

policy type

board-staff relations

policy title

3.0 chancellor's role

The Chancellor, as chief executive officer, is the Board's official connection to the District's operations.

AMENDED February 22, 2011, Motion No. 9781, 9782

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3.1 unity of control

Only officially passed motions of the Board are binding on the Chancellor.

1. Except in rare instances when a person, committee, or task force has been explicitly authorized to direct staff on an issue, no Board Member, officer, or committee has authority over the Chancellor or any member of the Chancellor's staff.
2. Board Members may request information through the Chancellor's office. In the Chancellor's absence, requests will be made to the Acting Chancellor or the Chancellor's Executive Council members. In the case of individual Board Members or committees requesting information or assistance, the Chancellor shall make every effort to honor all such requests, with the exception where considerable time and expense are involved, in which case the request may be declined. The Board member may then refer such request to the full Board for consideration.

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**3.2 accountability of
the chancellor**

All Board authority delegated to District management is delegated through the Chancellor. Therefore, all authority and accountability of staff, as far as the Board is concerned, is considered to be the authority and accountability of the Chancellor.

1. The Board will not give instructions to persons who report directly or indirectly to the Chancellor.
2. The Board will not evaluate, either formally or informally, any staff other than the Chancellor.
3. The Board will consider and evaluate the Chancellor's performance synonymous with organizational achievement of Outcomes and compliance with Chancellor Limitations. Consequently, the Chancellor's job description and evaluation address performance in these two areas.
 - A. Organizational accomplishment of the Board's Outcomes, with measurement indicators as agreed upon by the Board.
 - B. Organizational operation within the parameters of legality, prudence, and ethics established in the Board's Chancellor Limitations policies.

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3.3 delegation to the chancellor

The Board will direct the Chancellor through written policies that prescribe the Outcomes to be achieved, and describe organizational situations and actions to be avoided, allowing the Chancellor to use any reasonable interpretation of these policies.

1. Outcomes: policies direct the Chancellor to achieve certain results, for certain recipients, at a worth or priority. The Board will develop these policies systematically from the broadest, most general level to more defined levels. All issues that are not Outcomes issues as defined here are “means” issues.
2. Chancellor Limitations: policies define the boundaries of legality, prudence, and ethics within which the Chancellor is expected to operate. These policies describe those practices, methods, decisions, and circumstances that would be unacceptable to the Board, even if effective in producing the desired Outcomes. These policies will be developed systematically from the broadest, most general level to more defined levels. The Board will not prescribe organizational means delegated to the Chancellor.
3. An Outcomes or Chancellor Limitations policy at a given level does not limit the scope of any preceding level.
4. The Chancellor is authorized to establish all further administrative policies, make all decisions, take all actions, establish all practices, and develop all activities, as long as they are consistent with any reasonable interpretation of these Outcomes and Chancellor Limitations policies.
5. The Board may change its Outcomes and Chancellor Limitations policies, thereby shifting the boundary between Board and Chancellor domains. By so doing, the Board changes the latitude of choice given to the Chancellor. However, so long as any particular delegation is in place, the Board and its members will respect and support the Chancellor’s choices as long as they are consistent with Board policy, as reasonably interpreted. This does not prevent the Board from obtaining information, except for confidential/personal information relating to students and staff.

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3.4 monitoring the chancellor's performance

The Board will systematically and rigorously monitor the Chancellor's job performance to determine the extent to which Outcomes are being achieved and whether operational activities fall within parameters established in Chancellor Limitations policies.

1. The purpose of monitoring is simply to determine the degree to which the Chancellor is fulfilling the Board's expectations as set forth in its governing policies. Only information that enables the Board to assess accomplishment of Outcomes and compliance with Chancellor Limitations is considered relevant.
2. A given policy may be monitored in one or more of three methods:
 - A. Chancellor Report: The Chancellor conveys to the Board, in writing, policy interpretations as well as compliance information relevant to the policy under review. As appropriate in a given context, the Chancellor may present information to justify the "reasonableness" of his/her interpretation.
 - B. External Report: Discovery of compliance information by a disinterested, external auditor, inspector, or judge who is selected by and reports directly to the Board. Such reports must assess executive performance only against policies of the Board (as reasonably interpreted by the Chancellor), not those of the external party unless the Board has previously indicated in Governing Board policy that party's opinion to be the standard for assessment.
 - C. Direct Board Inspection: A designated Board Member, committee, or the Board as a whole assesses accomplishment of, or compliance with, a given policy, as reasonably interpreted by the Chancellor.
3. In every case, the Board will judge whether a) the Chancellor's interpretation is reasonable and b) whether data demonstrate reasonable accomplishment of, or compliance with, the Chancellor's interpretation.
4. Interpretations determined by the Board to be unreasonable, or data determined not to demonstrate reasonable accomplishment of or compliance with a Board policy, as reasonably interpreted, will be subject to a remedial process agreed to by the Board.
5. All policies instructing the Chancellor will be monitored at a frequency and by a method chosen by the Board. The Board may choose to monitor any policy by any method at any time, but will ordinarily depend on the schedule appearing on the subsequent page.
6. The Board will have a formal evaluation of the Chancellor in May of each year. The evaluation will be based primarily on a summary/review of the Board's judgment of the Chancellor's performance, per the criteria and process outlined above, during the previous twelve months.

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3.4 monitoring chancellor performance (cont'd)

Note: Policy topics identified in this table subject to change pending Policy Review and Adoption by Board

Policy	Method	Frequency	Shedule
OUTCOMES			
Broadest Outcome Statement	Internal	Annually	
University Transfer Education and General Education	Internal	Annually	
Workforce and Economic Development	Internal	Annually	
Developmental Education	Internal	Annually	
Community Development and Civic and Global Engagement	Internal	Annually	
CHANCELLOR LIMITATIONS			
General Chancellor Constraint	Internal	Annually	
Treatment of Students	Internal	Annually	
Treatment of Faculty and Staff	Internal	Annually	
Interactions With the Public	Internal	Annually	
Financial Planning and Budgeting	Internal	Annually	
Financial Condition and Activities	Internal	Semi-Annually	
	Direct Inspection (Audit and Finance Committee)		
	External	Annually	Close of FY (month)
Asset Protection	Internal	Annually	
Staff Compensation and Benefits	Internal	Annually	
Communication and Counsel to the Board	Internal	Annually	
Operational Succession Planning	Internal	Annually	
Public Safety	Internal	Annually	
College Course Materials	Internal	Annually	
International Education	Internal	Annually	

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3.5 access to the internal auditor

Direct but limited access to the Board by the Director of Audit, as the internal auditor, is an exception to the exclusive role of the Chancellor in connecting governance and management.

Accordingly, the Director of Audit oversees MCCC'D's Internal Audit and Management Advisory Services (IAMAS) Department, which is charged with the responsibility for ascertaining that MCCC'D's systems of internal controls, risk management, and organizational processes, as designed and represented by management, are adequate and functioning. IAMAS is also responsible for reporting to management and the Audit and Finance Committee on the adequacy and effectiveness of the organization's systems of internal control, together with ideas, counsel, and recommendations to improve the systems.

1. If, after having brought to the Chancellor's attention any impropriety discovered in the course of his or her own work, the internal auditor feels that the Chancellor has failed to address the impropriety, the Director of Audit must report that impropriety to the Board President.
2. Impropriety in this context means a material weakness in operational management or a violation of Board policies regarding financial affairs of the District.
3. Nothing in this policy impedes the Chancellor from exercising his or her Board-granted prerogative to interpret applicable Board policies under the "reasonable interpretation" rule, nor does it remove from the Board the right to judge reasonableness. However, impropriety as used in provision #2 above can indicate that in the opinion of the Director of Audit, an interpretation made by the Chancellor is not "reasonable."
4. The Director of Audit is in all other ways as subject to the Chancellor's managerial authority as all other staff and has no direct access to the Board except as permitted by law or district policy and/or regulations. The Chancellor may not impede the Director of Audit's official access as described in this policy, or seek to inappropriately influence the content of the Director of Audit's reporting to the Board as set forth in this policy.
5. Nothing in this provision shall be deemed to limit or prohibit the Board from hiring external or internal auditors who may be assigned to report to the Board, or as the Board may choose, another designee (e.g., Legal Counsel).

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**3.6 board / general
counsel relationship**

The General Counsel is employed by the Maricopa County Community College District in accordance with Arizona Revised Statutes §15-1448. As such, he or she is vested by law with the powers of and the duties otherwise performed by the Maricopa County Attorney pursuant to Arizona Revised Statutes §11-532 (A) (11), as amended. In exercising these powers and providing legal services, the General Counsel is expected by the District to conform to the generally accepted standards of the legal profession, including the Rules of Professional Conduct (ARPC) promulgated by the Arizona Supreme Court. These professional standards include, without limitation, standards of integrity, competence, diligence, and communication.

1. The General Counsel reports to and is supervised by the Chancellor, and is primarily responsible for providing professional legal services to the district's officers and employees who are acting in their official capacity in performance of their duties. Whenever the General Counsel is providing legal services to the district including the Chancellor and the Board, professional standards require that his or her legal advice and services be based upon independent professional judgment that is not subject to the client's direction and control.
2. Regardless which individual or group represents the district as the General Counsel's client for purposes of any particular communication or representation, the district as a whole entity remains the General Counsel's sole client. He or she owes professional responsibilities to the organization as a whole, including the Governing Board as an entity.
3. To meet the expectations stated above, the General Counsel must have direct and independent access to the Governing Board when necessary in his or her professional judgment (e.g., when obliged by the above professional standards to disclose information received from constituent members of the organization to the highest authority within the organization, and to provide advice to the highest authority.)
4. Accordingly, the General Counsel shall have direct access to the Board and the authority to use independent professional judgment in providing professional services as an attorney, notwithstanding the Chancellor's otherwise exclusive role in connecting governance and management.
5. The General Counsel will provide timely legal opinions on proposed regulations, contracts, and documents and also contemplated actions when requested by the Chancellor and other district executives, as well as upon a request of the Board, by motion duly made, seconded, and approved.
6. In addition to the foregoing, the Chancellor may in his sole discretion assign the General Counsel supervision of district risk management, insurance, training, and compliance programs. If so, the General Counsel will take reasonable care to clarify when he or she is exercising such administrative responsibility. When the General Counsel is performing such administrative duties, he or she will be subject to the direct and exclusive supervision of the Chancellor.

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