

**ARIZONA  
ASSOCIATION OF COMMUNITY COLLEGE  
TRUSTEES**

**BOARD MEMBER  
HANDBOOK**

**FOURTH EDITION**

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ARIZONA ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES  
(AACCT)

FIRST EDITION, DECEMBER, 1988  
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FOURTH EDITION, NOVEMBER 2022



## PREFACE to the FOURTH EDITION

Five major changes have occurred since publication of the fourth edition of the Arizona Association of Community College Trustees District Governing Board Handbook.

Changes made after the second edition were:

1. The State Board for Community Colleges was dissolved in 2000.
2. The Arizona Community College Association was disbanded in 2009.

Changes made after the third edition were:

3. The Handbook is now available in electronic media.
4. The name of the organization was changed to the Arizona Association of Community College Trustees (AACCT).
5. The organization is now part of the Arizona Community College Coordinating Council (AC4), comprised of the ten Arizona community colleges, represented by each of the CEOs.

All references and contact information have been checked for currency or updated in the Fourth Edition. New publications relevant to Community College District Governing Boards have been included although no attempt was made to make this a comprehensive list. The sections on Arizona Revised Statutes contain basic information and CEOs and Trustees should refer to the total statutes, found through the ARS website at <https://www.azleg.gov/arstitle/>. Statutes particular to community colleges are found in Title 15: <https://www.azleg.gov/arsDetail/?title=15>.

Edits and other suggestions for improvement of this Handbook may be forwarded to the current Chair of the Arizona Association of Community College Trustees. Changes to this Handbook can be made only under the written permission of the AACCT Board of Directors.

Special thanks for guidance for the fourth edition goes to:

Attorney Lynn Adams, Osborn-Maledorn, who graciously reviewed the statute section; Kristin Boilini, from Pivotal Policy Associates, who helped rewrite the Advocacy section; Ross Poppenberger and Michelle Landis from Arizona Western College who edited and rewrote the Community College Finance section; Dr. Nat White, the original author/editor of the 2010 Trustee Handbook who provided additional suggested changes to this edition and an historical perspective; and special thanks to Jodi Keim from Eastern Arizona College who helped multiple times with formatting and proofreading the document.

At the time of the Fourth Edition revision, the current members of the AACCT Board of Directors were:

- Demion Clinco, Chair of AACCT, Pima Community College
- Deb McCasland, Secretary of AACCT, Yavapai College
- Maria Chavoya, Treasurer of AACCT, Arizona Western College
- Lois Ann Moody, Eastern Arizona College
- Maria Sullivan, Maricopa Community Colleges
- Tim Quinn, Cochise College
- Susanne McAlpine, Mohave Community College
- Joey Smith, Coconino Community College
- Kristine Laughter, Northland Pioneer College
- Dr. David Odiorne, Central Arizona College
- Dr. David Borofsky, Director, AACCT, ex-officio

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**SECTION I.**  
**INTRODUCTION**

## INTRODUCTION

The Arizona Association of Community College (AACCT) District Governing Board Handbook provides an overview of the key responsibilities of Arizona's community college district governing board members, a summary of the rules of boardsmanship, and a discussion of the role of district governing board members in the legislative process. Its primary purpose is to provide district governing board members with starting points when a board member desires more information.

**Section One** contains a brief description of Arizona's Community Colleges and the services provided by state and national organizations. It is important to note that the ten district governing boards now have local control over their community colleges versus control via the formally politically appointed State Board, now dissolved. This allows the district governing board to focus on the needs and obligations to serve local communities. A comparison between the duties of district governing board members and the duties of the former State Board of Directors for Community Colleges has been inserted from the second edition of this Handbook for historic reference; it appears in the appendices. The State Board for Community Colleges was dissolved in 2000.

**Section Two** describes in greater detail various aspects of the role of the district governing board member in terms of their function. It contains a summary of key statutory powers and duties. It also describes the role of the governing board member in terms of its function, working relationships, strategies for effective boardsmanship and suggests approaches to decision making. Additionally, this section discusses ethics, the selection of a chief executive officer, and community college finance. This section will give district governing board members an overview of their many responsibilities.

**Section Three** describes the role of the community college governing board member in the legislative process. It summarizes the process of establishing of the community college legislative agenda in conjunction with the Arizona Community College Coordinating Council (AC4), and the process by which legislation is enacted. It describes basic advocacy techniques and recommends a schedule of activities in which districts may engage to further their legislative agendas. This section will help governing board members better understand their role as legislative advocates.

**Appendix A** provides a short history of Arizona's community colleges and the previous state-wide governing system, now dissolved system. It includes a map of the locations of all Arizona's Community Colleges. This appendix will help board members to develop a sense of the physical presence of Arizona's Community Colleges.

**Appendix B** contains most of the relevant statutes by title and subject that pertain to community colleges and governing boards. This index simplifies accessing the full text through the internet, <http://www.azleg.gov/arstitle>

## **GOVERNANCE OF ARIZONA'S COMMUNITY COLLEGES**

Primary responsibility for Arizona's Community Colleges resides at the local level with the powers invested in each District Governing Board as defined by Arizona Revised Statutes (A.R.S.). Coordination throughout the state is through the Arizona Association of Community College Trustees (AACCT), with representatives elected by each District Governing Board in support of the Arizona Community College Coordinating Council (AC4), the colleges' organization represented by the chief executive officers of each of the ten community colleges.

### **COMMUNITY COLLEGE RESOURCE AND SUPPORT ORGANIZATIONS**

A number of organizations at the state and national levels provide assistance to members of the ten Arizona community colleges.

#### **State Level**

The Arizona Association of Community College Trustees (AACCT) is an organization of the trustees of the ten community colleges. The AACCT Board of Trustees consists of a representative of each of the ten district governing boards. AACCT operates under the umbrella of the Arizona Community College Coordinating Council (AC4).

According to AACCT's Bylaws, the purpose of the organization shall be the advancement and betterment of community colleges in Arizona by:

Providing an organization for the exchange of information among district governing boards.

Representing the interests and concerns of district governing boards on issues in collaboration with the Arizona Community College Coordinating Council (AC4).

Developing, implementing, and supporting educational and training programs designed to assist district board members in understanding and carrying out their responsibilities.

Studying or authorizing studies of issues of concern to district governing boards to develop recommendations to district boards and other appropriate agencies.

Coordinating legislative advocacy efforts in collaboration with AC4, to promote a common agenda.

The Arizona Community College Coordinating Council (AC4) provides a means of maintaining communication between Community College Districts and a forum for addressing community college issues. The ten community college districts comprise the membership of AC4, and each is represented by its chief executive officer (CEO) as a member of the Board of AC4.

This organization's stated purpose is to:

Provide leadership in meeting community college needs in Arizona.

Provide a mechanism for communication between community college districts.



Provide a forum where common concerns and problems can be discussed, and where information, opinions and innovations can be shared.

Provide coordinated advocacy for community colleges

Facilitate coordination of reports required by statute

Under the umbrella of the Arizona Community College Coordinating Council (AC4), there are a number of administrative teams that meet regularly to help coordinate the work of AC4 and support the coordination of all the community colleges. The teams are listed below. From time to time, these “teams” or “committees” are changed based on the needs of the colleges at that time:

- » Chief Academic Officers
- » Chief Business Officers
- » Communications/Marketing
- » Chief Student Affairs Officers
- » Strategic Enrollment Management
- » Human Resources
- » Research & Grants
- » Information Technology (IT)
- » Workforce & Economic Development
- » AZ Center for CC Success

In addition, there are a number of statewide organizations that the community colleges are involved with to ensure student success and coordination among the many higher education institutions in the state of Arizona. They are:

- » Education Forward Arizona
- » AZ Commerce Authority
- » Post-Secondary Board
- » AZTransfer
- » Board of Education

### **National Level**

The Association of Community College Trustees (ACCT) is a national organization dedicated to assisting community college governing board members in their work. It publishes a newsletter, a quarterly magazine, and has regional and national meetings and workshops. ACCT issues a series of very informative publications on trusteeship. More information on ACCT and their valuable services and resources is available by contacting:

Association of Community College Trustees  
1233 20<sup>th</sup> Street, NW, Suite 301  
Washington, D.C. 20036  
(202) 775-4667  
(202) 233-1297 FAX

website: <http://www.acct.org>

The American Association of Community Colleges (AACC) is a national organization for governing board members, presidents and other interested persons to join together to promote community colleges. This association publishes a monthly magazine, and presents regional and national meetings and workshops, as well as, resource references and current statistics relevant to community colleges. More information on AACC is available by contacting:

American Association of Community Colleges  
National Center for Higher Education  
One DuPont Circle NW, Suite 410  
Washington, DC 20036  
(202) 728-0200  
(202)833-2464 Fax                      website: <http://www.aacc.nche.edu>

The Association of Governing Boards (AGB) is a national organization for two-year and four-year institution governing board members. This association presents workshops and seminars. The majority of its members are associated with senior universities and private institutions. More information on AGB is available by contacting:

Association of Governing Boards of Universities and Colleges  
1133 20<sup>th</sup> Street, NW, Suite 300  
Washington. D.C. 20036  
(202) 296-8400  
(800) 356-0637                      website: <http://www.agb.org>

The American Council on Education (ACE) is the parent organization for all of higher education. It is the primary representative for higher education in congressional matters, lobbying efforts, public policy and helps to establish general philosophical direction for universities, state colleges, public and private schools, and community colleges. ACE provides a number of services related to testing, assessment standards and institutional issues. Board members find ACE to be a valuable resource. ACE publishes the Education Record and a shorter newsletter called Higher Education and National Affairs. It publishes many books and research documents, as well. ACE operates with several commissions addressing a broad range of topics affecting community colleges. More information on ACE is available by contacting:

American Council on Education  
One DuPont Circle  
Washington, DC 20036  
(202) 939-9310                      website: <http://www.acenet.edu>

The Association of American Colleges and Universities (AAC&U) is the only institutional membership association whose mission is the support and enhancement of liberal arts education as a component of professional and pre-professional programs, and in the form of the traditional liberal arts education. Its programs include projects that enhance public understanding of liberal arts curricula, strengthen general and specialized curricula, improve teaching and learning, increase opportunities for equity and achievement, and develop institutional and academic leadership. More information on AAC is available by contacting:

Association of American Colleges and Universities  
1818 R Street NW  
Washington, DC 20009  
(202) 387-3760  
FAX (202) 263-9532                      website: <http://www.aacu-edu.org>

**SECTION II.**

**COMMUNITY COLLEGE  
DISTRICT GOVERNING BOARDS**

## **KEY STATUTORY POWERS AND DUTIES**

The Arizona Revised Statutes (A.R.S.) specify many district governing board powers and duties. This section summarizes selected key powers and duties and includes the statutory citations. Not all the statutory provisions are summarized here. Colleges and Trustees should review the statutes to determine if a specific situation that is not addressed here is addressed by a statutory provision.

The Arizona Revised Statutes are organized by Title, Chapters, Articles, and by Statute number. Appendix B contains a numbered list of statutes relevant to Community Colleges and Governing Boards with brief subject descriptions. The list provides an easy starting point for searching the A.R.S. by number at <https://www.azleg.gov/arstitle>

### **Election, Terms and Vacancies**

SOURCES: A.R.S. Section 15-1441

Arizona statutes govern most aspects of the election process:

Governing board members are elected from five precincts established by the county board of supervisors within the community college district.

Each member is elected for a six-year term except in counties with a population of at least three million persons (currently only applies to Maricopa County), each member's term is four years.

The county school superintendent may fill a vacancy by appointing a governing board member to serve the unexpired term. If the unexpired term is longer than two years, the county school superintendent may appoint a board member to serve until the next regular election for governing board members or, with the approval of the board, leave the seat vacant until that election.

Employees of a community college district or their spouses are not eligible to hold governing board membership in that district.

A county officer is not eligible to serve as a member of a community college district governing board during the term of office of the county officer.

In addition to the governing board members who are elected from each of the five precincts in a community college district, a county with a population of at least three million persons shall elect two additional governing members from the district at large. The at-large governing members serve four-year terms.

### **Governing Board Responsibilities**

SOURCE: A.R.S. Sections 15-1444, 15-1447

15-1444 - The statutes specify a number of responsibilities that a district governing board must fulfill. A governing board shall:

Maintain each community college for a period of not less than eight months in each year and, if the funds of the district are sufficient, maintain each community college for a longer period.

Adopt policies that will meet the educational needs of the population served by the community college.

Enforce the courses of study prescribed by the governing board.

Visit each community college under its jurisdiction and examine carefully into its management, conditions and needs.

Exclude from each community college books, publications, or papers of a sectarian, partisan or denominational character that are intended for use as textbooks.

Appoint and employ a chancellor or chancellors, vice-chancellors, a president or presidents, vice-presidents, deans, professors, instructors, lecturers, fellows and such other officers and employees it deems necessary. The district board may enter into employment contracts with chancellors, vice-chancellors and presidents for duration of more than one year but not more than five years.

Determine the salaries of persons it appoints and employs. A district may not compensate an employee for work performed on behalf of an elected employee representative organization and may not provide more favorable terms and conditions of employment to any employee because that individual belongs to an elected employee representative organization.

Remove any officer or employee if, in its judgment, the interests of education require the removal.

Award degrees, certificates, and diplomas upon the completion of courses and curriculum.

Appoint or employ, if it deems necessary, police officers who shall have the authority and power of peace officers.

Determine the location within the district of a community college and purchase, receive, hold, make, and take leases of, sell and convey real or personal property for the benefit of the community colleges under its jurisdiction.

Obtain insurance or be self-insured, or a combination of insurance and self-insurance, against loss, to the extent it is determined necessary on community college buildings of the district.

15-1447 - Community college district collegiate special plate funds; purpose

- A. A community college district with a full-time equivalent student enrollment pursuant to section 15-1466.01 of more than fifty thousand students shall establish a community college district collegiate special plate fund consisting of monies received pursuant to section 28-2412. The district shall administer the fund. All monies in the fund shall be used only for academic scholarships.

- B. The fund established in this section is exempt from section 35-190 relating to lapsing of appropriations. At the direction of the community college district the state treasurer may invest and divest inactive monies in the fund as provided by section 35-313. The state treasurer shall credit all interest earned on the fund monies to the fund.

### **Governing Board Authority**

SOURCE: A.R.S. Sections 15-1444, 15-1448 through 15-1450

District governing boards have certain powers that they may choose to exercise. The board may:

Administer trusts declared or created for the district, receive and hold in trust property, and, if not otherwise provided, dispose of the property for the benefit of the district.

Lease real property, as lessor or lessee.

Sue and be sued

Contract. The district board may adopt such policies as are deemed necessary and may delegate in writing to the chancellor or president of the district, or their designees, all or any part of its authority to contract under this paragraph. Any delegation of authority under this paragraph may be rescinded by the district board at any time in whole or in part.

Construct, remodel and repair buildings.

In conjunction with other districts, establish policies for procurement of goods and services.

Provide a plan or plans for employee benefits which may include optional retirement programs pursuant to section 15-1451, subsection A, which allow for participation in a cafeteria plan that meets the requirements of the United States internal revenue code of 1986.

Accept grants or donations, including from a foundation. The district board shall deposit the monies into a specific fund or account and shall administer the monies in accordance with the purpose of the grant or donation with specific policies or restrictions as described or stipulated in the grant or donation. In the case of personal property granted or donated to or for the benefit of a community college district, the district board shall immediately transfer possession and ownership of the property to the designated district.

Enter into intergovernmental agreements or contracts pursuant to section 11-952.01 for participation in programs offered by public agency pools or separately contract with a trustee or board of trustees that provides a common self-insurance program with pooled funds and risks pursuant to section 15-382, subsection B, paragraph 2. The district board is not required to engage in competitive procurement in order to make the decision to participate in these programs.

Name a building or group of buildings located on the community college campus on behalf of a person or entity that has made a significant contribution of monies or other property to the community college or district.

Enter into an intergovernmental agreement pursuant to section 15-1747 to participate in a reciprocity agreement subject to the terms of the reciprocity agreement.

Engage in entrepreneurial and commercial activities.

Collect auxiliary fees, including cafeteria fees, food service fees, bookstore fees and dormitory fees.

Provide goods and services pursuant to a contract with a political subdivision of this state or with a tribal government. Monies received pursuant to this paragraph are not considered local revenues for the purposes of article IX, section 21, Constitution of Arizona.

For a community college in a county with a population of seven hundred fifty thousand persons or less, offer four-year baccalaureate degrees that are accredited by a regional accreditation agency approved by the United States department of education.

For a community college in a county with a population of more than seven hundred fifty thousand persons, offer four-year baccalaureate degrees that are accredited by a regional accreditation agency approved by the United States department of education as follows:

- (a) For the first four years that a community college offers four-year baccalaureate degrees, the community college may not offer more than five percent of its total number of degree and certification offerings for four-year baccalaureate degrees. For the fifth and subsequent years that a community college offers four-year baccalaureate degrees, the community college may not offer more than ten percent of its total number of degree and certification offerings for four-year baccalaureate degrees.
  - (b) Tuition per credit hour for the third and fourth years of a four-year baccalaureate program may not exceed one hundred fifty percent of the tuition per credit hour of any other district program.
- C. If a district acquires real or personal property, whether by purchase, exchange, condemnation, gift or otherwise, the district shall pay to the county treasurer any taxes on the property that were unpaid as of the date of acquisition, including penalties and interest. The lien for unpaid delinquent taxes, penalties and interest on property acquired by the district:
- 1. Is not abated, extinguished, discharged, or merged in the title to the property.
  - 2. Is enforceable in the same manner as other delinquent tax liens.
- D. In a district whose boundaries encompass a vehicle emissions control area as defined in section 49-541, the district board shall require all out-of-county and out-of-state students to sign an affidavit at the time of course registration that the student's vehicle meets the requirements of section 49-542. The district board on property under its jurisdiction within a vehicle emissions control area shall prohibit the parking of those vehicles that fail to comply with section 49-542.

- E. A community college district and a career technical education district governing board may enter into agreements to provide administrative, operational, and educational services and facilities.
- F. Each district may establish a program for the exchange of students between the community colleges under its jurisdiction and colleges and universities located in Sonora, Mexico. The program may provide for in-state tuition for Sonora students at the community colleges under the jurisdiction of the district in exchange for similar tuition provisions for Arizona students enrolled or seeking enrollment in Sonora colleges and universities. The community colleges may work in conjunction with the Arizona-Mexico commission in the governor's office to coordinate recruitment and admissions activities to provide for in-state tuition for up to fifty Sonora students at the community colleges under the jurisdiction of the district in exchange for similar tuition provisions for up to fifty total Arizona students enrolled or seeking enrollment in Sonora colleges and universities.
- G. Each district shall facilitate transfer articulation coordination pursuant to section 15-1824.

15-1448 - Employment of legal counsel; opinions of counsel

- A. If a district lies in two or more counties, the county attorney of the largest county in which the district lies as determined by the last federal decennial census is the attorney for the district.
- B. A district board may employ an attorney to represent the district if the county attorney consents. The district board shall state in writing the purpose for which it employs an attorney.
- C. A district board may employ an attorney without the consent of the county attorney if it deems it advisable.
- D. Compensation for an attorney whom the district board employs as provided in subsections B and C of this section is payable from district monies.
- E. If a district board employs an attorney without the consent of the county attorney, the county attorney has no duty to represent the district with regard to any matter for which the attorney was employed and is not responsible to the district for any exercise of, or failure to exercise, professional judgment by the attorney in his representation of the district.
- F. The county attorney is not required to assume the duty to represent the district on a matter for which the district board employs an attorney without the consent of the county attorney.
- G. An attorney employed pursuant to subsection B or C of this section shall represent the district with the powers of and the duties otherwise performed by the county attorney pursuant to section 11-532, subsection A, paragraph 11.
- H. Any county attorney who issues a legal opinion to a community college district shall promptly transmit a copy of the opinion to the attorney general who shall concur, revise or decline to review the opinion of the county attorney. If the attorney general does not concur, revise, or decline to review the county attorney's opinion within sixty days from its receipt, the opinion shall be deemed affirmed. If the attorney general revises the opinion, the opinion of the attorney general shall prevail.



15-1450 - (See for additional information)

A community college district board may allow its members and spouses and dependents of members to participate in the plan providing health, accident, life and disability benefits for employees of the district and their dependents. A district board member is eligible to participate in the plan provided as an employee benefit if the member pays the full premium and the participation of the member does not result in an expenditure of district monies

### **Open Meetings and Executive Sessions**

SOURCE: A.R.S. Sections 38-431 through 38-431.09

The Arizona statutes include strict requirements relating to open meetings and executive sessions to which governing board members must adhere when they meet.

#### Open Meetings

The district governing board must comply with the State's open meetings law. For specific questions, each district governing board should consult with their attorney. The business of the public must be conducted in public with at least 24 hours' advance notice of time, place and proposed discussion items given to the public. The open meetings law specifies a number of requirements that a public body must meet to be considered in compliance with these statutes:

#### 38-431.01 - Meetings shall be open to the public

- A. All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting.
- B. All public bodies shall provide for the taking of written minutes or a recording of all their meetings, including executive sessions. For meetings other than executive sessions, the minutes or recording shall include:
  1. The date, time and place of the meeting.
  2. The members of the public body recorded as either present or absent.
  3. A general description of the matters considered.
  4. An accurate description of all legal actions proposed, discussed or taken, including a record of how each member voted. The minutes shall also include the names of the members who propose each motion and the names of the persons, as given, who make statements or present material to the public body and a reference to the legal action about which they made statements or presented material.
- C. Minutes of executive sessions shall include items set forth in subsection B, paragraphs 1, 2 and 3 of this section, an accurate description of all instructions given pursuant to section 38-431.03,

subsection A, paragraphs 4, 5 and 7 and other matters as may be deemed appropriate by the public body.

- D. The minutes or a recording of a meeting shall be available for public inspection three working days after the meeting except as otherwise specifically provided by this article.
- E. A public body of a city or town with a population of more than two thousand five hundred persons shall:
  - 1. Within three working days after a meeting, except for subcommittees and advisory committees, post on its website, if applicable, either:
    - (a) A statement describing the legal actions taken by the public body of the city or town during the meeting.
    - (b) Any recording of the meeting.
  - 2. Within two working days following approval of the minutes, post approved minutes of city or town council meetings on its website, if applicable, except as otherwise specifically provided by this article.
  - 3. Within ten working days after a subcommittee or advisory committee meeting, post on its website, if applicable, either:
    - (a) A statement describing legal action, if any.
    - (b) A recording of the meeting.
- F. All or any part of a public meeting of a public body may be recorded by any person in attendance by means of a tape recorder or camera or any other means of sonic reproduction, provided that there is no active interference with the conduct of the meeting.
- G. The secretary of state for state public bodies, the city or town clerk for municipal public bodies and the county clerk for all other local public bodies shall conspicuously post open meeting law materials prepared and approved by the attorney general on their website. A person elected or appointed to a public body shall review the open meeting law materials at least one day before the day that person takes office.
- H. A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

- I. A member of a public body shall not knowingly direct any staff member to communicate in violation of this article.
- J. Any posting required by subsection E of this section must remain on the applicable website for at least one year after the date of the posting.

38-431.03 - Executive sessions

- A. On a public majority vote of the members constituting a quorum, a public body may hold an executive session but only for the following purposes:
  - 1. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee, or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.
  - 2. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.
  - 3. Discussion or consultation for legal advice with the attorney or attorneys of the public body.
  - 4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.
  - 5. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.
  - 6. Discussion, consultation, or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.
  - 7. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.
  - 8. Discussion or consideration of matters relating to school safety operations or school safety plans or programs.

9. Discussions or consultations with designated representatives of the public body in order to discuss security plans, procedures, assessments, measures or systems relating to, or having an impact on, the security or safety of buildings, facilities, operations, critical infrastructure information and information technology maintained by the public body. Records, documentation, notes, or other materials made by, or provided to, the representatives pursuant to this paragraph are confidential and exempt from public disclosure under this chapter and title 39, chapter 1.
- B. Minutes of and discussions made at executive sessions shall be kept confidential except from:
    1. Members of the public body that met in executive session.
    2. Officers, appointees or employees who were the subject of discussion or consideration pursuant to subsection A, paragraph 1 of this section.
    3. The auditor general on a request made in connection with an audit authorized as provided by law.
    4. A county attorney or the attorney general when investigating alleged violations of this article.
  - C. The public body shall instruct persons who are present at the executive session regarding the confidentiality requirements of this article.
  - D. Legal action involving a final vote or decision shall not be taken at an executive session, except that the public body may instruct its attorneys or representatives as provided in subsection A, paragraphs 4, 5 and 7 of this section. A public vote shall be taken before any legal action binds the public body.
  - E. Except as provided in section 38-431.02, subsections I and J, a public body shall not discuss any matter in an executive session that is not described in the notice of the executive session.
  - F. Disclosure of executive session information pursuant to this section or section 38-431.06 does not constitute a waiver of any privilege, including the attorney-client privilege. Any person receiving executive session information pursuant to this section or section 38-431.06 shall not disclose that information except to the attorney general or county attorney, by agreement with the public body or to a court in camera for purposes of enforcing this article. Any court that reviews executive session information shall take appropriate action to protect privileged information.

### **Other Statutory Provisions**

SOURCES: A.R.S. Sections 15-1808, 15-1821, 15-1822, 15-1821.01, 15-1841, 36-601.01, 41-563.01, 41-1231, 41-1442, 41-1492 through 41-1492.12

Other statutory provisions affecting community college district governing boards that are not listed under the governing board powers and duties discussed above are found in Title numbers 15 (Education), 36 (Public Health and Safety), 38 (Public Officers and Employees), and 41 (State Government). These sections include provisions that:

15-1808 - Authorizing tuition waivers for certain children or spouses of peace officer, correctional officer, fire fighter, emergency paramedic, National Guard member or member of the United States armed forces killed in the line of duty; disabled National Guard member.

15-1821 - Providing for the special admission to a community college of a student who is under age 18. Each community college district board shall adopt policies that require community colleges under its jurisdiction to admit students under age eighteen who have not yet attained a high school diploma or high school certificate of equivalency and who meet the established requirements of the courses for which they enroll.

15-1821-01 - On a determination by a community college district governing board that it is in the best interest of the citizens of a district, the district governing board may authorize district community colleges to offer college courses that may be counted toward both high school and college graduation requirements at the high school during the school day, subject to the following:

The community college district governing board and the governing board of the school district or organization of which the high school is a part shall enter into an agreement or contract. These intergovernmental agreements or contracts shall be based on a uniform format that has been cooperatively developed by the community college districts in this state.

15-1841 - Requiring registration with the selective service, if federal law requires such registration, prior to establishing eligibility for state financial aid.

36-601.01 - Prohibiting smoking in public buildings.

41-563.01 - Notification of vote by governing board.

### **ARE COMMUNITY COLLEGES POLITICAL SUBDIVISIONS?**

When the former politically appointed State Board for Community Colleges was dissolved, community college districts were written into statute as “political subdivisions” of the state. “District” means a community college district that is established pursuant to sections 15-1402 and 15-1403 or section 15-1402.01 and that is a political subdivision of this state...” (ARS 15-1401).

In the event of a vote by the governing board of any political subdivision pursuant to article IX, section 20, Constitution of Arizona, for the purpose of authorizing expenditures in excess of the prescribed limitations or for proposing an alternative spending limitation, the governing board shall:

1. Prior to the vote hold two public hearings on the proposed action. Notice of such hearings shall be published once a week for at least two consecutive weeks in a newspaper of general circulation in the applicable political subdivision. Immediately following the second public hearing, the governing board shall convene a special meeting and vote on the proposed excess expenditure.
2. Following the vote, a notice shall be published in a newspaper of general circulation within the political subdivision. The notice shall contain the following:
  - (a) A record of the vote.
  - (b) If approved, the amount of the expenditures which exceed the amount allowed pursuant to article IX, section 20, subsection (1), Constitution of Arizona.

- (c) If approved a statement of the purpose or purposes for which the excess expenditures will be expended and the source of revenues to be used to finance the excess expenditures.

41-1231 - Applying the lobbyist registration law to community college districts.

41-1442 - Prohibiting discrimination against any person on the basis of race, color, religion, sex, national origin or ancestry.

41-1492, 41-1492.11, 41-1492.12 - Requiring the elimination of discrimination against individuals on the basis of disability.

### **Conflict of Interest**

#### 38-501. Application of article – Conflict of Interest

- A. This article shall apply to all public officers and employees of incorporated cities or towns, of political subdivisions and of the state and any of its departments, commissions, agencies, bodies or boards.
- B. Notwithstanding the provisions of any other law, or the provisions of any charter or ordinance of any incorporated city or town to the contrary, the provisions of this article shall be exclusively applicable to all officers and employees of every incorporated city or town or political subdivision or the state and any of its departments, commissions, agencies, bodies or boards and shall supersede the provisions of any other such law, charter provision or ordinance.
- C. Other prohibitions in the state statutes against any specific conflict of interests shall be in addition to this article if consistent with the intent and provisions of this article.

#### 38-503. - Conflict of interest; exemptions; employment prohibition

- A. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.
- B. Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.
- C. Notwithstanding the provisions of subsections, A and B of this section, no public officer or employee of a public agency shall supply to such public agency any equipment, material, supplies or services, unless pursuant to an award or contract let after public competitive bidding, except that:

Political subdivisions other than school districts may purchase through their governing bodies, without using public competitive bidding procedures, supplies, materials, and equipment not

exceeding three hundred dollars in cost in any single transaction, not to exceed a total of one thousand dollars annually, from a member of the governing body if the policy for such purchases is approved annually.

- D. Notwithstanding subsections A and B of this section and as provided in sections 15-421 and 15-1441, the governing board of a school district or a community college district may not employ a person who is a member of the governing board or who is the spouse of a member of the governing board.

#### 38-504. - Prohibited acts

- A. A public officer or employee shall not represent another person for compensation before a public agency by which the officer or employee is or was employed within the preceding twelve months or on which the officer or employee serves or served within the preceding twelve months concerning any matter with which the officer or employee was directly concerned and in which the officer or employee personally participated during the officer's or employee's employment or service by a substantial and material exercise of administrative discretion.
- B. During the period of a public officer's or employee's employment or service and for two years thereafter, a public officer or employee shall not disclose or use for the officer's or employee's personal profit, without appropriate authorization, any information acquired by the officer or employee in the course of the officer's or employee's official duties which has been clearly designated to the officer or employee as confidential when such confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary for the proper conduct of government business. A public officer or employee shall not disclose or use, without appropriate authorization, any information that is acquired by the officer or employee in the course of the officer's or employee's official duties and that is declared confidential by law.
- C. A public officer or employee shall not use or attempt to use the officer's or employee's official position to secure any valuable thing or valuable benefit for the officer or employee that would not ordinarily accrue to the officer or employee in the performance of the officer's or employee's official duties if the thing or benefit is of such character as to manifest a substantial and improper influence on the officer or employee with respect to the officer's or employee's duties.

#### 38-505. - Additional income prohibited for services

- A. No public officer or employee may receive or agree to receive directly or indirectly compensation other than as provided by law for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is pending before the public agency of which he is a public officer or employee.
- B. This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

#### 38-506. - Remedies

- A. In addition to any other remedies provided by law, any contract entered into by a public agency in violation of this article is voidable at the instance of the public agency.
- B. Any person affected by a decision of a public agency may commence a civil suit in the superior court for the purpose of enforcing the civil provisions of this article. The court may order such equitable relief as it deems appropriate in the circumstances including the remedies provided in this section.
- C. The court may in its discretion order payment of costs, including reasonable attorney's fees, to the prevailing party in an action brought under subsection B.

38-508. - Authority of public officers and employees to act

- A. If the provisions of section 38-503 prevent an appointed public officer or a public employee from acting as required by law in his official capacity, such public officer or employee shall notify his superior authority of the conflicting interest. The superior authority may empower another to act or such authority may act in the capacity of the public officer or employee on the conflicting matter.
- B. If the provisions of section 38-503 prevent a public agency from acting as required by law in its official capacity, such action shall not be prevented if members of the agency who have apparent conflicts make known their substantial interests in the official records of their public agency.

38-509. - Filing of disclosures

Every political subdivision and public agency subject to this article shall maintain for public inspection in a special file all documents necessary to memorialize all disclosures of substantial interest made known pursuant to this article.

38-510. - Penalties

- A. A person who:
  - 1. Intentionally or knowingly violates any provision of sections 38-503 through 38-505 is guilty of a class 6 felony.
  - 2. Recklessly or negligently violates any provision of sections 38-503 through 38-505 is guilty of a class 1 misdemeanor.
- B. A person found guilty of an offense described in subsection A of this section shall forfeit his public office or employment if any.
- C. It is no defense to a prosecution for a violation of sections 38-503 through 38-505 that the public officer or employee to whom a benefit is offered, conferred or agreed to be conferred was not qualified or authorized to act in the desired way.
- D. It is a defense to a prosecution for a violation of sections 38-503 through 38-505 that the interest charged to be substantial was a remote interest.



## **THE ROLE OF THE GOVERNING BOARD MEMBER**

### **Overview of the Role of the Governing Board Member**

The governing board member is a member of a lay board that functions as a single unit. The board, because it is comprised of elected officials, acts as a community bridge. It sets the policy direction of the institution, based on the concerns of its constituency, and evaluates the implementation of that policy. The board is not elected to represent the views of the education professional.

The community college district governing board employs a chief executive officer to act as the institutional leader and to implement the policies established by the board. The CEO is instrumental in promoting a district climate to support educational goals, and in the fiscal health and stability of the college.

#### **The Board**

The board is the legal entity of the district. It brings to the district collective talents, skills, and backgrounds. Individual board members have no authority. Only the board is authorized to take a position or to make a decision on behalf of the district.

#### **Policy Direction**

In addition to responding to the needs of the community, policy decisions are based on the history and mission of the institution. Planning, both for the long- and short-term, are a critical component in the policy development process. The policy direction for the institution is set by the board, but policy directions may be questioned and challenged. No single member develops a given policy.

#### **Evaluation**

Once a policy is set, the board may consider benchmarks for evaluating the effectiveness of the policy. Board members should establish timeframes for self-assessment and for an annual board evaluation. Policies are approved by a positive vote of the majority of the Board.

#### **The CEO**

The CEO is the key to accomplishing the board's goals. He or she must be considered a part of the team. The board is responsible for delegating authority to the CEO and supporting and evaluating the CEO's actions. The board must clearly articulate its expectations and define its position to its CEO. Open communication, mutual confidence, and trust are essential to a solid, positive working relationship.

#### **The Climate**

The governing board must create conditions for innovation and leadership. The board should encourage and support the professional growth of staff. The board should encourage the full participation of employees and community members as the board develops its policies. Budget decisions must support academic priorities.

The behavior of the board sends a strong message regarding the climate in which educational goals will be met. A board that conducts itself in a fragmented, disorganized manner will likely support a learning climate that is consistent with this behavior.

### **Fiscal Health and Stability**

The budget is the policy document; it establishes priorities by specifying funding for the college. The budget also speaks to the financial condition of the district. A well-planned budget will help to ensure long-term institutional viability.

### **Community Bridge and Buffer**

By acting as a community bridge and buffer, the board links the community with the institution. The district governing board must inform the community of the education process, the institutional policies and needs, and the college's successes and challenges. It must resist inappropriate influence by special interests. Advocating the position of the institution to local and state elected officials is critical. Both the state and local communities must understand the role of the institution in the community which it serves.

### **Agent of Change**

The board's awareness of issues and trends is essential. Without this understanding, the board will be unable to act as a positive agent of change. To better understand these issues, board members must allocate time and resources to continuing education. Continuing education will help board members to know which questions to ask. Questions are important – they force thinking. Thinking leads to insight and insight produces understanding.

### **The Governing Board Member's Working Relationships**

Board members are part of a team. They must act with vision, intelligence, respect and caring. "What" is important, but "how" is the key.

Questions relating to a governing board member's working relationships are difficult to answer. The answers are usually determined by the CEO's management style and the relationships that develop among individual board members. With those thoughts in mind, a governing board member may wish to consider the following guidelines:

#### **Governing Board Members Relationships with Each Other**

Governing board members must possess a genuine desire to provide public service to others and commit themselves to carrying out the legal, ethical, and moral obligations of the job. It will take many hours each year to serve the educational and social needs of the board's constituents. If, however, the members believe that by serving others they will obtain greater fulfillment in life, they can expect to receive rewards that cannot be measured in dollars and cents. Specific expectations of all governing board members include the following:

Representing a broad cross section of the community.

Representing the institution, its aspirations, its students and the taxpayers.

Speaking for the board only when it has been delegated to the governing board member to do so.

Being a liaison between the institution and the community.

Informing the community of the financial needs of the institution and supporting all efforts for sound financial backing.

Attending board meetings regularly and promptly.

Reviewing all materials sent out in advance of the meetings to make intelligent decisions.

Being active and supportive of advocacy at the local, state and national levels concerning laws and funding activities of the community college system and institutions.

Being willing to serve on committees.

### **The Chair's Relationship with Governing Board Members**

Although the expectations of a board chair vary from board to board, certain duties are common to all. Ideally, the chair will have had several years' experience on the board prior to assuming the position. This person should have proven leadership ability. This leadership ability may be exhibited by a successful career and knowing how to work with people, how to solve problems, and how to delegate responsibility and authority. The chair should be able to preside at meetings and should have the time available to do an effective job. The chair's role will often require helping the college outside the meetings, therefore requiring more time for that individual.

Specific duties include:

Presiding at all meetings.

Appointing committees.

Facilitating discussion and decision making.

Working closely with the CEO in setting the agenda for meetings.

Acting as liaison with the CEO.

Serving as spokesperson for the board.

Serving as representative of the board.

Consulting with other governing board members who are not fulfilling their responsibilities or who are violating the bylaws, policies, and practices.

Initiating periodic evaluations of the CEO and the board.

Providing counsel and consultation to the CEO.

### **Governing Board Member's Relationship with the CEO**

The CEO is employed by the district governing board and serves either on contract or at the pleasure of the board. All business of the institution should be conducted between the board and the CEO. No more than one chief executive should be directly responsible to the board. If the CEO is to function as a competent leader of the institution, a mutual, respectful CEO-governing board member relationship must exist. While there should be a general understanding that the board will accept advice from all sources, this advice should be communicated through the CEO.

The CEO needs to be the sole or primary communicator between the board and the rest of the institution. If the board permits subordinate staff to have independent access to it, then the administrative authority of the CEO will be undermined.

The CEO's educational leadership provides direction for all entities within the institution: staff, faculty, and the governing board members. As a professional administrator with relevant education and experience, the CEO is responsible for bringing into focus the long-term, overall vision of the institution.

### **Governing Board Member's Relationship with Staff**

The administrative staff and faculty of the institution are directly responsible to the CEO and should conduct their business with the board through the CEO. Any attempts to circumvent the proper chain of command will weaken the institution and create divisiveness. The most important service the staff and faculty can provide to the board is that of understanding and supporting the role of the institution. A fundamental responsibility of the board is to provide the staff and faculty with adequate policies.

### **Suggested Strategies for Effective Boardsmanship**

In addition to the above specific guidelines on relationships, the following "hints" or strategies can be helpful in establishing effective working relationships:

DO take time to learn about the community college. The history of the college is important in understanding its present program structure and the mission of the institution.

DON'T hesitate to ask questions of the college CEO and of other board members, prior to meetings, or at meetings.

DO attend all meetings after carefully reading and studying the agenda and materials.

DON'T make the mistake of assuming that a polished agenda necessarily means that adequate staff work has taken place in preparing the recommendation.

DO question recommendations to the point of ascertaining that adequate planning and staff work has been done to support the recommendation.

DON'T frame your questions antagonistically or in an adverse manner. Too many people will hear adversarial questions as dissent on the board, and the various constituents of the college and the community may misuse that question or comment.

DO attend regional, state, and national seminars and conferences. Participate in the Association of Community College Trustees and in the national governing board member association.

DON'T begin a cycle of being too busy to become an involved, well-informed governing board member.

DO become involved legislatively in promoting the community college.

DON'T assume that your impact is minimal; it is major in the legislative process.

DO restrict your involvement in the community college to the policymaking role.

DON'T turn your boardsmanship into a quasi-administrative job.

DO listen to individuals in the community concerning their suggestions about the college.

DON'T become involved with constituent groups within the college that negatively affect the established governance system.

DO involve yourself in the long-range planning of the college and the establishment of goals for the institution.

DON'T allow short-term interests to compromise the long-term needs of the college.

DO speak positively and in support of the community college and its programs in the community.

DON'T carry stories of “woe” or “wash the college’s dirty linen” in the community. Remember you have the highest status of anyone associated with the college. What you say will be heard and will be quoted.

DO support, encourage, and reward your college CEO. You, as an individual governing board member and as a member of the board are a key reference point in your CEO’s life.

DON'T allow misinformation, hurt feelings or small dissatisfactions to grow into major issues. Work informally and cooperatively with your CEO and fellow board members to resolve differences.

### **Decision Making**

Developing good decision-making skills is critical to becoming an effective board member. Several key steps will facilitate this process:

Clarify. Board members must determine the desired goal or outcome and formulate and consider alternatives. Affected parties should provide information. Board members should discard improper or impractical alternatives.

Weigh. Distinguishing facts from beliefs, desires, and emotions, although sometimes difficult, is a key aspect of effective decision making. The credibility of the individual providing the information is an important consideration. Assessing likely consequences to affected parties helps to put the decision in perspective.

Decide. Make a judgment. Board members should consider the worst-case scenario, as well as the likelihood of that scenario. If a dilemma develops, consider modifying the goal, changing methods and/or consulting affected persons.

Implement. Board members should ensure that the CEO develops an implementation plan that maximizes the benefits and minimizes the costs and risks.

Evaluate. A governing board should set a time for later review and assessment of the results of the decision and its implementation.

### **Guidelines to Assist in the Decision-Making Process**

#### **Preparation for a Board Meeting**

Adequate preparation for a board meeting allows a governing board member to be an active participant in discussions.

#### General Guidelines

Based on experience from long-serving Trustees, it is important to establish a process for board meeting preparation, so board members can develop consistency in approaching key issues.

- Educate yourself for study and understanding, for follow-up and to get continuity
- Set up a system for review of materials
- Establish a study discipline to allow time to carefully review each item and ask questions
- Reach out to the CEO before the meeting if you have questions or concerns about any of the

#### Specific Guidelines

As an individual board member studying specific items sent in the board packet, asking the following questions will enhance understanding:

- Is it within the law?
- Does it follow college policies and procedures?
- What will it cost in time and money?
- Is it within the budget?
- Do I thoroughly understand it?
- Where can I secure the additional information that I may need?
- Is it a new practice or program?
- What has been done before on this issue?
- What is the current practice and procedure? Where can I find out?
- What are the advantages and disadvantages of the proposal?
- What long-range impact will it have on the college?
- How often will it be reviewed?
- How will it be evaluated?
- What feedback should be received from the administration?

## **During The Board Meeting**

Following certain guidelines during the meeting will help governing board members to make decisions that advance the college's agenda.

### General Guidelines

By understanding general board processes and board activities that are unique to the district, board members can enhance their ability to affect key decisions.

- Learn how the board operates
- Know the background of individual board members
- Understand the types of meetings that the Board will be involved in (business meetings, work sessions, retreats, etc.)
- Learn the protocol of meetings
- Understand the board committee structure and procedure
- Learn precedents of the board
- Learn the role of CEO versus the role of the board; governing board members do not get involved in administration
- Understand the board policies

### Specific Guidelines

As an individual board member takes part in the board meeting, the following are suggested:

- Actively participate
- Provide input
- Give direction
- Be objective
- Interact with the other members of the board
- Do not speak to the public or press during the meeting
- Make decisions based on facts and alternatives
- Do not come to the meeting with a decision
- Avoid tunnel vision, look to future impact
- Learn to ask questions to get facts for decision making
- Couch inquires so as not to appear negative
- Listen to others; listen to what is said, as well as what is not said
- Respect other viewpoints, as well as your own
- Weigh other viewpoints with yours
- Consider issues, not personalities, and ignore peer pressure
- Determine the advantages and disadvantages associated with the issue
- Should you be particularly interested in an issue and have thoroughly researched it for background, take a position once you have heard others, provide rationale for your position, and try to convince others of your position; it is not necessary to try to be persuasive on every point; trying to swing your fellow board members on every issue will prove counterproductive

- Help the chair by cutting off debate when all sides of a question have been set forth; there is no need to repeat the same issues; other items on the agenda are also important and by helping to close discussion, the board can complete its work
- Should you not have sufficient data and need to vote, you may seek to table or postpone the vote until more data is available
- Abstain from voting if there is a conflict of interest on your part, but do not abstain because you are fearful you will offend a fellow board member or member of the public

### **Following the Board Meeting**

Once issues are voted upon and the board has made a legal decision, board members should:

- Accept the decision whether it was one he or she supported
- Convey understanding of the decision to others
- Follow up on expected action
- Monitor and review regularly

*Prepared by Ray Hartstein, Trustee, Oakton College, Illinois and used with his permission.*

## **ETHICS**

Voters today are scrutinizing the actions of elected officials more than at any other time in our history. The board may choose to adopt a code of ethics, if it has not already done so, to help board members determine an appropriate course of action when a questionable situation arises. Below is an example of an effective District Governing Board Code of Ethics.

### **Statement of Governing Board Member Ethics and Conduct**

The following “Statement of Governing Board Member Ethics and Conduct” illustrates issues and actions that a governing board may choose to include in its code of ethics:

“The governing board members recognize that the education of students is the reason for the college’s existence; all other functions must support this purpose. It is the duty of the board of governing board members to ensure that students receive the highest quality education in the most efficient manner possible.

Governing board members support the college mission and inspire those in the college and the community, by ensuring recognition, understanding, fairness, openness, professional development and intellectual growth through their official actions and the example they set collectively and individually.

In the performance of their governance responsibilities, college governing board members shall:

- Recognize that the primary responsibility of the board is to govern the college in the best interests of the educational needs of the entire college district.
- Assure the special needs and concerns of constituents, campus and community interests are identified and considered prior to decision making.



- Promote and encourage open, mutually supportive, and accountable participation and initiative of students, faculty, and staff in the governance process.
- Communicate and promote the needs of the community to the college and the needs of the college to the community.
- Encourage and safeguard open access to the board while maintaining appropriate and well-defined college communication and decision-making channels.
- Recognize that a governing board member is a member of a legal entity; that the strength and effectiveness of the board is as a unit, not as a group of individuals; and that majority decisions of the board shall be supported.
- Develop and maintain good relations with fellow board members by recognizing the importance of keeping an open mind and promoting the opportunity to think through other facts and points of view which may be presented, respecting the opinions of others, and abiding by the principle of majority rule, and respectfully working with other board members in a spirit of harmony and cooperation, giving members courteous consideration of their opinions.
- Maintain consistent and vigilant oversight of the college as a policy setting board with emphasis on instructional quality, operational efficiency, and fiscal stability.
- Delegate authority to the college CEO to initiate policy recommendations, administer programs, conduct college business, and implement board actions.
- Promote a healthy working relationship with the college CEO through supportive, open, and honest communication and regular evaluation.
- Act honestly and openly at all times, following the letter and intent of laws, and keeping the confidentiality of privileges and closed session information.
- Avoid all conflicts of interest and the appearance of conflicts of interest.
- Devote time to activities that will enhance the ability to function effectively as an educational governing board member.”

This code may include statements that address the responsibilities of individual board members. Such statements would provide a framework to help individual board members and the board, as a public entity, determine appropriate behavior.

### **Statement of Values**

A board may also choose to adopt a “Statement of Values” which establishes a policy for the district that reflects values consistent with its mission. Broad participation from all segments of the college community will help to establish a well-balanced value statement.

## **SELECTING A CHIEF EXECUTIVE OFFICER**

The selection of a CEO for a community college is a unique undertaking and is, perhaps, the most important decision a board can make. The suggestions and advice offered in this section are ideas to be considered when selecting a CEO. Additional ideas can be found from the many organizations that assist with CEO searches, such as AGB, ACCT, and others. No other board decision will affect the future of the college as much as selecting a new CEO, therefore, a board should be as prepared as possible when it is necessary to select a CEO.

### **The Selection Process**

When seeking a CEO, the board may wish to create a body to search for, screen and recommend suitable candidates for final action by the board. In establishing such a body, most community college governing board members do one of three things:

- they constitute themselves as the search and selection committee,
- they create a committee composed of governing board members, faculty, administrative officers, community members and students, and/or
- they employ an outside agency to advertise and screen applicants in accordance with board specifications.

In most cases, the creation of a broad-based committee is the recommended approach to CEO selection because the exclusion of faculty and other constituencies in the search and selection process can negatively affect the acceptance and eventual success of a capable and promising CEO. However, situations may arise where the board should elect to forgo such a committee because the board may need to act singularly and quickly to select a chief executive officer to assure strong leadership and decisive action for the college.

### **The Search Committee Mandate**

If a board chooses to use a committee, a clear statement of the committee's mandate must define its responsibilities and the extent of its authority. Loren Anderson from AGB (updated 2021) suggests the following information if the Board of Trustees uses a search committee during a CEO search:

Across the landscape of higher education, the search committee plays a central role in the recruitment and hiring of presidents and senior executives. At the same time, it is widely recognized that not all search committees are created equal; many function well and add significant value to the search process, while at other times, they may wander off track, lose their discipline and focus, struggle to reach decisions, and, at worst, slow or even derail the entire search process.

This information discusses two important questions:

1. Why are search committees important in higher education hiring?
2. What are some of the established best practices that contribute to effective search committees?

### **Why?**

Search committees are an important and powerful expression of higher education's shared governance model for decision-making. Key stakeholders should be involved – expect and deserve to be involved –

in decisions that impact their arena of work and service. Further, such involvement deepens the shared commitment to the institution's mission and welfare. Confidence and trust among important constituencies is built.

Effective search committees add value and contribute significantly to better hiring decisions. The reason is simple: personnel decisions are extremely complex, they are multi-dimensional, and they involve important priority choices and subtle trade-offs. The multiple perspectives provided by the search committee, and their individual members, add important insights and thoughtful nuance to the decision-making process. Search committees that work toward consensus while listening carefully to individual voices become a helpful and key partner in recommending the right candidate.

### **Size of the Committee**

Many believe that the search committee should not have more than nine members. For some executive searches that may be true; for presidential searches, a committee of 11 to 15 (or even larger) may be appropriate. There is no single answer.

### **Diversity, Equity, and Inclusion**

Every higher education search must begin with a clear commitment to diversity, equity, and inclusion – and that commitment begins with the composition of the search committee. For Boards and campuses where diversity is currently limited, it may be necessary to think more broadly about committee membership and/or increase the size of the search committee. Experience teaches that doing so will positively influence both the process and, many times, the outcome of the search.

### **Building Consensus**

A consensus-model of decision-making is the goal for every search committee. More than any one factor, realizing this ideal depends on the committee leader. All of us know, and have been privileged to work with, those remarkable people who have a gift for building consensus. They are not put off by difference and vigorous debate; indeed, they encourage it and make sure individual viewpoints and ideas find expression.

### **How?**

Experience has taught us that three qualities describe the most effective search committees:

1. **Ownership** – a sense of responsibility for the process of the search, the outcome of the search, and the success of the new CEO;
2. **Engagement** – a commitment by committee members to do their work well, and to participate fully in each step of the search process; and,
3. **Trust** – a sense of confidence and assurance; a belief in the good will and common interest shared by the committee, its members, the institution, and the search consultant.

There is no simple formula for forming and developing a search committee marked by these qualities – but there are some tried and true best practices that contribute.

### **Getting Started**

Engaged search committee members are selected carefully and invited to serve through a process that is professionalized and personal – no group emails will do! Time for introductions and getting to know each other is an investment in the social capital of the group that is so important as the committee faces important and challenging decisions later in the process.

### **The Search Profile**

Effective search committees own the process, including ownership of the search profile. It is particularly important that the pre-search study process actively engages the search committee in articulating and approving the “Leadership Agenda” and “Desired Attributes for Leadership” sections of the profile.

### **Along the Way**

Effective search committees are engaged at each step of the process. Committee members are expected to review all applications, not a selected list developed by a screening committee or the search consultant. As the interview time for candidates approaches, the committee participates in developing the questions and conducting the initial interview, and then serves as host on the campus. As each step of the process unfolds, committee members learn first-hand more about the candidates under consideration, and their felt responsibility for the search increases.

### **And Then a Decision/Recommendation**

Following the campus interviews, the committee is charged to gather and review all that has been learned about the finalists and to prepare their recommendations. The charge (presented at the beginning of the search) should define the task, as the search committee may be asked to recommend a single candidate, to rank the finalists, or to provide a list of strengths and weaknesses for each of the candidates. At this crucial moment in the work of the search committee, trust is a key ingredient – are members free to speak, are others ready to listen, is it possible to disagree respectfully, will our decision matter after all? One wise search committee chair framed it this way, “We are going to have a conversation that is totally confidential, that allows for complete candor, in an effort to achieve a thoughtful consensus.”

## **The CEO Profile**

Most community college boards will undertake the analysis of institutional needs from which will flow specific criteria for the selection of a CEO. The board should request advice from constituencies from within the college and from the community at large during the needs-assessment process, and then solicit reactions to the proposed selection criteria. The board should incorporate the final criteria into a “CEO profile” which is relevant to the current and future conditions of the college.

In forming the profile, the board should ask itself if the college needs a strong change-oriented leader, a financial wizard, a caretaker, an educational visionary, a fundraiser, or some combination of these and other abilities. The desired qualities stated in the profile should match the needs of the college and be so articulated to applicants for the position.

The CEO selection process should result in the matching of an individual to the institution’s needs at that time in its history. The candidate who is ideal for one institution might be a complete failure at another institution. In the end, the board must be certain that the chosen individual can provide the leadership that will move the college effectively toward its goals and who has the personal traits to develop a productive working relationship with the board.

## The CEO Contract

When hiring a new chief executive of the college, it is important to ensure that the district governing board and the CEO negotiate a fair contract for both sides. Below are some of the terms that may or may not be discussed depending on the college, its location, and its environment.

For the CEO to be successful, the district governing board must be prepared to vest total management responsibility to the CEO and the Board should so state in the contract.

Possible terms to be discussed:

### Conditions of employment

- Length of appointment or contract
- Time frame for renewal consideration, if appropriate
- Academic rank, if appropriate
- Academic tenure, or how obtained, if appropriate
- The process and procedure to be followed for assessing the performance of the president, including any due-process procedures

### Compensation

- Base salary
- Deferred compensation
  - Purchase of annuity to limit of tax laws
  - Amount held to be distributed at a future time, such as the end of tenure as president

### Retirement plans

- Who pays
- How much is contributed
- Voluntary deduction for additional plans
- Is the plan tied to Social Security
- Other sources of compensation (i.e., foundation support)
- Consulting opportunities
- Service on corporate and other paying boards
- Financial agreement upon leaving the presidency, whether leaving the campus or staying in a different role; any long-range financial payments accrued during the presidency that are paid after separation from the institution should be spelled out

### Insurance

- Health
  - Spouse
  - Dependents (to what age)
  - Major medical (to what limits)
  - Yearly medical examination
- Life
- Disability

- Professional liability: bridge policy between personal and that purchased or provided by the institution
- Travel insurance (accidental death or disability)
- Automobile (institution owned) insurance; does institutional insurance cover rental cars

#### Housing

- If housing is provided:
  - Which bills are paid by college
  - Requirements regarding family vs. official use
  - Redecorating (how many dollars, who decides what)
  - Building addition (how many dollars, who decides what)
  - Lawn and grounds care
  - Maid and/or housekeeping service
  - Opportunities to acquire personal residential real estate
  - Replacement or repair of personally owned furniture
- If housing is not provided:
  - Housing allowance
  - Lawn and grounds care
  - Housekeeping service
  - Replacement or repair of personally owned furniture

#### Travel

- If a car is provided:
  - What size
  - What expenses
  - What about personal use
- If car is not provided:
  - Mileage reimbursement rate (mechanism for adjustment)
  - Travel-related expenses to be covered
  - Payment for spouse travel
    - Attendance at meetings (what kind, how many, where)
    - International travel

#### Leave

- Vacation:
  - Accrue at what rate
  - Accumulate to what limit
  - Payment for non-use or upon separation
- Sick:
  - Accrue at what rate
  - Accumulate at what rate
  - Payments for non-use or upon separation

## Professional development

- Length
- Salary
- Status upon return

## Other considerations

- Social responsibilities
  - How paid, and what limits
  - Payment for off-campus and on-campus obligations
  - Who performs social coordinator responsibilities, and how remunerated
- Expectations by, for, and about spouse:
  - Campus expectations
  - Community expectations
  - Extent of involvement with institution
  - Outside employment
  - Campus employment
- Secretarial and other support when conducting institutional business
  - Entertainment expense (on and off campus)
- Club dues
- Professional memberships
- Service on boards
- Acceptance of leadership positions (local, state, national)
- Research and writing assistance
- Tickets to institutional and no institutional events
- Moving expenses
- Financial counseling
- Family use of facilities and payment for services
  - Tuition
  - Babysitting
  - Day care for minor children
- Leaving the presidency
  - Length of notice required by the president and/or the governing board. Due process requirements
- Position of responsibility if the president stays with the institution
  - How is salary determined
  - Office, secretary, expense allowance, other perks
- Outplacement service
- Relocation expense
- Separation package, agreement, or allowance
- Retraining opportunities (leave with pay, how long)

*Excerpted from Appleberry, J. B. (1996). The presidential search and condition of employment. Washington, D.C.: American Association of State Colleges and Universities.*

Districts might wish to consult with other districts regarding separation and buy-out policies, as well as their college attorney.

## **Board – CEO Relations**

To provide some additional guidance in the selection process, we include George Potter’s “Ten Principles of Good Board-President Relations”. These principles are still relevant today!

Principle One: Select a president who can meet the college’s needs.

Principle Two: Select a president who is compatible with the trustees.

Principle Three: Establish appropriate lines of authority.

Principle Four: Do not undermine the president’s authority.

Principle Five: Maintain open and honest communication with the president.

Principle Six: Protect the president.

Principle Seven: Develop a relationship with the president based upon mutual respect and trust.

Principle Eight: Respect the president’s right to make administrative decisions.

Principle Nine: Provide the president with sufficient authority to manage college personnel and resources.

Principle Ten: Evaluate the president periodically.

*Reprinted from: Potter, G. E. (1986). Trusteeship: Handbook For Community And Technical College Trustees. Association of Community College Trustees, [www.acct.org](http://www.acct.org).*

*Also see: Smith, C. J. (2000). Trusteeship in Community Colleges. Association of Community College Trustees, [www.act.org](http://www.act.org).*



## COMMUNITY COLLEGE FINANCE

### Primary and Secondary Tax Valuations

Arizona's property tax system uses a single limited property value for taxing purposes.

#### **Primary Property Taxes**

Primary values are limited, that is, these values may not increase more than 5 percent per year. Exceptions to this valuation do exist in the cases of new construction, change in use or errors in assessments.

Primary values are used to calculate primary property taxes. These taxes are used by political subdivisions such as school districts, community college districts, counties, cities, and state government to fund maintenance and operation expenses.

Under the Arizona Constitution, each taxing jurisdiction, including community college districts, is restricted in the amount of local tax money that it can raise through a tax levy. Each county provides to the taxing jurisdiction a copy of the maximum allowable levy increase per year. Generally, the levy limit may increase no more than two percent annually, plus any new assessed valuation that may be added to the tax rolls. New valuation results from taxing new construction or escaped property.

#### **Secondary Property Taxes**

Limited property values are used to pay off secondary property taxes that are collected for debt service, budget overrides and special districts. Secondary property taxes must be voter approved. The secondary rate is set by all taxing entities based on their need to meet the obligation for which the secondary tax is assessed.

### District Assessment

#### **Assessment**

There are two types of classification property assessments: centrally assessed property and locally assessed property. Centrally assessed property includes mines, railroads, utilities, etc., that are doing business or located in more than one county. These properties are assessed by the state. Locally assessed property is property that is assessed by each county assessor for that jurisdiction.

#### **Tax Ratios**

Our tax system also classifies certain property according to usage. Some property types carry a greater tax burden than others. Arizona has several classes of property and each class of property has an assessment ratio. This ratio is applied to the limited primary value to produce the primary and secondary assessed valuation.

## **Expenditure Limitation**

On June 3, 1980, Arizona electors amended the State Constitution to impose expenditure limitations on community college districts (Arizona Constitution Article IX, Section 21). This amendment provides that each community college district can only expend the same amount of “local revenues” expended in fiscal year 1979-1980, adjusted by the Economic Estimates Commission (EEC) to reflect changes in “student population” and the cost of living [Arizona Constitution, Article IX, Section 21 (1)]. Student population is defined in the State Constitution as “the number of actual, full-time or the equivalent of actual full-time students enrolled in the. . . community college district determined in a manner prescribed by law” [Arizona Constitution, Article IX, Section 21 (4)].

The Legislature defined the term “full-time equivalent student” (FTSE) as “student enrollment for fifteen community college units per semester” [A.R.S. section 15-1401 (8)]. Each CC District is required to submit to the EEC prior to January 10 of each year, the estimated number of full-time equivalent students for each community college district. The calculation of this FTSE is specified in statute. [A.R.S. 151466.01].

The EEC then calculates expenditures for the districts (A.R.S. section 41-563). To determine the expenditure limitations for the community college districts, the EEC uses the following formula:

$$\begin{array}{rclclcl} \text{Current FY} & & \text{Prior GNP IPD for} & & & & \\ \text{Student Population} & \times & \text{Current Calendar Year} & \times & \text{1979-1980} & = & \text{Current FY} \\ \text{1979/1980} & & \text{1978 GNP IPD} & & \text{Base Limit} & & \text{Expenditure Limit} \\ \text{Student Population} & & & & & & \end{array}$$

These fiscal expenditure limits must be supplied by April 1 (Arizona Constitution, Article XI, Section 20; A.R.S. Section 41-563). For each fiscal year, the 1979-1980 base limits will be adjusted for changes in the population and the cost of living between 1978 and the preceding calendar year of current fiscal year.

## **Assessed Valuation and Equalization Aid**

The law recognizes a minimum assessed valuation for a county to qualify as a community college district. In 1992, the Legislature changed the minimum primary assessed valuation required to organize a community college district to \$448,017,200. This amount increases by the yearly percentage changes in total primary assessed valuation for all districts with a population of less than 500,000 persons. A community college district that has less than the amount of assessed valuation required for the formation of a district receives “equalization aid” from the state annually in an amount that is prescribed by statute. The calculation of equalization aid is based on the lesser of an average primary tax rate for rural districts or the district’s actual prior year primary property tax rate.

## **Operational Revenue**

Operational revenue is derived from the following:

State Aid. Calculated by a statutorily prescribed formula that includes increases and decreases in FTSE count. The Legislature appropriates these dollars directly to the districts.

Student Tuition. Set by the local governing board.

Property Taxes. Based on statutorily and constitutionally prescribed limitations.

Miscellaneous Revenues. Including, but not limited to, such revenues as interest from investments, contract accounts, building rental and overhead funds earned from auxiliary projects.

## **Capital Revenue**

Capital revenue for equipment is derived from a state aid formula based on FTSE, institutional fund balances and voter approved secondary property tax. State aid capital and institutional fund balances can be used for building and grounds projects, and equipment purchases. County tax funds can only be used for equipment purchases.

### **Fund Accounting; Purposes of Basic Funds**

Community college districts maintain accounting systems in accordance with the principles of fund accounting to ensure observance of limitations and restrictions placed on the uses of the resources available. The principles of fund accounting require that resources be classified, for accounting and reporting purposes, into funds in accordance with the activities or objectives specified for the resources.

A fund is an independent accounting entity with a separate self-balancing set of accounts for its assets, liabilities, fund balance, revenues and other additions, and expenditures and other deductions. Funds with similar characteristics are combined into fund groups for accounting and reporting purposes.

## **Current Unrestricted Funds**

The governing board has flexibility in terms of its allocation and use of unrestricted funds.

The Current General Fund accounts for all current financial resources not required to be accounted for in other current funds.

The Current Auxiliary Enterprises Fund accounts for transactions of substantially self-supporting auxiliary activities that perform a service primarily to students, faculty and staff, but are not themselves educational activities. Such activities include bookstores, cafeterias, dormitories and intercollegiate athletics.

## **Current Restricted Fund**

Restricted funds are used for specific purposes.

The Current Restricted Funds account is for resources that are expendable for operating purposes, but restricted by donors or by other outside agencies to a specific purpose for which they may be expended.

The Loan Funds group accounts for the resources available for loans to students, faculty and staff. This fund group may be divided into separate funds for loans to students, faculty and staff.

The Endowment and Similar Funds group includes the Endowment Fund, Term Endowment Fund and Quasi-Endowment Fund. This group accounts for assets that are maintained and invested by the district and, at least temporarily, cannot be expended. The income from these investments may, however, be transferred to another fund and expended.

The Endowment Fund, the most common of these funds, accounts for assets subject to restrictions of donor gift instruments requiring the principal to be invested permanently and the income to be used for a specified purpose. The Term Endowment Fund is similar to the Endowment Fund except that, upon the passage of a stated period of time or the occurrence of a particular event, the board may expend all or part of the principal.

The Quasi-Endowment Fund is comprised of monies allocated by the district governing board, rather than a donor or external agency, to be retained and invested. Since this fund is not restricted by an external source to be used as an endowment fund, the governing board has the discretion to expend the principal and income. If allowed by the donor, the board may use restricted funds to establish a Quasi-Endowment Fund. However, the use of the funds is still subject to any donor-imposed restrictions, even though the donor did not specify that the board retain and invest monies in an endowment fund.

The Plant Fund group accounts for transactions relating to the investment in district property, buildings and equipment. It includes the Unexpended Plant Fund, Retirement of Indebtedness Plant Fund and Investment in Plant Fund.

The Unexpended Plant Fund accounts for resources available to finance the acquisition, construction or improvement of plant assets for the district. Staff also records resources restricted for renewals and replacements of existing district assets in the Unexpended Plant Fund. Staff accounts for construction in progress in this fund until the end of the fiscal year and then transfers it to the Investment in Plant Fund.

The Retirement of Indebtedness Plant Fund accounts for the accumulation of resources for payment of principal, interest and other debt service charges, including contributions for sinking funds relating to plant fund indebtedness.

The Investment in Plant Fund accounts for the costs of property, buildings and equipment of the district and the associated liabilities, except for assets accounted for in Endowment and Similar Funds. Assets recorded in the Investment in Plant Fund may be purchased from resources in the Unexpended Plant, Current Auxiliary Enterprises and Current Restricted Funds.

Custodial Funds account for resources held by the district as custodian or fiscal agent for students, faculty, staff and other organizations.

**SECTION III.**  
**LEGISLATIVE ADVOCACY**

## **LEGISLATIVE ADVOCACY**

Community colleges are local institutions. However, in the state and federal legislative processes, community colleges must speak with one voice on issues of statewide or national concern that impact all, or multiple community colleges. While this advocacy document is focused on issues of statewide concern, which the CEO's will take a position of support, opposition or neutrality through the Arizona Community College Coordinating Council (AC4), it is important to note that each community college district retains the ability to pursue college/community specific initiatives. In an effort to ensure a coordinated advocacy program, any college pursuing college/community specific initiatives has the responsibility to inform the other colleges regarding their issue and/or proposed solution.

The cornerstone of the Arizona Association of Community College Trustees' legislative strategy is the collaboration between the needs of the ten community colleges into a single, statewide effort. It is based upon lobbying efforts by governing board members, chief executive officers (CEOs), community leaders, employees, and students. This section will help to guide advocacy efforts by explaining some of the basic principles of legislative advocacy, providing an overview of the legislative process and suggesting a timeline to help coordinate advocacy efforts. Each of the CEOs of the ten community colleges will determine which trustees, employees, and students have the best knowledge to assist with legislative efforts.

### **The Role of the Governing Board Member**

The locally elected governing board members can and should play an essential role in legislative advocacy. Voters elect them to govern community colleges. Board members also often hold other key positions in the community. It is important to note, however, the CEOs are the leaders of the legislative effort and Board members should always seek their CEO's advice before talking with state or federal legislators.

Board members can be effective legislative advocates because they are both policy setters and community leaders. They are responsible for the formal adoption of college policies and are well acquainted with other community opinion leaders. Board members also effectively promote the college as a community resource and help marshal community support for college legislative priorities. Locally elected officials can establish, by resolution, that the legislative agenda be considered a top priority, and they can assure that it be taken seriously.

### **The Role of the CEO**

The CEO is central to establishing legislative advocacy on campus. CEO's coordinate their college legislative action program by orchestrating, delegating, and monitoring activities for maximum effectiveness. CEO's rely on partnerships to create effective legislative advocacy within their colleges and communities, as well as developing the legislative activity schedule.

CEO's provide the necessary expertise to explain community college issues during legislative hearings. The CEO's participation in committee hearings and in small group meetings with legislative leaders and staffs strengthens the community colleges' legislative effectiveness. CEO's should be involved in training efforts with individuals from their colleges to ensure consistent messaging around the legislative agenda.

## **The Role of the Districts**

Community colleges have gained recognition as a political force at the Legislature. However, community colleges must work together to maintain that effectiveness. The community colleges compete for funds and supportive statutes with other special interest groups. As the budget becomes tighter, the competition intensifies. Community colleges must educate legislatures as to their capabilities and positive effect on the Arizona economy. Presenting a single, coordinated front will help to enhance community college legislative effectiveness.

## **SETTING THE LEGISLATIVE AGENDA**

In August of each year, the CEO's (AC4) and AACCT, the board of trustees from the ten community colleges gather to discuss the preliminary legislative agenda. The groups meet together and separately to brainstorm agenda ideas for the upcoming legislative session. AC4 then works with its legislative liaisons and the governmental relations staffs from each of the colleges to write the final agenda for the upcoming session.

The strength of the combined lobbying effort rests with the CEOs, the locally elected board members and staff. Legislators, elected by the same constituency who elect governing board members, are most interested in the impact that statewide agenda items have on their local college. The better informed legislator is prior to the session, the more likely the member will have the knowledge and ability to successfully be a community college advocate during the session.

## **The Arizona Legislature**

The structure of the Arizona Legislature is created in the Arizona Constitution. The Constitution requires the legislature to begin its annual legislative session on the second Monday in January. While the legislature considers thousands of pieces of legislation, its only constitutional requirement is to pass a balanced budget by each new fiscal year (beginning July 1<sup>st</sup>).

The legislature consists of two chambers.

The Senate has 30 members elected to two-year terms; the presiding officer is the President of the Senate, who is elected by the members.

The House of Representatives has 60 members, also elected for two-year terms; the presiding officer is the Speaker of the House, elected by the members.

The Independent Redistricting Commission draws new Congressional and Legislative district lines so that each legislative district contains approximately the same number of people (about 240,000). After each census, the Commission must "redistrict" so that district lines reflect increases and decreases in population. Each district contains two House seats and one Senate seat.

The Legislature establishes specific dates by which certain activities must occur. Under House and Senate rules, the Legislature must adjourn "sine die" (without day) by the Saturday in the week in which the 100th day of session falls. This 100-day requirement is rarely met, with the majority of the body voting to

waive this rule and continue meeting until the work of the legislative session is complete. The Legislature adjourns daily; however, it adjourns to a day and time certain. When it adjourns sine die, it does not adjourn to a day and time certain, and the session is over for that year.

The Governor presents budget recommendations to legislative leadership prior to the beginning of the legislative session, The Governor's Office of Strategic Planning and Budgeting (OSPB) is responsible for preparing the budget recommendations and working with legislative leadership and staff on the policy recommendations made in that proposal.

The Joint Legislative Budget Committee (JLBC) is the budget arm of the legislature, developing budget priorities and recommendations based on the priorities of legislative leadership and the Appropriations Chairs. Both OSPB and JLBC make revenue estimates, which are negotiated and agreed to as part of the budget process.

### **THE TOOLS OF THE ADVOCATE**

The first step to establishing effective legislative relations is simply getting to know the district's House and Senate members. The better CEO's and board members know these individuals, the easier it will be to communicate with them. Advocacy is a two-way street. Districts want their legislators to take pride in their local community college. Frequently inviting legislators to the campus and involving them in campus activities helps them build pride in your institution. By experiencing firsthand the many fine programs that community colleges provide, understanding the importance of the college in serving their constituencies and feeding the local economy, legislative members can become strong advocates for the community college agenda.

There are a number of ways to engage legislators. It is important to remember that individual Board members do not speak for their colleges, unless previously approved by a positive vote of the majority of your Board. It is important to coordinate with your college's CEO, especially when engaging with any legislator.

#### **Personal Visits**

Face-to-face, personal contact is one of the best ways to meet and understand legislators. Such meetings are also one of the easiest ways to develop access to a legislator.

#### **Emails and Telephone Calls**

When the Legislature is in session, contact your legislators in Phoenix. Legislator telephone numbers and email addresses can be found on the "Member" lists of the Arizona WEB page: <http://www.azleg.gov>. Legislators often get more calls and emails than they can respond to in a timely manner. To help ensure your message is considered in a timely manner, always clarify that you are a constituent. If emailing, add "Constituent" in the subject line of the email along with the actual subject.

If you call your legislator, let his or her assistant know you are a constituent before you begin to explain the purpose of your call. Always follow up calls with a note thanking them for their time. Use this note to briefly restate your position.

#### **Letters**

Although letters are more time consuming than calls, letters are important to a legislative advocacy campaign. Because they are more time consuming, legislators get fewer of them and writing one indicates how important the issue is to you. During the legislative session, legislators have a hectic schedule. Be



brief in your correspondence and summarize the request near the beginning. Not only do legislators use letters as a source of local information, but letters sometimes are also quoted on the chamber floors. Legislators keep count of the mail, messages, and emails on important issues before the Legislature.

### **Legislative Contacts**

Contacts with legislators should occur throughout the year but should vary depending upon whether the Legislature is in or out of session. With the legislative session planned for only 100 days, and over 3,000 bills introduced annually, on average, the off-session months provide an opportunity to get legislators to focus on issues, visit the college or attend college events.

### **Third-Party Validators**

An important component of advocacy is building champions for your cause. Developing advocates in your local community that can speak to the importance of your college, the importance of job training to local employers and the economic impact your college has in your community or region can be powerful, particularly when those messages are delivered by third parties.

Third parties can attest to the colleges' claims about what they do and why it's important. They also bring a different perspective to elected officials. Third party validators can be business and industry partners, other publicly elected office holders, students and families who have benefited from the college's services and organizations that support or are supported by the college. Getting to know your legislators and what is important to them, will help you identify the third-party validators that will have the greatest impact.

**APPENDIX A.**

**COMMUNITY COLLEGES:  
A HISTORICAL PERSPECTIVE**

## **COMMUNITY COLLEGES: A HISTORICAL PERSPECTIVE**

Nationally, the community college movement dates back to the late 1800's. At that time, President Tappen of the University of Illinois, President Harper of the University of Chicago, and Alexis Lange of the University of California urged universities to develop junior college certificates which would be required of students before entrance into junior, senior and graduate school years. During this same time period, Harper urged underfinanced four-year liberal arts colleges to reorganize and to offer only the first two years of a college education.

From this set of parents, the community college movement received faculty ranking systems, subject-matter specialists, and a desire for substantial faculty voice in the decision-making processes of the college. In 1882, the school system of Joliet Township, Illinois, established the first public community college. This development represents the other major influence on community colleges. Many schools, especially ones located in rural areas, established either community college departments within the high school or separate schools controlled by the local Board of Education.

A focus on the teaching-learning process, primary interest in students and an administratively controlled structure were inherited from this set of parents. Much of the history of the community college movement has been an attempt to reconcile the conflicts that have arisen from the desire of community college faculty to be subject matter specialists with a voice in the decision-making process and the autocratically controlled administrative structure calling for subject matter generalists.

It has been 75 years since the Truman Commission on Higher Education developed groundbreaking recommendations on community colleges. In 1947, as its work was completed, there were 640 junior colleges in the United States enrolling 497,065 college credit students. The development of community colleges in Arizona was much like the development in other areas in the country.

After the completion of the feasibility study and passage of Senate Bill 43, in 1960, the Arizona Community College System was born with the appointment of the first State Board and the incorporation of Eastern Arizona College and Phoenix College into the system. Eastern Arizona College's charter was granted in 1888, and it was founded as an adjunct to the Church of Jesus Christ of Latter-Day Saints; Phoenix College was founded in 1920 as an adjunct to Phoenix Union High School. The Arizona Community College System grew with the addition of the districts listed above, and in 2022, consists of ten districts and nineteen colleges.

Cochise County Community College District	1962
Cochise College	
Coconino County Community College District	1990
Coconino County Community College	
Graham County Community College District	1960
Eastern Arizona College	
Maricopa County Community College District	1985
Chandler-Gilbert Community College	1997
Estrella Mountain Community College	1968
GateWay Community College	1961
Glendale Community College	1965
Mesa Community College	1985
Paradise Valley Community College	1960
Phoenix College	1978
Rio Salado Community College	1969
Scottsdale Community College	1979
South Mountain Community College	
Navajo County Community College District	1974
Northland Pioneer College	
Mohave County Community College District	1971
Mohave Community College	
Pima County Community College District	1969
Pima Community College	
Pinal County Community College District	1962
Central Arizona College	
Yavapai County Community College District	1966
Yavapai College	
Yuma/LaPaz Counties Community College District	1961
Arizona Western College	

The system now contains ten districts and nineteen colleges.



**APPENDIX B.**  
**STATUTES AND REFERENCES**

The arrangement of the Arizona Revised Statutes is by Title, Chapter, Article, and Numbered statute. For example, Title 15 is Education and Chapter 12 is Community Colleges. Example of Article names include General Provisions and Community College District Boards each followed by individual numbered statutes pertaining to the Title and Article.

In this Appendix, relevant statutes are listed by number and name for quick reference and easy access on line at <http://www.azleg.gov/arstitle/> for the complete text. The Titles are also listed below since all relevant statutes are not listed under Title 15. For example, Title 38, Public Officers and Employees, contains the conflict-of-interest statutes. Updating of the online A.R.S. listings are completed by January 1 of each year.

## **TITLE 15, CHAPTER 12 - COMMUNITY COLLEGES**

### **Article 1 General Provisions for and Establishment of Community College Districts**

15-1401 Definitions

15-1402 Community college districts; requirements

15-1403 Procedure to form a district

15-1404 Election to determine formation of district; notice; canvass

15-1405 Presentation of plan to legislature by county board of supervisors

15-1406 District board members and employees; compensation; payment of expenses for employment candidates

15-1407 Formation of new district by subdivision of existing district; division of assets

15-1408 Use of community college district resources or employees to influence elections; prohibition; civil penalty; definition

15-1409 Provisional community college districts; formation; provisional community college district governing board; powers and duties

15-1410 Credit and noncredit courses

**Article 2 State Board of Directors for Community Colleges** (Although the State Board no longer exists, the heading remains, and the Annual Reports are now the responsibility of the individual districts.) 15-1427  
Annual report

### **Article 3 Community College District Boards**

15-1441 Selection of precincts; district board members; terms; qualifications; vacancies

15-1442 Nominating petitions; election; returns; results; certificate of election; statement of contributions and expenditures

15-1443 Meetings; officers; immunity

15-1444 General Powers of district governing boards

15-1445 Administrative powers of district governing boards

15-1446 Lease-purchase agreements

15-1447 Reports by president or chancellor

15-1448 Employment of legal counsel; opinions of counsel

15-1449 Control of vehicles and non-pedestrian devices on community college property by district board; sanctions; compliance with emissions inspection; definition

15-1450 District board members; participation in employee benefit plan

15-1451 Optional retirement plans

15-1452 Evaluation of vocational and technological education programs

#### **Article 4 Community College District Finance**

15-1461 District budget; annual estimate; computation; notice; hearing; adoption

15-1461.01 Truth in taxation notice and hearing; roll call vote on tax increase; definition

15-1462 Special tax levy for maintenance or capital outlay of district; proration of monies

15-1463 State contribution for capital outlay for initial or additional campus

15-1464 State aid per capita distribution for capital outlay; capital outlay fund; appropriation

15-1465 Election; issuance and sale of bonds for capital outlay; disposition of proceeds; proration of expenditures by counties

15-1466 State aid; eligibility; limitations

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## HISTORICAL INFORMATION AND CREDITS

**PLEASE NOTE: The additional information below is included for HISTORICAL PURPOSES ONLY. There is no longer an Arizona Community College Governance System as there once was. Each community college district is now governed locally by a district governing board (DGB).**

### ARIZONA'S COMMUNITY COLLEGE SYSTEM GOVERNANCE BEFORE 2000

In 2000, the Arizona Legislature dissolved the State Board of Directors for Community Colleges and transferred many of the powers to the local governing boards. The current powers and responsibilities of the local boards are presented in section II. For the purpose of historic information, a comparison of the distribution of powers is inserted here from the second edition of this handbook.

#### State Board Powers and Responsibilities Pre 2000

Enact ordinances for the governance of the colleges under its jurisdiction.

File an Annual Report with the Governor.

Purchase, receive, hold, lease, or sell property.

Determine location of college campuses.

Approve major construction, remodeling, and repair projects.

Set standards for accrediting colleges.

Establish curricula and courses.

Set qualifications for student admissions.

Fix student tuition and fees.

Certify college instructional staff.

Approve offerings in unorganized counties.

With the Auditor General, establish a uniform accounting system.

Contract and establish regulations and limitations for contracting by districts.

With the State Board of Vocational Education, oversee vocational standards, planning, follow up and funding priorities.

Authorize general obligation bond elections for the districts.

Authorize revenue bonds.

Approve intergovernmental agreements.

Approve district rules concerning parking and control of vehicles.

### **Local District Boards' Responsibilities and Powers Pre 2000**

Maintain colleges at least eight months per year.

Enforce the courses of study prescribed by the State Board.

Visit and examine college management, conditions, and needs. Exclude partisan, sectarian, and denominational materials.

Determine salaries and employ or remove staff when warranted.

Lease/sell real and personal property if authorized to do so by the State Board.

Insure college buildings.

Contract, subject to regulations and limitations prescribed by the State Board.

Award degrees, certificates, and diplomas.

Adopt annual budgets and direct Boards of Supervisors to levy required property taxes.

Accomplish minor construction/remodeling projects.

Lease-purchase real property upon authorization of the State Board.

In cooperation with the high schools in the district, prepare plans to deliver vocational education.

Evaluate vocational education programs every five years in the manner prescribed by the State.

Allow participation in district health insurance plans.

Adopt rules for the control of parking and vehicles, subject to State Board approval.

## **Historical Perspective**

For the record, the Preface to the Second and Third Editions have been included in order to recognize the contributors of the past editions. Writing of the Third Edition began during the Chairmanship of Nat White PhD, Coconino Community College Governing Board, and was completed under the Chairmanship of John Lines, Eastern Arizona Community College Governing Board.

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### **PREFACE and ACKNOWLEDGEMENTS, SECOND EDITION 1999**

From the time that the original edition of the Trustee Handbook was written in 1988, governing board members have had a source of basic information about many of the things they needed to know to help them do their jobs. Now, with this newly revised edition, it is hoped that both new and seasoned governing board members will find updated and even more useful information available for their reference.

Special thanks to Dan Main, Frances Morris, Paul Neuman, Karen Nicodemus, Art DeCabooter and especially to staff, Patricia Hill, Shirley Darling and Monica Baird, who worked tirelessly to bring this edition into completion.

Chair, Arizona Association of District Governing Boards  
Board Member, Maricopa County Community College District

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## TRUSTEE HANDBOOK ACKNOWLEDGMENTS AND SOURCES, SECOND EDITION

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Cochise College - Cover Design of First Edition

An Information Guide, Board/President Relations and Responsibilities, Florida

Appleberry, J.B. (1996). *The Presidential Search and Condition of Employment*. Washington, D.C.: American Association of State Colleges and Universities.

Manual for Trustees, The North Carolina Community College System, Helen B. Dowdy, Assistant to the State President for Board Affairs, North Carolina Department of Community Colleges.

Nason, J.W. (1984). Presidential Search. Washington, D.C.: The Association of Governing Boards of Universities and Colleges.

Potter, G.E. (1986). TRUSTEESHIP: HANDBOOK FOR COMMUNITY AND TECHNICAL COLLEGE TRUSTEES. Association of Community College Trustees.

Smith, C. J. (2000). TRUSTEESHIP in Community Colleges, Association of Community College Trustees, [www.acct.org](http://www.acct.org).

Legislative Advocacy Handbook: California Community College Trustees (February 1988).

The Trustee's role in Effective Advocacy, Association of Community College Trustees (2009), [www.acct.org](http://www.acct.org).

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