

# **SECTION 1**

# **BOARD OF TRUSTEES**

## **Butler Community College Board of Trustees**

The Board of Trustees has formally endorsed a set of principles and the tool of continuous quality improvement through the Academic Quality Improvement Program of the Higher Learning Commission to provide the framework for Butler to serve as the Learning College of Choice for the region.

### **Learning College Principles**

As a dynamic, responsible Learning College, Butler faculty, staff and administration:

#### **Focus on Learning**

We seek student and stakeholder feedback and use that feedback to shape programs and services that are directly related to their learning needs. We rely upon documented evidence to determine that improved and expanded learning takes place.

#### **Assume Personal Responsibility**

We assume responsibility and ownership in helping to achieve and maintain performance standards that contribute to the college's mission and key performance indicators.

#### **Advance Active Engagement In Learning**

We act as learning facilitators, engaging students and co-workers in a variety of learning experiences inside and outside the classroom setting.

#### **Provide Multiple Learning Opportunities**

We sustain safe, functional and inviting learning environments to offer a variety of programming and services options that meet the learning needs of students and other stakeholders.

#### **Value Our Human Resources**

Through our active engagement in systematic institutional and personal growth and development, we foster a climate of excellence in which all employees are empowered to contribute to the advancement of the college's mission, vision and learning college principles.

#### **Make Decisions Based on Facts**

We use the best available integrated data, information and performance measures to facilitate student learning, to guide our continuous improvement efforts at the department, division and college-wide levels, and to guide our daily planning and decision-making.

#### **Plan Strategically For The Future**

We plan with the future in mind, using a strategic planning model that allocates limited resources for optimum effectiveness, productivity and efficiency in meeting student and other stakeholder needs.

#### **Respond With Agility**

We effectively respond to opportunities, changes and threats in our environment, continually seeking new or adapted ways to respond to the learning needs of our students and other stakeholders.

### Link With External Communities

We foster mission-related linkages and partnerships to address student and stakeholder needs and to contribute to the economic and social well-being of our region.

### Model Our Principles and Timeless Values

Administration inspires faculty, staff and students also to model the Learning College Principles and the college's timeless institutional values of Quality, Integrity, Service and Caring.

(Rev. 7/06)

### Purpose

Butler is a publicly supported, comprehensive community college that continually identifies and addresses the changing learning needs of the individuals and communities it serves. The college enhances the social and economic well-being of the region by offering:

- Associate degree programs and transfer curricula that prepare learners for success in four year college and university settings.
- Associate degree programs, certificates and courses that prepare learners for success in entering and progressing in the workforce.
- Customized training, workshops, and seminars that meet the needs of area business and industry.
- Basic skills curricula, including adult basic education and developmental coursework that prepare learners for success in the college setting.
- Comprehensive and accessible support services that aid learners in achieving their goals.
- Programs, courses, and cultural and sports activities that provide recreational and personal enrichment opportunities for learners and college constituents.
- Facilities, services, resources and partnerships that facilitate the success of external stakeholder groups.

### Code of Values and Ethics

The Board of Trustees shall act under the state laws of Kansas. The Board of Trustees of Butler Community College endorses the Code of Values and Ethics for Kansas Community Colleges. (See end of Section for Code of Values and Ethics)

### Introduction to Vision

Butler has embarked on a journey, which places Learning at the heart of our institution. This is the journey of the Learning College, an institution driven by quality and dedicated to engaging its students in learning experiences, which expands their minds and spirit.  
(Rev. 7/09)

### Our Vision

Butler will be the Learning College of Choice for the region, engaging students and other stakeholders in exceptional instructional programs and services that directly relate to their needs and prepare them for success. (Rev. 7/07)

### Mission

Butler Community College exists to develop responsible, involved lifelong learners and to contribute to the vitality of the communities it serves.

### Timeless Institutional Values

- Quality
- Integrity
- Service
- Caring

### Philosophy of Compensation

The members of the Board of Trustees at Butler Community College support a personnel policy, one which allows the college to recruit and retain highly qualified employees. The board subscribes to a philosophy of compensation that recognizes the value and contributions of each employee to the overall success and purpose of our college in meeting student and community needs. Toward that end, the board defines and supports policies that promote fairness, recognition of achievement, responsibility, and accountability of all college employees. The board also believes that the working environment should encourage creativity and exploration of new ideas based on the premise that risks must and can be taken safely – if progress is to be made. Further it is acknowledged that while monetary compensation and tangible benefits are basic to the well being of employees, other mechanisms for recognition of achievement must also be utilized as part of a total employee valuing process.

The Board of Trustees has historically supported and will continue to support compensation that has the following components: salary, a comprehensive benefits package and professional development opportunities. (Rev. 7/06)

## DUTIES AND RESPONSIBILITIES

The Board of Trustees retains full legislative authority in accordance with the state laws, the Board of Regents and the expressed will of the electorate. The Board delegates authority to the President of the college subject to Board approval over all personnel, educational, financial and business matters pertaining to the operation of the college.

Members of the Board of Trustees or members of their immediate family shall comply with Kansas Statute 75-4304 regarding conflict of interest. All Board members are considered public officers. (See appendix for copy of statute)  
(Revised 06/04)

No member of the Board shall apply for or be considered for employment in any capacity with the college.

Members will participate in New Board Member Orientation. The Board Chairperson and the President will plan the orientation. New Board members will be mentored by existing Board members. (Rev. 07-05)

The Board of Trustees shall conduct self evaluations annually in conjunction with the evaluation of the President.

### Limitations

The decisions and actions of a single member cannot be binding on the entire Board. The Board exercises its powers and duties only in properly called meetings, where a majority of the Board constitutes a quorum.

### Functions

Since the Board of Trustees is the governing body of the College, its attention is necessarily directed to planning, evaluating and policy-making.

1. Personnel
  - Negotiate with any appropriate representative of professional employees
  - Employ President, negotiators, attorneys, auditors and other necessary consultants
  - Ratify all other personnel upon recommendation of the administration
  - Agree upon and/or adopt any and all appropriate wages and working conditions
  - Take all actions necessary or desirable to carry out responsibilities of the Board
  
2. Curriculum
  - Make decisions relating to the general scope and nature of the educational offerings
  - Enforce the rules and regulations of the Board of Regents and the state laws as they pertain to the instructional program
  
3. Financial
  - Approve and adopt an annual budget
  - Approve current expenditures above President's authority
  - Adopt regulations concerning accounting for college funds
  - Make decisions as to time, size and sale of bonds and to the investment of monies
  
4. Facilities
  - Determine where, what and how to build
  - Employ an architect
  - Purchase, hold and sell sites
  - Employ contractors
  
5. Public Relations
  - Represent the college to the community and the community to the college
  - Represent the college before individuals and groups
  - Work for adequate financial support from all sources
  - Provide for public use of college facilities

6. Students
  - Determine policies concerning admission, graduation requirements, health and personnel services and other provisions as recommended by faculty and administrators
  - Set tuition and fees
  - Provide for scholarships and other grant-in-aid as recommended by the appropriate personnel
7. Operations
  - Approve annual Board calendar
  - Delegate the interpretation of policy and the management of regulations to the President
  - Require reports on the management and operation of the college
  - Review college calendar
  - Ratify contracts

## BOARD OF TRUSTEES BY-LAWS

The legal name of the governing body of the community college is the Board of Trustees of Butler Community College. It is organized and operates under the authority granted under KSA 71-201.

### Membership

The membership of the Board of Trustees shall consist of seven (7) members elected to four-year terms in April of each odd numbered year. They shall have such duties and qualifications as defined by KSA 71-201.

### Position

The Board members shall have numbered positions with those in District 1 (Benton, Towanda, Bruno, Pleasant and Richland townships) numbered 1 and 4; District 2 (Augusta, Walnut, Douglass, Spring, Bloomington, Rock Creek, Clay, Logan, Little Walnut, Prospect, Rosalia, Glencoe, Hickory, and Union townships) numbered 2 and 5; District 3 (Fairmount, Milton, Murdock, Clifford, Plum Grove, Fairview, El Dorado, Lincoln, Sycamore and Chelsea townships) numbered 3 and 6; and the At-large position. The terms of the positions are for four years and elections are held every two years: i.e., positions 4, 5 and 6 expire in July 2009; positions 1, 2 and 3 expire in July 2011 and the At-large position expires in 2009. (Rev. 7/08)

### Meeting Times

The Board meets the second Tuesday of each month. All employees and officially designated media shall receive notification of the meeting and the agenda.

### Special Meetings

Special meetings may be called by the Chairperson or by joint action of any three members of the Board. All notices shall include the time and place of such meetings, the purpose for which the meeting is called, and the official agenda.

### Work Sessions

Work sessions may be held on a periodic basis to facilitate thorough discussion on key Board agenda items prior to their formal presentation for Board action.

### Public Meetings

All regular and special meetings of the Board of Trustees are open to the public. When allowed by law, the Board reserves the right to go into an executive session.

### Adjourned Meetings

Regular or special meetings which are adjourned before agenda completion may be held at such time and place as the Board determines in the motion to adjourn.

### Quorum

A quorum of four members must be present to transact business at a regular or special meeting and minutes must be kept.

### Order of Business

In all regular meetings of the Board, the following items of business shall be observed:

Call to Order  
Approval of Agenda  
Recognitions  
Public Comment  
Reports  
Monitoring Reports  
Board Action Items  
Board Strategic Discussion  
Consent Agenda  
Supplemental Information  
Adjournment  
(Rev. 7/07)

### Agenda

The Board Chairperson and President shall prepare and submit an agenda to each Board member in advance of each regular Board meeting. Any member of the Board may ask that any item of special interest be included on this agenda. Individuals or organizations wanting items added to the Board agenda shall submit them to the President's Office by the fourth (4<sup>th</sup>) Monday of the month preceding the Board meeting.  
(Rev. 07-05)

### Motions

All motions shall be recorded in the minutes as passed or failed. If a roll call vote is requested by a member, the recorder will call the vote of each member and it shall be recorded in the minutes.

### Public Comment

The General Public is welcome to address the Board of Trustees under the public comment section of the regular Board meeting agenda. Personnel issues are prohibited from Public Comment. The Board Chairperson will ask visitors wishing to make brief

comments to identify themselves and the topic they are wishing to address. If several members of one group or organization wish to speak to the Board concerning the same item, the Board Chairperson may ask the group to identify a single spokesperson.

A time limit of five minutes has been set for each recognized member or spokesperson of the audience to speak to the Board.

The Board will take no action during the public comment period of the Board meetings. However, it will take the matter under deliberation and, if appropriate, direct the President to follow up with a written response and report at the next regular Board meeting. (New 07-05)

## BOARD OFFICERS

### Chairperson

The presiding member of the Board of Trustees is known as the Chairperson. The Chairperson presides at all meetings of the Board, represent the Board at all official functions, unless the Board designates some other member, signs or stamps vouchers and warrants, works with the President to ensure that the full Board is apprised on appropriate college matters, and performs other duties as the Board assigns. (Rev. 7/06)

### Vice Chairperson

The Vice Chairperson of the Board performs the duties of the Chairperson when he/she is absent. In the event of the removal or inability of the Chairperson to serve, the Vice Chairperson becomes Chairperson of the Board for the unexpired term.

### Secretary

The Secretary is responsible for and signs minutes, has access to the official minutes of the Board, and acts as record keeper for the Board, and performs other duties as the Board assigns. The Secretary's name is stamped on all checks.

### Treasurer

The Treasurer is responsible for signing all applicable checks and documents for the Board.

### Terms of Office of the Officers

All officers of the Board are elected at the first meeting in July of each year and serve a term of one year. Except for extenuating circumstances, as identified by the Board, the normal progression of officers is from Secretary/Treasurer to Vice Chairperson to Chairperson. An officer may not serve more than two consecutive terms for a specific elected office.

(Revised 06/04)

## COMMUNITY RELATIONS

### Board Committees

The Board transacts business that is binding on the college only when it is in session, a quorum is present and minutes are kept. Committees may be appointed by the

Chairperson for specific purposes. Such committees may transact business binding on the college only within the authority specifically granted to them, and all business thus transacted must be approved by the Board in the next regular or special meeting and shall be entered in the minutes as a matter of public record.

#### Interaction with Citizens

Citizens of the community may bring issues which deserve the attention of the full Board to individual Board members. Board members should avoid commitments until the entire Board has had an opportunity to thoroughly discuss the matter. The following should govern the Board member in such actions:

- Listen courteously
- Inform the citizen the matter will be given careful consideration
- Pass information on through appropriate channels

#### Handling Complaints

Individual Board members or the Board may receive complaints. The following action should be taken in such cases:

1. Suggest the complainant seek a remedy from the proper college official.
2. Propose the complaint (submitted in written form) for a Board agenda item only after avenue #1 has been exhausted.

When such complaints reach the Board, the Board may:

1. Take immediate action.
2. Request the President to investigate the matter and report a recommendation or an action taken; or
2. Appoint its own special committee to conduct an investigation.

## PROFESSIONAL MEETINGS

#### Board Participation

In accordance with KSA 71-201, Power of Trustees, members to the Butler Community College Board of trustees shall be paid mileage and other actual necessary expenses incurred in the performance of their official duties including travel to and from regular and special Board meetings. Mileage shall be at the set college rate and reimbursed on a quarterly basis.

#### Reimbursement Guidelines

Convention registration, hotel reservation, travel expense, meals and reasonable tips are approved convention expenses.

Car rental should not be used unless absolutely necessary and only when no other means of transportation which would be as economical is available.

Taxicab charges shall be allowed from bus, rail, or plane terminals to the destination of a meeting and between points of duty.

Long distance telephone calls and fax messages will be reimbursed for college business only. Personal calls are not to be charged to the College.

Board members shall not be reimbursed for travel expenses incurred by their spouse or other members of their family.

The College will not reimburse any official for expenses incurred for the purchase of alcoholic beverages.

The Board members shall submit their expense account on a purchase order claim voucher supported by paid receipts for reimbursement.

#### Tuition Assistance Policy

Board members, their spouses and children are eligible for scholarships to cover the cost of their tuition for credit classes taught by Butler Community College. These scholarships shall be granted under the following conditions:

- Children will not be over the age of 23 at the time of enrollment
- No scholarship will be granted to any child, regardless of age, who is married, unless the child is living in the household of the Trustee and is wholly supported by the parent.
- The term "child" shall be construed to mean natural child, adopted child, stepchild, or a person for whom the employee has been named legal guardian.

#### YMCA Membership

Board members are eligible for membership at the YMCA at a discounted rate. Board members may enroll in the Butler corporate membership at any YMCA Branch. The College will pay the \$50 annual membership fee. (Rev. 07-05)

#### Additional Fringe Benefits

Board members are eligible to receive a twenty percent (20%) discount on gift items and clothing purchased in the College owned campus bookstores. In addition, Board members may also attend all regularly scheduled, college-related activities\* free.

\*Jayhawk conference rules prohibit free admission to regional or conference playoffs. (Rev. 7/06)

### IDENTIFICATION AND ACCESS TO PUBLIC RECORDS

All public records as defined in KSA 45-217 through 45-223, shall be open to the public for their inspection or copying.

#### 1. Public Records

The following is a list of public records available for public inspection:

- Board of Trustees minutes
- Accounting and bookkeeping records which are original books of entry, claims, vouchers and purchase orders
- Formal audit reports
- Certain financial papers relating to programs supported by federal funds

- Official bonds of surety or indemnity
- Insurance policies
- Bonds and coupons stamped paid or canceled and returned by the state fiscal agent

Records for disclosure shall not include those set out in KSA 45-221. (See appendix for statute)

2. Business Day  
Public records shall be available to the public Monday through Friday from 8 a.m. to 5 p.m., except for a Saturday, Sunday, or day designated as a holiday by Congress, by the legislature of this state or by Butler Community College.
3. Location  
All Butler Community College public records shall be housed or be accessible at the Walbourn Administration Building, 901 South Haverhill Road, El Dorado, KS 67042.
4. Custodian of Public Records/Freedom of Information Officer  
The Vice President of Finance is appointed by the President to be the official custodian to carry out the duties of custodian under KSA 45-217.
5. Charges or fees for copies of public records  
Fees shall be charged for the provision of copying public records. Fees for copies shall be 25 cents per page. Additional fees for staff time may be assessed. Fees for providing access to computer records shall include the cost of computer services, including staff time required.
6. Other items pertaining to records access
  - A. No original records shall be removed from the custody of the official custodian without the written permission of the official custodian.
  - B.
    - (1) Each request for access to public records shall be acted upon as soon as possible, but not later than the end of the third business day following the date the request is received.
    - (2) If access to the public record is not granted immediately, the official custodian shall give a detailed explanation of the cause for further delay and the place, earliest time and date the record will be available for inspection.
    - (3) If the request is denied, the official custodian shall, upon request, provide a written statement of the grounds for the denial and shall cite the specific provision of law under which access is denied. Said written statement shall be furnished to the requesting person not later than the end of the third day following the date that the request for the statement is received.
  - C. When the official custodian furnishes copies of public records, charges for the service shall be collected in advance. The request for copies of public records shall be in writing, and the requesting person shall be required only to furnish his or her name and address, proof of identity if necessary, and the information needed to ascertain the records desired.
  - D. The College shall not be required to provide copies of radio or recording tapes or discs, videotapes or films, pictures, slides, graphics, illustration,

or similar audio or visual items or devices shall not be furnished unless such items or devices were shown or played to a public meeting of the Board of Trustees or College.

- E. Copies of public records shall be made while the records are in the possession, custody and control of the official custodian and shall be made under the supervision of the official custodian. For those records located in buildings which do not have copying equipment, copies will be made at other facilities. In such cases, a fee will be charged for services rendered in supervising the copying of the records, based on the cost to the College.
- F. All charges or fees collected by the official custodian shall be remitted at least monthly to the Vice President of Finance and shall be credited to the general fund.
- G. A log of persons viewing the records shall be kept by the official custodian.

(Rev. 7/08)

## BANKING AND INVESTING POLICIES

### Checking and Savings Account Policy

The general checking account of the College, referred to as the "Claims Account", shall be bid using a Request for Proposal process for a six-year basis among the banks located within the city limits of El Dorado.

Other checking and savings accounts shall be maintained as deemed necessary by the Vice President of Finance and approved by the Board of Trustees.

All checking and savings accounts shall be reported to the Board of Trustees for approval annually at the July Board meeting.

Depository banks shall be required to pledge securities the market value of which at any given time is no less than 100% of the total deposits for the College, less FDIC coverage. Such pledges of securities shall be in accordance with KSA 9-1402(d) and KSA 9-1405. (Rev. 7/07)

### Investment Policy

College funds which are deemed by the Vice President for Finance or his/her representative, to exceed cash flow requirements shall be invested within the limitations of Kansas Statute 12-1675.

A bid list of all banks and savings and loans within Butler County which desire to bid on the investments of the College shall be maintained. When funds become available for investment, bids shall be solicited by telephone or e-mail from all institutions on the bid list. The award of the investment shall be made on the basis of the highest interest rate offered, provided that appropriate security is obtained provided that the investment balance at any one financial institution shall not exceed \$1,500,000.

In such instance that more than one institution bids the highest interest rate, the Vice President of Finance or his/her representative shall invest the total amount of the bid in the institution which currently holds the least amount of college investments.

Financial institutions holding the investments to the College shall be required to pledge securities the market value of which at any given time is no less than 100% of the total deposits of the College less FDIC or FSLIC coverage. Such pledges of securities shall be in accordance with KSA 9-1402(d) and KSA 9-405.

The Vice President of Finance shall provide the Board of Trustees with a summary of investments on a monthly basis.  
(Rev. 7/06)

### E-MAIL / ELECTRONIC COMMUNICATIONS GUIDELINES

Treat all electronic communications as potentially subject to the state Freedom of Information Act (FOIA). Public documents generally are subject to distribution to the press and the general public pursuant to state FOIA laws. An e-mail is simply an electronic document.

Board members would be well advised to keep public and personal communication totally separate. Do not put personal messages in e-mails discussing public business.

Archive all e-mail discussing college business in the same manner as you archive physical documents.

Generally, a single e-mail from one board member to another on a matter of college business does not trigger the open meeting requirements of notice and public access. However, when that e-mail is forwarded to a third board member with comment, the e-mail could violate open meeting laws.

A listserv or chat room allows simultaneous communication with several or all of the board members. It is not difficult to appreciate that use of a listserv to discuss public business out of the public eye violates at least the spirit, if not the letter, of open meeting statutes. (Rev. 7/06)

#### **Practical Considerations:**

1. Board members must be well-informed as to their legal responsibilities when using electronic communications. They must understand the states' Open Meeting Laws and appreciate when an e-mail or fax may trigger those laws. They must be committed to the spirit of the law, which is conducting public business in an open and responsive manner.
2. E-mails and faxes to other board members by themselves generally do not implicate Open Meeting Laws. The mere exchange of ideas and information between two board members is not the conduct of public business. It is not the deliberative process that Sunshine Laws demand be available to public scrutiny.
3. Simultaneous or serial communications generally will violate Open Meeting Laws. These communications begin to form the give-and-take that characterizes

the deliberative process, and should be done in an open forum. Public business usually includes the adoption of any proposed policy, resolution, rule or other formal action, and any deliberative activities on those matters.

4. E-meetings often can allow absent board members to participate in important public issues, which is very beneficial to the representative nature of board work. Generally, however, there should be a quorum present at a physical location where the press and public are present, and the press and public should have the same access to the electronic input as the board members. This can be accomplished by speaker phones for telephone meetings, or with projectors or large screens for computer-based information or communication.

**Opinions and Cases.** A 1995 Kansas Attorney General's (AG) opinion found school board members in probable violation of that state's Sunshine Law if a quorum of "board members simultaneously engage[s] in discussion of the board business through computer terminals." Kan. Atty Gen. Op. No. 95-13. This was based upon the Kansas statute which defines "meeting" to include any "gathering, assembly, telephone call or any other means of *interactive communication*." K.S.A. 75-4317(a). However, the attorney general opined that if "a sender of a message does not get an immediate response from a receiver, the communication is not *interactive*." Simply sending a message to other board members would not constitute an "interactive communication" as defined by law. *Id.*

The Kansas Attorney General provided further guidance in 1998, declaring that a series of meetings, each of which involves less than a majority of a quorum, but collectively totaling a majority of a quorum, at which there is a common topic of discussion of the business or affairs of that body, constitutes a meeting for purposes of the Kansas Open Meeting Act. Kan. Atty Gen. Op. No. 98-26. An example would be a communication tree in which the Chair e-mails board members one-by-one and asks their opinion on a controversial subject. Although no more than two board members would be "speaking" to each other at a time, the survey or poll would violate the Sunshine Laws.

Similarly, the Kansas AG said if one board member e-mails another, who, in turn, adds to the e-mail and forwards it to another, that would violate the law. The same would be true of a group mailing list (listserv) in which each member automatically receives and can comment on messages posted by others. The obvious problem is that members could exchange their thoughts on an issue, and even develop a consensus, without ever gathering or communicating in real time.

(Rev.7/06)

#### Harassment and Violence Policy Prohibitions

It is the policy of Butler Community College to maintain a learning and working environment that is free from racial, religious, sexual, national origin, age, and/or disability harassment or violence. Butler Community College prohibits any form of racial, religious, sexual, national origin, age, and/or disability harassment or violence and prohibits harassment or violence against an employee or student because the person opposed unlawful discrimination and/or participated in an investigation or complaint concerning unlawful discrimination. For purposes of this policy, these prohibitions also apply to Butler Community College Trustees, agents, volunteers, contractors, or persons subject to the supervision and control of Butler Community College.

It is a violation of College policy for any student, faculty member, staff member, administrator or other employee to harass any student, faculty member, administrator, or other College personnel because of that person's race, color, religion, sex, national origin, age, disability, and/or any other status protected by federal, state, or local law.

It is a violation of College policy for any student, faculty member or administrator or other College personnel of Butler Community College to inflict, threaten to inflict, or attempt to inflict violence upon any student, faculty member, administrator or other College personnel because of that person's race, color, religion, sex, national origin, age, disability, and/or any other status protected by federal, state, or local law. (New 7/08)

## **ACCT Standards of Good Practice**

In support of effective community college governance, the Board believes:

- That it derives its authority from the community and that it must always act as an advocate on behalf of the entire community;
- That it must clearly define and articulate its role;
- That it is responsible for creating and maintaining a spirit of true cooperation and a mutually supportive relationship with its CEO;
- That it always strives to differentiate between external and internal processes in the exercise of its authority;
- That its trustee members should engage in a regular and ongoing process of in-service training and continuous improvement;
- That its trustee members come to each meeting prepared and ready to debate issues fully and openly;
- That its trustee members vote their conscience and support the decision or policy made;
- That its behavior, and that of its members, exemplify ethical behavior and conduct that is above reproach;
- That it endeavors to remain always accountable to the community;
- That it honestly debates the issues affecting its community and speaks with one voice once a decision or policy is made.

(New 06/04)

## **Code of Values and Ethics for Kansas Community Colleges**

### **Preamble**

The Board of Trustees and the chief executive officers of Kansas Community Colleges set the ethical tone of their institutions through both their personal conduct and their institutional leadership. Therefore, each Kansas Community College agrees to adhere to the highest ethical standards in its relationships with the public, students, business, industry, and other educational institutions. The purpose of this document is to raise consciousness concerning ethical responsibilities and pledge acceptance of these responsibilities.

### **Values**

To promote ethical conduct, individual development, and the common good, each Kansas community college will strive to prompt basic values about how to conduct itself when dealing with the public, students, business, industry, and other educational institutions. These values represent a shared ideal which will permeate each community college and become a primary responsibility for its trustees and chief executive officer to uphold and honor.

These values include but are not limited to:

1. Trust and respect for all persons and constituencies within and outside of the college.
2. Honesty in actions and advertising/marketing.
3. Equity in treatment of all constituencies within and outside of the college.
4. A pervasive sense of integrity and promise.
5. A commitment to:
  - Intellectual and moral development
  - Quality instruction and services

- Honesty and integrity in dealing with students, governmental agencies, other institutions and the community at large.
- 6. Honesty and openness in communication.
- 7. Belief in diversity within an environment of collegiality and professionalism.

### **Ethics**

The Kansas Community Colleges pledge:

1. To promise only what is realistic and keep promises that have been made.
2. To ensure equal opportunity for all individuals/groups to take part in college programs.
3. To avoid conflict of interest in contracts, services, or sharing of information.
4. To honor all state and federal laws pertaining to the operations of the college.
5. To respect the integrity of programs offered by other institutions and to promote collaboration among institutions.
6. To ensure that the college responsibly meets changing needs in our state and our community.
7. To represent accurately the college's position in public statements.
8. To foster teamwork and common purpose among Kansas educational institutions.
9. To be honest in reporting of college operations and needs.
10. To honor agreements between the college and other individuals and groups.
11. To promote the highest standards of excellence in teaching and services.
12. To ensure that all students are treated fairly and with mutual respect.
13. To provide quality education and equal access to educational opportunities.
14. To provide accurate and complete descriptions of available educational programs and services.
15. To ensure that there is not discrimination, harassment or exploitation of students, college employees and external constituencies.

(Adapted from document of AACJC Presidents' Academy, 1990)

### **Statute 75-4304 Chapter 75. -- State Departments; Public Officers and Employees Article 43. – Public Officers and Employees**

**75-4304. Same; making or participating in certain contracts prohibited; exceptions; abstaining from action.** (a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.

- (b) No person or business shall enter into any contract where any local governmental officer or employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.
- (c) A local governmental officer or employee does not make or participate in the making of a contract if the officer or employee abstains from any action in regard to the contract.
- (d) This section shall not apply to the following:
  - (1) Contracts let after competitive bidding has been advertised for by published notice; and
  - (2) Contracts for property or services for which the price or rate is fixed by law.

(e) Any local governmental officer or employee who is convicted or violating this section shall forfeit the office or employment.

**History:** L. 1970, ch. 366, 4; L. 1974, ch. 397, 1; L. 1990, ch. 306, 17; May 31.

## **Statute 45-221. –Public Records, Documents and Information Article 2.—Records Open to Public**

**45-221. Certain records not required to be open; separation of open and closed information required; statistics and records over 70 years old open.** (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2008 Supp. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2008 Supp. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public;

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting;  
or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting;  
or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the ombudsman of corrections, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq. and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information which would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20 and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to subsection (b) of K.S.A. 40-409, and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under subsection (a) of K.S.A. 40-2,156, and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of

public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers (DD Form 214). Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

**History:** L. 1984, ch. 187, § 7; L. 1984, ch. 282, § 4; L. 1986, ch. 193, § 1; L. 1987, ch. 176, § 4; L. 1989, ch. 154, § 1; L. 1991, ch. 149, § 12; L. 1994, ch. 107, § 8; L. 1995, ch. 44, § 1; L. 1995, ch. 257, § 6; L. 1996, ch. 256, § 15; L. 1997, ch. 126, § 44; L. 1997, ch. 181, §

15; L. 2000, ch. 156, § 3; L. 2001, ch. 211, § 13; L. 2002, ch. 178, § 1; L. 2003, ch. 109, § 22; L. 2004, ch. 171, § 30; L. 2005, ch. 126, § 1; L. 2008, ch. 121, § 4; July 1.