

HARTNELL COLLEGE

1000 SERIES GOVERNING BOARD POLICIES

A. Organization and Procedures of the Governing Board

1055 Ethical Conduct of the Governing Board

Act as a Unit:

The Board is a corporate body. It governs as a unit, with one voice. This principle means that individual Trustees have authority only when they are acting as a Board. They have no power to act on their own or to direct College employees or operations.

In order for Boards to be cohesive and well-functioning units, Trustees must work together as a team, toward common goals. Boards should have structures and rules for operating that ensure they conduct their business effectively and efficiently. Boards should have agendas that are clear and informative and Board meetings should be run in an appropriate manner.

The power of governance is expressed through one voice. As individuals, Trustees make no commitments on behalf of the Board to constituents, nor do they criticize or work against Board decisions.

To be effective, Trustees and Boards must:

- Integrate multiple perspectives into Board decision-making
- Establish and abide by rules for conducting Board business
- Speak with one voice; support the decision of the Board once it is made
- Recognize that power rests with the Board, not individual Trustees

Equity in Attitude:

- I will be fair, just, and impartial in all my decisions and actions.
- I will accord others the respect I wish for myself.
- I will encourage expression of different opinions and listen with an open mind to others' ideas.

Trustworthiness in Stewardship:

- I will be accountable to the public by representing the College policies, program priorities, and progress accurately.
- I will be responsive to the community by seeking its involvement in College activities and by communicating priorities and concerns.
- I will work to ensure prudent and accountable use of College resources.
- I will make no personal promise or take private action that may compromise performance of my responsibilities.

Honor in Conduct:

- I will tell the truth.
- I will share my views while working for consensus.
- I will respect and uphold the majority decision as the decision of the Board.
- I will base my decisions on fact rather than supposition, opinion, or pulse of the group.

Integrity of Character:

- I will refuse to surrender judgment to any individual or group at the expense of the College as a whole.
- I will consistently uphold all applicable laws, rules, policies and governmental procedures.
- I will keep confidential information that is privileged by law, closed session, and/or that which will cause harm to the College if disclosed.

Commitment to Service:

- I will focus my attention on fulfilling the College's responsibilities of goal setting, policymaking, and evaluation.
- I will diligently prepare for and attend College Trustee meetings.
- I will avoid personal involvement in activities delegated to the Office of the President.
- I will seek continuing education that will enhance my ability to fulfill my responsibilities effectively.

Procedures for Sanctioning Members Who Commit Ethical Violations

As with any set of rules a group chooses to impose upon itself, there must be a consequence for actions that violate the established ethic of the group. Making the Board Chair or the President aware of a violation or ethical misconduct should be seen as good *stewardship* rather than as *whistle blowing*. The first order of business should be the determination of whether, in fact, a rule has been violated. The Board Chair, College President, or member should immediately consult with one another when either is made aware of a possible violation. In the event the Chair may have performed the violation, the Vice-Chair will then substitute. Any violation of law should be immediately reported to the appropriate authority.

There are a number of factors that should be considered in the event that disciplinary action is deemed necessary. First and foremost, there needs to be a determination that a violation has occurred and a determination of the gravity of said infraction. Was there intent, is it a pattern of violation, is it a violation of rule or law, has there been a violation of the Brown Act, can the damage, if any, be mitigated? The answer to these questions, as reviewed by the Board Chair, College President and/or member, would then lead to the imposition of discipline. The Trustee being investigated and potentially disciplined will have the right to have full knowledge of the extent of the violations being suggested, and the right to fully defend themselves.

BOARD DISCIPLINARY ACTIONS FOR VIOLATIONS:

Based upon the findings of the investigation, the Board may take any and/or all of the following actions:

1. No Violation. Determine that the alleged misconduct did not occur or was not a violation of the code of ethics and that no further action should be taken.

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2. Corrective Action Unnecessary. Determine that a violation occurred, but that the violating Trustee is unlikely to repeat the offense and therefore no corrective action is needed unless and until a future violation occurs.
3. Warning. Find that a violation occurred and officially warn the Trustee specifically identifying the misconduct. The warning may direct the Trustee to take specified corrective action. Failure of the violating Trustee to take such corrective action may result in Reprimand.
4. Reprimand. Find that a violation occurred and officially reprimand the Trustee, specifically identifying and condemning the misconduct. The Reprimand may include direction to the violating Trustee to undertake ethical training, perform restitution, or otherwise take specified corrective action. Failure of the violating Trustee to take such corrective action may result in Censure.
5. Censure. Find that a violation occurred and censure the Trustee. Censure not only expresses the Board's disapproval of the misconduct, but expresses the Board's disapproval of the Trustee based upon the Trustee's likelihood of continuing with ethical misconduct as a Trustee. The Censure shall be made publicly and may:
 - a. Expressly warn the College community and public that the violating Trustee has no authority to speak or act for the Board or the College, but instead is acting on his or her own.
 - b. Publicly disavow the misconduct and reaffirm that the Board finds such misconduct unethical and unacceptable, and does not condone or tolerate such misconduct.
 - c. To the extent the misconduct involves violation of public meeting laws, including the confidentiality of closed session meetings, take action to protect the lawfulness of Board meetings, which may include initiating appropriate legal action against the Trustee to ensure compliance with public meeting laws through the exclusion of the Trustee from closed session meetings.
 - d. To the extent the misconduct involves a Trustee's conflict of interest, the Trustee may be excluded from such meetings where the Trustee's presence would be a violation of conflict of interest laws.

References: Education Code 70902, 72000, 72533, Government Code 1090 et seq., 54963
Adapted from the Association of Community Colleges Trustees (www.acct.org) and Texas Association of School Boards (www.tasb.org)

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