

BP 2715 Code of Ethics/Standards of Practice

Reference:

Government Code Section 8314;
Penal Code Section 424;
ACCJC Accreditation Standard 4.6;
WASC/ACS Criterion 2, Indicator 2.1

- 1.0 The Board of Trustees functions effectively as a collective entity to promote the institution's values and mission and fulfill its fiduciary responsibilities. The Board of Trustees demonstrates an ability to self-govern in adherence to its bylaws and expectations for best practices in board governance.
- 2.0 The Board of Trustees maintains high standards of ethical conduct for its members. The Board of Trustees recognizes a responsibility to observe all applicable legal and ethical standards of conduct in the performance of its duties. Given this basic charge, the activities and deliberations of the Board of Trustees will be governed by the following Code of Ethics.

Each member of the Board of Trustees will:

- 2.1 Avoid any situation that may constitute a conflict of interest and disqualify themselves from participating in decisions in which they have a financial interest. Conflicts of interest may relate not only to the individual trustee but also to their family or business associates, or transactions between the District and trustees, including hiring relatives, friends, or business associates as District employees.
- 2.2 Avoid any prohibited use of public resources for campaign activity or a personal purpose, in compliance with Government Code Section 8314.
- 2.3 Maintain confidentiality of all Board of Trustees discussions held in closed session and recognize that deliberations of the Board of Trustees in closed session are not to be released or discussed in public without the prior approval of the Board of Trustees by majority vote, in compliance with Government Code Section 54963.
- 2.4 Always act in a collegial and civil manner, promote an atmosphere of civility and collegiality and encourage others to do the same.
- 2.5 Recognize that the Board of Trustees acts as a whole and that the authority rests only with the Board of Trustees in a legally constituted meeting, not with individual members.
- 2.6 As an agent of the public – entrusted with public funds – protect, advance, and promote the interest of all residents, maintaining independent judgment unbiased by private interests or special interest groups.
- 2.7 Do their best to ensure that the District, in compliance with all applicable Federal and State laws, does not discriminate on the basis of race, color, national origin, ancestry, marital status, age, religion, disability, sex, or sexual orientation in any of its policies, procedures, or practices.

BP 2715 Code of Ethics/Standards of Practice

- 2.8 In all decisions hold the educational welfare and equality of opportunity of the students of the District as their primary concern; Board members should demonstrate an interest in and respect for students in their words and actions and also by attending student ceremonies and events.
 - 2.9 Attend and participate in all Board of Trustees meetings insofar as possible, having prepared for discussion and decision by studying all agenda materials.
 - 2.10 Make every effort to ensure that the Board of Trustees conducts all District business in open public meetings unless in the judgment of the Board, and only for those purposes permitted by law, it is appropriate to hold a closed session.
 - 2.11 Enhance their ability to function effectively as a trustee through devotion of time to study contemporary educational issues, as well as attendance at professional workshops and conferences on the duties and responsibilities of trustees.
 - 2.12 Promote and maintain good relations with fellow Board members by:
 - 2.12.1 Respectfully working with other Board members in the spirit of harmony and cooperation and giving each member courteous consideration of their opinion.
 - 2.12.2 Respecting the opinion of others and abiding by the principle of majority rule.
 - 2.13 Promote an effective working relationship with the Chancellor and District staff by:
 - 2.13.1 Providing the responsibility, necessary authority, and support to effectively perform their duties.
 - 2.13.2 Referring complaints and/or criticisms through the appropriate channels as previously agreed upon by the Chancellor and the Board of Trustees.
 - 2.14 Be an advocate of the District in the community by encouraging support for and interest in the North Orange County Community College District.
 - 2.15 Make use of an opinion disclaimer when publicly expressing personal views while using their trustee or Board title. A printed disclaimer should be easily visible and any disclaimer shall clearly state that the opinions expressed are those of the trustee and do not represent those of the District or of the Board of Trustees.
 - 2.16 Use their District email account, and avoid use of any personal email account, for District business.
- 3.0 Filing a Complaint: A complaint of trustee misconduct may be filed with the Board President or the Chancellor by any student, employee, or trustee. A filed complaint shall be shared with all members of the Board of Trustees. To be acted upon, a complaint must:
- 3.1 Be in writing;

BP 2715 Code of Ethics/Standards of Practice

- 3.2 Include the name(s) of and contact information for the complainant(s);
 - 3.3 Allege specific actions and include dates or approximate dates of such actions;
 - 3.4 Identify provisions of the Code of Ethics, laws, or other standards that have allegedly been violated;
 - 3.5 Be filed within 12 months of the alleged violation(s), or within 12 months of the time the complainant(s) first learned of the alleged violation(s), or within any applicable statute of limitations.
- 4.0 Addressing a Complaint: A complaint alleging a violation of the Code of Ethics will be addressed by the Board President who will first discuss the complaint with the Board member to reach a resolution and then report on the resolution during a Board meeting.
- 4.1 If resolution is not achieved and further action is deemed necessary by the Board of Trustees, the Board President may appoint an ad hoc committee composed of three trustees to examine the matter and recommend a course of action to the Board of Trustees within a reasonable period. The affected trustee shall be provided an opportunity to present information to the committee.
 - 4.2 Sanctions, if any, will be determined by the Board of Trustees and may include censure, removal from a Board officer position, or other actions of less severity.
 - 4.3 If the Board member in question is the Board President, the Board Vice President is authorized to pursue resolution and in the absence of the Board Vice President, the Board Secretary is authorized to do so.
- 5.0 Sanctions: Censure is an official expression of disapproval passed by the Board. Sanctions of censure or removal from a Board officer position shall require a vote of two-thirds of the members of the Board of Trustees. Less severe sanctions require a majority vote of the Board of Trustees.
- 5.1 Examples of less severe sanctions may include removal from committees, requirements for professional development, and that the trustee tender an apology at a Board meeting.
- 6.0 The Board President and the Chancellor are authorized to consult with legal counsel if a complaint alleges violations of pertinent laws or regulations including but not limited to those dealing with conflict of interest, misuse of public resources, and confidentiality of closed session information. Violations of law may be referred to the District Attorney or Attorney General as provided for in law.

See Board Policy 2200, Board Duties and Responsibilities; Board Policy 2315, Closed Sessions; Board Policy 2710, Conflict of Interest; Administrative Procedure 2710, Conflict of Interest; Administrative Procedure 2715, Code of Ethics/Standards of Practice; Board Policy Board 2740, Board Professional Development; Administrative Procedure 2740, Board Education; Board Policy 3050, Institutional Code of Ethics; Administrative Procedure 3050, Institutional Code of Ethics;

BP 2715 Code of Ethics/Standards of Practice

Board Policy 3410, Unlawful Discrimination; and Administrative Procedure 3410, Unlawful Discrimination.

Also see the Community College League of California publication "The Ethical and Lawful Board of Trustees California Community Colleges" and the Institute for Local Government publication "Walking the Line: What to Do if You Suspect an Ethics Problem."

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