

December 4, 2006

**SUBJECT:** Austin Community College Board of Trustees Self-Evaluation

**PROPOSED ACTION:**

That the Board of Trustees discuss and evaluate the activities and performance of the Board during the past year.

**RELATED BOARD POLICY OR PLANNING DIRECTIVE**

The item is consistent with Board Policies, Group B, Board Operations.

**RATIONALE:**

The Board of Trustees conducts a self evaluation annually. This is done to identify areas of strengths as well as to identify goals for improving effectiveness.

**BUDGETARY CONSIDERATION**

None.

**RESOURCE PERSONNEL**

Mr. John F. Hernandez, Board Chair

**ATTACHMENTS:**

Attachment A: Group B Board Policies

Attachment B: Self-Evaluation Document

## **POLICY GROUP B: BOARD OPERATIONS**

### **B-1. BOARD POLICY PRINCIPLES**

[1] The Board governs primarily through written policies. The College President shall cause all sectors of the College to be informed of the Board policies relevant to their activities and shall ensure the compliance of College activities with Board policies. The College President may set additional administrative rules, as long as they are consistent with and supportive of any Board policies to which they are related.

[2] The Board may use resolutions rather than policies for limited-term decisions or directives. Resolutions are limited in effect to the specific items and time periods they address, or for one year if no period is stated.

[3] There are no unwritten Board directives. The only policies, decisions, authorizations, or limitations in effect at the Board level are those explicitly listed as policies or active resolutions in the Board minutes or web site after a public vote of adoption. Individual or collective statements by Trustees in any other form have no authority in College operations. All trustees shall be informed whenever the administration takes actions that address a request or suggestion from a trustee. When an administrator attributes an action to a Board directive, the relevant written directive(s) must be identified. All requests for information by trustees should be provided to the Chair, who will coordinate the requests with the President.

[4] To the extent activities in an area are not covered by a current Board policy or resolution or an administrative rule, employees should use their own best judgement to act in the interest of the community and students.

[5] Board policies are to be used only to directly express the decisions of the Board; they are not to be used to simply repeat or ratify either administrative rules (which do not require Board approval) or external laws and regulations (which the Board has no power to change).

[6] When a Board policy or resolution (except one related to Board procedure) has more than one reasonable interpretation, the College President may specify which interpretation the College shall follow, with notification to the Board of any significant policy ambiguities revealed by this process. Should a Board officer or any two other trustees believe that the President's interpretation of a Board policy is unreasonable, the officer or trustees may request that the reasonability of the President's interpretation be put on the Board agenda for decision, and the Board Chair must honor the request as soon as possible.

### **B-2. DUTIES AND RESPONSIBILITIES, BOARD OF TRUSTEES**

#### ***Value Statements:***

- *The Board of Trustees recognizes its responsibility to function as a whole, and to communicate as an entity.*
- *The Board recognizes its responsibility to advance the Mission of the College in the best interests of its external and internal constituencies.*
- *The Board will be diligent in developing policies which guide effective usage of limited resources.*

The Board of Trustees has the responsibility for formulating public policy for the operation of the Austin Community College District. It functions as the legislative and policy-making body charged with the governance and control of activities within the College District. The formulation and adoption of written policy is the basic method by which the Board exercises its leadership in the operation of the College District. The Board delegates to the President of the College the function of specifying required actions and designing the detailed arrangements under which the College will be operated. The Board maintains and supervises the College by evaluating information and recommendations concerning implementation of its policies. The general responsibilities of the Board are:

[1] To adopt and periodically review a statement of philosophy that clarifies basic educational beliefs and educational responsibilities of the College for the community.

[2] To determine the quality of presidential leadership needed to carry out the philosophy and objectives of the College.

[3] To select and appoint the President of the College, and provide a formal annual performance evaluation based primarily on the effectiveness of the implementation of Board policies. An informal feedback session will also be provided the President during each year.

[4] To establish the policies necessary for supporting operations of the College District.

[5] To maintain a current Master Plan to guide use of College resources, including site and facilities development.

[6] To provide ways and means of financial support, approve the annual budget, and review and approve expenditures as provided in College policy.

[7] To approve courses and programs of study that support community needs.

[8] To require and review appropriate administrative reports.

[9] To serve as a linkage to the community and local college tax payers on matters of policy, fiduciary responsibilities, strategic direction, and other items of public concern affecting the College District.

[10] To serve as a final adjudicating agency for students, employees, and citizens of the Austin Community College District on matters of Board policy.

[11] To bear the legal responsibility for all aspects of the operation of the College District.

[12] To choose its officers and advisors, and to plan its own activities and priorities.

[13] To develop an annual professional development plan for Board members. The Board will annually adopt a professional development plan for all trustees, with the Board Chair having the authority to approve the actual expenditures and request for reimbursements of individual trustees.

[14] To evaluate annually its own performance. This will include a formal assessment of Board strengths and weaknesses with the identification of measurable action plans, the completion of which will be monitored by the Board Chair.

### B-3. CODE OF ETHICS - BOARD OF TRUSTEES

#### Value Statements

- *The Board of Trustees supports the highest ethical standards in performing its duties.*
- *The Board of Trustees will model the recognized best practices associated with policy governance models.*
- *The governing board will be conscientious in following all Board policies and in maintaining a distinction between issues of governance and college operations.*

#### A. Standards of Conduct

The Austin Community College Board of Trustees endorses the following standards of conduct for individual ACC trustees:

[1] To identify and disclose any actual or potential conflicts of interest, and to act at all times for the general public good, regardless of personal friendships, relations, or interests. Although Texas law allows the election of a trustee who has a spousal or other familial relation with an employee of the college, neither such a trustee nor the employee related to the trustee may take advantage of the relationship to obtain favorable consideration, to influence operational matters, or to gain access to information not available under the Texas Open Records Act.

[2] To keep well-informed on board-related issues, and to attend and participate actively in meetings of the board and its committees.

[3] To encourage and engage in open and honest discussion in making board decisions, to respect differences of opinion, and to keep an open mind until everyone has been heard from.

[4] To respect the board's collective decision process, and to accurately report and explain board votes and policies.

[5] To carefully avoid the assertion of board authority or preference as an individual trustee or in concert with other trustees, other than at official board meetings or as a result of official board actions.

[6] To respect the Board's community linkages processes, and to avoid perceptions of conflicts of interest, Trustees will avoid individual meetings with people or organizations that are seeking business with the College when a Request for Proposals, Request for Qualifications, or other bid or procurement solicitation is before the public or being deliberated to the College or Board. Trustees will observe a period of not meeting with interested persons or organizations about the matter, nor discuss the matter with any interested party or organization. Such a "quiet" period would apply only to matters of immediate business, and should not be construed to limit meetings between Trustees and others on other topics.

[7] To respect the authority and responsibilities of other people within the college or external contractors, empowering them to work without interference within the limits of board policy.

[8] To maintain the confidentiality of privileged information, as outlined in the Texas Open Records and Meetings Act.

[9] To refrain from any attempt to influence any operational decision, including but not limited to individual admissions, personnel, or purchasing decisions, except when the decision is an agenda topic at an official board meeting. Specifically, Board members may not have any communications about a grievance with any person who has a grievance pending.

[10] To be scrupulous in requesting only authorized, legitimate reimbursement of college-related expenses, following the same rules and guidelines required of Austin Community College employees for travel.

[11] To interact with each other as well as employees, students, and other citizens in a manner that creates and sustains mutual respect.

## **B. Code of Ethics**

The mechanisms for enforcement of the Code of Ethics will be:

[1] Any person, with supporting information, may allege noncompliance with the Code to the Board Chair (or the Vice-Chair if the Chair is the target of the allegation). The Board will be advised when any allegation has been raised.

[2] The Chair or Vice-Chair will undertake a process to resolve the complaint.

[3] If either the complainant or the Board member requests, the Chair will name an independent third party to investigate the complaint and report to the Board.

[4] If the Board finds a violation of the Code, it will reprimand or censure the Board member, which is the only sanction available to it under Texas law.

## **B-4. BOARD OF TRUSTEES BYLAWS**

### **Value Statements**

- *The Board of Trustees values open communication and consideration of multiple perspectives which may impact district policy and allocation of public resources.*
- *To facilitate open and effective communication, the Board and President will work conscientiously to construct substantive board agendas and to conduct meetings in an open, collaborative, and orderly manner.*

### **1. General Delegation of Authority for Board Procedure**

The Board Chair shall decide any questions of Board procedure that are not addressed by, or that require interpretation of, law, Board policy, or specific Board resolutions.

### **2. Board Officers**

The Board shall elect from among its members a Board Chair, who shall (1) preside over Board meetings, (2) in coordination with the College President, prepare the Board meeting agenda, (3) coordinate the Board-President relationship, and (4) serve as ceremonial spokesperson for the Board; a Board Vice-Chair, who shall coordinate the community-linkage activities of the Board and shall preside in the absence of the Board Chair; and a Board Secretary, who shall oversee and certify the records of the Board and coordinate policy development activities. These officers shall be elected at the first Board meeting after a Trustee election is completed, a year later, and when a vacancy in an office exists or is created by Board vote. No trustee may serve in the same office for more than two of any four consecutive years.

### **3. Board Meetings**

3.1 Official meetings of the Board, including specially-called meetings, can be called, within the notification limits imposed by law, by the Board Chair or by any three Trustees. The Board shall not take immediate action on a topic (i.e., a final vote on a topic at the first meeting at which it is presented to the Board or discussed or at other than the regular meeting of the month or a recessed continuation) unless taking immediate action is necessary to benefit the College. However, although a change to Board policy may be adopted at a meeting other than the regular meeting of the month, the change must, without exception, have been discussed at a prior meeting. The President and Board Officers must use best efforts to ensure that items will not be brought to the Board for immediate action unless they could not reasonably have been discussed at an earlier meeting and/or scheduled for a final vote at the first regular meeting of the month.

3.2 The College President and Board Chair shall develop proposed agendas for Board meetings in accordance with priorities set by the Board, with final authority on what is included in the agenda and agenda packet resting with the Board Chair. A motion to place an item on a particular future agenda shall, at the request of any trustee, be placed on the next agenda for determination by Board vote. The College President shall cause all Trustees to be sent the agenda and all supporting materials at least 5 days before the meeting, and shall cause all required legal postings of Board meetings. Only subjects on the agenda shall be considered at a meeting.

3.3 Robert's Rules of Order shall be used to conduct meetings of the Board and its committees, subject to these bylaws and applicable law. Final approval of any non-procedural motion requires affirmative votes in a public session from a majority of the full current membership of the Board. For procedural motions, amendments, and committee votes, the majorities required by Robert's Rules of Order shall be of members present and voting.

3.4 The College President shall cause to be kept all legally-required records of Board meetings. Minutes of the full Board shall accurately reflect the actions taken by the Board and the vote of each Trustee on those actions. When approved by the Board and signed by the Secretary, the minutes shall become the official record of a meeting. The Secretary shall have authority over how the decisions and activities of the Board are presented by the College.

3.5 The President and appropriate staff designated by the President shall have the right to be present at all executive sessions of the board unless the session is specifically to evaluate the President's performance and employment contract, and only if said issue is properly disclosed under state law on the board agenda.

3.6 Requests of Information: Requests from trustees for information may be made only to the President, coordinated through the Board Chair.

## **B-5. POLICY DEVELOPMENT AND REVIEW**

### **Value Statements**

- The Board of Trustees respects delineation of responsibilities for itself and for the president of the College.
- The governing board will conscientiously develop policy to represent the best interests of the public and ensure that internal and external constituencies' perspectives are considered.

The Board of Trustees has responsibility for formulating policy for the operation of the College. Accordingly:

[1] *Division of responsibility:* The governance activities of the College shall maintain a clear distinction between:

[a] strategic, values-based policies, which are the responsibility of the Board of Trustees,

[b] administrative rules for employees to follow in implementing College policies, which are the responsibility of the President, and

[c] specific tactical decisions made in operating the various sectors of the College, which are the responsibility of various operating units, structures, or positions designated by the President.

[2] *Policy development and review:*

In accordance with the policy-governance model of Board operation, the Board itself will set its agenda for policy development and review, based on its analysis of the strategic needs of the College after internal and external consultation, including consideration of any areas of policy development or revision suggested by the President, employee associations, community, or students. This policy agenda shall be updated twice a year, and the Board shall conduct a comprehensive review of its policies for relevance, clarity, and appropriateness each biennium.

The Board Secretary has primary responsibility for coordination of the policy-development activities of the Board, but the Board Chair shall act, with the assistance of the President, to ensure that the policy topics identified as important by the Board are scheduled for consideration, that employee associations are notified of policy-development activities in a timely manner, and that appropriate supporting information is provided. Policy-consideration procedures shall provide each trustee opportunities to include alternative provisions in the agenda materials, with preliminary selection by Board vote of which, if any, of the competing provisions will be used as the basis for final consideration and amendment.

[3] *Discussion of policy proposals:*

Proposed policy changes shall be placed on the agenda for discussion at one or more Board meetings prior to that at which adoption is voted on. College legal counsel shall report on any significant legal implications of policy proposals. The President shall report on significant educational, operational, fiscal, or administrative implications of policy proposals, including feedback provided via internal shared-governance structures. Direct advice to the Board on policy is also appropriate from interested groups or individuals, including employee associations.

## **B-6. MONITORING POLICY COMPLIANCE**

The Secretary of the Board shall oversee Board-level activity in monitoring compliance with Board policies and directives. This activity, which will complement but not replace the oversight responsibility of the College President, shall be done without reference to the personal opinion of the Secretary about the value or correctness of the policies, and shall not extend to any aspect of College operations that is not covered by a current Board policy or resolution.

The College administration shall provide information and assistance in this task as requested by the Secretary, subject to an appeal by the President to the Board if any such request is felt to be unreasonable.

Other trustees who have questions or concerns about non-compliance should direct them to the Secretary, who shall pursue them at his or her discretion and shall report to the Board on any aspects of college operations found, in his or her judgment, to be non-compliant. If the Secretary does not pursue an issue to the satisfaction of a trustee, the trustee may bring the question to the Board for a vote on whether or not it should be certified as an important monitoring issue. The Secretary shall give priority to and make reports on any issues that are thus identified by

Board vote.

The President (or Board Chair, for Board activities) shall, for each non-compliance report from the Secretary, provide the Board either a compliance plan, a recommendation for policy modification, or an explanation of why the practice in question is seen as already being in compliance. If the Secretary thereafter states in writing that he or she continues to believe that the practice does not comply with Board policy, the question must be put on the Board agenda as soon as practicable for Board decision. If the Board finds that the practice is not in compliance, it will require the President to achieve compliance.

Each fall, the President shall also provide the Board an annual schedule of planned routine and special-attention policy-compliance reports.

Non-compliance reports by the Secretary are only advisory; authoritative Board directives to change college practices can come only from a public Board vote.

## **B-7. BOARD ADVISORY COMMITTEES**

### **Value Statements**

- *The Board recognizes that external expertise in designated areas may benefit the Board's development, revision, or monitoring of compliance with policy.*
- *The Board recognizes that providing clearly defined charges and operating guidelines will enhance the effectiveness of external committees.*

Board committees consisting of non-Trustees may be established by the Board to advise it on specific issues. The role of Board advisory committees is to collect, sort, and evaluate information and to identify options for Board decision. Board-appointed committees are encouraged to follow Roberts Rules of Order or other committee-agreed upon procedures, to ensure that committee recommendations reflect equal opportunities for input and group consensus. Such committees shall not deal with issues for which there is no basis in policy for Board involvement. The College President shall meet reasonable committee requests for information and assistance, with the mediation of the Board Vice-Chair in resolving any disputes.

The Board shall decide on the extent and nature of the topics for which it wishes to use the advisory-committee mechanism. After considering suggestions from trustees, the President, and other interested groups, the Board Chair shall recommend for Board consideration a chair, membership, term, and charge for each such committee.

## **B-8. REMOVAL OF TRUSTEES**

In accordance with the SACS Principles of Accreditation regarding Trustee expectations and with applicable Texas law, the ACC Board of Trustees will follow this policy regarding removal of trustees for just cause and following due process.

Under Texas law, trustees may be removed from Board membership for incompetency, official misconduct, intoxication on or off duty caused by drinking an alcoholic beverage (but not if it was caused by drinking such beverage on the directions and prescription of a licensed physician) or conviction by a jury for any felony or for misdemeanor official misconduct). "Official misconduct" includes conviction for an offense relating to a violation of purchase procedures. Actions for removal of Board members must be brought before the judge of the district court having jurisdiction, except that any court convicting a trustee of a felony or official misconduct must order removal. Texas Const., Art. V, § 24, Texas Local Government Code §§ 87.011-87.013, 87.031, Tex. Education. Code § 44.032(e).

After due process, including notice of specific charges and an opportunity for the accused trustee to answer them, the Board, if it finds just cause under Texas law for the trustee's removal, will vote to file suit in district court for the removal of the trustee.

**Austin Community College Board of Trustees  
 Self-Evaluation – December 2006**

Rated on a scale from 1: We need substantial improvement in this area.  
 to 3: We are doing OK in this area.  
 to 5: We are doing great in this area.

Trustee: \_\_\_\_\_

**MISSION AND INSTITUTIONAL PLANNING/RELATIONSHIP WITH  
 COMMUNITY**

**1. We have adopted a written statement of ACC's mission and purpose that is clear and useful.**

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**Comments:**

**2. We require, participate in, review, and approve comprehensive institutional planning regarding:**

**a. Enrollments**

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**b. Staffing**

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**c. Educational Programs**

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**Comments:**

**3. We have a schedule for reviewing, and if desirable, revising the plan at regular intervals.**

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**Comments:**

4. We inform and receive input from the community by participating in appropriate activities (maintaining relationships with other elected officials, interacting with civic and community-based organizations, etc.)

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Comments:

5. We are sensitive to differing needs in a community of racial and ethnic diversity.

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Comments:

## PHYSICAL PLANT AND FISCAL MANAGEMENT

1. We have approved a master plan for the physical campus that includes both present and anticipated needs.

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Comments:

2. Prior to consideration of requests for remodeling or new construction, we satisfy ourselves that present spaces are being used effectively and instructional areas are scheduled for optimum utilization.

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Comments:

3. We are satisfied that maintenance programs are adequate and that they are not being unreasonably deferred.

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Comments:

**4. We fully accept our responsibility for prudent fiscal management.**

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**Comments:**

**BOARD-EMPLOYEE RELATIONS**

**1. We clearly define the chief executive's functions and the board's expectations.**

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**Comments:**

**2. In asking the president for recommendations, we clearly distinguish between "advisory" situations, where the information from the administration is simply part of the data the Board will be using in making its own decision, and "delegation" situations, where the board wishes for the President to effectively make the decision, subject to final Board approval after review for compliance with prior Board directives.**

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**Comments:**

**3. We delegate to the chief executive the full responsibility and the authority needed to administer the institution successfully.**

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**Comments:**

- 4. We refrain from giving directives on implementation issues, except through the policy-adoption process, and then in terms of values-based principles.**

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**Comments:**

- 5. Through the chief executive, we seek the advice and recommendations of faculty leaders in formulating basic policies.**

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**Comments:**

- 6. We demonstrate appreciation for their contribution by treating staff, faculty, and administration with courtesy and respect.**

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**Comments:**

## **BOARD-STUDENT RELATIONS**

- 1. We have satisfactory means for receiving suggestions and feedback from students.**

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**Comments:**

- 2. We have set adequate policies for student appeal of perceived injustices (academic or other).**

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**Comments:**

## BOARD ETHICS

- 1. We prepare for and participate responsibly in Board meetings; we do our homework.**

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**Comments:**

- 2. We do not come to the table with fixed ideas, but are careful to weigh all facts and opinions before arriving at a decision.**

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**Comments:**

- 3. We honor divergent opinions among our fellow trustees, advocate our individual responses with respect and courtesy, and accept and support decisions made by the majority.**

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**Comments:**

- 4. We inform each other in a timely manner when we have information that may affect the decision making process.**

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**Comments:**