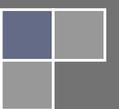


2012

Trustee Orientation Manual



OVERVIEW

Ohio's Community Colleges

Ohio's community colleges play an invaluable role in shaping the workforce of tomorrow so that Ohio and the nation can effectively compete in an ever-changing global economy. Our colleges provide strategically aligned degree and certificate programs that meet the needs of employers and enable students to attain their educational and career objectives.

Ohio's Community Colleges also fill a special role in providing access and serving the unique needs of nontraditional students, displaced workers and underrepresented groups in higher education. Our graduates bring skills to the employers that employ them and in turn improve the overall vitality of Ohio's economy and their local communities.

The Ohio Association of Community Colleges

The Ohio Association of Community Colleges (OACC) is a member based organization composed of the presidents and trustees representing Ohio's 23 community and technical colleges. Rooted in the belief that every person should have access to a high-quality college education, the OACC provides leadership and direction on the development and execution of sound policies and initiatives that work to ensure the success of Ohio's 300,000 plus community college students. We also serve as an advocate for Ohio's community colleges at both the state and national level on both policy and legislative issues.

The OACC helps to enhance the leadership and program quality of Ohio's community colleges by providing opportunities for trustee development, and facilitating the exchange of ideas and information. In line with this mission, the OACC is here to assist you in fulfilling your role as a community college trustee so that you can successfully promote the benefit of community colleges to the residents of Ohio.

We welcome you to the community college community and applaud your decision to accept the invitation to become a community college trustee. You have assumed a role of great responsibility and privilege. Serving as a community college trustee is one of the most gratifying experiences a person can have. It is also one of the most difficult responsibilities you can effectively fulfill.

Most persons appointed to a community college governing board have been recognized in their communities as dedicated, selfless public servants who want to make a positive difference. These individuals exhibit this same passion in their desire to be effective trustees and effectively govern the board. But even the best educated and experienced are seldom prepared to be effective trustees when they first take office.

As a trustee, it is important that you take an active and not a reactive role in setting your college's overall mission and policy goals and monitoring performance by setting measurable goals and objectives.

In an effort to provide you with helpful information about your role and responsibilities as a new community college trustee and Ohio laws that govern your actions in this role, we, the OACC, have consulted with and used materials from the Association of Community College Trustees (ACCT), the Ohio Attorney General’s Office and the Ohio Ethics Commission to develop this *Trustee Orientation Manual*.

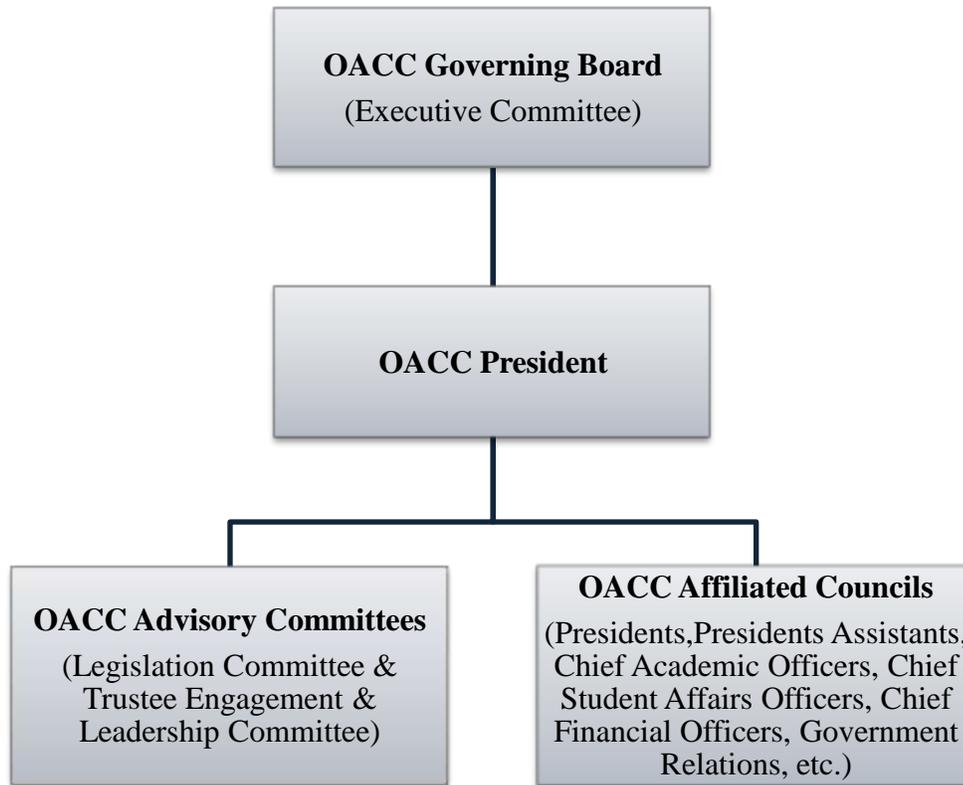
As you continue reading, you will discover that several topics central to your role as a community college trustee have been covered in this manual to provide you with guidance on your role and responsibilities and precautions you should practice to avoid unintentional violations of the law.

The information in this manual has been clustered by the following topics:

- Roles & Responsibilities of a Community College Trustee
- Overview of Ohio’s Open Meetings
- Overview of Ohio’s Public Records Laws
- Overview of Ohio’s Ethics Code

Again, the OACC welcomes you to the community college and OACC family. We are confident that you will do great!

OACC Organization



OACC Annual Activities Overview

- Fall Regional Trustee Meetings (generally held September – November)
- Fall Governing Board Meeting
- State Breakfast Meeting during annual ACCT National Legislative Summit & U.S. Senator Meetings
- Spring Legislative Event
- All-Ohio Academic Team Luncheon (generally held in April)
- Annual Conference (generally held in May)

ROLES & RESPONSIBILITIES

Fiduciary Duties of a College Trustee

As a college trustee, you have a duty of loyalty and allegiance to your institution to avoid conflicts and observe confidences. You also have a duty to comply in “good faith” with the laws, both state and federal, that govern an institution’s conduct and activities. In your role as a trustee you have been *entrusted* with the proper operation of a college and your powers and duties are outlined clearly by the Ohio Revised Code (Sections: 3354.09 for community college district trustees, 3357.09 for technical college district trustees, and 3358.08 for state community college district trustees – See the *Appendix* at the end of this manual for additional information).

The following powers and duties are common to all three types of trustees:

- Owning and operating a college
- Handling real and personal property as necessary for the purpose of the institution and its programs
- Accepting monies (gifts, grants, bequests etc.) for the support of the college
- Appointing the college president, administrators, faculty, staff, etc. and setting their compensation (Boards may delegate the appointment of operating staff and their compensation to the college president)
- Providing necessary lands, buildings, or other structures, equipment, means, and appliances
- Establishing schedules of fees and tuition for students who are residents of the district, residents of Ohio, and nonresidents of Ohio
- Granting appropriate certificates of achievement and/or degrees to students who have successfully completed programs
- Prescribing rules and policies to ensure the effective operation and efficient management of the college
- Purchasing appropriate insurance policies

Additionally, the confidentiality requirement can be found in Ohio Revised Code (O.R.C.) Section 102.03(B) which reads as follows: “A public official may not disclose, without

appropriate authorization, any information...that is confidential because of statutory provisions, or...because...its confidentiality is necessary to the proper conduct of government business.” This non-disclosure requirement extends to topics covered in executive sessions, attorney-client privileged communications, and information from student records.

Community College Board’s Authority

As a new college trustee, it is also important that you understand not only your duties but authority as it relates to policy decision making that will impact your institution.

As a board of trustee, along with your fellow board members, you may prescribe policies that enable your college to operate effectively and efficiently. The board has exclusive authority to decide matters related to the utilization of available resources, organizational structure, disciplinary procedures, operation and staffing of auxiliary facilities, and administrative personnel.

The board may also delegate certain of its authorities. However, such a delegation of authority must be accompanied by appropriate standards of guidance concerning expected objectives and must be accompanied by periodic reviews.

It is imperative that each board member also have a copy of college policies, board bylaws, board minutes from the past year’s meetings, the institution’s last budget, the last audit report and the media relations policy. A thorough understanding of Ohio’s Open Meetings Law is also essential to effectively carry out your duties. *(Please see the section below on Ohio’s Open Meetings Laws)*

First 30 Days in Office Check-List

In a snapshot, here is a check-list of things you should know and complete during your first 30 days in office.

- ✓ **Arrange to tour the college.**
- ✓ **Study your community college's policies on the governing board, particularly the code of ethics or standards of practice for the board.**
- ✓ **Meet with the college president, board chair and other members of the board to discuss trustee roles and responsibilities.**
- ✓ **Seek out someone from the board to use as a resource or mentor.**
- ✓ **Discuss with the college president and other trustees the difference between policy-making and administration.**
- ✓ **Be aware of the legal and ethical constraints on trustees, including open meeting provisions, confidentiality, conflicts of interest, and role in collective bargaining or setting staff salaries. (See sections below on Ohio's Open Meetings and Public Records Laws)**
- ✓ **Arrange your schedule to be able to attend state and national conferences and training opportunities for college trustees.**
- ✓ **Meet the Foundation Board Chair to become familiar with the Foundation's role, responsibilities and strategic direction.**

Learn About the College's Programs, History and Culture

During your first few months as a board trustee, you should also talk with the college president about arranging a time for you to meet with key people about major programs and accomplishments of the college.

You should also peruse the college catalog, accreditation self-study and team reports, key planning documents, and annual report. These documents will give you an idea for areas in need of improvement or streamlining. It will also teach you a great deal about the college's current academic and financial situation.

It is very important that you familiarize yourself with the district and College mission, vision, and policy goal statements, and the board's policies related to educational programs and services. Also, read about the history of the College and attend major district events, such as convocations, opening days and graduations.

Understanding a college's culture will help you make better informed decisions about policies related to management and operations.

Learn About External Trends and Issues

The issues and needs of the surrounding community should affect the board's policymaking decisions. For this reason, it is important that you keep up on local issues by reading newspapers and listening to the news for trends that might affect the college.

When perusing the newspaper, look for articles on local demographic and economic trends that affect the College. You may also wish to subscribe to higher education periodicals that cover federal and state legislative, fiscal, and other policy issues that affect community colleges

As you become aware of issues and trends, seek out ways to strengthen links with key people and groups in the community in order to address issues and better serve the college.

Learn About College Planning Processes and Budgets

Working through the college President, meet with appropriate people to explore the policy goals in the strategic and master plans.

Additionally, meet with the appropriate personnel to review the policy aspects of the budget, its parameters and restrictions, the process for developing the budget, its relationship to strategic and master plans, and how the board monitors the fiscal health of the college.

Learn About Board Meetings and Board Operations

While this may not be an obvious at-the-top of your list agenda item when you first become a trustee, you should familiarize yourself with board meeting operations and review past agendas and minutes. Thoroughly reading the agendas for each meeting will give you some context for current issues that you will be discussing and solving with your fellow board members.

During the first few months, do not hesitate to call or meet with the college president, mentors or other trustees, and/or the board chair before each meeting to seek clarification on agenda items.

As mentioned earlier, become knowledgeable about basic parliamentary procedures and other practices related to participating in effective meetings. Be willing to observe and learn for the first few months to understand how things have been operating. Following meetings, call the board chair or college president when you have questions.

You should also understand the key conditions of open meeting laws and laws and regulations related to conflicts of interest. *(Please see the section below on Ohio's Open Meetings Law)*

Practice Good Human Relations Skills

Key to being an effect team player on the board is building good working relationships with other members of the board. It is important to learn and respect communication protocols with other trustees, the college president, and staff members. You should also strive to be a "good" member of the board by wisely contributing ideas and opinions.

Some Helpful Resources

At this point, you should have a solid understanding of your role as a trustee and ways in which you can effectively carry out your duties on the board. Below are some resources that will be helpful to you as you become acclimated in your new role. Do not be reluctant to reach to these individuals and organizations for assistance.

- The college president
- The board chair and other experienced trustees.
- Ohio Association of Community Colleges (OACC)
- Association of Community College Trustees (ACCT)

The ACCT offers an extensive number of training and learning opportunities for community college trustees both experienced and new. To find out more go to their website to access resources at <http://www.acct.org/resources/>

OVERVIEW OF OHIO'S OPEN MEETINGS LAWS

Now that you have a solid foundation on how you should carry out your role as a trustee, it is important to turn to the laws that govern your actions and interactions as a trustee.

The first of these is Ohio's Open Meetings Act. This Act requires public bodies in Ohio to conduct all public business in "open" meetings so that the public may attend and observe. This means that if a public body is meeting to discuss and decide public business, the meeting must be open to the public. Ohio's community colleges are considered public bodies.

In order for the Open Meetings Act to apply, the members of a public body must be meeting to discuss the public's business. According to Ohio's legal definition, a meeting is a prearranged gathering of a majority of the members of a public body for the purpose of discussing public business.

For example, if there are nine members of a community college board of trustees, and only two get together to discuss public business, this is not a meeting and the Open Meetings Act would not require it to be open to the public. However, if five members gather to discuss the installation of a new vending machine on campus, this is a meeting and the Open Meetings Act would require it to be open to the public. In short, any conversation between a majority of your community college board members is subject to the Open Meetings Act.

Public Notice Requirements

Public bodies must issue a public notice prior to its meeting. Public bodies must notify the public of when and where each meeting will take place, and must sometimes provide notification for the purpose of the meeting (in the case of "special" meetings and "emergency" meetings). Also, every public body must establish, by rule, a reasonable method for notifying the public in advance of meetings.

Types of Open Meetings

There are three types of meetings, each requiring different types of notice.

“Regular meetings” are held at regular intervals, such as once a month. The notice required for this type of meeting includes letting the public know the time and place of the meeting. While advance notice is required, there is no set time frame in which this notice must occur. In many cases, a notification rule for regular meetings is established by the public body annually.

A “special meeting” is any meeting other than a regular meeting. Public notice must be given of the time, place, and purpose of the special meeting. At least 24 hours notice must be given, and only topics related to the stated purpose of the meeting can be discussed.

“Emergency meetings” are special meetings that are needed because a situation requires immediate action. The public body must immediately notify certain media outlets and individuals of the time, place, and purpose of the emergency meeting. Like all other special meetings, only topics related to the stated purpose of the meeting can be discussed.

Generally speaking, teleconferencing, videoconferencing, and e-mail are all prohibited as ways to attend or conduct a meeting. Furthermore, a member must be present in person to vote, deliberate, or be counted in a quorum, according to O.R.C. 121.22(C).

Meeting Minutes

A public body must keep full and accurate minutes of its meetings, but those minutes do not have to be an exact transcript of every word said. Minutes must be promptly prepared, filed, and made available for public inspection.

Executive/Closed-Door Sessions

Closed-door sessions, or executive sessions, are started when a member makes a motion and the members of the public body vote to go into closed session. These sessions are attended by only the members of the public body and persons they invite. Executive sessions may be held for only a few specific purposes, and no vote or other decision on the matter(s) discussed may take place during the executive session. Acceptable topics for discussion in an Executive session are as follows:

- Personnel (specify, such as appointment, dismissal, discipline)
- Property
- Court actions
- Collective bargaining
- Confidential matters
- Security arrangements
- Trade secrets (recognized by the Ohio Supreme Court)

Conversely to Executive meetings, Work sessions are subject to the Open Meetings Law in certain instances. Work sessions, where public business is discussed among a majority of members of the public body, are subject the Open Meetings Law. Notice must be given, and they are open to the public.

Open Meetings Law Violations

If any person believes that a public body has violated the Open Meetings Act, that person may file an injunctive action in the common pleas court to compel the public body to obey the Act. If an injunction is issued, the public body must correct its actions and pay court costs, a fine of \$500, and reasonable attorney fees, subject to possible reduction by the court. If the court does not issue an injunction, and the court finds that the lawsuit was frivolous, it may order the person who filed the suit to pay the public body's court costs and reasonable attorney fees.

If someone is seeking access to a public body's minutes, and the body is not providing them, that person can file a mandamus action under the Public Records Act to force the creation of, or access to, meeting minutes. A mandamus action can also be used to order a public body to give notice of meetings to the person filing the action.

An action taken by a public body while that body is in violation of the Open Meetings Act may be invalid. A member of the public body who violates an injunction imposed for a violation of the Open Meetings Act may be subject to a court action removing that official from office.

OVERVIEW OF OHIO'S PUBLIC RECORDS LAWS

Ohio law has long provided for public scrutiny of state and local government records. For this reason, as a community college trustee, it is important that you understand your obligations under Ohio's Public Records Act. The Act details how a requester must submit his/her request for a public record. The Act also excludes some records from disclosure and enforces production when a proper public records request is denied. Below, I have attempted to summarize the main provisions of the Public Records Act and to outline your responsibilities as a trustee in complying with the Act.

Under Ohio's Public Records Act, any person may request to inspect or obtain copies of public records from a public office that keeps those records. For this reason, a public office must organize and maintain its public records in a manner that meets its duty to respond to public records requests, and must keep a copy of its records retention schedule at a location readily available to the public.

When it receives a proper public records request, and unless part or all of a record is exempt from release, a public office must provide for inspection of the requested records promptly and at no cost, or provide copies at cost within a reasonable period of time.

Unless a specific law says otherwise, a requester does not have to give the reason for wanting the records, or give his or her name, or make the request in writing. However, the request does have

to be clear and specific enough for the public office to reasonably identify what public records are being requested. A request can be refused if the office no longer keeps the records, if the request is for documents that are not records of the office, or if the requester does not revise an ambiguous or overly broad request.

The General Assembly has passed a number of laws that protect certain records by either requiring or permitting a public office to withhold them from public release. Where a public office invokes one of these exceptions, the office may only withhold a record or part of a record clearly covered by the exception, and must tell the requester what legal authority it is relying on to withhold the record.

Ramifications for Denying a Legitimate Records Request

A person who believes he or she was wrongly denied a public record may file a lawsuit against the public office, and the burden will be on the office to show the court that any record it withheld was clearly subject to one or more valid exceptions. If it cannot, the public office will be ordered to provide the record, and may be subject to a civil penalty and payment of attorney fees.

Explanation of What Constitutes a Public Record

According to Ohio Revised Code Section 149.011(G), the term “records” includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in R.C. 1306.01, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

If a document or other item does not meet all three parts of the definition of a “record,” then it is a non-record and is not subject to the Ohio Public Records Act or Ohio’s records retention requirements.

This first element of the definition of a record focuses on the existence of a recording medium; in other words, something that contains information in fixed form. The physical form of an item does not matter so long as it can record information. A paper or electronic document, e-mail, video, map, blueprint, photograph, voice mail message, or item stored on any other medium could be a record.

This element is fairly broad. With the exception of one’s thoughts and unrecorded verbal communication, most public office information is stored on a fixed medium of some sort. A request for unrecorded or not-currently-recorded information (a request for advice, interpretation, referral or research) made to a public office, rather than a request for a specific existing item containing such information, would fail to meet the definition of a “record, as defined in R.C. 149.011(G).

It is important to note that a record does not have to be kept in the public office’s physical possession to be considered a public record of that office. Furthermore it is a message that

documents the activities of the public office, not the medium, that make a record a public record. For example, junk mail or spam would not be considered a public record.

Generally speaking, any of the following mediums that document the functions, business and operations of a public office can be subject to the Ohio Public Records Act:

- E-mail
- Drafts
- Notes
- Computerized Database Contents

It is important to review the exceptions for which these aforementioned mediums may not be considered public records. This information may be found in the *Ohio Attorney General's Sunshine Laws Manual* at www.ohioattorneygeneral.gov/Legal/Sunshine-Laws.

No Obligation to Respond to Duplicate Request

Where a public office denies a request, and the requester sends a follow-up letter reiterating a request for essentially the same records, the public office is not required to provide an additional response.

Journalists

Several statutes grant “journalists” enhanced access to certain records that are not available to other requesters. This enhanced access is sometimes conditioned on the journalist providing information or representations not normally required of a requester.

The exceptions allotted to journalists do not generally extend to documents that would be under the purview of a community college. However, to avoid an occasion for misinformation during a request, a table of the particular exceptions carved out in Ohio law has been provided for your review.

<i>TYPE OF REQUEST</i>	<i>OHIO REVISED CODE SECTION</i>	<i>REQUESTER MAY:</i>
Actual personal residential address of a: <ul style="list-style-type: none"> Peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or BCI&I Agent 	149.43(B)(9)	Inspect or copy the record(s)
Business name and address, if the business is a public office, of a spouse, former spouse, or child of the following: <ul style="list-style-type: none"> Peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or BCI&I Agent 	149.43(B)(9)	Inspect or copy the record(s)
Coroner Records, including: <ul style="list-style-type: none"> Preliminary autopsy and investigative notes Suicide notes Photographs of the decedent made by the coroner or those directed or supervised by the coroner 	313.10(D)	Inspect the record(s) only, but may not copy them or take notes
Concealed Carry Weapon (CCW) Permits: Name, county or residence, and date of birth of a person for whom the sheriff issued, suspended, or revoked a permit for a concealed weapon: <ul style="list-style-type: none"> License Replacement license Renewal license Temporary emergency license Replacement temporary emergency license 	2923.129(B)(2)	Inspect the record(s) only, but may not copy them or take notes
Workers Compensation Initial Filings, including: <ul style="list-style-type: none"> Addresses and telephone numbers of claimants, regardless of whether their claims are active or closed, and the dependents of those claimants. 	4123.88(D)	Inspect or copy the record(s)
Actual confidential personal residential address of a: <ul style="list-style-type: none"> Public children service agency employee Private child placing agency employee Juvenile court employee Law enforcement agency employee Note: The journalist must adequately identify the person whose address is being sought, AND must make the request to the agency by which the individual is employed OR to the agency that has custody of the records.	2151.142(D)	Inspect or copy the record(s)

OHIO'S ETHICS LAW

Ohio's Ethics Law provides parameters around your conduct and actions as a college trustee. The Ohio Ethics Law is found in Chapters 102. and 2921 of the Ohio Revised Code. The community college on whose board you serve is required by Ohio's Ethics Law to provide you with a copy of these laws, along with your acknowledgment of receipt. As a general guideline, members and employees must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

The Ohio Ethics Commission is the state agency that monitors compliance with Ohio's Ethics Law. In creating this manual, the OACC consulted with the Ohio Ethics Commission in order to provide you with some general guidelines that reflect the provisions contained in Ohio's Ethics Law. This law can at times seem cumbersome, and you may have questions about how to handle a specific interaction or issue. When in doubt, consult the Ohio Ethics Commission before engaging in an interaction or situation to ensure that your action would not violate the law.

General Standards of Ethical Conduct

A general summary of the restraints upon the conduct of all college trustees includes, but is not limited to, those listed below. No college trustee shall:

- Solicit or accept anything of value from anyone doing business with the community college
- Solicit or accept employment from anyone doing business with the community college unless the official or employee completely withdraws from community college activity regarding the party offering employment, and the community college approves the withdrawal
- Use his or her public position to obtain benefits for the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship
- Be paid or accept any form of compensation for personal services rendered on a matter before, or sells goods or services to, the community college
- Be paid or accept any form of compensation for personal services rendered on a matter before, or sell (except by competitive bid) goods or services to, any state agency other than the community college, unless the member or employee first discloses the services or sales and withdraws from matters before the community college that directly affect officials and employees of the other state agency, as directed in R.C. 102.04
- Hold or benefit from a contract with, authorized by, or approved by, the community college, (the Ethics Law does except some limited stockholdings, and some contracts objectively shown as the lowest cost services, where all criteria under R.C. 2921.42 are met)
- Vote, authorize, recommend, or in any other way use his or her position to secure approval of a community college contract (including employment or personal services) in

which the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship, has an interest

- Solicit or accept honoraria (see R.C. 102.01(H) and 102.03(H))
- During public service, and for one year after leaving public service, represent any person, in any fashion, before any public agency, with respect to a matter in which the official or employee personally participated while serving with the community college
- Use or disclose confidential information protected by law, unless appropriately authorized
- Use, or authorize the use of, his or her title, the name of the community college,” or the community college’s logo in a manner that suggests impropriety, favoritism, or bias by the community college or the official or employee

Important Definitions

For purposes of the Ohio Ethics Law, “anything of value” includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. “Value” means worth greater than de minimis or nominal.

For purposes of the Ohio Ethics Law, “anyone doing business with the community college” includes, but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by, or has interests before the community college.

Financial Disclosure

Every community college member or employee required to file a financial disclosure statement must file a complete and accurate statement with the Ethics Commission by April 15 of each year. This filing requirement extends to college trustees. Any member or employee appointed, or employed to a filing position after February 15 and required to file a financial disclosure statement must file a statement within 90 days of appointment or employment.

Penalties

Failure of any community college official or employee to comply with the Ethics Law and related statutes will result in discipline, which may include dismissal, as well as any potential civil or criminal sanctions under the law.

Penalties for Violating Financial Disclosure Requirements

Failing to file a financial disclosure statement in violation of R.C. section 102.02(C) is a fourth-degree misdemeanor criminal offense, punishable by a fine of up to \$250 and/or a maximum of 30 days in jail (*See R.C. sections 102.99(A); 2929.21*). In addition, the Ethics Commission is required to assess a late filing fee equal to \$10 per day, up to a maximum late fee of \$250 (*See R.C. section 102.02(F)*).

Filing a false financial disclosure statement in violation of R.C. section 102.02(D) is a first-degree misdemeanor criminal offense, punishable by a fine of up to \$1000 and/or a maximum of 6 months in jail. See R.C. sections 102.99(A); 2929.21.

Penalties for Violating Conflict of Interest Requirements

Violations of R.C. sections 102.03, 102.04 and 102.07 are first-degree misdemeanor criminal offenses, punishable by a fine of up to \$1000 and/or a maximum of 6 months in jail. See R.C. sections 102.99(B); 2929.21.

Penalties for Having an Unlawful Interest in a Public Contract

Violations of R.C. sections 2921.42(A) (1) and 2921.42(A) (2) are fourth-degree felony criminal offenses, punishable by a fine of up to \$5000 and/or a maximum of 18 months in prison (*See R.C. sections 2921.42(E); 2929.14; 2929.18*).

Violations of R.C. sections 2921.42(A)(3) through (A)(5) are first degree misdemeanor criminal offenses, punishable by a fine of up to \$1000 and/or a maximum of 6 months in jail (*See R.C. sections 2921.42(E); 2929.21*).

Penalties for Soliciting or Receiving Improper Compensation

Violations of R.C. section 2921.43 are first-degree misdemeanor criminal offenses, punishable by a fine of up to \$1000 and/or a maximum of 6 months in jail (*See R.C. sections 2921.43(D); 2929.21*).

In addition, a public servant who is convicted of a violation of R.C. section 2921.43 is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction (*See R.C. section 2921.43(E)*).

Additional Information

The Ohio Ethics Commission also makes available opinions responding to specific questions submitted by public agencies regarding an incident or situation with an element of uncertainty. Below are some of the topics for which opinions have either been posted on the Ohio Ethics Commission's website or may be obtained by contacting the Ohio Ethics Commission directly.

Available on the website:

Things of value and community college employees
<http://www.ethics.ohio.gov/Opinions/2011-04.html>

Property held by a limited liability company
<http://www.ethics.ohio.gov/Opinions/2006-02.html>

Gifts and meals provided to college employees
<http://www.ethics.ohio.gov/Opinions/2003-03.html>

Available Upon Request with the Ohio Ethics Commission:

Material or service subcontracts with a contractor doing business with a college

Selling vehicles to state agencies pursuant to competitive bidding

Forging a partnership with a biomedical start-up company

Assistance

The Ohio Ethics Commission is available to provide advice and assistance regarding the application of the Ohio Ethics Law and related statutes. The Commission can be contacted at (614) 466-7090. The Commission's website address is www.ethics.ohio.gov. Your community college's counsel and counsel for the Governor's office are also available to answer questions involving this policy.

CONCLUSION

In conclusion, this manual was intended to provide you with a brief overview of your role as a community college trustee. It is by no means an exhaustive analysis of your role and responsibilities, or the laws by which your actions are governed.

Below are some additional references you may access to obtain more complete information about the Ohio Ethics, Public Records and Open Meetings Laws. As stated previously, the Ohio Ethics Commission is always willing to address questions and concerns that you may have regarding ethical standards. It is highly suggested by the OACC that you consult them prior to engaging in an activity or transaction about which you are uncertain. Likewise, the Ohio Attorney General's Office is another available resource for questions related to public records and open meetings laws, commonly referred to as Ohio's Sunshine Laws.

Lastly, the OACC and its staff stand ready to assist you in any way. We may be reached at:

Ohio Association of Community Colleges
175 South Third Street
Suite 560
Columbus, Ohio 43215
(614) 221-6222

Please do not hesitate to contact us if you have trouble navigating any of the below referenced websites or information contained in this manual. Best of luck to you in your new role!

REFERENCES

Association of Community College Trustees

<http://acct.org/resources/>

Ohio Ethics Commission

<http://www.ethics.ohio.gov/>

Ohio Attorney General's Office (Sunshine Laws)

<http://www.ohioattorneygeneral.gov/Sunshine.aspx?from=footer>

Ohio Attorney General's *2012 Sunshine Laws Manual*

<http://www.ohioattorneygeneral.gov/YellowBook>

Ohio Revised Code

<http://codes.ohio.gov/orc>

APPENDIX

Characteristics of Two Year Colleges		Community Colleges	Technical Colleges	State Community Colleges
Ohio Revised Code		Chapter 3354	Chapter 3357	Chapter 3358
Effective Year		1961	1963	1977
Education Programs and Degrees Conferred		Arts & Science Technical Adult Education R.C. 3354.01(C) Certificates of Achievements R.C. 3354.09(I)	Provide technical assistance to professionals Fields: engineering and physical, medical, or other sciences. Adult Education R.C. 3357.01(D) Baccalaureate-oriented Program R.C. 3357.01(G) Associates Degree; Certificates of Achievements R.C. 3357.09(J)	Baccalaureate-oriented Program; Technical education; Adult Continuing Education Program R.C. 3358. 01(B) Associates Degree; Certificates of achievements R.C. 3358.08(G)
Counsel		Attorney General R.C. 3354.02	Attorney General R.C. 3357.02	Attorney General R.C. 3358.02
Legal Structure	Political Subdivision	Yes R.C. 3354.03	Yes R.C. 3357.04	Yes R.C. 3358.01 No <i>Nimmo v. SSCC Mihalcin v. Hocking</i>
	Body Corporate: Power to sue and be sued	Yes R.C. 3354.03	Yes R.C. 3357.04	Revised Code silent
	“State”	No Generally R.C. 109.36(B) <i>Mihalcin v. Hocking</i>	No Generally R.C. 109.36(B) <i>Mihalcin v. Hocking</i>	Yes Generally R.C. 109.36(B) <i>Miller v. WSCC</i>
	“State Agency”	No Generally R.C. 1.60 OAG 92-034	No Generally R.C. 1.60 OAG 92-034	No Generally R.C. 1.60 OAG 92-034
Revenue Enhancement	Sell/ Issue Bonds	Yes R.C. 3354.03 R.C. 3354.11 R.C. 3345.12	Yes R.C. 3357.04 R.C. 3357.11 R.C. 3345.12	Yes, but limited to R.C. 3345.12
	Levy Local Taxes	Yes R.C. 3354.12	Yes R.C. 3357.11	Tax support from G.A. only R.C. 3358.09
	Pay Taxes & Assessments	No R.C. 3354.15	No R.C. 3357.14	No R.C. 3358.10 (R.C. 3354.15)

Characteristics of Two Year Colleges		Community Colleges	Technical Colleges	State Community Colleges
Bond required for treasurer and approved by Attorney General		No	No	Yes R.C. 3358.06
Trustees	Number	9 R.C. 3354.05	7-9 R.C. 3357.05	9 R.C. 3358.03
	# appointed by Governor	3 R.C. 3354.05	2-3 R.C. 3357.05	9 R.C. 3358.03
	# appointed locally	6 R.C. 3354.05	5-6 R.C. 3357.05	0 R.C. 3358.03
	Length of Term	5 Years R.C. 3354.05(B)	3 years R.C. 3357.05	6 years R.C. 3358.03
	Election of officers from the board members	Chairman R.C. 3354.06	Chairman R.C. 3357.06	Chairman Vice-Chairman Secretary (or can be President or designee) *No more than 3 years in office R.C. 3358.04
Jurisdiction (state claims-money damages)		Common Pleas	Common Pleas	Court of Claims <i>Miller v. WSCC</i> , 121 Ohio App. 3d 78 (1997).
Immunity & Indemnification	Civil Immunity of College Employees	Yes R.C. 2744.03	Yes R.C. 2744.03	Yes R.C. 9.86
	Indemnification for College Employees	Yes R.C. 2744.07(A)(2)	Yes R.C. 2744.07(A)(2)	Yes R.C. 9.87
	Eleventh Amendment Immunity	No <i>Nimmo v. SSCC</i> (S.D. Ohio 1985)	No <i>Nimmo v. SSCC</i> (S.D. Ohio 1985)	Yes <i>Nimmo v. SSCC</i> (S.D. Ohio 1985)
Other State Statutes	Civil Service R.C. 124	No OAG 81-062 R.C. 124.38. &124.39	No OAG 81-062 R.C. 124.38 &124.39	Some Uncertainty OAG 78-052
	Subject to R.C. 111.15 filing rules	Yes	Yes	Yes

Characteristics of Two Year Colleges		Community Colleges	Technical Colleges	State Community Colleges
Sunshine Laws	Public Records Law	Yes R.C. 149.011	Yes R.C. 149.011	Yes R.C. 149.011
	Open Meeting Act	Yes R.C. 121.22	Yes R.C. 121.22	Yes R.C. 121.22
Operation by another Accredited College or University	Generally	Yes (in whole or in part) R.C. 3354.07	Revised Code Silent	Yes (in part only) R.C. 3358.07
	“public” limitation	Yes R.C. 3354.07		
Investment of funds		R.C. 3354.10 R.C. 3345.05	R.C. 3345.05	R.C. 3358.10 (R.C. 3354.10) R.C. 3345.05
Ownership of College		Board of Trustees R.C. 3354.13	Board of Trustees R.C. 3357.12	Board of Trustees R.C. 3358.08
Conversion & Expansion	May convert to:	No statutory mechanism for conversion to another two-year college	State Community College R.C. 3358.02	Community College R.C. 3354.02 R.C. 3358.02
	Expand District	No provision	Yes R.C. 3357.021	Yes R.C. 3358.02

Characteristics of Two Year Colleges	Community Colleges	Technical Colleges	State Community Colleges
Institutions:	<ul style="list-style-type: none"> ○ Cuyahoga Community College ○ Eastern Gateway Community College ○ Lakeland Community College ○ Lorain Community College ○ Rio Grande Community College ○ Sinclair Community College 	<ul style="list-style-type: none"> ○ Belmont Technical College ○ Central Ohio Technical College ○ Hocking Technical College ○ James A. Rhodes State College ○ Marion Technical College ○ North Central State College ○ Stark State College of Technology ○ Zane State College 	<ul style="list-style-type: none"> ○ Clark State Community College ○ Columbus State Community College ○ Cincinnati State Technical and Community College ○ Edison State Community College ○ Northwest State Community College ○ Owens Community College ○ Southern State Community College ○ Terra Community College ○ Washington State Community College

Prepared by Ohio Attorney General's Office, Education Section – April 2010