

# **BOARD CEO RELATIONS PART I**



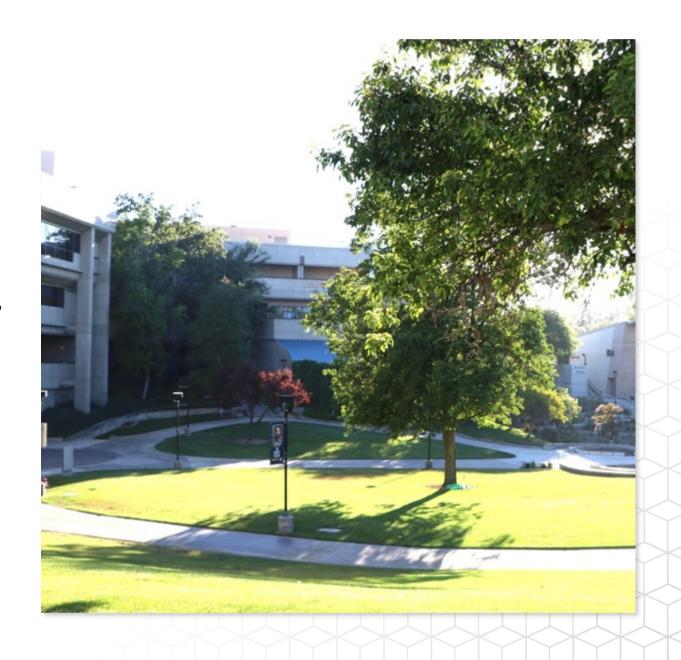


# Narrator: Rita Cepeda, Ed.D.

Retired Chancellor, San José-Evergreen CCD

### WHY IT MATTERS

- •If the CEO/Board relationship is solid, you will succeed in meeting the needs of students in your institution.
- •If the CEO/Board relationship is poor, no amount of good will, understanding of instructional policy, knowledge of budgets and facilities, or even your acumen with community relations will enable you to serve and meet the needs of the students in your community.
- •You can avoid "unforced errors" (pointless mistakes) by being clear about Board/CEO roles and functions. Look up: meriamwebster.com





# BACKGROUND AND GUIDANCE

- Carver Policy Governance Model provides a working definition about board leadership in governance and the role of the CEO in the implementation of board policy
- Some facets of the Carver Model could not be implemented within the Participatory Governance parameters of the California Community Colleges, so we turn to the Education Code, Title 5 of the Administrative Code and the League's publication, "Board and CEO Roles, Different Jobs, Different Tasks"



# THE EDUCATION CODE AND TITLE 5 OF THE ADMINISTRATIVE CODE OF REGULATIONS

- Laws/statutes and administrative regulations govern every part of the work of the CEO: educational programing, staffing, contracts, facilities, budgets, emergency preparedness, admissions, prohibitions of discrimination, intersegmental relations and even scheduling of meetings.
- The Education Code has primacy only another piece of legislation can amend or change it. For example, in 1988, AB 1725 established community colleges as a system instead of a loose confederation, and also established participatory governance.
- The Education Code supersedes Title 5 because the code is law and regulations are derived from the law.
- When in doubt, do your research:
   For questions related to the Education Code: <u>leginfo.legislature.ca.gov</u>
   For questions related to the Title 5: <a href="http://www.merriam-webster.com">http://www.merriam-webster.com</a>.



# UNDERSTANDING ROLES AND FUNCTIONS: THREE TYPES OF CEOS

- The superintendent/president of a single college district
- The **chancellor** of a multi-college district
- The **president** of a college within a multi-college district

# UNDERSTANDING ROLES AND FUNCTIONS: HOW ROLES DIFFER BY CEO TYPE

- •The Board of Trustees has only one hire and only one direct report: the superintendent/president (in the case of a single college district) or the chancellor (in a multi-college district).
- •College presidents within a multi-college district are direct hires of the Chancellor. These presidents do not report to the Board; they report to the Chancellor and Trustees may not request direct action from these college presidents.







# UNDERSTANDING ROLES AND FUNCTIONS: BOARD RESPONSIBILITIES

Education Code Section 70902 establishes board responsibilities in the following areas:

- college plans
- program approval
- academic standards and graduation requirements
- personnel and employment practices
- budgets
- tax and bond elections

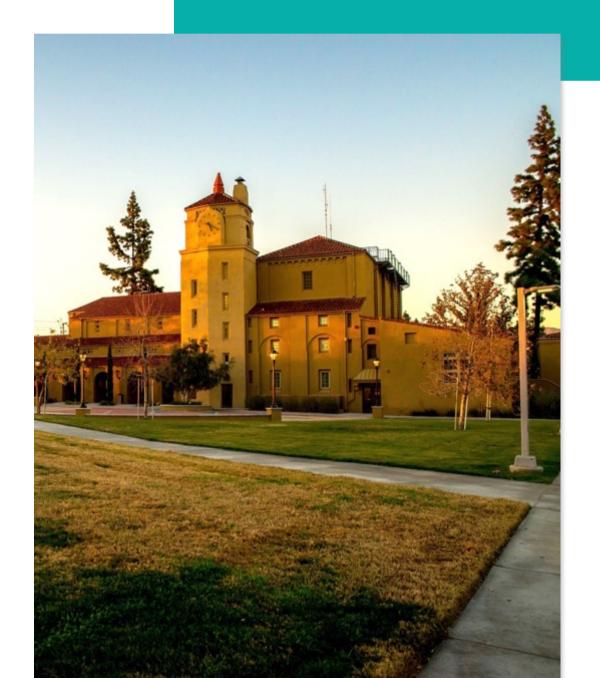
- district property
- local decision-making process
- student conduct
- fees
- grants, gifts and scholarships
- auxiliary services
- academic calendar
- Board of Governors' consultation

### **EXAMPLE IN ACTION:**

"San José-Evergreen Community College District Board of Trustees Ends Policies and Governance Principles"

#### This document serves to establish:

- How the Board will govern to achieve its visionary objectives
- Management authority that the Board delegates to the chancellor to run the affairs of the District along with requirements for the chancellor's exercise of that authority





### **EXAMPLE IN ACTION CONTINUED**

The document outlines practices for individual trustees and for the Board as a **whole** to ensure the Board:

- Encourages effective and efficient participation of each trustee
- Understands the roles and responsibilities of individual trustees and of the Board as a whole
- Knows the difference between the Board's governance role and chancellor's responsibility to manage the affairs of the District
- Establishes a clear vision, values and strategic priorities for the District
- Establishes **expectations regarding outcomes** the Board expects the Chancellor to achieve
- Delegates responsibility to the chancellor to lead the District toward achievement of the Board's Ends policies and fully empowers the Chancellor to hold and exercise the necessary executive authority

- Establishes requirements for the Chancellor's exercise of the management authority that the Board delegates to the Chancellor
- Practices the self-discipline necessary to avoid any interference with the Chancellor's exercise of the management authority delegated to him or her
- Evaluates its own **governance**performance on an ongoing basis
- Holds the Chancellor responsible for making demonstrable progress and compliance with the Executive Requirements specified by the Board

### **CONCLUSION:** KEY TAKEAWAYS

- Dysfunctional Board/CEO relations result in loss of effective and efficient management of the college and the inevitable loss of respect and tolerance that accompanies conflict. Both parties suffer and, most important of all, the students and the community are the ultimate casualties.
- A clear understanding of the Education Code and Title 5 of the Administrative Code is essential.
- A detailed and formal adoption of Board Policies and delegation of authority to the CEO must be clearly published and systematically used as the parameters that govern Board/CEO relations.



### REFERENCES

#### THE EDUCATION CODE IS DIVIDED IN THREE TITLES

TITLE 1. GENERAL EDUCATION CODE PROVISIONS [1 - 32500]

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 65001]

TITLE 3. POSTSECONDARY EDUCATION [66000 - 101149.5] (Title 3 enacted by Stats. 1976, Ch. 1010.) Sections 66000 to 1011149.5

DIVISION 5. GENERAL PROVISIONS [66000 - 70115.2] (Division 5 enacted by Stats. 1976, Ch. 1010.)

PART 40. DONAHOE HIGHER EDUCATION ACT [66000 - 67400] (Part 40 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 9. Community Colleges [66700-66700.] (Chapter 9 enacted by Stats. 1976, Ch. 1010.)

#### TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS

The most pertinent areas are found in Divisions 6 and 7 as follows;

#### **Division 6. California Community Colleges**

Chapter 1. Board of Governors

Chapter 2. Community College Standards

Chapter 2.5. Diversity, Equity, and Inclusion in the California Community Colleges

Chapter 3. General Provisions

Chapter 3.5. Chancellor's Emergency Authority

Chapter 4. Employees

**Chapter 5. Students** 

Chapter 6. Curriculum and Instruction

**Chapter 7. Special Programs** 

**Chapter 8. Construction** 

Chapter 9. Fiscal Support

Chapter 10. Community College Administration

#### **Division 7. Board of Governors of the California Maritime Academy**

#### **CHAPTER 1. CAIFORNIA MARITIME ACADEMY**

Subchapter 1. Employees

Subchapter 2. Administration

Subchapter 3. Student Fees

#### **DIFFERENT JOBS/DIFFERENT TASKS CCLC 2020 REVISION**

#### Introduction

This publication identifies many of the different, yet complementary, roles and tasks of district CEOs and boards. It is designed to help boards and district CEOs define their own roles and expectations of each other and clarify what each contributes to their institutions. The areas addressed include:

- Board and CEO Relationship
- Leading the Organization
- Educational Program
- Fiscal Affairs
- Human Resources
- Community Relations
- Legislative Relations
- Legal Affairs

The board of trustees and the CEO are both responsible for building and maintaining a strong board/CEO partnership. Respect, communication, and honoring the different responsibilities are the basis for the trust that is essential to be an effective governing/leadership team.

#### **AUTHORITY IN LAW**

Education Code Section 70902 authorizes local boards of trustees for the community colleges and defines their powers.

## E. C. 70902 authorizes board responsibilities in the following areas:

- college plans
- program approval
- academic standards and graduation requirements
- personnel and employment practices
- budgets
- tax and bond elections
- district property
- local decision-making process
- student conduct
- fees
- grants, gifts, and scholarships
- auxiliary services
- academic calendar
- Board of Governors' consultation

Chief executives gain their authority from boards. E.C. 70902 and 72400 state that boards may delegate authority for the above to the chief executive officer and other college staff and committees. Other sections of the Education Code identify more specific board responsibilities.

# EDUCATION CODE AND TITLE 5 INTERFACE

Chief executives gain their authority from boards. E.C. 70902 and 72400 state that boards may delegate authority for the above to the chief executive officer and other college staff and committees. Other sections of the Education Code identify more specific board responsibilities. Title 5 of the Administrative Code also defines tasks for the board, CEO, and others.

The Chancellor's office is responsible for monitoring whether colleges fulfill these conditions. The Community College League of California's Policy and Procedure Service identifies

#### The Board's Job:

- 1. Accountable to it's moral ownership
- 2. Ends determination is pivotal duty of governance
- 3. A Board must explicitly design it's own products and processes

#### The Board Policies:

- 4. The Board speaks with one voice by way of it's policies
- Board's formulate policy by determining the broadest values before progressing to more narrow ones.
- 6. Board decisions are primarily policy decisions.

#### The Board – CEO Relationship:

- 7. A board should define and delegate, rather than react and ratify
- The Board's best control over staff means is to limit, not prescribe
- A board must form a linkage with management that is both empowering and safe
- Performance of the CEO must be monitored rigorously solely against policy criteria
- 11. The CEO reports to the board as a whole
- 12. The board instructs the CEO by way of it's policies
- 13. The CEO is authorized to make operational decisions as long as they are consistent with a reasonable interpretation of the board's policies



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