

 <p>TUSD Tucson, Arizona</p> <p>GOVERNING BOARD POLICY</p>	POLICY TITLE: Board Member Authority and Responsibilities
	POLICY CODE: BBAA

I. Introduction

Generally, and with only a very few exceptions described in more detail in this policy below, activities of the Governing Board take place in the context of the meeting scheduled and held pursuant to the Arizona Open Meeting Law, A.R.S. § 38-431 et. seq. The role of the Governing Board is to establish District wide policy and direction and otherwise to direct the affairs of the District in the manner specified by law, with day-to-day management of the District primarily being the responsibility of District Administration.

A Governing Board member generally only has authority as a member of the Board as a whole and when acting within the confines of a Governing Board meeting. There are some instances where an individual Board member may properly request or require utilization of District resources outside of such a meeting.

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The purpose of this policy is to describe which activities are authorized for individual Governing Board members so as to promote the cost-efficient and equitable operation of the District. For the purpose of this Governing Board policy, “use of district resources” means use of district equipment, materials, travel, rooms, facilities and efforts of district employees.

II. Officers of the Board

The Board shall meet between January 1 and January 15 each year, and at other appropriate times, to elect from among the membership of the Board a President and a Clerk.

The President shall preside over all Board meetings and maintain order in accordance with the Arizona Open Meeting Law and Governing Board Policy BDAA. Additionally, the President shall implement board action when a vote of the Board gives the President authority to act.

The Clerk shall perform duties during the Board meetings as assigned by the President.

In the absence of the President, the Clerk shall serve as President of the Board. In the absence of the President and Clerk, Board members shall select a temporary president, which shall be recorded in the minutes.

III. **Guidelines**

When engaged in individual activities such as correspondence, speaking engagements, or meeting with constituents or employees, individual Governing Board members may represent their personal opinions, but may not represent the Governing Board as a whole unless expressly authorized by the Board in an open meeting.

The following is a list of the situations where Governing Board members are authorized to request the use of District resources outside of the scheduled Governing Board meeting:

A. *Directives to and Requests for Information from District Employees*

Individual Governing Board members are not authorized to issue directives to or make requests of District employees, other than as authorized by Subsection III (B) below relating to Governing Board staff, or as otherwise expressly permitted by Governing Board policy or official action of the Governing Board taken in an open meeting. Individual Governing Board members are authorized to make requests for existing information, reports and materials reasonably related to issues that have been, or reasonably may be addressed by the Governing Board. All such requests for information must be directed through the office of the Superintendent. The Superintendent's office will be responsible for responding to each request. The Superintendent shall forward a copy of each request for information and the response thereto, or a summary of the response, to the entire Governing Board. Governing Board members should be considerate of staff time required to fulfill information requests.

Where individual Governing Board Member directives or requests for information, reports or other material requires the use of District resources to create or generate the material, however, the directives or requests must be approved by the Governing Board after appropriate placement on a Governing Board meeting agenda. This requirement for public action is not applicable to Board direction lawfully given to appropriate employees, district representatives, or legal counsel during executive session, unless the Arizona Open Meetings Law requires public action.

B. *Directives to, and Requests for Information from, Governing Board Staff*

Governing Board Staff act at the direction of the Governing Board as a whole as specified by Governing Board policy or by official action taken at an open meeting pursuant to the Open Meeting Law. Individual Governing Board members shall make requests of, or give directives to, Governing Board staff through the Director of Staff Services to the Governing Board. All other employees in the Governing Board Office report to the Director of Staff Services.

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C. *Individual Governing Board Member Correspondence*

An individual Governing Board member has the authority to request or direct the preparation and mailing of any correspondence when expressly authorized by vote of the Governing Board. A Governing Board member may request or direct the preparation and mailing of correspondence in response to written or oral inquiries from constituents of the District. Correspondence should not have the purpose of influencing the outcome of an election or furthering an individual Governing Board member's name recognition for seeking election to public office. All correspondence will conform to all applicable laws and regulations which address the use of District resources and all correspondence shall be available for review by all Governing Board members.

D. *Other Authorized Activities for Individual Governing Board Members*

Nothing in this Governing Board policy is intended to restrict an individual Governing Board member in the role of a private citizen when the activity does not require the use of District resources.

An individual Governing Board member may engage in activities requiring the use of District resources only when expressly authorized by Governing Board policy or action. Such activities include District-sponsored meetings and District-sponsored forums. Unless authorized by the Governing Board in an open meeting, individual Governing Board members may not sponsor activities that require the use of District resources. An individual Governing Board member shall have an expectation to equal access to budgeted monies for authorized Governing Board activities, such as travel to approved conferences and similar purposes.

E. *Signing of Warrants and Orders*

Governing Board members are permitted to sign warrants and orders for salary or expenses between meetings in a manner permitted by A.R.S. § 15-321 (G). The orders must be ratified at the next regular or special meeting of the Governing Board.

F. *Conflict of Interest*

Governing Board members shall comply with all provisions of Governing Board Policy BCB, Board Member Conflict of Interest.

IV. **Accountability**

Any alleged violation of this policy shall be reported to either the Superintendent or the Director of Staff Services for the Governing Board who in turn shall report the allegation to the Board President or to the most senior Governing Board member not involved in the alleged violation.

The Governing Board member who receives the report will meet personally with the Governing Board member who is the subject of the report to discuss the content of the report, the behavior, its impact, and an understanding of the interests of the parties.

V. No Retaliation

No district employee will be disciplined for declining to comply with a request or a directive of an individual Governing Board member which is contrary to the terms of this policy, or for reporting an alleged or attempted violation of this Governing Board policy.

Adopted: February 20, 1996

Readopted: February 10, 1998

Revised: March 9, 1999

Revised: January 4, 2000

Revised: November 14, 2000

Revised: February 10, 2009 [from numeric to letter format and readopted]

Revised: September 27, 2011

Corrected: December 2, 2013

Legal Ref: A.R.S. §15-321 - Organization; election of officers of the board; meetings; execution of warrants; exemption

A.R.S. §15-381 - Liabilities of the governing board; payment of liabilities; immunity

Cross References: BDAA – Procedures for Governing Board Members, BCB – Board Member Conflict of Interest