



# Northwest Florida State College

---

**TITLE:** POLICY FOR TRUSTEES/BOARD ATTORNEY

**AUTHORITY:** [Click here to enter text.](#)

**SEE ALSO:** [Click here to enter text.](#)

**DATE ADOPTED:** [Click here to enter a date.](#)

**NUMBER OF PAGES:** 2

**REVISIONS:** November, 2012

**SIGNATURE OF BOARD SECRETARY:**

---

## PURPOSE OF POLICY

To identify the Board and Board Attorney relationship and provide a common process for using attorney services.

### Local Language

Having determined that it is in the best interest of the Board of Trustees of Northwest Florida State College to adopt policies regarding contact with and the request for oral and written opinions from the Board Attorney, it is resolved that:

- A. All requests from Board members for legal advice regarding matters of common concern to the Board and Northwest Florida State College shall first be directed to the College President to determine if the matter has been previously resolved by opinion of the Board Attorney, or which may be a matter clearly covered by the Florida Statutes, Rule of the Department of Education, or existing Board Policy

Any requests for legal opinions or advice regarding the President of the College shall be directed to the Board Attorney by the Chair of the Board, either with or without consultation of the College President, at the Chair's discretion.

- B. Any request for legal opinions or advice made by a Board member which is in regard to any matter concerning only the Chair of the Board, may be made directly, in writing, to the Board Attorney.
- C. Any request for legal opinions or advice regarding the Chair and the President may be directed by a Board member to the Chancellor, Division of Community Colleges.
- D. All opinions or advice given by the Board Attorney shall be communication directly to the President of the College, except for matters strictly concerning the President and requested by the Board Chair, in which case the opinion or advice shall be communicated directly to the Chair of the Board.
- E. As the conduct of each Board member in regards to the business of the Board or the College directly affects each Board member, it is not anticipated that any Board member will request personal advice regarding their own conduct or the conduct of another Board member directly from the Board Attorney.
- F. It is recognized that all written requests from a Board member, the Chair and the President of the College for opinions or advice from the Board Attorney are subject to the Florida Public Records Laws, and except where an exception to that law applies, it is not anticipated that any such communication can be held as confidential.

- G. Nothing contained herein shall be construed to imply that any person other than an attorney employed by the Board will be advising the Board on matters of common interest to the Board or the College. And further, nothing contained herein shall be construed to imply that the College President, the Chair of the Board, or any Board member shall interpret any opinion of the Board Attorney, the Florida Statutes, or the Rules of the Department of Education nor attempt to give legal advice on any such matter.
  
- H. The President is authorized to allow direct contact by the College Staff with the Board Attorney on matters involving administration of the affairs of the College after the staff member has received permission from the President. Likewise, the President of the College is authorized to make direct contact with the Board Attorney and to request opinions or advice concerning the affairs of Northwest Florida State College.
  
- I. Nothing contained herein shall prohibit direct contact by a Board member with the Board Attorney, but on any such event not specifically provided herein which allows such direct contact, the Board Attorney shall direct the requesting Board member to this policy, without first giving any opinion or advice to such member, and the Board Attorney shall request that the Board member follow the procedures defined herein.
  
- J. Except where the request for an opinion or advice directly concerns the conduct of the Chair, and where the procedure is not otherwise provided for herein, the Board Attorney is authorized to contact the Chair for instructions on how to proceed with the matter.
  
- K. The Board of Trustees shall evaluate the need to seek RFP's for legal services at least every five (5) years.