delegate to the Chancellor of the District the executive responsibility for administering the policies adopted by the Governing Board and executing all decisions of the Governing Board requiring administrative action. In the initiation and formulation of District policies, the Chancellor shall act as the professional advisor to the Governing Board.
32. The Chancellor may delegate to authorized personnel of the District any powers and duties entrusted to the Chancellor by the Governing Board, but the responsibility to the Governing Board for the execution of such delegated powers and duties shall remain with the Chancellor.
33. In situations for which the Governing Board has provided no policy for administrative action, the Chancellor shall have the power to act, but those decisions shall be subject to review by the Governing Board. It shall be the duty of the Chancellor to inform the Governing Board promptly of such action and to recommend a written Governing Board policy if one is desirable.
34. The Chancellor shall perform all duties specifically required of or assigned to the Chancellor by the Statutes of the State of California.

35. The Chancellor shall serve as First Assistant Secretary to the Governing Board, and in such capacity perform the following duties.
- a. Prepare Governing Board meeting agendas and cause them to be posted as required by law.
 - b. Prepare minutes of Governing Board meetings for approval.
 - c. Maintain an index of minutes of the Governing Board.
 - d. Attend all Governing Board meetings except the personnel session to consider the contract of the Chancellor.
 - e. Sign, where legally possible, all documents which otherwise would require the signature of a Secretary of the Governing Board.
36. The District is a large one and the diversity of the needs of the communities served by the colleges has resulted in differences in the colleges. The Governing Board is committed to the philosophy that each present and future campus can best serve by having a uniqueness which relates to its service area. To assure this development, the Governing Board recognizes the desirability of a high degree of decentralization--with the Presidents of each of the respective campuses having a large role in the planning and development of the educational program and of the internal organization of the college, and in staff selection and development. In these matters, the President shall involve the faculty. Further, it should be recognized that since uniformity in program is not sought, the Chancellor as chief executive officer of the District must provide the leadership necessary to assure this individuality and a high standard of performance on all campuses. The Chancellor is responsible for the development of proposed policies and for the application of Governing Board policies. In the development of proposed policies, the Chancellor must work closely with the Presidents and through them with various other staff members of the colleges.
37. The Governing Board is committed to proceed in an open, deliberate, and collegial manner as it develops and adopts policies that fix responsibilities and delegate authority. It recognizes that collegial decision making encourages all interested constituencies to participate in ways appropriate to their knowledge and responsibility. Actions to fix responsibilities and delegate authority will proceed in such a manner as to consider divergent opinions, engender a sense of mutual trust, and evidence a willingness to work together for the good of the District. While it is both necessary and appropriate that the Governing Board retain first authority on the nature and extent of any delegation of its responsibilities, the Governing Board will arrive at such decisions only after a sincere attempt to reach an accommodation that is sensitive to the concerns of interested constituencies.
38. The Chancellor, Presidents, and designated District Office staff will serve as a Chancellor's Cabinet, which reviews major policy questions before they are presented to the Governing Board for action. The Chancellor's Cabinet will also review procedures before they are issued.
39. The uniqueness of the respective campuses and the decentralization of responsibility for many matters should not suggest that each is its own master. It does suggest, however, that the Chancellor must value uniqueness and leadership on the respective campuses while achieving excellence in program and staff, implementing State law and Governing Board policies, and securing the effective allocation of certain curricula to the colleges. The Chancellor should recognize this as an opportunity for leadership in working with others to develop a system which encourages colleges of excellence, each with a distinctive flavor. The Governing Board also expects the colleges to cooperate fully with each other in managing Districtwide issues and policies.

(over)

40. The President of each of the colleges shall be responsible to the Chancellor for the development of all aspects of the program on the campus, and for the administration of the college in accordance with State law, the policies adopted by the Governing Board, and administrative policies and procedures of the District. The Presidents shall serve as members of the Chancellor's Cabinet which shall consider policies to be recommended to the Governing Board, and shall review proposed administrative policies and procedures. Through service on the Chancellor's Cabinet, each President shall assume responsibility for service to the total District as well as to the college. The Presidents will normally be expected to attend meetings of the Governing Board, and at such meetings at the request of the Chancellor to make presentations or to supply additional data regarding issues under consideration. It is understood that the Governing Board will work with the Presidents only through the Chancellor.

REPORTS AND RECOMMENDATIONS

41. The Chancellor shall transmit all reports and recommendations, including an agenda, to each member of the Governing Board at least seventy-two (72) hours prior to the scheduled meeting of the Governing Board, except as provided in paragraph 42 below.
42. Whenever it is necessary to submit any report or recommendation to the Governing Board without meeting the requirement of paragraph 41 above, said report or recommendation must carry as part of its title, in addition to the regular number, the plainly typed phrase, "Waiver of Provisions, Paragraph 41 of Governing Board Rules and Regulations requested."

CONDUCT OF HEARINGS--CLASSIFIED EMPLOYEE *DISCIPLINARY ACTION* APPEALS

43. General Rules
- a. The presiding officer or his/her designee shall conduct the hearing and rules on questions concerning evidence and procedure.
 - b. The employee and the administration may be represented, may call witnesses, may introduce evidence, may testify, and may question adverse witnesses.
 - c. Unless the employee demands a public hearing, the matter may be heard in executive session.
 - d. Evidence must be relevant, noncumulative, and of such nature as responsible persons are accustomed to rely on in the conduct of serious affairs.
 - e. The administration has the burden of proof.
 - f. The hearing will be recorded by the District.
44. Order of Proceedings
The hearing shall proceed in the following manner, unless the presiding officer otherwise directed:
- a. The notice of disciplinary action and the hearing request shall be made part of the record. The administration, and then the employee, may state their positions, but the employee may wait until after the administration has presented its evidence.
 - b. The administration presents witnesses and evidence, subject to examination by the employee.

- c. The employee presents witnesses and evidence, subject to examination by the administration.
- d. The employee may be called as a witness by the administration.
- e. The parties respectively may offer rebuttal evidence.
- f. When the evidence is concluded, the administration and then the employee may briefly comment on the evidence.

45. Decision

- a. The Governing Board may make its decision at the hearing or take the matter under consideration for decision at a specified future time.
- b. If the Governing Board upholds a disciplinary action, it shall state the facts which it finds to be true and upon which its decision is based. It may direct the Chancellor to submit a proposed statement of facts for consideration by the Governing Board.
- c. The Governing Board's decision shall be expressed in writing and copies provided to the employee and to the administration.

46. Hearing Officer

- a. The Governing Board may refer the matter to a Hearing Officer for hearing and recommended decision.
- b. After hearing, the Governing Board may adopt the Hearing Officer's recommended decision in whole or in part, refer the matter for further hearing, or hear the matter itself either *de novo* or on the record of the proceedings before the Hearing Officer.

SUSPENSION OF RULES AND POLICIES

- 47. The Rules and Regulations of the Governing Board may be suspended for any meeting of the Governing Board by an affirmative vote of all members present, except the section covering a quorum, or any Rules based upon the California Education Code or other statutes.
- 48. The Rules and Regulations of the Governing Board may be amended at any regular meeting, or any special meeting, when properly placed on the agenda and approved by three affirmative votes.

Historical Annotation:
12/7/79
Revised 6/28/89
Second Revision 6/27/90
Third Revision 6/30/93
Fourth Revision 9/27/95
Fifth Revision 7/21/99
Sixth Revision 5/29/02
Seventh Revision 4/28/04
Eighth Revision 5/30/07
Ninth Revision 02/27/08
Tenth Revision 12/8/10
Eleventh Revision 1/25/12

Related Board Policies:
Authority: Board Policies 1008, 1010
Meetings of the Governing Board: Board Policies 1002, 1019
Student Representation: Board Policies 3021, 4001

Related Procedures:
Student Representation: Curriculum and Instruction Procedure 4001
Student Representation: Student Services Procedures 3008, 3011, 3029