

Policy and Policymaking

Boards of trustees govern through the policies they make. A classic definition of the difference between the board and administration is that the board sets policy and the administration carries it out. In studies of board effectiveness, the best boards are those that focus on broad policy concerns and do not involve themselves in the day-to-day work of the college.

Policy is the collective voice of the board and is the vehicle through which individual trustees express their values. In fact, one approach to boardsmanship, the Policy Governance® model, believes board policy is the sole expression of board authority.

Board Responsibilities

Policy is the voice of the board. Boards are responsible to thoughtfully deliberate issues and policy proposals. They are responsible to be alert to the need for new or changed policy. Trustees should be willing to devote the time and study necessary for a thorough and thoughtful exploration of issues and options. They seek and consider multiple perspectives. They are responsible to act in accordance with and support board policy.

When reviewing potential policies, boards should always strive to make the broadest statements possible that provide sufficient direction and clarity. Trustees should ask, “What is the least amount of policy that we need?” The adage, “less is more,” applies to policymaking. Policies should clearly state the intent and direction of the board, but not be overly prescriptive or detailed. They should allow employees to exercise the professional discretion for which they were hired.

When boards vote in public meetings their actions have the force of policy. However, boards should not substitute a series of actions in board meetings for clear, powerful policy statements. If boards find themselves continually reacting to certain issues, they may wish to explore the policy implications of those issues and develop policy statements that proactively guide district actions.

Boards strengthen their own power and leadership by always referring to current policy and addressing the policy implications inherent in issues. If boards honor their policies and the importance of policy, they increase the respect that college staff and the community has for the board and board policy. “It doesn’t count if it’s not policy” reflects the belief of many effective boards.

Boards have a responsibility to periodically evaluate the policies they establish. Are the policies sufficiently clear? Do they provide adequate direction for CEO and staff decisions? Do they reflect current and future community values as represented by the elected trustees? Developing a master calendar for policy review ensures that policies remain current and useful.

Boards also have the responsibility to clearly delegate the authority to implement policy to the CEO and to support the use of that authority. They assure that board policy is followed by evaluating the CEO, reviewing how policies are adhered to, and attending to reports on institutional effectiveness.

Together, the board and the CEO determine and manage the policy-making process. The board should adopt a policy that addresses the process, which might include a definition of roles and responsibilities and a commitment to principles of inclusiveness and communication.

The CEO plays a major role in overseeing and supporting the policy development process and facilitating involvement in the shared governance process. He or she ensures that ideas and proposals are well researched and that policy options and analyses are presented to the board.

Defining Policy

According to Webster's, governing policy is "a high-level overall plan embracing the general goals and acceptable procedures." Policy statements are brief, general statements of purpose, principles or philosophy that serve as guides for action. They should allow for the exercise of professional discretion in their implementation.

Policies generally result in the development of administrative regulations and procedures that further define for stakeholders how the policy should be implemented and who is responsible. Administrative regulations and procedures are not the domain of the board – responsibility for their development is delegated to the CEO and then to appropriate staff members.

Determining the difference between policy and administration is not always easy. While all boards agree that they are responsible to make decisions at the highest level of policy, studies have found that community college boards are often involved in making administrative decisions. Boards often find it easier to simply react to staff plans and initiatives than to tackle the complex, difficult process of making good policy. It requires self-discipline for trustees who are vitally interested in the college to focus only on policy and not get involved in day-to-day issues.

Policy Levels

Policies should be broad and comprehensive and allow the CEO and staff to exercise professional expertise and judgment. When writing or adopting policy, boards start with a discussion of the broadest possible values related to an issue. Then, in a step-by-step fashion, proposed policy statements are narrowed until the board is willing to accept any reasonable interpretation of the policy. (See the examples below.)

Boards should avoid writing narrow, detailed and prescriptive policies. Implementation of policy almost always requires staff to develop administrative procedures or regulations, which can be changed internally as conditions change. Broad policies allow employees to adapt operations as needed.

Examples of Policy Levels

The following is an example of four possible policy statements, ranging from very broad to narrow:

- Level 1 – Broad statement, which would be an umbrella policy: *The CEO shall ensure that all college operations are legal, ethical and prudent.*
- Level 2 – Further defines "prudent" in the operational area of maintaining a safe environment: *The campuses of the district shall be safe and secure.*
- Level 3 – Further defines delegation of authority and "safe and secure." *The CEO shall maintain a campus safety plan that establishes procedures to assure that employees, students, and others on campus are safe from threat or harm.*
- Level 4 – The following further defines one aspect of safety, but is so prescriptive and subject to change that it could easily be an administrative procedure. *There shall be no riding of bicycles, skateboards, scooters, or use of roller blades or roller skates in other than designated areas.*

Policymaking Process

In general, the policymaking process has seven steps. The first step is identifying the need to establish new policy or change an existing policy. Usually, the CEO brings the need for new policy to the board's attention. The need may come from changes in laws or regulations, assessment of the effectiveness of current policies and institutional programs, or may be initiated by interest groups. Trustees also identify concerns that may be addressed through policy changes.

The second stage in policymaking is to determine who needs to be involved in the process. Good practice and state law and regulation require that those who are affected by the policy should be consulted (see chapters 26 and 27) Policies that apply to board members, such as a policy on board self-evaluation, may only involve the governing board. Policies that address “academic and professional” matters must include the Academic Senate. Policies that have a significant impact on staff or students must involve representatives from those groups. Being inclusive helps identify all alternatives, needs and barriers, and also garners support for new policies.

The third step involves determining and gathering the information needed to make a decision. The board and CEO:

- Determine the questions and issues they wish to explore.
- Identify related interests and variables affecting the issues.
- Request research and analysis from college staff.
- Engage in public discussion of the issues to gather input.

Here are some examples of questions boards ask:

- Why is this policy change needed? What’s wrong with current policy? Who “gains” and who “loses” in current policy? How will that change if the policy is modified?
- What research or other information supports the need for change?
- How have other successful institutions addressed this? What policies do they have?
- What are various options, implications, and costs and benefits of changing policy? What alternatives have the best chance of being implemented effectively?

By asking thoughtful questions, boards direct the generation and analysis of policy options. They ensure that comprehensive and relevant information is gathered so that they can make good decisions.

Boards should clearly identify what questions they want answered and the amount of information they desire. CEOs and college staff should work to provide timely, succinct, and relevant information.

The fourth stage in policymaking involves analyzing the information and developing and discussing alternatives. Experienced boards depend on CEOs and college staff to analyze and summarize the issues and background.

Thoughtful boards talk through the implications of each alternative. They assess the alternatives by asking: “How will this new policy improve student success and improve the use of public resources?”

The fifth step is to adopt new policy and approve changes to current policy at board meetings. The changes are then integrated into the board policy manual. Old policies that are no longer applicable are removed.

Once policy is adopted, the board expects the CEO to communicate it to those it affects, explaining its implications and discussing its implementation. The board and CEO also may need to communicate with the public to explain why policy changes were needed, particularly those that affect the direction of the institution. If the board has made a difficult or unpopular choice, the board and the CEO especially need to explain the rationale for why the choice was made.

Once policy is adopted, it is the voice of the board. Trustees who argued or voted against the policy should not continue to speak in opposition—they should support the decision of the board. Supporting board policy decisions as a team keeps the board working together and fosters institutional strength.

The sixth step is to implement the policy, which is the responsibility of the CEO and institutional staff members. They need to make the requisite changes in college programs, operations, and procedures to implement the policy direction or adhere to changes in policy parameters.

Policy and Procedure Subscription Service

The League, in conjunction with the law firm of Liebert Cassidy Whitmore, offers a subscription service to member districts. The service provides samples or templates of board policies and administrative procedures that are legally required, legally advised and suggested as good practice. It includes two updates each year that address changes in law and regulation and respond to subscriber questions, as well as two subscribers’ workshops to review legal issues and how to use the service. Seventy-one districts are members.

For more information, visit
www.ccleague.org,
click on *District Services*,
click on *Policy and Procedure Service*.

The final and ongoing step for boards is to monitor policy implementation and its effect. Boards gain a better understanding of the implications of their decisions when they have a sense of how policy is interpreted, what procedures and programs are implemented, and what the “ripple effects” are of new policy directions.

Information gathered at this phase often cycles back into policy initiation. If the board and others are dissatisfied with the effect of the policies, they will be revisited and the policymaking process will begin again. Those who supported new or amended policies can be assured that they made good decisions if the results are positive. Monitoring the effectiveness of policy “closes the loop” of the policymaking cycle.

Policy Content and Categories

Effective board policy accomplishes the following purposes:

- Establish the direction and standards for the college’s educational programs and services
- Ensure that the district is in compliance with law
- Ensure that resources are wisely and prudently used
- Define clear expectations for college staff
- Establish standards for board operations and trustee involvement

There are two major approaches to categorizing policy topics. The first approach, which is more traditional, results in categories that parallel the functions and divisions within a college or district. The League’s Board Policy and Administrative Procedure Service is based on this approach. The following are examples of some common categories and related policy topics:

Governing Board or Board of Trustees: Includes board bylaws or operating policies, role and responsibilities, policymaking process, code of ethics, board meetings, and standards for participation in decision-making. May include CEO authority, responsibility, job description, and evaluation processes.

Institutional: Defines the district, mission and goals; addresses topics that affect the entire institution, such as student success, equal opportunity, safety, computer use, etc.

Fiscal and Business Services: Includes parameters for fiscal areas such as budget development, expenditure limits, accounting and reporting; auxiliary services; insurance and risk management; safety; and facilities and construction.

Personnel or Human Resources: Includes standards for employment, salary schedules and benefits, evaluation, grievance processes, leaves, and professional development. Collective bargaining contracts are also considered to be policy.

Academic Affairs: Includes parameters for the student preparedness, pre-requisites, academic calendar, degrees and certificates, program and curriculum development and review, enrollment criteria, and academic freedom.

Student Services: Includes parameters for operations such as enrollment, student service programs, standards for student progress, records management, and student activities.

The second approach is from the Policy Governance® model of boardmanship. The categories in this model are based on the board’s role rather than internal structure of the college. There is a strong emphasis on having a few broad, succinct policies rather than many detailed policies. There are four policy categories in this model:

Ends policies establish what the desired results—the ends—of the institution’s efforts are to be. They define the populations that the college will serve and establish priorities. Ends policies provide direction and frame internal planning processes. They are futuristic and externally oriented.

Limitations or Boundary policies define the parameters for all of the means of the organization – the programs, services and activities. They state the limits beyond which the CEO and staff may not go in accomplishing the goals of the institution. They establish legal, prudent and ethical standards, and usually address fiscal and personnel areas as well as treatment of students and communication to the board.

Governing Process policies define the board's job and responsibilities, how the board will govern itself, and expectations for trustee behavior. These policies are similar to the governing board policies in traditional manuals and board bylaws.

Board-Staff Relationship policies describe the delegation to and accountability of the CEO.

Mandates and Standards

The California Education Code identifies a number of areas in which boards should make policy and authorizes boards to delegate power and authority (see the chapter on the governing board role). Title V regulations, adopted by the Board of Governors, implement state law and further determine district actions. Additional laws and regulations that affect all public or educational institutions and boards also influence board policy. Local community college governing boards have the responsibility to adopt policies that best meet the needs of their local communities within state and federal directions and constraints.

Accrediting Standards

Accreditation standards define boards as policymaking entities that are responsible to reflect the public interest, ensure educational quality and fiscal health, and monitor the institution. The standards state that boards should establish broad policies, delegate responsibility to implement the policies, and regularly evaluate their policies and practices. In general, while the accreditation standards establish criteria and processes for institutions, the determination of whether the criteria are policies or administrative procedures is left up to the district.

The Use of Policy

All districts and boards should have up-to-date and comprehensive policy manuals accessible on the district's website. The administrative procedures or regulations that implement the policy should also be accessible, but should not be confused with board policies.

CEO and staff decisions should implement board policy. Programs and services will be based on the direction established in board policy and strategic and educational plans adopted by the board. Once policies and plans are adopted, college staff should have the authority to do the work of the college; further board approval is not needed unless staff activities fall outside of the policy guidelines.

Board agenda items should include references to board policy when appropriate. When boards are faced with issues and decisions, one of the first questions should be, "Do we have a policy that addresses this?" If the answer is "yes," the policy guides the board's decision. If the answer is "no," the board and staff can then review the policy implications of the issue, ask for further information and analyses if necessary, and determine if new policy should be made.

In order to be used, policy needs to be public and accessible. Communication is very important. All staff members should be aware of the board policies and administrative procedures, particularly those that affect their responsibility. As accessibility to and use of computer technology increases, policies and procedures may be posted on line.

Ensuring that policy and procedures are useful means that they should not be overly prescriptive or too detailed, complex, or bureaucratic. Today's colleges and staff members need to be flexible, responsive, and creative to respond to the changing nature of today's world. Boards help ensure the success of their colleges by adopting policies that allow for professional discretion, yet provide clear direction and prudent limits for staff.