



Board of Regents'  
Board Operating Procedures  
Adopted June 28, 2018

Revised January 10, 2019



## Board Operating Procedures

ACC Mission and Vision Statements .....	3
ACC Organizational Chart .....	3
Role of the Board .....	3
Purpose of Board Operating Procedures .....	4
Board Member Profiles .....	4
Board Officers .....	6
Ethics .....	7
Board Meetings – Preparation .....	7
Board Meetings – Conduct and Order .....	9
Board Meetings – Public Participation .....	12
Communications – Electronic Communications .....	13
Communications – Communications Between Meetings .....	14
Communications – Reports/Information .....	15
Communications – Community or Employee Complaints .....	16
Communications – Communication with Vendors .....	17
Communications – Communication with Media .....	17
Board Member Visits to ACC Sites .....	18
Board Travel Guidelines .....	19
Board Development and Evaluation .....	25
College President Contract and Evaluation .....	26
Personnel Matters .....	27

# ACC Mission and Vision Statements

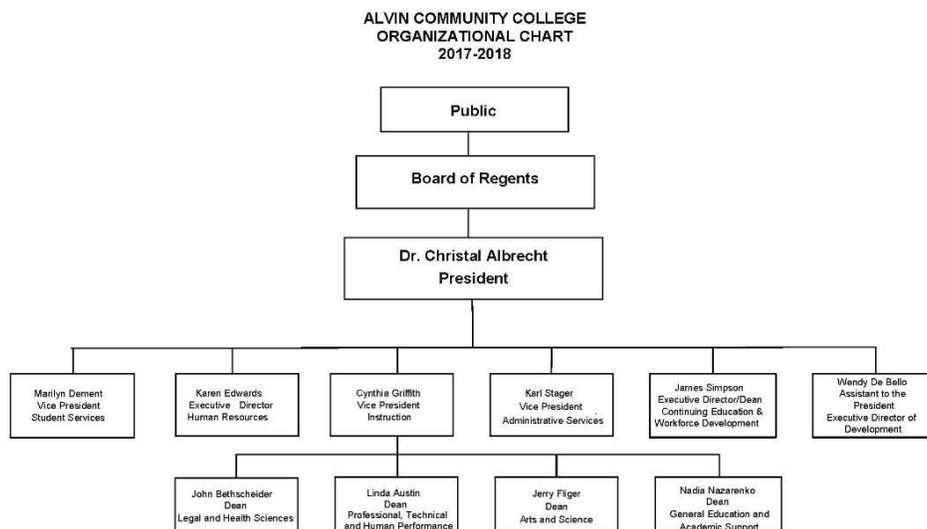
## Mission Statement

“Alvin Community College exists to improve the lives of its constituents by providing affordable, accessible, high quality and innovative academic, technical and cultural educational opportunities for the diverse communities it serves.”

## Vision Statement

“As a premier college that provides high-quality academic, technical and cultural programs, Alvin Community College’s focus will be to promote student success, enhance quality of life and support economic development.”

## ACC Organizational Chart



Board members should contact the College President prior to contacting any ACC staff member directly.

## Role of the Board

The Board is the corporate policy-making body for the College District and makes decisions only as a corporate body at properly called meetings. The College

President and staff provide the leadership to cause Board policies to be implemented. The College President and Board members recognize that individual Board members shall not exercise authority over the College District, its property, or its employees. Except for appropriate duties and functions of the Board Chairperson, an individual Board member may act on behalf of the Board only with the express authorization of the Board. Without such authorization, no individual member may commit the Board on any issue.

## **Purpose of Board Operating Procedures**

A structured approach for maintaining a vision, mission, and goals for the organization is enhanced by developing an agreed-upon system of operating procedures. To that end, these Procedures are intended, in spirit, to create more efficient meetings, more effective Board members, and greater focus among the Board members and the College President.

These Procedures will be reviewed every other year, as soon as possible following the election of new Board members. During the every-other-year review, the Board or the College President may add, change, or modify any of the contents, subject to Board approval. These Procedures do not replace the Board's official policies. In the event that a policy referenced herein is revised, these Procedures may be revised, without the necessity of Board approval, and in the event of a conflict between these Procedures and a policy, the policy shall prevail.

## **Board Member Profiles**

Alvin Community College has nine members on the Board of Regents. Each member is elected to a six-year term, and all members serve at-large. Board member elections are held on the first Saturday in May. Questions regarding Board member elections should be directed to Rhonda Hull, ACC election clerk, at 281-756-3594 or the Brazoria County Elections Office at 281-756-1371. More information is available at [brazoriacountyvotes.com](http://brazoriacountyvotes.com). As appropriate, questions may also be directed to the College President or the Board's attorney, through the Board Chairperson.



**Mike Pyburn, Chairman**  
Position 5  
Term expires 2020



**Bel Sanchez, Vice Chair**  
Position 2  
Term expires 2024



**Jody Droege, Secretary**  
Position 4  
Term expires 2020



**Cheryl Knappe**  
Position 6  
Term Expires 2020



**Kam Marvel**  
Position 1  
Term expires 2024



**Andy Tacquard**  
Position 8  
Term expires 2022



**Jim Crumm**  
Position 3  
Term expires 2024



**Roger Stuksa**  
Position 9  
Term expires 2022



**Patty Hertenberger**  
Position 7  
Term expires 2022

Members of the Board may be contacted through the College President's Executive Administrative Assistant, Tammy Giffrow, at 281-756-3598 or [tgiffrow@alvincollege.edu](mailto:tgiffrow@alvincollege.edu).

## **Board Officers**

At the first regular meeting of the Board following the regular election of members of the Board in even-numbered years, or at any time thereafter in order to fill a vacancy, the Board shall elect a Chairperson, a Vice Chairperson, and a Secretary, who shall be members of the Board. Officers shall be elected by majority vote of the members present and voting. Each officer shall perform any legal duties of the office and other duties as required by action of the Board.

Any person serving on the Board may be considered for the office of Board Chairperson, Board Vice Chairperson, or Board Secretary, provided the Board member has served as a Board member for at least two years and has not declined to be considered for an office. The Board may discuss selection of Board officers in closed session; however, nominations and voting shall occur in open session at a meeting of the Board.

In addition to the duties required by law, the Board Chairperson shall:

1. Preside at all Board meetings, unless unable to attend, and perform such other duties and functions as are prescribed by the Board.
2. Have the right to discuss, make motions and resolutions, and vote on all matters coming before the Board.

The Board Vice Chairperson shall:

1. Act in the capacity and perform the duties of the Board Chairperson in the event of the absence or incapacity of the Chairperson.
2. Become Chairperson only upon being elected to the position.

The Board Secretary shall:

1. Ensure that an accurate record is kept of the proceedings of each Board meeting.
2. Ensure that notices of Board meetings are posted and sent as required by law.
3. In the absence of the Chairperson and Vice Chairperson, call the meeting to order and act as presiding officer.
4. Sign or countersign documents as directed by action of the Board.

See Board Policies BCA, BCAB, and BCAD.

## **Ethics**

The Board has adopted an ethics policy for Board members, Policy BBF, pursuant to which each Board member “will strive to improve community college education” and agrees to adhere to the ethical standards detailed in the policy. In addition to Policy BBF, Board members shall also comply with the ethics policies contained in Policies BBBB (Elections), BBFA (Conflict of Interest Disclosures), and BBFB (Prohibited Practices).

In accordance with the applicable ethical standards, each Board member shall, among other things, be informed about the requirements of the *Texas Open Meetings Act* and will seek to comply with the law at all times. A copy of the *Act* can be obtained from the College President’s office.

Board members should also be familiar with ACC’s Board Policies, which are available online at <https://pol.tasb.org/Home/Index/214>.

See Board Policies BBBB, BBF, BBFA, and BBFB.

## **Board Meetings – Preparation**

### Meetings and Notices

The Board conducts regular meetings monthly, generally on the fourth Thursday of the month at 6 p.m. Occasionally, meetings are held on alternate days due to holidays or conflicting schedules. When determined necessary and for the convenience of Board members, the Board Chairperson may change the date, time, or location of a regular meeting with proper notice. Meetings are held in the Nolan Ryan Center, Room 109, unless otherwise posted.

The Board Chairperson shall call a special meeting at the Board Chairperson’s discretion or on request by three members of the Board. The Board Chairperson shall call an emergency meeting when it is determined by the Board Chairperson or three members of the Board that an emergency or urgent public necessity, as defined by law, warrants the meeting.

The College President posts a notice of the date, time, location, and subject of each regular or special meeting of the Board at least 72 hours prior to the meeting (or at least two hours before emergency meetings) in a place convenient for public inspection at the ACC main campus and on the ACC website. Notice of all meetings shall provide for the possibility of a closed meeting during an open meeting, as provided by law.

See Board Policy BD.

## Preparation of Agenda

The Board Chairperson may place an item on the agenda if requested in writing or by e-mail by a Board member if he/she concurs and will place an item on the agenda if requested in writing or by e-mail by at least three Board members. The deadline for submitting items for inclusion on the agenda is the tenth working day before regular meetings and the tenth working day before special meetings. A Board member requesting that a subject be included on the agenda for a meeting shall submit the item to the Board Chairperson in writing (which may be by email), with a copy to the College President, by the deadline.

The College President may place items on the agenda that originate from the administrative staff. Agenda items shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. The College President will also maintain a list of annually required agenda items and propose their consideration at the appropriate time. The same timelines for submission apply to the College President's proposed agenda items, except that the College President may insert an item of an urgent nature before the deadline for posting. The Board shall be notified of added items as quickly as feasible.

An item cannot be placed on an agenda less than 72 hours in advance of the posted meeting, except in an emergency, as permitted by the *Texas Open Meetings Act*. Additionally, any item that violates a person's right to privacy, as protected by law, cannot be placed on the public portion of the agenda, unless specifically required to be conducted in open session by the *Texas Open Meetings Act*.

The College President shall compile for review by the Board Chairperson all topics timely submitted by Board members, topics requested by the Board, and topics suggested by the College President. The Board Chairperson and the College President shall confer regarding the proposed topics, and the Board Chairperson shall determine the topics for the official meeting agenda. The Board Chairperson shall ensure that any topic Board members have properly requested be addressed are either on the meeting agenda or scheduled for deliberation at an appropriate time in the near future. The Board Chairperson shall not refuse to assign a topic properly requested by Board members to an agenda and, once assigned, shall not have the authority to remove the topic from the agenda without the requesting Board members' specific authorization.

Complete Board meeting agendas will be delivered to Board members by the Friday preceding a regular Board meeting, and the Board will be furnished with background material as appropriate. Any questions or need for additional information regarding an agenda item should be addressed directly to the College President within a reasonable time prior to the meeting. The College President will

respond to the Board member in writing and an electronic copy of the question and response will be provided to all Board members.

See Board Policy BD.

## **Board Meetings – Conduct and Order**

### Generally

The gathering of a quorum (five or more Board members) to discuss College District business is considered a meeting under the *Texas Open Meetings Act*. Board members will arrive at Board meetings in a timely manner.

Except as otherwise provided in Board procedural rules or by law, the Board shall observe the parliamentary procedures as found in Robert's Rules of Order, Newly Revised, and Board members should familiarize themselves with these rules. Procedural rules may be suspended at any Board meeting by majority vote of the members present.

All meetings must be conducted in accordance with the *Texas Open Meetings Act*, including the *Act's* provisions concerning closed sessions.

### Discussion and Conduct

Discussions by Board members shall be addressed to the Board Chairperson and then the entire membership. The Board Chairperson may recognize a Board member prior to the Board member giving his/her comments, particularly if several Board members wish to speak to the item. During discussion on an item, a Board member not in agreement with a recommendation should state his/her rationale so that other Board members may consider that viewpoint. Board members will not be permitted to speak a second time until every member wishing to participate has had an opportunity to speak. Debate and discussion should continue until such time as all Board members have had adequate time to ask questions or make comments. Board members should not ask staff members questions directly during Board meetings. All questions and other discussion regarding administrative matters should be directed to the College President, who may, as appropriate, direct a staff member to respond.

Discussion and debate among Board members during deliberation of an agenda item should be polite, respectful, and moderated by the Board Chairperson. Discussion shall be directed solely to the business currently under deliberation as posted on the agenda, and the Board Chairperson shall halt discussion that does not apply to the business before the Board as posted on the agenda. The Board Chairperson shall also halt discussion if the Board has agreed to a time limitation for discussion of an item, and that time limit has expired.

All Board members are expected to conduct themselves professionally and ethically during all meetings and public forums. No Board member shall campaign for office for themselves or other candidates in any Board meeting or criticize any other Board member regarding his/her questions, discussion, or vote. Examples of behavior that will not be tolerated are rude remarks, interruptions, yelling, name calling, and disrespectful verbal or body language. Differences of opinion, if respectfully submitted, are not to be construed as intolerable behavior, but rather as an alternate view on a subject, and should be encouraged.

If, during a meeting or public forum, any Board member conducts themselves in a manner that is intolerable or interferes with the Board's ability to effectively conduct business, the Board Chairperson may halt discussion and adjourn the meeting. If a majority of the Board disagrees with the adjournment, then the meeting must continue; however, the offending member may be ejected for the remainder of the meeting if the rest of the Board unanimously agrees.

Aside from the foregoing limitations, the Board Chairperson shall not interfere with debate so long as members wish to address themselves to an item under consideration.

Board members are expected to dress professionally at Board meetings and other events where they are acting in official Board capacity.

The Board may conduct a closed meeting when the agenda subject is one that may properly be discussed in closed meeting. [See Board Policy BDA]. All personnel issues must be conducted in a closed session unless specifically required by the *Texas Open Meetings Act*.

### Order and Voting

The order of business for regular Board meetings shall be as set out in the agenda accompanying the notice of the meeting. At the meeting, the order in which posted agenda items are taken may be changed by consensus of Board members present.

Board members should have studied the Board meeting agenda and accompanying materials prior to the meeting and be prepared to discuss and act upon on all issues. Even when information about agenda items is provided in advance or Board members receive answers to specific questions prior to the Board meeting, they are not prohibited from discussing the information in the Board meeting and may ask additional questions or request additional information about agenda items in the meeting.

Voting shall be by voice vote or show of hands, as directed by the Board Chairperson. A vote on a matter deliberated in closed session must be made in open session; however, all discussion in closed session shall remain confidential.

No Board member shall coerce another to vote in a particular manner, and no Board member may attempt to solicit votes in any manner inconsistent with the *Texas Open Meetings Act*. Any member may abstain from voting, and a member's vote or failure to vote shall be recorded. Any Board member choosing to abstain from a vote is encouraged to share their rationale for abstention. No Board member shall vote on a motion if the action would violate state or federal law or any Board Policy.

Official Board action shall be taken only in meetings that comply with the *Texas Open Meetings Act*. The affirmative vote of a majority of all Board members shall be required to adopt or pass a resolution or order. To transact business for which the adoption or passage of a resolution or order is not required by applicable law, the affirmative vote of a majority of the Board members present and voting shall be required. See Board Policy BD.

Once the Board has voted, each decision is an action by the Board. Each action supported by the majority of all Board members to adopt or pass a resolution or order is binding on the whole Board and the College District. All other action of the Board supported by the majority of the Board members present and voting is binding on the whole Board and the College District. Board members will support decisions of the majority after honoring the right of the individual members to express opposing viewpoints and vote their convictions.

#### Record of Board Action

Board action shall be carefully recorded by the Board Secretary or College District administrative staff assigned to assist with the minutes. When approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the Board Chairperson and the Board Secretary. The official minutes of the Board shall be retained on file in the office of the College President and shall be available for examination during regular office hours within the parameters of the *Texas Public Information Act*.

The Board has elected to keep a certified agenda of the proceedings of each closed meeting, except for private consultation with the Board's attorney. Closed meetings may not be recorded by an individual Board member against the wishes of a majority of the Board. The Board Chairperson shall certify that the certified agenda is a true and correct record of the proceedings. The certified agenda must include: a statement of the subject matter of each deliberation, a record of any further action taken, and an announcement by the Board Chairperson at the beginning and end of the closed meeting indicating the date and time. The certified agenda must be preserved for at least two years. If an action involving the meeting is brought within that period, the certified agenda shall be preserved while the action is pending. The certified agenda of a closed meeting is available for public inspection and copying only under a court order issued under the *Texas Government Code*.

See Board Policies BBE, BD, and BDA.

## **Board Meetings – Public Participation**

Audience participation at a Board meeting is limited to the public comment portion of the meeting designated for that purpose. At all other times during a Board meeting, the audience shall not enter into discussion or debate on matters being considered by the Board, unless requested by the Board Chairperson.

At regular meetings the Board shall allot a portion of the meeting to hear persons who desire to make comments to the Board. Persons who wish to participate in this portion of the meeting shall sign up with the Board Chairperson or designee before the meeting begins and shall indicate the topic about which they wish to speak. The Board will accept written as well as oral information.

No presentation shall exceed five minutes. Delegations of more than five persons shall appoint one person to present their views before the Board. The Board will not permit comments on individual personnel or students in public session which would violate Board policy.

Board members are encouraged to listen attentively to public comments and not comment or debate issues. Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board shall not deliberate or decide regarding any subject that is not included on the agenda posted with notice of the meeting, other than refer it to a future agenda, subject to the parameters of requesting agenda items. If the issue is related to a posted agenda item, the Board may address the issue at the appropriate time during the meeting.

If appropriate, the Board Chairperson or designee shall determine whether a person addressing the Board has attempted to solve a matter administratively through resolution channels established by policy. If not, the person shall be referred to the appropriate chain of command and grievance policy (see list below) to seek resolution:

- The ACC Chain of Command (reference the ACC Organizational Chart)
- The ACC Employee Grievance Policy (DGBA)
- The ACC Student Grievance Policy (FLD)
- The ACC Public Complaints Policy (GB)

The Board shall not tolerate disruption of the meeting by members of the audience. If, after at least one warning from the Board Chairperson, any person continues to disrupt the meeting by his or her words or actions, the Board Chairperson may request assistance from law enforcement officials to have the person removed from the meeting.

See Board Policy BDB.

## Communications – Electronic Communications

Access to the College District's electronic communication systems and electronic equipment, including the Internet, shall be made available to Board members primarily for official duties and in accordance with administrative regulations. If an electronic device is issued to Board members for use in performing their duties, the device shall remain the property of the College District, and Board members are required to provide appropriate security and care of the device. ACC electronic devices should not be left unattended.

College District technology resources are for communication and storing documents and records relating to the business of the College District. Limited personal use of the College District's technology resources shall be permitted in accordance with Board Policy BBI (Local).

A Board member shall be required to acknowledge receipt and understanding of the user agreement governing use of the College District's technology resources and shall agree in writing to allow monitoring of his or her use. Board members shall also be required to accept and comply with any terms and conditions or other click-through agreements presented upon login to any College District technology resources. Noncompliance may result in suspension of access or termination of privileges. Violations of law may result in criminal prosecution.

Electronic mail transmissions and other use of the College District's technology resources by a Board member shall not be considered private. The College President or designee shall be authorized to monitor the College District's technology resources at any time to ensure appropriate use. Information regarding official College District business stored in an issued device or a personal electronic device owned by a Board member is also subject to the *Texas Public Information Act*. (See Policy GCA (Legal) (providing, "The definition of "public information"...applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.")). Therefore, if information stored in either an ACC-issued device or a Board member's personal device is responsive to a request for public information made to the College District by any person, the information may have to be made available for the requestor to review unless the information meets a specific exception allowed by *The Texas Public Information Act*.

A Board member shall retain electronic records, whether created or maintained using the College District's technology resources or using personal technology resources, including communications, in accordance with the Texas State Library and Archives Commission's retention schedules and the College District's record management program.

Board members should be mindful that e-mail communications about the business of the College District among a number of Board members sufficient to constitute a quorum may be considered a “meeting”. If such a “meeting” has not been properly posted and convened in public, it may be considered an illegal meeting under *The Texas Open Meetings Act*.

Questions regarding a College District technology resource or the appropriate use of it should be directed to the College President.

ACC’s Information Technology Services will assist the Board of Regents in:

1. Initial login and updating of network password
2. Overview of operating system
3. Overview of network account and password maintenance
4. Overview of accessing College email
5. Overview of accessing Microsoft Office 365, and specifically, OneDrive
6. Overview of connecting the device to non-College networks

ACC’s Information Technology Services is responsible for:

1. Ensuring operating system, antivirus, and anti-malware updates are applied to the college-owned personal device
2. Maintaining ACC’s network and email accounts and online storage
3. Standard end-user support for network accounts, operating system, and office suite applications during normal College business hours
4. Connectivity and functionality of devices during scheduled ACC Board of Regents meetings

ACC’s Information Technology Services may assist, but are not responsible for connecting devices to home or third-party networks

ACC’s Information Technology Services is not able to assist with:

1. Home network setup
2. Support of third-party applications that have not been previously approved by ACC Information Technology Services and ACC’s Administration.

See Board Policy BBI.

## **Communications – Communications Between Meetings**

The College President will communicate with the Board Chairperson on a routine basis. In as timely a manner as possible without interfering with the regular conduct of College District business, the College President will communicate information as needed to all Board members. The College President may also periodically communicate with all Board members, including electronic communications.

Board members will keep the College President informed via telephone, e-mail, or personal visit. Requests to the College President from any Board member will be

distributed by the College President to all Board members. Board members who receive messages, including electronic messages, regarding College District business should not forward the messages to other Board members. Board members who wish to share information with the entire Board regarding College District business or issues before the Board will relay the information to the College President for distribution to all members. The Board Secretary may send calendar-related communications to members.

Board members may communicate with other individual members, in writing or otherwise, between meetings for purposes of asking questions, clarifying information, or socializing under circumstances that do not conflict with the *Texas Open Meetings Act*, however, Board members cannot circumvent the provisions of the *Texas Open Meetings Act* by meeting in numbers less than a quorum (including electronic, written, or verbal communication for deliberation) for the purpose of secret deliberations.

The Board will communicate with the community through public hearings, regular, special, and emergency Board meetings, College District publications, and other strategies authorized by the Board in policy or the College District's communication plan.

Individual Board members cannot speak in an official capacity outside the Board room unless the Board votes a member to be an official representative of the Board for a specific issue. Board members who post on Internet sites, respond to inquiries, or make statements must emphasize that the Board member is speaking in his/her individual capacity and his/her views do not represent the views of the

Board or the College District. Board members should also be aware that their communications, either electronically or in writing, may be subject to production under the *Texas Public Information Act*.

Board members must also be aware that certain information they receive in their capacity as Board members is confidential by law and may not be disclosed to third parties. Board members must also not disclose information that is protected by the attorney-client privilege (i.e., information that is received through communications with or from the Board's attorney or other attorneys representing the College District), information regarding the evaluation of school personnel, and student identifying information. Additionally, Board members should not disclose any information to which they have access by virtue of their position as a Board member that has not been made public, especially if doing so would compromise the Board or the College District in the conduct of their affairs.

When in doubt as to the legality of communications among Board members between meetings or to any third parties, Board members should contact the College President or the Board's attorney, through the Board Chairperson.

## **Communications – Reports/Information**

### Board Members' Access to Information

An individual Board member, acting in his or her official capacity, shall have the right to seek information, through the College President, pertaining to College District business. If a Board member is not acting in his or her official capacity, the Board member has no greater right to College District records than a member of the public.

An individual Board member shall not have access to confidential student records unless the member is acting in his or her official capacity and has a legitimate educational interest in the records in accordance with Board Policies FJ (Legal) and (Local).

Individual Board members shall seek access to records or request copies of records from the College President or designee. At the time Board members are provided access to confidential records or to reports compiled from such records, the College President or designee shall advise them of their responsibility to comply with confidentiality requirements.

If a Board member requests information that requires an excessive amount of staff time to compile, the College President and Board Chairperson will consult with the requesting Board member to identify a reasonable solution.

## Requests for Reports

All requests for reports shall be directed to the College President. Board members are encouraged to communicate with the College President regarding any issue; however, formal reports are to be requested through the Board Chairperson. The College President will determine if the information requested is readily available or will require additional time to gather or research. The College President will gather the information and disseminate it to the entire Board in a timely manner. If additional time is needed, the College President and the Board member requesting the information will agree upon an appropriate time frame in which the information will be provided. If the College President determines that a request is unreasonable, the College President or the requesting Board member may ask the Board Chairperson to place the request on a meeting agenda, subject to the parameters of requesting agenda items. The requesting Board member may then ask if a majority of the Board wishes to direct the College President to generate a report to include the requested information.

No individual Board member shall direct or require College District employees to prepare reports derived from an analysis of information in existing College District records or to create a new record compiled from information in existing College District records. Directives to the College President regarding the preparation of reports that will, in the opinion of the College President, require excessive staff time or expense shall be authorized by action of the Board.

## Communications – Board Attorney and other Consultants to the Board

To avoid duplications and control costs, communications with and requests of the Board attorney and other consultants should be requested through the Board Chairperson. The Board Chairperson will combine similar requests for information and then cause information to be shared with all Board members, if necessary.

See Board Policy BBE.

## **Communications – Community or Employee Complaints**

If a Board member receives a letter or other contact from a member of the community or an employee, whether known or anonymous, the Board member may listen briefly and respectfully, but should strongly encourage the member of the community or employee to follow the appropriate channels within the College District's organizational structure or grievance procedures to resolve the matter at the lowest administrative level as outlined in Board policy, including:

- The ACC Chain of Command (reference the ACC Organization Chart)
- The ACC Employee Grievance Policy (DGBA)
- The ACC Student Grievance Policy (FLD)
- The ACC Public Complaints Policy (GB)

Board members should be mindful that they may be called upon to sit as final arbiters in connection with grievance and/or due process hearings. For this reason, they must remain impartial and should not seek information, form opinions, etc. about a pending issue until the issue reaches the “body corporate.”

A Board member who receives a letter or other contact from a member of the community or an employee, whether known or anonymous, should forward the letter or other communication to the College President, who shall proceed according to appropriate Board Policy. See Board Policies DGBA, FLD, and GB. Upon receiving the letter or communication from a Board member, the College President will review the communication, consider the issue, share it with all other Board members, as appropriate, and decide either to file the communication or investigate the issue. The College President will report to the Board the College President’s resolution of the communication or contact situation. The Board, as a body corporate, may direct the College President to investigate further and return a progress report to the Board.

When the concern or complaint directly pertains to the Board’s own actions or policy, for which there is no administrative remedy, the Board member may request that the issue be placed on the agenda, subject to the parameters of requesting agenda items.

See Board Policy BBE.

## **Communications – Communication with Vendors**

Individual Board members shall refrain from communicating with vendors or potential vendors of the College District regarding specific procurement solicitations. Board members are permitted to provide vendors and potential vendors with basic information concerning ACC and its divisions, including, without limitation, referring vendors and potential vendors to procurement opportunities. Questions from vendors or potential vendors concerning specific procurement solicitations or contracts should be directed to the College President.

## **Communications – Communication with the Media**

The College President is the official spokesperson for the College District; provided that, when appropriate, and in consultation with the College President, the Board Chairperson may also speak on behalf of the College District. Any official statements from the College District to the media are to be handled by the College President or designee. All Board members who receive calls from the media regarding College District matters should direct them to the College President and immediately notify the College President about the media contact. The College President or Board Chairperson will notify the entire Board about media contacts or issues that may attract media attention.

Individual Board members cannot speak in an official capacity outside the Board room unless the Board votes a member to be an official representative of the Board for a specific issue. While Board members retain the right to speak to the media as individuals, Board members should understand that any comment will likely be interpreted by viewers/readers as an official statement of the Board. Individual Board members who make statements to the media shall emphasize that their views do not represent the views of the Board or the College District and, if the Board has taken action on the issue, remind the media representative of the position or action of the Board as a body.

See Board Policy BBE.

## **Board Member Visits to ACC Sites**

Board members are encouraged to attend special activities at ACC sites and other events to witness programs in progress and represent the Board in support of College District activities. Site visits may not be made in conjunction with campaigning for election, and Board members may not make presentations at ACC sites, except when invited by the College District for special events, academic programs, or other College District business.

Individual Board members wishing to visit an ACC facility or campus should notify the College President in advance of the visit.

It is the responsibility of the administration to investigate and evaluate operational issues. The Board is responsible for policy and budget. As such, Board members shall not go into classrooms or other areas on campus or ACC facilities for the purposes of inspecting campuses, evaluating personnel, or conducting investigations, and may not give direction to any staff or student, except when immediate safety or liability is an issue. Board members may interact with staff members and students, provided they do not disrupt the learning process or circumvent the role and authority of the College President.

A Board member may visit an ACC site in his/her role of parent or grandparent or in another purely personal capacity (e.g., to attend fitness classes or plays). Board members have the same rights as others to communicate with College District employees regarding issues involving a Board member's own children or other purely personal business. Because it is sometimes difficult for staff to see Board members as ordinary individuals, the Board member should make it clear that he/she is acting as a parent or in another purely personal capacity rather than as a member of the Board.

Board members will not ask College District employees for extraordinary consideration for anyone.

## **Board Travel Guidelines**

For the most current travel guidelines, see ACC Board Policy DEE (Local).

Board members shall be reimbursed for reasonable expenses incurred in carrying out Board business at the Board's request and for reasonable expenses incurred while attending meetings and conventions as official representatives of the Board and College District, as authorized by Board Policy; provided that, as applicable, training or other attendance credit must be earned and reported. An amount for Board member travel expense reimbursement shall be approved in the budget each year. Expense reimbursements shall be made in accordance with IRS rules and regulations.

College District reimbursement for Board member travel to state and national meetings, conferences, conventions, and other similar events shall be limited to one state and one national event per fiscal year, unless otherwise approved by action of the Board. At the next regular Board meeting following any such event, Board members shall provide an oral or written report regarding the event and what was learned or accomplished.

Prior to scheduling or planning travel (including registration) for College District business, a Board member shall obtain authorization from the Board Chairperson and complete an ACC Travel Authorization Form, available from the Business Office, which must be signed by the Board Chairperson and the College President. A form must be completed for each trip for each Board member who will be traveling outside of the general College District area or when an overnight stay is required.

Reservations and registrations will not be secured until the ACC Travel Authorization Form has been completed and signed by the College President. Supporting documentation must be submitted with the form, including the following:

1. A document that validates the destination and purpose of the travel (i.e., an agenda from the organization's website or an email describing the event). If Board member attends training or meetings before or after a conference, the Board member should attach documentation or correspondence to support this time.
2. Support for mileage such as Mapquest or Google Maps (Mileage should be calculated from/to ACC on business days and from/to home on non-business days.)
3. When registration fees are an integral part of travel authorizations, they must be included on the ACC Travel Authorization Form with a copy of the registration form. If the registration fee is to be paid by the Business Office with this form, the appropriate box must be checked.

A Board member may request a travel advance when out-of-pocket expenses to the Board member equal \$100 or more. The request for a travel advance must be submitted to the Business Office at least five days prior to departure, and the funds shall not be issued more than 30 days prior to the scheduled travel. Within 14 days of returning from travel, Board members shall file a statement with the Business Office, with receipts, accounting for amounts actually expended. Any excess shall be refunded to the College District upon receipt of notification from the Business Office.

Board members are responsible for canceling reservations with the service provider directly, or timely notifying the College President or designee in sufficient time for reservations to be canceled without penalty, and verification of cancellation will be required in the event of a billing dispute. Cancellation deadlines are based on the service provider's policy, and a Board member shall be personally responsible for any cancellation/no-show charges or penalties incurred as a result of the Board member's failure to comply with these guidelines.

#### Allowable Expenses

Board members shall make reasonable and prudent decisions regarding travel options. The maximum reimbursement shall be based on the lowest cost mode of transportation. Board members are encouraged to carpool whenever possible. Mileage shall be calculated from/to the College District on business days and from/to the Board member's home on non-business days. Cost comparison for mileage and related expenses versus air travel and related expenses shall be considered prior to making travel arrangements.

Air Travel: Air travel shall be reimbursed at the lowest available price. The College District will also pay for reasonable ancillary costs, including charges for two pieces of luggage other than a carry-on. The College District shall not pay for early check-in or seat upgrades. An invoice or itinerary and proof of payment shall be considered acceptable documentation.

Personal Vehicle: The College District shall reimburse mileage expenses (for approved business use) for the shortest route (Official State Mileage Guide) between points traveled at the current State of Texas rate per mile. When two or more Board members travel together, only the owner of the personal vehicle shall be reimbursed for mileage.

Rental Car: With prior approval noted on the ACC Travel Authorization Form, a Board member may rent a car for business travel when it is less expensive than other modes of transportation such as taxis, airport limousines, and airport shuttles. The size and type of rental vehicle shall correspond with the number of Board members traveling together. With the exception of optional insurance coverage, any cancellation/no-show charges, upgrade, club membership

programs, and other ancillary charges shall be at the Board member's personal expense.

Board members should contact the College President or designee regarding the current ACC rental car contract. A rental car agreement plus credit card receipt or other register receipt are required documentation.

Lodging: Lodging expenses shall be reimbursed for the actual and reasonable hotel cost. A Board member shall be expected to secure a reasonable rate for which he or she is eligible. The College District is exempt from state taxes, and the College District shall not reimburse a Board member for these charges; therefore, the Board member shall be responsible for obtaining a copy of the College District's tax exemption form from the Business Office to provide to the hotel upon check-in. Local hotel taxes and occupancy taxes are not exempt, and the Board member shall be reimbursed for these costs and business Internet usage if charged by the hotel. Tips for hotel staff are included in the per diem rate for Meals and Incidental Expenses (see below).

When the Board member has someone (spouse, dependent, or other non-ACC affiliated individual) traveling with them and there is a difference in the room rate for single or double occupancy, lodging will be reimbursed at the single rate, and the Board member shall be personally responsible for any additional charges. Submitted documentation must be properly annotated to clearly delineate this information.

A hotel folio plus credit card receipt or other register receipt are required documentation.

Meal and Incidental Expenses: A Board member may claim either per diem or actual expenses for meals incurred during the same trip, but not both. The IRS requires that the same method be used for all days within any single business trip.

- ❖ Per Diem – Expenses for meals associated with authorized overnight travel not related to a state or federal grant will be paid on a per diem basis. Under the per diem allowance for meals and incidentals, the College District will pay no more than \$44 per day, divided as follows:

- Breakfast for travel before 11 a.m. \$10
- Lunch for travel between 11 a.m. and 4:59 p.m. \$12
- Dinner for travel 5 p.m. or later \$22

If a meal is provided by the conference or meeting, the corresponding meal amount shall be deducted from the total per diem allowance for that day. (Exceptions must be submitted in writing with the ACC Travel Return Form.)

Hotel services and gratuities are included in the maximum per diem allowance. Itemized documentation and receipts for per diem expenses are not required unless an ACC credit card is used to pay for meals.

The departure and return times noted on the ACC Travel Authorization Form and Travel Return Form shall determine the per diem on days of travel. Extra meal tickets purchased will not be reimbursed when the traveler claims per diem.

- ❖ Actual Expenses – Under the actual expenses plan, the College District will pay meal and incidental expenses within reasonable limits. Itemized documentation and detailed receipts are required. Certain cities have higher rates under the most recent federal standard CONUS M&IE rate. The College will honor these rates with proper documentation, and the College President shall be authorized to approve higher maximum daily meal allowance for travel to such cities.

Ground Transfers/Parking/Toll Charges: The College District shall reimburse ground transfers, parking, and toll charges associated with travel (for the most economical location/option available) when proper documentation is provided. Detailed register receipt or other detailed proof of payment (specifying the number of days and the daily rate for parking) are required documentation. Airport parking will be reimbursed up to \$12.00 per day with a receipt. Valet parking shall be reimbursed when it is the only option and proper documentation, including written justification, is provided on the ACC Travel Return Form. Customary gratuities (not in excess of 20%, unless a higher group gratuity is charged) will be reimbursed.

#### Additional Information

- Tips should not exceed 20%.
- When taking something other than a taxi or shuttle, reimbursement will not exceed the taxi/shuttle rate.
- Telephone/Internet – ACC will reimburse brief professionally-related telephone calls while traveling on College District business and for business Internet usage if charged by the hotel.
- Board members are strongly encouraged to utilize advance purchase discounts by making airfare, car rental, and hotel reservations at least 30 days in advance (provided travel authorization has been approved).
- If a conference (including registration) begins after 1 p.m., travel will not be reimbursed for the previous day. (An exception would be to a location that has very few flights to it.) Travel will not be reimbursed for the following day for conferences that end at 1 p.m.
- Payment of travel expenses charged to grant accounts will be in accordance with these Procedures or the specific grant guidelines and applicable administrative regulations, whichever is more restrictive.

- Travel expenses incurred due to circumstances beyond the Board member's control will be addressed on a case-by-case basis.
- Board members who wish to arrive early or depart late for reasons of personal preference shall not be reimbursed for any additional costs incurred as a result of this preference.

### Expenses Not Allowed

A Board member shall not be reimbursed for any expenses that are not allowed as part of approved travel. If expenses of this nature are charged to a College District credit card, the Board member shall be required to reimburse the College District or have that amount deducted from his or her eligible reimbursement.

The College District will not pay for expenses such as, but not limited to:

- Babysitting
- Hair Salon / Barbershop
- Shoe shine
- Health club or spa
- Sporting or recreational event
- Massage or sauna
- Laundry or dry cleaning
- Pet care
- Movies, video rental, or other entertainment
- Souvenirs or gifts
- WiFi/Internet or telephone calls, local, long distance, or in-flight (except as specified above)
- Overweight luggage charges
- Parking or traffic tickets
- Vehicle repairs or maintenance
- Magazines, newspapers, or books
- Personal toiletries
- Alcoholic beverages and tobacco
- Losses such as loss or theft of personal property or funds, or lost luggage
- Optional flight or other travel cancellation insurance
- "No-show" charges
- Rental car upgrades
- Early boarding charges
- Changes to scheduled air travel reservations due to personal preference
- Medical bills incurred during travel (unless Worker's Compensation insurance is applicable)
- Personal items such as clothing and luggage
- Subscriptions
- Charges for recreational events, including those associated with professional meetings and conferences (such as city tours, golf or tennis outings)

- Expenses related to any personal segment of business travel
- Expenses for travel companions/family members

### IRS Requirements

Accountable Plans: Accountable plans allow a Board member to receive a non-taxable reimbursement for expenses incurred while away from home on College District business. To be an accountable plan, the following conditions must be satisfied:

- Payment/reimbursement for actual expenses – Allowable when a Board member provides documentary evidence of travel expenses, such as receipts, along with an adequate statement of expenses.
- Per Diem allowance – A daily amount ACC pays when a Board member is away from home on College District business.

Traveling “away from home” means that (1) duties require the Board member to be away from the general area of his/her tax home substantially longer than an ordinary day’s work, and (2) the Board member requires sleep or rest to meet the demands of his/her work while away from home.

Non-Accountable Plans: Any payment plan that does not follow the rules under accountable plans above; such reimbursements are taxable by the IRS. ACC does not pay or reimburse expenses under non-accountable plans.

Per IRS regulations that allow for travel reimbursement to be excluded from taxable income, failure to comply with the guidelines and procedures as outlined above could result in travel advancements or reimbursements being included in taxable income. It is the Board member’s responsibility to follow ACC’s travel policies and procedures and applicable tax regulations to avoid inclusion of travel advancements or reimbursements in taxable income.

### Return and Reimbursement Procedures

The College President’s office staff shall assist Board members with completing and submitting reimbursement requests. Within 14 days after returning from travel, a Board member must submit to the Business Office a completed ACC Travel Return Form (even if there are no expenses to the College District). Original receipts and substantiating documentation must be attached to the form. Photocopies shall not be accepted. Reimbursements shall not be processed and paid if any section of the ACC Travel Return Form is not completed or original receipts or supporting documentation is not provided.

Once the ACC Travel Return Form has been processed and reconciled by the Business Office, the Board member will be notified by email that: (1) a refund of a travel advance is due to ACC and should be paid at the Cashier’s Office; or (2) the

Board member's reimbursement has been processed for payment. If a refund of a travel advance is due, the Board member should not send the refund until receipt of the email notification from the Business Office.

Per IRS tax regulations, failure to timely submit an ACC Travel Return Form, along with excess advances, if any, may cause advances or reimbursements to be included in the Board member's taxable income.

See Board Policies BBG, BBH, and DEE.

## **Board Development and Evaluation**

Board members shall annually fulfill the state-required training requirements per Board Policy BBD. Each Board member shall attend, during the member's first year of service, at least one training program for members of the governing boards of institutions of higher education provided by the Texas Higher Education Coordinating Board in accordance with Section 61.084 of the *Texas Education Code* and the Texas Higher Education Coordinating Board's rules. The minutes of the last regular meeting held by the Board during a calendar year must reflect whether each Board member has completed any training required to be completed by the member under Section 61.084 of the *Texas Education Code* as of the meeting date.

Additionally, not later than the 90<sup>th</sup> day after the date the Board member takes the oath of office, each Board member shall complete a course of training regarding the responsibilities of the Board and its members under the *Texas Open Meetings Act* in accordance with Section 551.005 of the *Texas Government Code*. The Board shall maintain and make available for public inspection the record of its members' completion of the training. The failure of one or more Board members to complete the required training does not affect the validity of an action taken by the Board.

The College President or designee shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the Texas Public Information Act training required by Section 552.012 of the Texas Government Code. See Board Policy BBD.

The Board and the College President shall provide an orientation for new Board members within the calendar year of their election to assist them in understanding the Board's function, policies, and procedures in accordance with Board Policy BBD (Local). The College President shall also work with the Board to develop and implement an annual plan to address the training needs of Board members. Board members are encouraged to engage in other Board development activities, such as attending regional, state, or national conventions, conferences, and workshops, subject to the annual limitations on Board member travel reimbursements as set forth in the section above entitled "Board Travel Guidelines."

At least annually, the Board shall conduct a self-evaluation of Board and Board member performance. The evaluation shall consider such items as role recognition, relationship with others, performance at Board meetings, self-improvement activities, and adherence to these Board Operating Procedures. The evaluation procedure shall also include a review of those factors that facilitate effective Board meetings. The Board may solicit suggestions for improvement from others through established College District communication channels. This evaluation may be conducted in a regular meeting, in a special meeting, or in a workshop setting.

Individual Board members are encouraged to express their concerns about another member's performance directly to that member. If addressing the issue directly with the member does not resolve the concern, discussion with the Board Chairperson is appropriate. The Board Chairperson shall discuss the concern with the Board member in question on behalf of the reporting Board member, or shall moderate a discussion between the members. If a quorum of the Board is involved, the meeting must be posted and conducted in accordance with the *Texas Open Meetings Act*.

The Board Chairperson shall remind the Board member whose behavior is in question about the adopted ethical standards and Board Operating Procedures and discuss how the Board member's behavior does not comply. The discussion also will identify more appropriate alternatives to the behavior, or refer the Board member to policies or procedures that outline approved ways to deal with the issue that prompted the behavior.

If the Board Member in question does not believe his or her behavior is in conflict with the Board's adopted ethical standards or Operating Procedures, an agenda item specifying "evaluation of individual Board member's performance" may be listed on the agenda for an upcoming Board meeting, subject to the parameters of requesting agenda items. The matter will be discussed by the full Board in closed session in an attempt to clearly identify behavior that may be inappropriate and discuss possible solutions or alternative approaches that may have a more positive impact on team cohesion and effectiveness.

If the concern involves the Board Chairperson, a member may discuss his or her concerns with the Board Vice Chairperson. Board members will not take concerns about fellow Board members to the College President. Board Members will not speak about performance concerns regarding individual Board members with individuals outside of the Board.

See Board Policies BBD and BCG.

## **College President Contract and Evaluation**

The Board will review the College President's contract and salary annually or as otherwise required by the College President's contract. The Board Chairperson

will notify Board members of any proposed amendments to the College President's contract. The Board will review and deliberate proposed amendments to the contract. Terms and conditions of the College President's contract, as well as any proposed amendments to the contract, will be reviewed with the Board members by the Board's attorney to ensure clarity and understanding of same.

The Board shall prepare a written evaluation of the College President at annual or more frequent intervals. The written evaluation instrument shall be based on the job description of the College President and performance goals and shall be adopted by the Board. The Board Chairperson shall be responsible for seeking input from all Board members on Board-approved indicators and creating the official evaluation reflecting a consensus of the Board.

The Board shall furnish the College President with a copy of the completed evaluation and shall discuss the evaluation with the College President in a closed meeting in accordance with the *Texas Open Meetings Act*. The College President may respond to the evaluation in writing.

The Board shall strive to accomplish the following objectives in completing the evaluation of the College President:

1. Clarify the College President's role, as seen by the Board.
2. Develop and sustain a harmonious working relationship between the Board and the College President.
3. Ensure excellence in the College District's administrative leadership by establishing appropriate performance objectives and priorities for the College President.

The Board may at any time conduct and communicate oral evaluations to augment its written evaluations.

See Board Policy BFE.

## **Personnel Matters**

A key function of the Board is to select and evaluate the College President. The College President has sole authority to make recommendations to the Board regarding the selection of all administrative, faculty, and professional staff. Except for the position of College President, the Board or individual Board members do not suggest, interview, or become otherwise involved with the selection process. Board members may direct candidates to ACC's Human Resources Department for the College District's application process. The Board's role is to approve or reject personnel recommendations made by the College President.

Final authority for the selection of the College President and the employment of all contractual personnel shall be retained by the Board. The Board delegates to the

College President final authority to employ and dismiss non-contractual employees on an at-will basis.

See Board Policies BAA and DC.