

BP 2100: Board of Education Duties and Responsibilities

References:

OCCA BP 2200

Previous BP 100

NWCCU Standards 2.A.1

ORS 341.275, 341.287 [2]; ORS 341.290; 341.326, ORS 192.420; ORS 341.790; ORS 294.336 ORS 341.300 (traffic control)

Philosophy

The Board of Education of Tillamook Bay Community College recognizes that it is responsible to all the citizens of the College service area which constitutes Tillamook County, regardless of race, ethnicity, family economic status, mobility, language, country of origin, gender, gender expression, sexual orientation, disability, zip code, and religious affiliation.

Mission

TBCC serves our diverse community equitably through educational excellence, community collaboration, and opportunities for lifelong learning.

Governance

The Board of Education is primarily concerned with the creation, under existing law, of policies for the College, and for the evaluation of the effectiveness of those policies. The execution of the given policy, the daily decisions made within its framework, and the methods used to enforce its provisions, are properly the responsibility of the College professional administrative staff.

Board Duties and Responsibilities

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

- A. Hire the College President. 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.
- B. The Board of Education shall conduct an evaluation of the 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 Delegation of Authority to the President (in this BP). The

criteria for evaluation of the President shall also include performance goals and objectives related to TBCC's commitment to diversity, equity, and inclusion.

- C. Select and appoint candidates to vacant Board Positions.
- D. Confirm the hiring of administrative officers, professional personnel, and other employees.
- E. Approve board policies for the governance of Tillamook Bay Community College
- F. Approve the Annual College Budget, including approval of a COLA and/or step increase.
- G. Approve capital construction contracts and other major expenditures over \$150,000.
- H. Approve the purchase of real property.
- I. Approve the tuition rates and fees.
- J. Assure the Board operates in an open, accessible, welcoming spirit, and maintains a culture that supports TBCC's commitment to diversity, equity and inclusion.
- K. Establish policies that ensure TBCC operates in a way that supports its commitment to diversity, equity and inclusion.
- L. Delegate power and authority to the Chief Executive to effectively lead TBCC.
- M. Assure fiscal health and stability.
- N. Monitor institutional performance and educational quality.
- O. Orient new board members.
- P. Exercise any other power, duty, or responsibility necessary to carry out the functions under this section or required by law.
- Q. Regularly prepare for and attend board meetings and important College events like graduation, and consistently fulfill their committee obligations.

Organization of the Board

The Board derives its authority from ORS, Chapter 341. The Board is subject to the provisions of the Constitution of the State of Oregon, applicable state and federal laws, its own policies and procedures, and the expressed will of the electorate. Board members serve without remuneration, except for actual and necessary expense incurred by Board member in authorized travel for College business, conferences, or professional meetings.

The Board of Education shall be composed of seven members nominated and elected from zones and at large within Tillamook County who serve terms of 4 years. A person shall be qualified to be a candidate for election to the board if the person is an elector who resides in the district. The person also must reside in the zone from which the person is nominated. A board member must qualify for office by taking an oath of office.

No person who is an employee of the community college district shall be eligible to serve as a member of the board for the district by which the employee is employed.

The positions and corresponding Zones are:

Position 1	Zone 1:	Beaver, Carnahan, Cloverdale, Hebo, Neskowin, Union, and Pacific City.
Position 2	Zone 2:	Fairview, Netarts, Oceanside, South Prairie, and Westside.
Position 3	Zone 3:	City of Tillamook (Precincts 1-6), Eastside, and Trask.
Position 4	Zone 4:	Bay City, Garibaldi, Kilchis, Maple Leaf, and Foley.
Position 5	Zone 5:	Nehalem, Pine Grove, Rockaway Beach, Wheeler, and Manzanita.
Position 6	At Large	
Position 7	At Large	

An Officer of the Associated Students of TBCC (ASTBCC) may attend board meetings and provide a report of activities of the ASTBCC, but they will not be a voting member of the Board and will not attend Executive Sessions.

Board of Education Elections

The Board of Education does not have an official system of rotation of officers; it elects the officers each year from among all its members.

Elections are held in accordance with the provisions of the ORS 341.790. The term of office of all Board members shall begin on July 1 following the date of elections. The term of a Board of Education member expires June 30 following the regular district election at which a successor is elected. Elections shall be held every 2 years, in odd numbered years. Terms of Board of Education members are staggered so that, as nearly as practical, one-half of the Board of Education members shall be elected at each Board of Education member election. Board members shall serve until their successor's term begins. Board members must qualify by taking the oath of office before assuming the duties of the office. The term of office of each Board of Education member shall be 4 years.

Board Vacancies

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

- A. The incumbent has died or resigned, or
- B. The incumbent has been removed, recalled, or the election has been declared void by a court of competent jurisdiction, or
- C. The incumbent has ceased to be a resident of Tillamook County or the zone they were elected to represent, or

- D. 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.

Officers of the College Board

The Board shall meet and organize at the June meeting by electing a chairperson and vice-chairperson from its members for the following academic year, except in odd election years when this is done at a special July meeting.

The President of the College shall be appointed the Clerk of the Board. The Vice-President of Administration and College Relations and the Vice President of Instruction and Student Services shall be appointed the Deputy Clerks of the Board, and the Executive Assistant to the President and Board of Education shall be named the Board Secretary.

Duties of Officers

The duties of Board officers and committees will be as follows:

- A. Chairperson
 - a. To preside at all meetings of the Board.
 - b. To appoint or provide for the election of all committees.
 - c. To call special meetings as required.
 - d. To perform such other duties as may be prescribed by law or by action of the Board.
 - e. To have the same duty to vote on matters before the Board as the other members.

- f. Consult with the President on Board of Education meeting agendas.
- g. Communicate with individual Board of Education members about their responsibilities.
- h. Participate in the orientation process for new Board of Education members.
- i. Assure Board of Education compliance with policies on Board of Education member education, self-evaluation, and evaluation of the President;
- j. Represent the Board of Education at official events or ensure Board of Education representation.
- k. Communicate with members that are experiencing attendance issues at board meetings or not consistently fulfilling committee obligations.

B. Vice-Chairperson

- a. The Vice-Chairperson shall uphold the duties of the Chairperson in her/his absence.
- b. Consult with the President on Board of Education meeting agendas.

C. President of the College as Clerk of the Board

- a. The President is appointed by the Board as its Executive and shall implement the policies of the Board regarding the operation of the College.

D. Deputy Clerk

- a. The Deputy Clerk will function as Clerk in the absence of the Clerk. The Deputy Clerk may also be a co-signer for payment of College bills by check and be authorized to sign college contracts.

E. Secretary of the Board

- a. To notify members of the Board of all regular and special meetings.
- b. To attend all Board meetings.
- c. To record the minutes of the meetings of the Board and transmit a copy of the minutes of the previous meeting to each member of the Board before each ensuing meeting.
- d. To have charge of all records, proceedings and documents of the Board.

F. Committees

- a. The Chairperson shall appoint no more than three members to committees designated for a specific purpose. Committees shall not perform any of the Board's functions.

G. Budget Committee

- a. As directed by ORS 294.336, the Budget Committee shall consist of seven College Board members and seven members appointed by the Board for three year terms. Appointees must be qualified electors of Tillamook County.

Authority of Members

All formal decisions by the Board must be made at a public meeting where a quorum of Board members (four or more) are in attendance and vote on a measure. Measures can be submitted by individual Board members but are not binding on the College unless voted on in a public meeting by a quorum of Board members.

Communications Among Board Members

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 using any form of communication (e.g., personal intermediaries, e-mail, or other technological device) 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 act on any item of business within the subject matter jurisdiction of the Board.

Communications between or among Board of Education members that are purely factual or educational in nature, and that convey no deliberation or decision on any matter that may come before the Board; or are not related to any matter than could reasonably be foreseen to come before the Board are permitted. In addition, communications that are nonsubstantive in nature, such as communication related to scheduling, leaves or absence, and other similar matters are also allowed.

Board Member Education

The Board of Education is committed to its ongoing development as a Board of Education and to a Board of Education member education program that includes new Board of Education member orientation.

To that end, the Board of Education will engage in study sessions, provide access to reading materials, and support conference attendance and other activities that foster Board of Education member education.

Board of Education Self-Evaluation

The Board of Education is committed to assessing its own performance as a Board of Education to identify its strengths and areas in which it may improve its functioning.

To that end, the Board of Education has established the following processes:

- Each fall term, the Board will develop a set of goals to achieve for the academic year.
- Prior to the last meeting of the academic year, the Board will measure the accomplishment of each goal and the overall success rate of goal achievement for the year.

Employment Rights of the Board

- A. Pursuant to ORS 341.290, the Board retains and reserves to itself all rights, powers, authority, duties, and responsibilities conferred upon or vested in it by law, including but not limited to the right to employ administrative officers, professional personnel and other employees, define their duties, terms, and conditions of employment and prescribe compensation, therefore.
- B. Members of the Board of Education shall receive no compensation for their services, but they shall be allowed the actual and necessary expenses incurred by them in the performance of their duties.

Board of Education Political Activity

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; appointment, nomination, or election of a person to a public office, 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.

Delegation of Authority to the President

The Board of Education reserves the right to delegate its authority granted through ORS 341.290 to the College President where appropriate.

The Board of Education delegates to the 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 President may delegate any powers and duties entrusted to him/her/them by the Board of Education, but will be specifically responsible to the Board of Education for the execution of such delegated powers and duties.

The President is empowered to reasonably interpret Board of Education policy. In situations where there is no Board of Education policy direction, the President shall have the power to act, but such decisions shall be subject to review by the Board of Education. It is the duty of the President to inform the Board of Education of such action and to recommend written Board of Education policy if one is required.

The President is expected to perform the duties contained in the President's job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions. The job description and goals and objectives for performance shall be developed by the Board of Education in consultation with the President.

The President shall ensure that TBCC complies with all relevant laws and regulations and submit required reports in timely fashion.

The President shall make available any information or give any report that the Board of Education requests. Individual Board of Education member requests for information shall be met if, in the opinion of the President, they are not unduly burdensome or disruptive to TBCC operations. Information provided to any Board of Education member shall be *provided* to all Board of Education members.

The President shall act as the professional advisor to the Board of Education in policy formation.

The Board of Education delegates authority to the President to appoint an acting President to serve in his/her/their absence for short periods of time, not to exceed **30** 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 (in order): Vice President of Instruction, Vice President of Student Services.

The Board of Education shall appoint an acting President for periods exceeding 30 calendar days.

Approved: 6/24