

April 15, 2021

21-153

BP 2361 INFORMATION REQUEST POLICY (FIRST READING)

PREPARED BY: Jeannie Moton, Executive Coordinator, Board of Directors

APPROVED BY: Mark Mitsui, President

REPORT: The Oregon public meetings law (ORS 192) sets out the requirements for determining a quorum and the number of votes required for the board to act. In the case of community colleges, a majority of the board is 4 of 7 board members regardless of the number of board members present.

As a result, a majority of the board is required to take action. Oregon law authorizes community college boards to take action, not individual board members. Individual board members do not have the authority to act or make decisions on behalf of the board, this includes request for information from the President.

Individual board members do not have the authority to direct college staff to take action unless the board agrees. It puts employees in a difficult position when individual board members come to them directly with information requests because they can't determine if this is an individual board member directing their work or the will of the board. In addition, it exposes the college to legal liability when an individual board member is directing the actions of college employees.

The board should discuss and determine whether or not the request for information is supported by at least a majority of board members, where it fits within the board's priorities, and the impact on college resources to respond to the request

Therefore, the President would like the following policy to be approved:

*The President shall make available information or take action that the Board of Directors as a whole requests. The President will provide information to the board or take action that is requested by a simple majority of board members, if the requests and/or actions are ethical and not unduly burdensome*

*or disruptive to the College's operations. Individual board members do not have the authority to direct college staff to take action. Information provided to any Board member shall be available to all Board members.*

RECOMMENDATION: The Board approve BP 2361 for a first reading as presented.