POLICY REVIEW COMMITTEE MEETING
LONE STAR COLLEGE SYSTEM
VIA WebEx
June 24, 2021
2:00 p.m.

I. Call to Order and Designation of the Meeting Secretary

II. Pledge of Allegiance

III. Certification of the Posting of the Notice of the Meeting

IV. Public Comment

V. Approval of the Minutes of the June 10, 2021 Regular Meetings of the Policy Review Committee

VI. Outstanding Questions Relating to the Internal Procedures Governing the PRC
   A. Should Stage One of the Non-Administration Policy Proposal Submission Process be amended to require Proponents submit a redline version of the proposed change to an existing policy?
   B. Can PRC members propose their own Policy Proposals?
   C. How would the PRC like to handle a Non-Administration Policy Proposal that is received after the seven-day pre-meeting receipt deadline, but before the statutorily required time to post the Agenda for the public?
   D. Does the PRC want to memorialize in writing its internal governing procedures similar to the procedures issued to govern Board Committees?

VII. Policy Considerations
   A. Proposed Subject Policies for Approval to Continue Moving Forward Through the Policy Review Committee
      i. N/A
   B. Proposed Subject Policies for Approval to Post for Public Notice and Comment
      i. N/A
   C. Proposed Subject Policies Currently Posted for Public Notice and Comment
i. Section IX. Sexual Misconduct, posted May 25, 2021 through June 25, 2021

ii. Section I.B.1.05. Biennial Review, posted May 25, 2021 through June 25, 2021

iii. Section V.F. Student Discipline for Academic Misconduct, posted May 25, 2021 through June 25, 2021

iv. Section V.I. Academic Freedom and Responsibilities, posted May 25, 2021 through June 25, 2021

v. SB 18, posted June 14, 2021 through July 14, 2021

vi. Section V.G.1.3. Bases for Academic Appeal, posted June 14, 2021 through July 14, 2021

vii. Section VI.B.1.08. Dual Credit Tuition, posted June 14, 2021 through July 14, 2021

D. Proposed Subject Policies for Approval to Refer to the Full Board of Trustees

i. N/A

VIII. Suggested Future Agenda Items

IX. Adjournment
I, Stephen C. Head, Chancellor of the Lone Star College System, do hereby certify that a notice of this meeting was posted on Monday the 21st day of June, 2021 on the Lone Star College website as required by 551.001 et. seq., Texas Government Code. Special notice of the meeting was provided to the news media as required by the Texas Open Meetings Act.

Members of the public may access the meeting at Event address for attendees: https://lonestar.webex.com/lonestar/onstage/g.php?MTID=ee6f639a78fe5e25c3eceb14067ed212f0

Event number: 120 859 3566
Event password: LS2021

Given under my hand this the 21st day of June, 2021.

LONE STAR COLLEGE SYSTEM

_____________________
Stephen C. Head
Chancellor
MINUTES OF THE
POLICY REVIEW COMMITTEE MEETING
OF THE BOARD OF TRUSTEES
LONE STAR COLLEGE SYSTEM
VIA WebEx
June 10, 2021
2:00 p.m.

POLICY REVIEW COMMITTEE MEMBERS PRESENT:
Ms. Linda Good, Chair
Mr. Michael Stoma
Dr. Jim Cain

I. CALL TO ORDER: Chair Good called the Policy Review Committee of the Board of Trustees meeting to order at 2:00 p.m. after determining that a quorum was present. Chair Good designated the Office of the General Counsel as the Secretary for the meeting.

II. PLEDGE OF ALLEGIANCE: Trustee Cain led the Trustees and guests in reciting the Pledge of Allegiance.

III. CERTIFICATION OF THE POSTING OF THE NOTICE OF THE MEETING: Vice Chancellor Clougherty confirmed the Notice for the meeting had been properly posted. No action was required. A copy is attached as Exhibit “A”.

IV. PUBLIC COMMENT: None.

V. APPROVAL OF THE MINUTES OF THE MAY 7, 2021 REGULAR MEETINGS OF THE POLICY REVIEW COMMITTEE: Upon a motion by Trustee Stoma and a second by Trustee Cain, the Policy Review Committee unanimously approved the minutes of the May 7, 2021 Regular Meeting.

VI. APPROVAL OF THE MINUTES OF THE MAY 20, 2021 REGULAR MEETINGS OF THE POLICY REVIEW COMMITTEE: Upon a motion by Trustee Stoma and a second by Trustee Cain, the Policy Review Committee unanimously approved the minutes of the May 20, 2021 Regular Meeting.

VII. POLICY CONSIDERATIONS:

A. PROPOSED SUBJECT POLICIES FOR APPROVAL TO CONTINUE MOVING FORWARD THROUGH THE POLICY REVIEW COMMITTEE. Chair Good noted that Trustee Pierce’s policies were all similar and asked if the PRC should consider them as a group or individually. Trustee Stoma stated a preference for individual review. Trustee Cain was open to either. The PRC determined the Policy Proposals should be individually addressed.
i. **Trustee Pierce Proposal 1 (Action Item 1)** Chair Good requested a motion to consider the Policy Proposal. Trustee Stoma moved for a point of information to request clarification on whether discussion was allowable before an item could be formally considered. Chair Good responded that she believed that Robert’s Rules prevented questions until a motion was made to support moving the recommendation through the process. Trustee Stoma stated he believed clarification was necessary on these items, that he would prefer to move for a full board discussion on all of them items. He continued that he would vote on a motion if he had to but felt receiving input was a better course of action.

Chair Good requested the General Counsel clarify whether the PRC could ask questions of a general nature before any member of the committee moved to support moving the Policy Proposal through the process. The General Counsel explained that the PRC may choose to allow discussion on an item before considering the motion because this action has not been prohibited by the rules governing subcommittees of the Board of Trustees. The PRC unanimously voted to discuss the Policy Proposals before voting to consider the motion.

Trustee Stoma stated he had three questions for the General Counsel and would ask the same questions for each of the Non-Administration Policy Proposals before the PRC today: (1) what is the current policy in regards to the specific Policy Proposal; (2) how does the Policy Proposal contrast; and (3) if the Policy Proposal were adopted, what would be the impact on College operations? The General Counsel explained the current policy is under Section IV.A.1. Hiring Practices, found on page 97 of the Policy Manual, and this policy divides hiring practices into three categories: (1) non-faculty; (2) faculty; and (3) administrative. The General Counsel further explained that if he understood the Policy Proposal for Action Item One, it would be to either amend Section IV.A.1.(c) to say what applies to College administrators applies to all administrators or to amend the Policy to remove subsection (a) entirely and say that all non-faculty position searches will be governed by the same rules as Faculty searches in subsection (b) or administrative searches in subsection (c).

Trustee Stoma asked what the difference between a College administrator and an administrator. The General Counsel read directly from the Policy which states “College administrator positions exhaustively include—solely for the purposes of this subsection—deans, vice presidents, and the college’s president.” The General Counsel noted that one important nuance is that lower case college means a member college, but uppercase College means the system—specifying that subsection (c) refers to member college administrators.

Trustee Stoma asked what the impact would be if the Board adopts this Policy Proposal. The General Counsel explained that, as he understood the proposal,
the College could no longer appoint administrators at the Vice Chancellor level and every position would have to go through the search process. The General Counsel reminded the PRC that Trustee Pierce was in attendance and could clarify her intent but he did not wish to speak for her.

Trustee Cain asked Chair Good why a redline version of changes to a policy when a Policy Proposal advocates for a change is not being submitted, noting there are many ways to go about these issues but a redline version would provide clarity on the intent of the request. Trustee Cain noted that he reviewed the five Policy Proposals submitted by Trustee Pierce and compared them to the current Policy Manual but could not discern what changes she wanted to make with her Policy Proposals. Trustee Cain advocated for redlines so the PRC does not have to guess about intent and allow the PRC to know what they are debating. Chair Good noted that it was her understanding that the PRC decided, as part of their procedures, that Policy Recommendations from those other than the administration would come to the PRC for an initial screening to reduce the burden on proponents unless the PRC felt there was enough merit to move forward. She said what she is hearing is a request to amend their rules to go to a two-step process or stay a three-step process where they would still get a redline at step one and move to fiscal impact for the second step.

Trustee Stoma moved for a point of clarification on what exactly the PRC is voting on. Chair Good explained that the vote, as is, is to vote to move forward with the redlines and developing fiscal impact. Trustee Cain said he understand the current rules are to advance a Policy Proposal to the second step but thought it would be simpler if the Policy proponent came with a redline and showed the PRC exactly what their intent is. Trustee Stoma said he agrees but the other question here is “what is the fiscal impact and how will these changes impact the operations of the College” and that is a key question for him as a Trustee. Trustee Stoma did elaborate that no matter what the PRC adopts, they need to send the Proponent to the administration to develop fiscal impact. Trustee Cain said he is not suggesting they skip the fiscal impact stage but notes that the current process creates ambiguity. Chair Good stated that with any new process, implementation is not always as smooth as pictured when envisioning a process. Chair Good stated her current concern is that Trustee Pierce has complied with the procedures as they have been set out and does not want to now impose a hardship on her. Trustee Cain said he agreed with that but is now looking towards the future and using this as an example. Trustee Cain moved for a point of clarification on what actions the PRC would be taking on this Policy Proposal, specifying he was curious if the PRC was just discussing the Policy Proposal or making some kind of recommendation. Chair Good explained the PRC is not going to recommend the Board accept or deny the Policy Proposal at this point in the process. Chair Good said she sees the merit in the future to have a proponent show they have considered how the Policy Proposal will interact with current policy. Trustee
Stoma agreed but wants to maintain the process as is for these five proposals. Chair Good asked the PRC if they needed anymore clarification. All said no. Trustee Stoma moved to proceed with the Proposal. Chair Good called for a second. Hearing none, Chair Good declared the proposal failed. Thus, the subject matter policy was not approved to progress to the second stage of review by the Policy Review Committee.

ii. Trustee Pierce Proposal 2 (Action Item 2) Trustee Stoma asked his three questions: (1) what is the current policy is regards to the specific Policy Proposal; (2) how does the Policy Proposal contrast; and (3) if the Policy Proposal were adopted, what would be the impact on College operations?

The General Counsel explained the current policy is found in Section I.G.1.06. Prohibited Actions, found on page 23 of the Policy Manual, and read “[t]he College and Board do not employ Trustees’ Close Relatives, nor do they hire Trustees’ Close Relatives as independent contractors for personal services. The College may not employ a former Trustee until the first anniversary of the date the Trustee’s membership on the Board ends.” The General Counsel elaborated that Trustee Pierce’s recommendation, as he understands, amends the prohibition of employment of “Close Relatives” to prohibit employment of “Direct Relatives” and removes the temporal limit of one year before a former trustee may be employed by the College to implement a permanent bar to hiring former trustees.

Chair Good requested clarification on whether the 365-day limit was a choice by the College or if it is based in legal authority. The General Counsel responded that be believed it was a legal requirement and stated the rule originated in Section 130.089 of the Texas Education Code. Chair Good then asked if the current policy limited hiring of relatives to the second degree of affinity and third degree of consanguinity. The General Counsel confirmed Chair Good’s understanding of the policy.

Trustee Stoma moved to advance the recommendation. Chair Good called for a second. Hearing none, Chair Good declared the proposal failed. Thus, the subject matter policy was not approved to progress to the second stage of review by the Policy Review Committee.

iii. Trustee Pierce Proposal 3 (Action Item 3) Trustee Stoma asked: (1) what is the current policy is regards to the specific Policy Proposal; (2) how does the Policy Proposal contrast; and (3) if the Policy Proposal were adopted, what would be the impact on College operations?

The General Counsel explained the current policy is found in Section III.D.1.3. Transactions Requiring Board Approval, found on page 80 of the Policy Manual, and that subsection (a) specifically relates to employment contracts where the Chancellor has been delegated the authority to enter into employment contracts for a certain sum and then leaves the Chancellor the
task of negotiating the terms of the employment contracts, including titles and job duties, so long as the approved sum is not exceeded. The General Counsel stated his understanding of the Policy Proposal would remove the Chancellor’s delegated authority to designate titles and assignments. The Chancellor currently has the authority to move an employee from a President position to a Vice Chancellor position although the opposite is not allowed. The Policy Proposal, however, would require the Chancellor to return to the Board for authorization to make the currently allowed change.

Trustee Stoma moved to advance the recommendation. Chair Good called for a second. Hearing none, Chair Good declared the proposal failed. Thus, the subject matter policy was not approved to progress to the second stage of review by the Policy Review Committee.

iv. Trustee Pierce Proposal 4 (Action Item 4) Trustee Stoma asked: (1) what is the current policy is regards to the specific Policy Proposal; (2) how does the Policy Proposal contrast; and (3) if the Policy Proposal were adopted, what would be the impact on College operations?

The General Counsel explained the current policy is found in Section IV.1.A. Hiring Practices, found on page 97 of the Policy Manual, and this Policy Proposal goes back to Action Item 1 but differs by requiring all open positions to be publicly posted.

Trustee Stoma posed a hypothetical that a Vice Chancellor position, approved by the Board to fill or create, was open. Trustee Stoma first asked if the current policy allows the Chancellor to appoint a person to a vacant Vice Chancellor position without posting the job. The General Counsel affirmed this. Chair Good asked if the change would only affect those positions that could be filled by direct appointment or all positions? The General Counsel stated this would be a better question for Trustee Pierce but believed the Policy Proposal would require all open positions to be posted based on the plain reading of the Policy Proposal. Chair Good opined that many organizations post positions internally before a vacant position is posted externally so was having difficulty understanding how this Policy Proposal differs from Action Item 1.

Trustee Stoma asked, based on the events of a former trustee being hired into a Vice Chancellor rule by a direct appointment, if this Policy Proposal was meant to address that situation and others like it. The General Counsel opined that the fact scenario presented by Trustee Stoma was better addressed by the Policy Proposals in Action Items 1 and 2, but this Policy Proposal encompasses a broader population.

Trustee Stoma moved to advance the recommendation. Chair Good called for a second. Hearing none, Chair Good declared the proposal failed. Thus, the subject matter policy was not approved to progress to the second stage of
review by the Policy Review Committee.

v. **Trustee Pierce Proposal 5 (Action Item 5)** Trustee Stoma asked: (1) what is the current policy is regards to the specific Policy Proposal; (2) how does the Policy Proposal contrast; and (3) if the Policy Proposal were adopted, what would be the impact on College operations?

The General Counsel explained the current policy is found in Section IV.A.1. Hiring Practices, found on page 97 of the Policy Manual, and this Policy Proposal is an anti-nepotism policy that would prevent the Chancellor and other supervisors from having control of a family member’s employment such as hiring, promotion, raises, and termination decisions. The General Counsel explained that because the Chancellor oversees all employees, there is no way to employ a relative of the Chancellor’s in a way that would not violate this Policy Proposal.

Trustee Stoma questioned if the current policy has such a condition. The General Counsel explained the situation addressed in the Proposed Policy is managed by the College’s ethics policy. The General Counsel elaborated that a Chancellor’s relative would be supervised by someone other than the Chancellor, placing at least one level of supervision between the Chancellor and the Chancellor’s relative; however, under the Policy Proposal, employment of a Chancellor’s relative would be impossible because the Chancellor oversees all employees.

Trustee Stoma then asked how employment of a Chancellor’s relative is not a conflict of interest. The General Counsel answered that this Policy Proposal addresses that very tension. Trustee Stoma asked if this situation has been raised to the Texas Attorney General and the General Counsel answered that it had not.

Chair Good noted that the current nepotism policy already addresses this issue by prohibiting a College employee from directly supervising anyone related to them within certain degrees and that a person related to a Trustee cannot be hired; only employees hired more than 30 days before a Trustee is appointed or six months before a Trustee is elected may continue employment. The General Counsel responded that, as to the employment of Trustee relatives, the Trustees only hire the Chancellor. The Trustees do not promote anyone, give raises on an individual basis, or make termination decisions for anyone other than the Chancellor. Then, if a Vice Chancellor has a relative, so long as the relative works for another Vice Chancellor, the policy is satisfied. The General Counsel noted the question posed—stating that Trustee Pierce was in attendance to discuss—is what happens when a Chancellor’s relative works for the College because the Chancellor has hiring and firing power over every employee.
Trustee Stoma then asked if all recommended salary increases come to the Board through the Chancellor. The General Counsel affirmed. Trustee Stoma asked if the Board approves all salary increases as well as all initial contracts and renewal contracts. The General Counsel said the last two are correct but that he would modify the first one to say the Board approves all salary increases guaranteed by a contract but elaborated that non-contractual raises do not come before the Board.

Trustee Stoma moved to advance the recommendation. Chair Good called for a second. Hearing none, Chair Good declared the proposal failed. Thus, the subject matter policy was not approved to progress to the second stage of review by the Policy Review Committee.

B. Proposed Subject Policies for Approval to Post for Public Notice and Comment

i. **SB 18 (Action Item 6)** Trustee Stoma moved to approve this Proposed Policy to post for Notice and Comment. Trustee Cain seconded the motion. The Trustees unanimously voted to approve posting this Proposed Policy for Notice and Comment.

ii. **Section V.G.1.3. Bases for Academic Appeal (Action Item 7)** Trustee Stoma moved to approve this Proposed Policy to post for Notice and Comment. Trustee Cain seconded the motion. The Trustees unanimously voted to approve posting this proposed policy for Notice and Comment.

iii. **Section VI.B.1.08. Dual Credit Tuition (Action Item 8)** Trustee Cain moved to approve this Proposed Policy to post for Notice and Comment. Trustee Stoma seconded the motion. The Trustees unanimously voted to approve posting this Proposed Policy for Notice and Comment.

C. Proposed Subject Policies Currently Posted for Public Notice and Comment

i. **Section IX. Sexual Misconduct**, posted May 25, 2021 through June 25, 2021

ii. **Section I.B.1.05. Biennial Review**, posted May 25, 2021 through June 25, 2021

iii. **Section V.F. Student Discipline for Academic Misconduct**, posted May 25, 2021 through June 25, 2021

iv. **Section V.I. Academic Freedom and Responsibilities**, posted May 25, 2021 through June 25, 2021

D. Proposed Subject Policies for Approval to Refer to the Full Board of Trustees

i. N/A
VIII. **SUGGESTED FUTURE AGENDA ITEMS:** Chair Good called for suggested future agenda items from the PRC. Hearing none, she moved to adjourn the meeting. The General Counsel requested the opportunity to place three questions before the PRC to provide guidance to the Office of the General Counsel:

- Can the PRC members advance their own Policy Proposals?
- How would the PRC like to handle Policy Proposal from a non-administration proponent that is received after the seven-day pre-meeting deadline the PRC set to receive Policy Proposals in advance of a PRC meeting, but before the statutorily-required time to post the Agenda for the public?
- Whether the PRC would like for the Office of the General Counsel to draft procedures for the PRC that the PRC could adopt similar to the Committees of the entire Board that led to the genesis of this committee.

Chair Good requested these questions be placed on the Agenda for discussion at the next PRC Meeting.

Trustee Cain requested the Committee discuss his earlier proposal for redline versions to come to the PRC in step one. Trustee Stoma requested this be the first order of business for the next meeting.

IX. **ADJOURNMENT:** There being no further business, the meeting was adjourned at 2:48 p.m.