

ETHICS 101: COURSE REQUIREMENT FOR COMMUNITY COLLEGES

SUMMARY

In response to eight citizen complaints, the 2007/2008 San Diego County Grand Jury undertook a study of the five Community College Districts in the County of San Diego. These include three single college districts, Mira Costa, Palomar, and Southwestern; one two college district, Grossmont-Cuyamaca; and one three college district, San Diego, which includes Mesa, Miramar and San Diego City Colleges. The community colleges serve over 200,000 students in the county, preparing them at a modest cost for admission to four-year colleges or for vocational careers. The Grand Jury recognizes that many dedicated and highly ethical individuals work in the community college system, which provides valuable and vital services to students. However, ethical issues have surfaced in the governance of four of the five districts that warranted investigation by the Grand Jury. (Palomar College was the lone exception.) While our investigation identified the deficiencies noted below in at least one, and sometimes more, of the districts, we by no means wish to imply that all of the four districts investigated have all of these deficiencies.

Over the last several years the actions of some governing board members and high-ranking officials of most of the community college districts in the County have come under public scrutiny. Issues have arisen of no-confidence votes, termination of contracts, criminal investigations and prosecution. The legal fees and contract buy-outs have cost the taxpayer tens of millions of dollars. The Grand Jury investigation into many of these issues has made it obvious that there is need for a change, if not a complete overhaul, of the Boards of Trustees system. A more comprehensive method of overseeing and evaluating the Superintendents/Presidents and other high-ranking officials is needed. There also needs to be more oversight of the conduct of the various community college governing boards. (In this report, the term “governing board” will be used interchangeably with “Board of Trustees”.)

Among issues the Grand Jury investigated for this study are:

- 1) Mira Costa Community College: Final Compensation for former President. The Governing Board accepted the resignation of the College President in exchange for a negotiated settlement that exceeded the maximum 18 months salary and benefits permitted by the Education Code. In addition to the 18 months salary, the outgoing executive’s settlement included an extra cash payment of \$650,000, payment of all legal fees related to employment at the College and health benefits through age 75. The Western Association of Schools and Colleges (WASC), the accrediting agency, issued a letter of warning of accreditation loss to the college in January 2008. That letter cites three issues to be addressed, one of which cited a lack of common agreement about the rules, regulations, and protocols under which the board operates.

- 2) Grossmont-Cuyamaca Community College: An amended version of the Chancellor's employment contract was prepared changing the terms of the agreement. The agreement was approved then changed back. These actions violated several procedures.
- 3) Southwestern College: Micro-Managing by Governing Board. The 2004 accreditation report by WASC stated that the governing board tended to interfere too much in the day-to-day operations of the college and recommended that it delegate more authority to the President and Vice-Presidents. However, since 2004, there have been four Presidents, two of whom either resigned or were dismissed as a result of conflicts with the Governing Board. In addition to the loss of key managers, some of these transitions resulted in a contract buy-out and expensive legal services. At the present time there are vacancies to be filled in three of the four Vice Presidential positions; two of these three resigned or were dismissed as a result of alleged interference by the Governing Board. This turnover in key managers has resulted in a lack of continuity in implementing programs and was cited by WASC as a factor contributing to the low morale of faculty and students. It also has resulted in the alleged abuses of authority by a senior administrator who has been able to operate with minimal oversight by one of the Vice Presidents.

PURPOSE

- To raise the level of public scrutiny and accountability of the Boards of Trustees and the overall governance of the local community college districts in the County of San Diego;
- To provide recommendations to either consolidate the five Local Community College Boards or to establish a minimum code of ethics for the five Boards which would incorporate the ability to impose punitive damages for violations and;
- To document some of the violations uncovered during our investigations and to recommend procedures to address them.

PROCEDURES

The members of the Grand Jury:

- Attended several Board Meetings and reviewed the samples of the minutes, agenda, and dockets of all five Districts;
- Reviewed Board Policies and Administrative Procedures;
- Interviewed Trustees (including Student Trustees), District Chancellors, College Presidents, and several cabinet members (Vice Chancellors, Vice Presidents and Senior Directors) as well as other salaried and certified employees of the colleges;
- Requested a certified financial audit to be conducted at one of the Districts;

- Reviewed the employment contracts of all the District Chancellors/Presidents and many of the members of their cabinets;
- Reviewed codes of ethics of local community college districts and the ethical guidelines published by the Community College League of California;
- Reviewed campaign disclosure statements, as filed with the County Registrar of Voters, for all successful candidates for Community College District Trustee in the 2004 and 2006 elections;
- Interviewed a representative of the San Diego City's Ethics Commission.

DISCUSSION 1 Governing Boards

The governing board of local Community Colleges consists of five or, in the case of Mira Costa, seven elected officials. They are elected to a seat on the board for a term of four years. When a board member leaves office before the end of the term, the position is filled and approved by a majority vote of the remaining board members. There are many seats that have been filled by the same person for several terms in succession, in some cases for twenty years or more.

An important function of the governing board is the hiring of the chief executive of the district. The hiring of the Chancellor, in districts with multiple colleges, and the Superintendent/ President, in single college districts, is often a long and expensive undertaking. Likewise removal from office is often very expensive for the district. Because of this, once such a position is filled contract extensions are often only a formality with informal or no annual evaluations. The same person often holds one of these key positions for many years. However, the opposite has also been true. Some governing boards have members who favor taking a pro-active approach in operational matters. In one district, this approach has led to conflicts between board members and the Superintendent/Presidents they have hired, resulting in a costly and disruptive turnover of executives.

Another major function of the governing board is its approval of the annual budget. This requires both a realistic assessment of revenues and spending priorities for the upcoming fiscal year as well as a consistency with the district's long-term financial needs. Even though Trustees must rely on staff for the details, they must acquire a basic knowledge of the budget and where cuts can be made if revenues are less than expected. At a recent board meeting at one of the local community colleges, while discussing the impact of State budget cuts for the 2008/2009 fiscal year, a senior member of the board stated, "The district has significant monetary leaks." The Grand Jury trusts that those leaks can be plugged with no ill effect on the educational services the district provides.

Governing Boards of public education districts in California are subject to California Government Code sections 54950 through 54963, collectively known as the Ralph M. Brown Act. This open meetings law mandates that notifications of all governing board meetings, including agendas, be made available to the public at least 72 hours prior to a regularly scheduled meeting and 24 hours prior to an emergency meeting. In general, only items on the agenda may be considered at the meeting. The published agenda must

include a brief general description of each item, generally not to exceed 20 words. The Brown Act also specifies the types of agenda items that may be heard in closed session. Brown Act Section 54957 (2) requires that a 24- hour advance written notice be delivered to an employee against whom complaints or charges are being heard, usually in closed session. The employee and his/her attorney have a right to be present and the results, if any, must be reported back in open session.

The Grand Jury has examined meeting agendas for all five community college districts and has found great disparity among districts in the amount of detail they contain. The Trustees receive back-up material on many of the agenda items, typically about five calendar days prior to the upcoming Board meeting. Our investigation revealed that not all Trustees read all of this material and that some of the Trustees' votes were based solely on the recommendation of the chief executive and staff. The back-up material is not generally made available to those members of the public who are attending the meeting. This often prevents members of the public from obtaining a full understanding of items on the agenda, especially on items dealing with contract awards and major purchases.

In order to standardize the public agendas and to increase the transparency of the Board meetings to conform to the spirit of the Brown Act, the Grand Jury is suggesting that Governing Board agendas list as action items, as opposed to consent items, all purchases and contract awards of \$50,000 or more. For contracts, the brief general description should contain the amount of the award, the name of the contractor, the scope of the work involved, summary of the contractor's experience and the time frames covered. For real property acquisition, the description on the agenda should contain the proposed purchase price, the current County assessed valuation, sales history or comparable property sales within the past two years, a description of the property and the reason for the purchase.

Some Trustees have received substantial campaign contributions from firms that have major contracts with their respective Districts. In one District, the contracted legal counsel manages the Political Action Committee (PAC) that raised approximately \$27,000, which was used for the re-election campaign of at least one Trustee. Two contracting firms used by this District contributed \$8,000 each. Statements filed with the Registrar of Voters indicate that some of the firms that made contributions to this PAC believed that their contributions would be spent to support a slate of three incumbent candidates. Our investigation revealed that only one candidate benefited from these contributions. Our investigation further revealed that the Treasurer of this PAC is the spouse of an employee of the law firm representing the college and that the Treasurer acted at the direction of the spouse in authorizing campaign expenditures for that one Trustee.

The Grand Jury is recommending that, in order to avoid the perception of a conflict of interest, Trustees disclose the amount of any campaign contribution made by a firm whose contract award is on the agenda for approval and recuse themselves from the vote. There should be a reasonable limit on the amount of campaign contributions from a single source, perhaps \$300. This amount is consistent with the limits that exist for

candidates in the City of San Diego; the limit in district elections is \$270 per candidate and in citywide elections it is \$320. There also should be a reasonable limit on the total amount one candidate for Trustee is permitted to raise in a single election.

The California State Legislature, the San Diego City Council and many other elected legislative bodies throughout the State and throughout the nation have term limits for their members. There are pros and cons on this issue as it relates to term limits for Trustees of the Community College Districts. Opponents of term limits argue that they would deprive the Governing Boards of experienced and dedicated members who have made substantial contributions to their Districts during their tenure. Proponents argue that long-term entrenched Trustees may obtain excessive power or influence, discouraging other qualified candidates from running and providing the incumbent with an unfair advantage in winning reelection. Often these incumbents run for reelection unopposed. Opponents of term limits also argue that it takes one full four-year term for a new Trustee to be brought up to speed. However, we observed that two Trustees elected in 2006 were fully functional Governing Board members by the end of their first year in office.

The Grand Jury feels that three four-year terms is a reasonable limit for community college governing board members. It allows the Boards to profit from the experience of incumbents but eliminates a member-for-life attitude. It would allow for newly elected board members to be mentored and to acquire needed knowledge early in their first term. It would also be consistent with similar term limits in the State legislature and other legislative bodies throughout the State.

Section 72103 (c) of the State Education Code allows the governing board of a community college district or the voters of the district, by initiative, to propose term limits for governing board members. Any such proposal would have to be approved by a majority of the district's voters in a regularly scheduled election. The Grand Jury is recommending that the five local community college governing boards consider adopting a term limit proposal for inclusion on the ballot. Since the statute requires that the limits, if approved by the voters, shall apply prospectively, they would not have an immediate effect on current incumbents.

All five community college districts have at least one student Trustee; Grossmont-Cuyamaca has two. The student Trustees sit with elected board members and play a valuable role in bringing student concerns to the attention of the governing board and college administrators. Student trustees may cast an advisory vote on any item on the agenda and often raise pertinent questions. The Grand Jury recognizes the importance of these student trustees and believes their comments should be treated with the same consideration and respect as those of other governing board members. Unfortunately, this was not the case in one district where we observed the student Trustee being rudely interrupted, and her comments dismissed, by a fellow board member.

FACTS/FINDINGS

Fact: Governing board members receive an advance copy of the agenda and supporting documentation less than seven days before the meeting of the Board where they are expected to cast a knowledgeable vote on all the issues on the agenda.

Finding: Not all Board members take the time to review and comprehend all supporting documentation provided on agenda items and these members' vote is sometimes merely a rubber stamp of staff recommendations.

Fact: The Trustees on a local community college governing board are elected every four years to a specific seat on the board and there are no term limits.

Fact: The California State legislature, the San Diego City Council and other legislative bodies throughout the State have term limits for their members.

Fact: Section 72103 (c) of the California State Education Code permits a community college governing board to establish term limits for its members or for the electorate of a school district to propose and enact term limits by ballot initiative and vote.

Finding: A limit of three four-year terms for Trustees of the Local Community Colleges would be consistent with limits for State legislators, would provide continuity of leadership and also allow newly elected members to acquire the knowledge the position requires.

Fact: There are no limits on campaign contributions or restrictions on who may contribute.

Finding: The imposition of limits on campaign contributions or restrictions on who may contribute to candidates for Trustee would reduce the perception that elections could be influenced by firms doing business with the District.

Fact: Students are elected by the student body of the college/district as their representative on the Board of Trustees.

Fact: Student Trustees are invited to address and ask questions on issues that are on the agenda and to cast advisory votes as they deem appropriate.

Finding: Student Trustees play a valuable role in bringing student concerns to the attention of their governing boards.

DISCUSSION 2 Ethical Oversight

For obvious reasons, continuity in the governing boards and executive cabinets has a positive influence on the academic environment and management of the local community college districts. This familiarity within and between the governing boards and cabinets can also lead to turmoil and loss of confidence in the management and more importantly in the Academic goals and achievements of these institutions. The close working relationships can lead to conflicts of interest and in extreme cases to inappropriate or even unethical behavior.

The members of the Board of Trustees are held accountable for their actions through the election process and are responsible for evaluating the performance of the Chancellor/College President and taking corrective action when necessary. The avoidance of any conflicts of interests either perceived or real is critical to maintaining public confidence in the ability of the educational institutions to achieve their goals.

Some of the issues about which the Grand Jury has heard testimony and which document the need for the proposed Educational Ethics Committee are listed below:

- 1) **Relationship between Trustee and Senior Administrator:** In one district, a Trustee is engaged in a romantic relationship with a senior administrator. This relationship is acknowledged by both parties and appears to be common knowledge to other personnel in the district. The administrator frequently brings major costly projects before the governing board. The Trustee has never recused himself/herself on votes involving any of these items nor on the administrator's scope of responsibility nor on salary and benefit increases for the administrator.
- 2) **Non-cooperation with Grand Jury audit:** The auditor, working at the Grand Jury's request to audit contracting practices and legal expenses in one district, was unable to complete the audit. Audit staff was denied access to pertinent documentation by college administrators.
- 3) **Failure to follow procedures on accepting donations, inventory control and cash handling:** At one community college district, a private individual, with the knowledge of a college supervisor, was permitted to engage in a private enterprise selling palm trees, which had been donated to the college. The private individual also was allowed to use college resources and land to grow, and subsequently sell, additional palms. This enterprise continued for a period of nine years, apparently without the knowledge of the Vice President over the Horticulture Department. Many of the donations were never formally received by the governing board and never properly inventoried. Required approvals for activities involving the collection and receipt of monies were not obtained and proper cash handling procedures were not followed. A private investigation, instigated by the college President with the approval of the governing board, into this

affair cost in excess of \$200,000, paid for out of college funds; the faculty facilitator was dismissed. Later the facilitator was found guilty of felony grand theft of \$305 in cash. The resulting disciplinary action against the Vice President culminated in legal action and the award of a settlement to the Vice President of \$542,000. All of this could have been avoided if procedures had been properly observed and compliance monitored. The Grand Jury investigation revealed that all procedures have recently been tightened so as to avoid recurrence of similar incidents. In another district, our investigation revealed that the lack of inventory control permitted items to be diverted from the Lost & Found Room and that surplus property items were made available to college employees without having been put up for public sale.

- 4) **Bid rigging:** This was not only a violation of district procedure but of California State law. Specifically, Section 20112 of the State Public Contract Code states: “Whether or not bids are opened exactly at the time fixed in the public notice for opening bids, a bid shall not be received after that time.” College staff did not cooperate with our attempts to obtain additional documentation on this incident.
- 5) **Failure to disclose economic interests:** Community college district Trustees and high ranking administrators are required by law to file an annual Statement of Economic Interests, Form 700. Among the items required to be reported are interests in real property in the district of employment and the income derived from real property. This is especially important for administrators whose job functions include the acquisition of real property for expansion projects and Trustees who have to approve such acquisitions. Several Trustees and administrators expressed uncertainty about their disclosure requirements. An administrator in one district failed to disclose ownership of several properties in the district for at least three years and will be filing amended Forms 700.
- 6) **Use of college assets for personal interests:** The horticultural incident referred to above is not an isolated incident. Trustees have promoted their own personal business interests, to do things such as solicit customers, and have used college equipment, and employed college hourly workers, paid with college funds, to do work.
- 7) **Inadequate oversight of campus police:** In light of the outbreak of violent incidents on high school and college campuses in recent years, the establishment of an adequately staffed and trained campus police force has become a necessity. All five college districts have police departments with sworn armed peace officers. These sworn officers must meet standards set by the State Office of Peace Officer Standards and Training (POST). In one community college district two sworn officers have not met these standards yet have been authorized by college administration to

carry firearms. In that same district, staffing is not sufficient for coverage 24 hours a day, 7 days a week or to provide supervisory coverage for all manned shifts. The campus police do not have keys for emergency access to several buildings and storage lockers on campus. The Grand Jury investigation has revealed that college administrators are aware of these concerns, but have not yet acted to remedy them.

- 8) Intertwined Trustee/Administrator relationship between community college district and a local high school district:** A Trustee elected to a community college governing board in 2006 is also an administrator of a high school district in the same area. Two administrators of that college, one of cabinet level, are also Trustees of the high school district. This has created a reciprocal relationship whereby a Trustee of the college district may have to vote on items benefiting Trustees of the high school district, and vice versa. This is not illegal but it can create the perception of a *quid pro quo*. To the credit of the college Trustee, when apprised of this situation, this governing board member recused himself/herself on subsequent items dealing with matters that benefit the high school district or the individuals involved.
- 9) Brown Act violations on executive dismissals:** Several of the complaints received by the Grand Jury concerned alleged Brown Act violations in three different community college districts. Our investigation revealed that three cabinet level administrators, against whom dismissal action was being considered, testified that they were not given the 24-hour advance written notice required by the Brown Act before charges against them could be discussed by the Governing Board in closed session. All of these cases caused the districts involved to incur legal expenses. One resulted in a settlement before the case was heard. At another district, the Settlement Agreement with an outgoing executive was negotiated in closed session. Once back in open session, it was reported that no action was taken. The proposed Educational Ethics Committee mentioned above could function as a review board for these alleged violations. This would create an interim step for complainants before bringing suit in Superior Court, thereby reducing the legal fees incurred by districts.
- 10) Legal expenses:** Only one of the five community college districts has a legal counsel on its staff. That legal counsel is available for routine consultations and performs the commonplace legal work. More difficult and specialized legal work is contracted out to the appropriate specialist firm. This seems to work well for the district and is the approach recommended by the Grand Jury. Some of the other districts are questioning their escalating legal expenses and are looking at measures to rein them in. At one district, the President/Superintendent is personally reviewing and approving all items requiring expenditures for legal fees. This district has had a contracted legal counsel firm that describes itself as

representing the governing board, not the district as a whole. Conflict issues have also arisen regarding Requests for Proposals for legal counsel and with contributions made by firms that are hired by the districts. Also it is questionable whether its attorney needs to be present at interviews of prospective employees or at open sessions of governing board meetings to function as a parliamentarian. Clearly a cost/benefit analysis is necessary to evaluate having an employed legal counsel as compared to a solely contracted one.

The Board of Governors of the California Community Colleges, through its Chancellor's Office, provides administrative oversight of the local community colleges at the State level. As part of its accreditation process, the Western Association of Schools and Colleges (WASC) determines that each governing board has Board Policies on ethics and ramifications for violations. The Community College League of California publishes a detailed resource guide for governing boards on codes of ethics and also conducts ethics training. All of these bodies have statewide responsibilities, do not have investigative authority, and have no power to impose fines or other penalties for ethical violations.

The California State Fair Political Practices Commission does have, among other responsibilities, the authority to impose fines for violations of campaign laws, violations of conflict of interest regulations and non-disclosure of economic interests. However, this body also has statewide jurisdiction with limited staff and acts mainly on referrals and complaints.

The Grand Jury believes there should be a body at the county level to investigate ethics violations alleged against both elected members of community college boards and the appointed executives of the five community college districts. This entity would also impose appropriate penalties, such as censure or fines, for proven violations. The only entity with countywide responsibility in educational matters is the San Diego County Board of Education, governing board for the San Diego County Office of Education (SDCOE). We realize that SDCOE is primarily responsible for K-12 education, but in the past it has had greater responsibilities with respect to community colleges. SDCOE still presently provides financial services to community college districts. These services include the processing of district payroll and of payment warrants to vendors.

Accordingly the Grand Jury is recommending that the San Diego County Board of Education direct the SDCOE to establish an Educational Ethics Committee. Its first task would be to promulgate a uniform and comprehensive code of ethics for all community college districts. This code should incorporate the best elements of the existing codes of the five districts as well as fully conform to the guidelines of the Community College League Of California. It also should incorporate all relevant sections of Accreditation Standard IV of the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges. The code should spell out procedures for dealing with alleged violations and consequences for proven violations. Those consequences may include public reprimand, public censure and fines for elected officials

and progressive disciplinary measures ranging from reprimand to dismissal for appointed officials.

As a model for the proposed Educational Ethics Committee, the Grand Jury suggests the Ethics Commission of the City of San Diego. This body monitors and enforces the City's governmental ethics laws, conducts investigations of alleged violations, randomly audits election campaigns and disclosure statements, refers violations to appropriate enforcement agencies and serves as a resource on governmental ethics laws for City officials. It has jurisdiction over the San Diego City Council, the Mayor and all other elected officials, appointed executives and managers, and members of City boards and commissions.

Our proposed Educational Ethics Committee could be composed of ten members, one each chosen from the five community college districts and five at large members appointed by the County Board Of Education. A member representing a particular community college district would have to recuse himself/herself on issues involving that district. Staffing might include a full-time coordinator, a full-time secretary and a part-time attorney. The budget should not exceed \$500,000 per year, funded by equal contributions from each of the five districts. **It is anticipated that a district's contribution could be offset in whole or in part by a reduction in the legal fees that would otherwise be associated with some of the cases.**

FACTS/FINDINGS

Fact: All five community college districts in San Diego County have codes of ethics. They vary widely in length and amount of detail.

Fact: Through the accreditation process, local community colleges are provided with standards for the ethical conduct of governing board and cabinet members. The Community College League of California also provides specific ethics guidelines, other resources and ethics training to the local community colleges.

Finding: There is no local entity to enforce the existing codes of ethics and to apply penalties for violations.

Fact: Governing Board members are required to submit an annual Statement of Economic Interests to the State Fair Political Practices Commission. This is frequently referred to as Form 700.

Finding: Board of Trustees members and upper level administrators within the local community college districts are ill prepared to fill out annual financial disclosure statements. Some staff members did not know that real property in the district, other than personal residence, must be listed on the Form 700.

- Finding:** There is no local entity to monitor randomly the Forms 700 for community college personnel, to respond to complaints of non-disclosure and to refer violators to the Fair Political Practices Commission.
- Fact:** Brown Act violations are frequently alleged against governing boards of the local community colleges.
- Fact:** There is no independent local entity to moderate disagreements over interpretations of the Brown Act at the local community colleges.
- Fact:** The Ethics Commission of the City of San Diego has been an effective entity for monitoring the compliance of City officials with that City's ethical codes and in imposing penalties for violations.
- Fact:** An equivalent local entity does not exist for officials of the five community college districts in San Diego County.
- Finding:** A local Educational Ethics Committee is needed to establish and enforce a uniform code of ethics for officials of the five local community colleges as well as to monitor compliance with the Brown Act.
- Fact:** A thorough inventory of all property, equipment and supplies is an essential management tool.
- Finding:** Items that are placed in the lost and found are not properly inventoried in all districts. Board policies do not provide for proper disposition for items that are not claimed by the owner.
- Finding:** In some districts, college vehicles and other assets that are no longer needed are not always made available for public auction. Sole source bidding or directed sales to college staff is inappropriate.
- Fact:** Many of the community college districts are addressing the reasons why legal costs are escalating.
- Finding:** At some colleges attorneys are being paid for services that do not require legal expertise, such as acting as parliamentarian at open sessions of governing board meetings and attending interviews of prospective candidates for cabinet level positions.
- Finding:** A cost/benefit analysis of an employed legal staff for basic legal services versus a wholly contracted legal counsel would be a useful tool in identifying and controlling a district's legal expenditures.
- Fact:** Campus police provide a valuable service in enforcing college regulations, providing physical security, and responding to violent incidents.

Fact: Sworn peace officers must meet required certification standards.

Finding: At least one district has sworn peace officers who do not meet California Peace Officer Standards and Training (POST) requirements.

RECOMMENDATIONS

Even though we are addressing the recommendations below to all five of the community college districts in the County, we by no means wish to imply that all of them have the same deficiencies we found at some of them. Having to respond to the recommendations should result in a reexamination of their procedures so that they may avoid these deficiencies in the future.

The 2007/2008 San Diego County Grand Jury recommends that the San Diego County Board of Education:

- 08-78:** Establish an Educational Ethics Committee for the five local Community College Districts modeled on the City of San Diego's Ethics Commission.
- 08-79:** Compose said Committee with a membership of persons, selected from each of the five Community College Districts and appointed by the San Diego County Office of Education.
- 08-80:** Establish a policy that a member of said Committee chosen from a Community College District shall recuse himself or herself from issues involving that District.
- 08-81:** Establish a policy that said Committee hold regularly scheduled monthly meetings and special meetings as needed – both subject to the provisions of the Ralph M. Brown Act.
- 08-82:** Determine a method for allocating funding for said Committee. It is anticipated that the Districts would be able to offset costs by reduction in legal fees.
- 08-83:** Provide in the policy that said Committee would develop and promulgate of a uniform Code of Ethics applicable to all five Community College Districts in San Diego County. Such a code would incorporate a restating of selected items from existing District codes and the recommendations of the Community College League of California.
- 08-84:** Mandate that such a Code of Ethics contain provisions for said Committee to impose appropriate penalties for violations. Penalties might include

public sanctions, fines, and recommendations for recall of elected trustees or dismissal of appointed personnel.

- 08-85:** Mandate that among the ongoing tasks of said Committee shall be to provide an avenue of appeal for Brown Act violations, especially lack of required notice for terminations and other disciplinary actions and unauthorized meetings of elected trustees.
- 08-86:** Mandate that among the ongoing tasks of said Committee shall be to investigate “whistle blower” complaints against trustees and administrators.
- 08-87:** Mandate that among the ongoing tasks of said Committee shall be to investigate allegations of conflict of interest and the taking of bribes or kickbacks on the part of elected trustees and administrators.
- 08-88:** Mandate that among the ongoing tasks of said Committee shall be to investigate campaign irregularities on the part of elected trustees and to refer violations to Fair Political Practices Commission.
- 08-89:** Mandate that among the ongoing tasks of said Committee shall be to investigate allegations of improper use of District property, supplies and equipment.
- 08-90:** Mandate that among the ongoing tasks of said Committee shall be to monitor on a random basis the completeness and accuracy of Statement of Economic Interest (700) forms of elected trustees and appointed senior administrators.

The 2007/2008 San Diego County Grand Jury recommends that the Governing Boards of the Grossmont-Cuyumaca Community College District, the Mira Costa Community College District, the Palomar Community College District, the San Diego Community College District and the Southwestern Community College District:

- 08-91:** Endorse and support the County Educational Ethics Committee for community college districts, as proposed above in this report.
- 08-92:** Formulate a ballot proposal, for approval by voters of the district, to limit terms of Trustees.
- 08-93:** Adopt a Governing Board policy that would limit campaign contributions to a candidate for Trustee, whether to a candidate or to a Political Action Committees (PAC) on behalf of that candidate.

- 08-94:** Adopt a Governing Board Policy that would limit the total amount of campaign contributions a candidate for Trustee could receive to a reasonable amount to be determined by the governing board.
- 08-95:** Adopt a Governing Board Policy that would set standards for staff members from soliciting campaign contributions. The Policy should include a provision prohibiting staff members from soliciting campaign contributions for Governing Board candidates from contractors and other firms doing business with the District.
- 08-96:** Adopt a Governing Board policy that provides disclosure standards for Trustees. The Policy should include a requirement that a Trustee disclose the fact that a bidder on a contract donated to his or her campaign.
- 08-97:** Adopt a Governing Board Policy that would set standards for buy-outs of administrator contracts. The Policy should include a provision limiting administrator contract buyouts to amounts specified in their contracts. No salary or benefits should exceed the 18-month period specified in the State Education Code. No damages or special payments should be granted.
- 08-98:** Endorse a policy to expand the public Governing Board meeting agendas according to the spirit of the Brown Act. For items concerning awards of contracts, approving bids and hiring consultants, the agenda should include amounts of bid and award, scope of work, time period, name and address of contract, and college contact.
- 08-99:** Adopt a district policy that the campus police chief reports directly to the Chancellor or President/Superintendent or an appropriate Vice Chancellor or Vice President.
- 08-100:** Review the qualifications of all sworn campus police officers for compliance with requirements of the California Commission on Peace Officer Standards and Training. (POST)
- 08-101:** Adopt a Governing Board policy for all real property purchases that specifies the data to be listed on the public agenda when the purchase is voted on. This data should include the current assessed valuation and information on amounts of all sales in the last two years for comparison with the amount of the current purchase price.
- 08-102:** Undertake a cost/benefit analysis on the feasibility of employing a Counsel for the District as opposed to contracting for all legal services.
- 08-103:** Direct District Human Resources officers to adopt procedures to avoid the appearance of nepotism and inappropriate supervisory relationships in the hiring process. These procedures should include the identification and screening of applicants who are close friends and relatives of elected Governing Board members and staff.

- 08-104:** Adopt Governing Board Policies regarding the disposition of surplus property. Said Policies should include a requirement that any college surplus property donated to non-profit organizations or sold by means of public auctions and prohibit purchase by college staff/employees or relatives.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date</u>
San Diego County Board of Education	08-78 through 08-90	8/26/08
Governing Board of the Grossmont-Cuyamaca Community College District	08-91 through 08-104	8/26/08
Mira Costa Community College District	08-91 through 08-104	8/26/08
Palomar Community College District	08-91 through 08-104	8/26/08
San Diego Community College District	08-91 through 08-104	8/26/08
Southwestern Community College	08-91 through 08-104	8/26/08