

CLOVIS COMMUNITY COLLEGE BOARD POLICY MANUAL

I. INTRODUCTION

This Clovis Community College Board Policy Manual (“Manual”) represents a statement of the policies of the Clovis Community College Board of Trustees (“Board”) regarding the philosophy and governance of Clovis Community College (“CCC” or “College”). The Board is the governing body of the College. The Board's authority is established by New Mexico state law (see Section 21-13-8 NMSA 1978 Amended). The Board is subject to the provisions of the Constitution of the State of New Mexico, applicable rules and regulations of the New Mexico Higher Education Department, State Law, the Federal Constitution, Laws and Regulations and its own policies and procedures.

II. COMPOSITION

- A. **Size:** Pursuant to NMSA 1978 21-13-8, as amended, the Board shall consist of five (5) members elected from single-member districts. Members shall be required to reside in the districts from which elected. Any member removing his/her residence from the district from which he/she was elected shall be deemed to have resigned his/her position, and the vacancy created by such resignation shall be filled in the manner provided by law and in this policy for the filling of vacancies on the board of a community college district (see Section 21-13-8 NMSA 1978).
- B. **Term:** The Board members shall be elected for a term of six years. The term shall begin on January 1 following their election. New Board members shall take the oath of office before entering upon their duties. Terms of Board members are staggered.
- C. **Elections:** Elections of Board members shall be held according to the New Mexico Local Election Act.
- D. **Vacancies:** Vacancies in the membership of the Board, other than by expiration of term of office, shall be filled by appointment determined by a majority vote of the remaining Board members for the remainder of the unexpired term of the position vacated. In the event a vote of the remaining Board members results in a tie between potential appointees, the vote of the Chair of the Board, as hereinafter described, shall be the deciding vote. The individual appointed by the Board must reside within the district of the vacancy. An individual appointed by the remaining members of the Board to fill a vacancy in office shall serve until the next community college board election, at which time candidates shall file for and be elected to fill the vacant position to serve the remainder of the unexpired term. (see Section 21-13-8 NMSA (1978)).

III. ORGANIZATION

A. **Board Officers:** Designation: Following every regular election, a special meeting, as described in Section V.B.3. below, shall be held by the Board on the first day the College returns from its winter break for the purposes of swearing in any newly elected Board members and the Board selecting from its members a Chair and Secretary who shall serve in these offices until the next regular Board election. After each regular election, Board members shall reorganize in this manner. In order to provide every Board member the opportunity to serve in various roles, Board members shall rotate officer positions, with the Chair becoming a member, the Secretary becoming Chair and a member, excluding the immediate past chair, being elected Secretary, unless four members of the Board determine otherwise, or that member declines to serve as Chair or Secretary. If a vacancy occurs in any office (see Article II.D. above) the Board shall select any member at the next regular Board meeting to serve out the remainder of that officer's term in rotation as described above.

1. **Chair:** The duties of the Chair of the Board shall be:

- a. To regularly preside at Board meetings;
- b. To call special or emergency meetings as required or to change the time of a regular meeting;
- c. Serve as a liaison between the Board and the President;
- d. To organize, concurrent with consultation with the President, annual board training to ensure members of the Board are properly oriented to their roles, responsibilities, and relationship to the College and communities represented;
- e. To perform such other duties as may be prescribed by law or by action of the Board; and
- f. Sign documents as required.

2. **Secretary:** The duties of the Secretary of the Board shall be:

- a. To preside over Board meetings in the absence of the Chair;
- b. To perform such other duties of the Chair as necessary in the absence of the Chair;
- c. Sign officially approved minutes and other legal documents; and

IV. DUTIES AND RESPONSIBILITIES

- A. The Board possesses and exercises its authority and duties as a collective body and functions only when it is convened in meetings. Unless specifically authorized by prior action of the Board, no individual member may speak, obligate, or exercise authority in the name of the Board of Trustees. The chief duty of the Board is to provide for the program and welfare of the College and to honor the College's governance structure. In this regard, the Board:
1. Shall preserve CCC's institutional independence and to defend its right to manage its own affairs through its administrators and employees;
 2. Shall appoint the President of the College who will also serve as Chief Executive to the Board, conduct annual evaluations of the President's performance, and approve the contract and compensation of the President;
 3. Shall formulate policies and delegate to the President the function of administering board policies and regulations;
 4. Shall enhance the public image of the College;
 5. Shall nurture the College to achieve its full potential within its role and mission;
 6. Shall approve, upon the recommendation of the President, the Vision and Mission statements and core values of the College;
 7. Shall approve, upon the recommendation of the President, the College's strategic plan and goals consistent with the vision and mission of the College and its focus on student success;
 8. Shall provide for financial resources to adequately support the College's institutional goals; accordingly, the Board will approve and authorize the annual budget and amendments, tuition and fees, debt funding, tax rates and/or millage, real estate transactions, major capital projects, and other significant financial items as the Board may determine from time to time;
 9. Shall perform other duties authorized by applicable laws or regulations; and
 10. Shall implement increases to tuition rates and general fees as follows:
 - a. Tuition increases will be considered by the Board every even numbered year based on the average of the percent increase (if any) in the Consumer Price Index (CPI) and the percent decrease (if any) in the sum total of state funding;

- b. The College will strive to limit the level of resident tuition and fees to the 75th percentile of New Mexico peer colleges' tuition and fee levels;
 - c. Increases to the general fees, including but not limited to technology facility fees and student fees, will be considered every odd numbered year. Increases to general fees will be based on specific college-wide needs.
 - d. Program and course fees will be evaluated and determined based upon the cost and usage of the consumables no more than twice a year.
- B. The Board functions within the framework of laws, court decisions, attorney general's opinions, and similar mandates and restrictions from external sources. It performs functions as specified by applicable laws and regulations.
- C. The Board formulates policies and delegates to the President the function of administering board policies and regulations. The Board is not involved in administrative details, but the Board's review of administrative procedures and regulations may be undertaken if necessary to the function of policy formulation. In the absences of appropriate policy, the President may need to make decisions using best judgement and consistent with the best practices in higher education.
- D. If citizens bring a concern or complaint to an individual Trustee, the Trustee shall refer the citizen to the President, who shall proceed according to appropriate Board policy or College procedure. This does not restrict the Board member from bringing the concern or complaint to the Board.

V. **MEETINGS**

- A. **General Provisions:** The following definitions and guidelines have been established in accordance with New Mexico State Statutes and the "Open Meetings Act", Sections 10-15-1 to 10-15-4, so that the conduct of all Board business shall be in compliance with said law.
- B. **Types of Meetings**
 - 1. **"Meeting" defined:** "Meeting" is defined as any exchange, among a majority of Board members, for the purpose of formulating public policy, discussing public business or for taking any action over which the Board has supervision or control.
 - 2. **Regular:** Regular meetings of the Board shall ordinarily be held on the first Wednesday of each month, with the exception of January and July, at 8:00 a.m. If the first Wednesday falls on a holiday, the meeting shall be held on

the second Wednesday. This is different from what is required by State Statute (Section 21-13-9, NMSA 1978), but exceeds the requirements and is deemed necessary to accomplish College business. The date and place of a regular meeting may be changed by action of the Board at any previous meeting or at any other time by the Chair after timely notice to all members and with the consent of the majority of said members. If the date or place of any regular meeting is changed, the public shall be informed of the change by notice as required by law.

3. **Special:** Special meetings of the Board may be called by the Chair, by three members of the Board, or by the President with approval of the Chair.
4. **Emergency:** Emergency meetings of the Board may be called by the Chair or by the President for the purpose of considering an emergency or other matter of urgent public necessity.
5. **Closed Meetings:** Executive sessions of the Board are those meetings which are closed to the public pursuant to state law.

C. **Public Access**

1. **Meeting Open to the Public:** All meetings of the Board, except as otherwise provided in state law or specifically permitted in the Constitution of the State of New Mexico shall be open to the public.
2. **Meetings Closed to the Public:** The Board may hold closed meetings or closed executive sessions if the Board has first been convened in an open meeting, the Chair has publicly announced that a closed meeting or executive session will be held, and a motion has been made and approved to close the meeting. The motion shall include a statement of the purpose which gives the Board authority to close the meeting. If a closed meeting is called when the Board is not in open meeting, public notice, appropriate under the circumstance, shall be given. Such notice shall also include statement of purpose and identification of statute authorizing the holding of said closed meeting or executive session. The Board may go into closed meeting or executive session only as allowed by the New Mexico Open Meetings Act, NMSA 1978, Sections 10-15-1 to 10-15-4.
3. Whenever any deliberation or any portion of a meeting is closed to the public as permitted by law, no final action, decision or vote with regard to any matter considered in the closed meeting shall be made, except in a meeting which is open to the public.

- D. **Notice Procedure:** The President sets forth the following Board approved guidelines for reasonable notice until such time as the Board elects to make changes to such reasonable notice:

1. That the guidelines for reasonable notice to the public of all meetings of the Clovis Community College Board as determined in this resolution shall be published once during each fiscal year in at least one newspaper of general circulation within the district as soon as possible following the annual adoption of this resolution and at least seven (7) days prior to the first regular meeting of each calendar year;
2. That Regular Meetings of the Clovis Community College Board shall normally be on the first Wednesday of each month, with the exception of January and July, commencing at 8:00 a.m. Reasonable notice to the public of all such meetings is determined to be by announcement at each regular meeting of the time and place of the next regular meeting, by issuance of a general news release to at least one newspaper of general circulation within the district specifying the time and place of each regular meeting at least 72 hours prior to such meeting and by posting a notice of the time and place of each regular meeting on the Clovis Community College website;
3. That reasonable notice to the public of changes in the time and place of regular meetings made either by action of the Board at a previous meeting, or by the Board Chair with the consent of a majority of said members outside of a meeting, shall be by issuance of a general news release to at least one newspaper of general circulation within the district specifying the changed time and place of the meeting at 72 hours prior to such meeting and by posting a notice of the changed time and place on the Clovis Community College website;
4. That reasonable notice to the public of Special Meetings of the Clovis Community College Board, whether for action or for study and deliberation without action, shall be by giving advanced notice of such meeting to at least one newspaper of general circulation within the district at least 72 hours to any special meeting and by posting a notice of the time and place of each special meeting on the Clovis Community College website;
5. That reasonable notice to the public of Emergency Meetings of the Clovis Community College Board shall be given by notifying by telephone to all local radio stations within the district at least three (3) hours prior to the meeting of the time and place of the meeting. The Emergency Meeting information will also be posted on the Clovis Community College website;
6. According to the Open Meetings Act (section 10-15-1, subsection C, NMSA, 1978), reasonable notice shall be given of all public meetings of a quorum of the public body. The Act also requires that each public body determine its notice procedure at least once a year. Such reasonable notice for all regular, special, and emergency meetings shall be adopted annually by the Board at one of its open meetings.

E. Citizen Participation

1. **Board Appearance:** In order that the business of the College may be conducted in an orderly and deliberative fashion, the Board sets forth the following procedures for citizens desiring to appear before it. Such procedures are intended to preserve the constitutionally guaranteed rights of free speech and petition, and to avoid unfair discrimination among views seeking expression. The Board reserves the right to amend and/or waive any or all of these procedures by majority vote of its members.

2. **Scheduled Board Agenda Items**
 - a. Citizens desiring to be heard by the Board on scheduled agenda item shall notify the President twenty-four (24) hours prior to the meeting at which they would like to address a scheduled agenda item. The President shall either attempt to deal with the issue administratively or submit the request to the Board.

 - b. Individuals who have notified the President of their desire to address the Board on an agenda item and have been so approved shall be recognized before the Chair concludes the discussion or calls for a vote on the item. Speakers must limit their remarks to the agenda item.

3. **Unscheduled Issues Requested for Board Consideration**
 - a. Persons desiring to have an item placed on the Board agenda must file, in writing, their request with the President at least ten (10) working days prior to a scheduled regular meeting, along with intended comments and/or handouts. The President has the option of deciding to handle the issue administratively or submitting the request to the Board.

 - b. New agenda items approved for presentation shall be placed on the agenda or added to the agenda at the time of the meeting by the President. The person(s) who requested the presentation shall be recognized at the time the item is scheduled on the revised agenda and shall limit their remarks to the item in question.

4. **Board-Policy Issues:** Requests for participation on issues impacting changes and/or additions to Board Policy shall follow the same procedures as outlined above but shall be delayed for consideration for an additional thirty (30) days to allow for thorough review by the President and staff.

5. **Board Response:** Except in emergencies, the Board shall not take action on issues brought before it through citizen participation before hearing input from the College staff. All information shall be organized and examined by the President who then shall submit recommendations to the Board before a final decision is rendered.

6. **Presentation Guidelines**
 - a. The Board has the discretion of hearing or not hearing any individual or group and reserves the right to fix such time limits on presentations as deemed appropriate to the occasion. The number of spokespersons who appear before the Board on any given issue may also be limited. The Board, by majority vote, may set or extend such limits as it deems appropriate.
 - b. The Board shall not be required to hear complaints or charges against employees of the College.
 - c. Only individuals officially recognized by the Chair shall be allowed to speak.
 - d. The use of profanity, obscenity, and/or other offensive language shall be sufficient cause for the Chair to withdraw a citizen's permission to address the Board.
 - e. These procedures are subject to the provisions of the Open Meetings Act.

7. **Written Communication:** All written communications to the Board which bear the signatures(s) and address(es) of the person(s) originating the communication shall be transmitted to the Board as a report from the President. Under normal circumstances, the President, as Chief Executive to the Board, shall acknowledge receipt of the written communication and, if some form of action is requested, inform the writer(s) regarding the disposition of the communication.

F. Transaction of Business

1. **Prerequisites:** In order to transact business, which is binding on the College, the Board must meet in official session, keep minutes, and have a majority of members present. All motions, duly seconded, require a majority of those voting.

2. **Agenda:** The agenda of the meeting shall be prepared and presented by the President.

3. **Rules of Procedure:** Unless otherwise determined by the Board or herein specified, all meetings shall be conducted in accordance with Robert's Rules of Order, Revised.
4. **Minutes:** A record of all transactions of the Board shall be set forth in a minute book kept in the President's office as a permanent official record of legislation in the College and shall be open to inspection by the public according to the Inspection of Public Records Act. The minutes shall record the name of the person making the motion, the name of the person seconding it, and the vote. Voting shall be by a roll call. A member voting against a motion may state his/her reasons and may have them recorded in the minutes, if he so requests at the time of the voting. Minutes shall be succinct; their basic function shall be the recording of official actions of the Board. Board members may request inclusion of statements or data which they deem vital to an adequate understanding of the minutes.
5. **Order of Business:** The agenda of Board meetings may include the following:
 - a. Call to Order
 - i. Declare Quorum
 - ii. Approval of Agenda
 - iii. Approval of previous meeting minutes
 - b. Old Business
 - c. New Business
 - i. Instructional Matters
 - d. New Business
 - i. Non-Instructional Matters
 - e. Other Business
 - i. President's Remarks
 - ii. Calendar of Events
 - f. Executive Session (if necessary)
 - g. Announcement of next meeting
 - h. Adjournment

VI. CODE OF ETHICS

The following code of ethics shall govern the actions of Board members of Clovis Community College in the performance of their duties as Board members:

1. To attend and participate in all regularly scheduled Board meetings insofar as possible, and become well-informed concerning issues to be considered at those meetings;
2. To devote time, thought and study to the duties and responsibilities as a member of the Clovis Community College Board so that effective and creditable service may be rendered;
3. To work with fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during vigorous debates of points of issue;
4. To work with other Board members to establish effective Board policies, delegate authority for the administration of the College to the President/CEO of the College, and act on behalf of the Board only with the official authorization of a majority of the members of the Board;
5. To base personal decisions upon all available facts in each situation; to cast votes unswayed by partisan bias of any kind; and to abide by and uphold the final majority decision of the Board;
6. To make policy decisions only after full consideration at publicly held Board meetings;
7. To render all decisions based on the available facts and independent judgment, refuse to surrender that judgment to individuals or special interest groups, and abide by and uphold the final majority of the Board;
8. To conduct relationships with the staff, the local citizenry, and all media of communication on the basis of the fact that individual members have no legal authority outside the meetings of the Board;
9. To avoid using the position of Board member to benefit either oneself or any other individual or agency apart from the total interest of the Community College District;
10. To recognize that it is important for a Board member to understand and be educated on the overall aspects of the College's operations;
11. To bear in mind under all circumstances that the primary function of the Board is to establish the policies by which the College is to be administered, but that the

administration of the educational program and the conduct of College business shall be left to the employed President of the College and the President's staff;

- 12. To support the employment of those persons best qualified to serve as staff and to make every effort to ascertain that all employees are properly remunerated for their services and that they are dealt with fairly in the performance of their duties;
- 13. To consider input from citizens, organizations and the media of communication in the District with respect to policy on current College operations and proposed future developments; and
- 14. To strive for the most effective College Board service to the community, by abiding by these aforementioned principles, and by so doing, assist the College in achieving its stated mission.

PASSED, APPROVED, AND ADOPTED this 5th day of May, 2021.

**CLOVIS COMMUNITY COLLEGE
BOARD OF TRUSTEES**

By: Lana Harlan
CHAIRPERSON

ATTEST:

By: [Signature]
SECRETARY