

NEW POLICY

The official title of the governing body of the College District shall be the Collin County Community College District Board of Trustees, referred to in policies as “the Board.”

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LOCAL)

**Accreditation
Principles**

Institutional integrity is essential to the purpose of higher education. Integrity functions as the basic covenant defining the relationship between the College District and the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). The College District's accreditation body requires that the governing board of the institution adopt appropriate and fair processes for the dismissal of a Board member. Therefore, Board members may be removed from office or sanctioned as provided in this policy. [See Southern Association of Colleges and Schools Commission on Colleges, Principle 4.2.e]

**Resignation by
Board Member or
Member-Elect**

A Board member may resign by providing written notice to the Chair or to the Secretary of the Board of Trustees.

A Board member-elect may submit a declination of office by submitting written notice to the Chair or to the Secretary of the Board of Trustees.

The Board may not refuse to accept a resignation or declination submitted under this policy.

Effective Date

If a Board member or member-elect submits a resignation or declination, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation or declination is accepted by the Board, or on the eighth calendar day after the date of its receipt by the Board Chair or Secretary, whichever date is earlier.

Holdover Doctrine

All public officers will continue to perform the duties of their offices until their successors will be duly qualified and sworn in. Until the vacancy created by a public officer's resignation is filled by a successor, the public officer continues to serve and have the duties and powers of office and continues to be subject to the nepotism rules and all Board policies. A holdover public officer may not vote on the appointment of the officer's successor. [See DBE]

**Immediate Removal
for Lack of
Residency**

A Board member is required to remain a resident of the College District throughout the term of elected office. A Board member who ceases to reside in the College District vacates his or her office immediately.

**Immediate Removal
for Conviction**

A Board member who is convicted of official misconduct, including a purchasing offense under Education Code 44.032 [see CF(LEGAL), Impermissible Practices], is subject to immediate removal from office. *Local Gov't Code 87.031.*

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**Involuntary Removal
from Office under
Quo Warranto**

A Board member who usurps, intrudes into, or unlawfully holds or executes a public office may be involuntarily removed by a quo warranto action as described in BBC(LEGAL). *Civ. Prac. and Rem. Code 66.~~001-001~~-002*.

A Board member who engages in an act, or allows an action, that by law causes forfeiture of office may also be involuntarily removed by a quo warranto action as described in BBC(LEGAL). *Civ. Prac. and Rem. Code 66.~~001-001~~-002*.

**Involuntary Removal
from Office by
Petition and Trial**

A Board member may be removed from office by a petition filed by any resident of this state who has lived for at least six months in the county in which the petition is to be filed and who is not currently under indictment in the county, under Local Government Code 87.015. [See BBC(LEGAL)]

Reasons for
Removal from
Office

A Board member may be removed by a quo warranto action or by petition and trial for:

1. Incompetency. "Incompetency" means:
 - a. Gross ignorance of official duties;
 - b. Gross carelessness in the discharge of those duties; or
 - c. Unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of the officer's election.
2. Official misconduct. "Official misconduct" means intentional, unlawful behavior relating to official duties by an officer entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of an officer to perform a duty imposed on the officer by law.
3. Intoxication on or off duty caused by drinking an alcoholic beverage. Intoxication is not grounds for removal if it appears at the trial that the intoxication was caused by drinking an alcoholic beverage on the direction and prescription of a licensed physician practicing in this state.
4. The conviction of a Board member by a jury for any felony or for misdemeanor official misconduct, including a purchasing offense under Education Code 44.032.
5. Nonattendance of Board meetings if the member is absent from more than half of the regularly scheduled and posted

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Board meetings, including committee meetings, that the member is eligible to attend during a calendar year, not counting an absence for which the member is excused by a majority vote of the Board. An annual report of Trustee meeting attendance for the prior year will be included as an information item each February.

Tex. Const. Art. V, Sec. 24; Local Gov't Code 87.011(2)–(3), .013, .031; Education Code 44.032, 130.0845

Other Sanctions

The Board has an interest in directly addressing ethical and other misconduct by a Board member. Board members will not engage in misconduct as defined in this policy.

Misconduct Defined

Under this policy, “misconduct” means:

1. Violating the Code of Ethics in BBF(LOCAL);
2. Failing to uphold Board member responsibilities as listed in BBF(LOCAL);
3. Violating applicable Board policies, including, but not limited to, conduct constituting criminal offenses and nepotism [see BBFB(LEGAL)] and conflicts of interest [see BBFA(LEGAL)];
4. Failing to file required conflict of interest disclosures [see BBFA(EXHIBIT)]; and/or
5. Engaging in other unethical or dishonest conduct, in fraud, or in making false or misleading representations during a term of office.

Each Board member has a duty to report misconduct. The Board may investigate misconduct reports and issue sanctions in accordance with this policy and applicable law.

**Reporting
Misconduct**

Any community member or any Board member may file a written misconduct report with the Board Chair or with the Board Secretary if the report regards the Board Chair.

The report recipient must advise the Board in writing that a misconduct report was received. The recipient may request an investigation of the misconduct report. Upon a majority vote of the Board, an investigation of the misconduct report may be initiated.

**Investigating
Misconduct**

An independent third party will conduct the investigation. Under this policy, “independent third party” means any person appointed by a majority vote of the Board to conduct this investigation.

During the investigation, the respondent Board member will be provided by the independent third party a list of the allegations lodged

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in the misconduct report. The respondent Board member has the opportunity to respond to the specific allegations, either in writing or by meeting with the independent third party.

The independent third party will prepare investigative findings or an investigative report for the Board's review.

Sanctions Upon a
Finding of
Misconduct

The Board will have the authority to sanction a Board member for misconduct. The Board may find that misconduct has occurred by a majority vote of the Board.

Upon such finding, the Board may sanction the Board member found to have engaged in misconduct. Sanctions may include, but are not limited to:

1. Removing the Board member from serving on any Board committee;
2. Limiting travel and fee reimbursement for the Board member;
3. Requiring the Board member to attend additional training at the Board member's expense to be completed within a specified period of time;
4. Censuring the Board member; and/or
5. Any other sanction or action allowed by applicable law.

For purposes of this policy, "censure" means a public reprimand by the Board of a person through means of a written order or resolution for specified conduct. Sanctions imposed are to be read at the next scheduled Board meeting.

Filling a Vacancy

~~Any~~When a vacancy ~~occurring~~occurs on the Board through death, resignation, or otherwise, it will be filled by the Board by a special election ordered by the Board or by appointment by resolution or order of the Board, either by appointment, in accordance with law and the appointment procedures below, or by special election, in accordance with law.

The vacancy will be filled within 180 days, but, if determined necessary by the Board, the Board may extend the deadline to fill the vacancy.

At no time may the Board fill the vacancy later than the uniform election date of the next regular Board election.

~~By Special Election~~

~~A special election to fill a Board vacancy is conducted in the same manner as the College District's general election except as provided by the applicable provisions of the Election Code. [See BBB]~~

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	If a vacancy in an office is to be filled by special election, the <u>Board will order the</u> election will be ordered as soon as practicable after the vacancy occurs. <u>To fill a vacancy by appointment, the Board may adopt procedures on a case-by-case basis, which may include an application and/or interview process, or the Board may appoint a person who has expressed an interest in serving with or without an application process.</u> <u>Any individual elected or appointed must meet the qualifications set forth at Election Code 141.001(a) and Education Code 130.082(d).</u>
<u>Selection</u>	<u>An individual must receive the affirmative vote of a majority of the remaining Board members to be appointed to the Board.</u>
<u>Duration of Appointment</u>	<u>An appointed Board member will serve until the next regular election of members to the Board.</u> A special election to fill a vacancy will be held on the first authorized uniform election date occurring on or after the 46th day after the date the election is ordered. For a vacancy to be filled by a special election to be held on the date of the general election for state and county officers (November of even numbered years), the election will be ordered not later than the 78th day before the election day.
By Appointment	In all elections to fill vacancies of office in this state, it will be to fill the unexpired term only. An appointment to the governing body of a local government will be made as required by the law applicable to that local government and may be made with the intent to ensure that the governing body is representative of the constituency served by the governing body. A local government that chooses to implement this provision will adopt procedures for the implementation. Local Gov't Code 180.005(b)-(c) A vacancy on the Board may be filled by appointment through a resolution adopted by a majority of the remaining Board members. The Board may adopt procedures on a case-by-case basis, which may include an application process, or the Board may appoint a person who has expressed an interest in serving with or without an application process. Any person appointed must meet the qualifications set forth at Election Code 141.001(a) and Education Code 130.082(d).

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Exception for
Involuntary
Removal from
Office

**Temporary
Replacement of
Board Member on
Military Active Duty**

~~The person appointed to fill the unexpired term will serve until the next regular election of members to the Board, at which time the position will be filled by election for a term appropriately shortened to conform with what regularly would have been the length of the term for that position. *Tex. Const. Art. XVI, Sec. 27; Education Code 130.082(d)*.~~

If a Board member is removed from office in accordance with law or policy, the Board will appoint a candidate using the same procedures outlined in this policy and such appointment will occur as soon as practicable following the removal from office.

The Board may adjust the deadlines described by this policy as necessary to satisfy this timeline.

An elected or appointed Board member who enters active duty in the Armed Forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held. In that case, the Board may, but is not required to, appoint a replacement to serve as a temporary active Board member as provided by Texas Constitution Article XVI, Section 72 if the elected or appointed Board member will be on active duty for longer than 30 days.

The Board member who is temporarily replaced may recommend to the Board the name of a person to temporarily fill the office. The Board will appoint the temporary acting Board member to begin service on the date specified in writing by the Board member being temporarily replaced as the date the Board member will enter active military service.

A temporary acting Board member under this policy has all the powers, privileges, and duties of the office. A temporary acting Board member will perform the duties of office for the shorter period of either:

1. The term of the active military service of the Board member who is temporarily replaced; or
2. The term of office of the Board member who is temporarily replaced.

“Armed Forces of the United States” means the U.S. Army, the U.S. Navy, the U.S. Air Force, the U.S. Marine Corps, the U.S. Coast Guard, any reserve or auxiliary component of any of those services, or the National Guard.

BOARD MEETINGS

BD
(LOCAL)

Definition	The Board shall consist of nine members. In the event of the death or resignation of one or more members, the Board shall remain defined as a nine-member Board for the purposes of determining a majority. [See BBB]
Meeting Place and Time	The notice for a Board meeting shall reflect the date, time, and location of the meeting.
Regular Meetings	Regular meetings of the Board shall typically be held on the fourth Tuesday of each month as posted. 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.
Special or Emergency Meetings	The Board Chairperson shall call a special meeting at the Board Chairperson's discretion or on request by two members of the Board. The Board Chairperson shall call an emergency meeting when it is determined by the Board Chairperson or four members of the Board that an emergency or urgent public necessity, as defined by law, warrants the meeting.
Agenda	The deadline for submitting items for inclusion on the agenda is the fifth business day before regular meetings and the fifth business day before special meetings, except in an emergency in accordance with the Texas Open Meetings Act.
Preparation Deadline	
Submission of Topics	The District 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 District President.
A Board Member May Request a Subject Be Included on the Agenda	The Board Chairperson and the District President shall confer regarding the proposed topics, and the Board Chairperson shall determine the topics for the official meeting agenda. Consistent with Board procedures, the Board Chairperson shall ensure that any topic or action item two or more Board members have requested in writing be addressed are either on a meeting agenda or scheduled for deliberation at an appropriate time in the near future. If the item is a discussion item, it will be scheduled on the agenda for a future committee or Board meeting within 30-60 calendar days. If the item is an action item, the Board Chairperson will decide on which committee or Board agenda the item will be placed. The Board Chairperson shall not refuse to assign an action item that complies with this policy requested by two or more Board members to an agenda and, once assigned, shall not have the authority to remove the action item from the agenda without the requesting Board members' specific authorization.

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Consent Agenda	When the agenda is prepared, the Board Chairperson shall determine items, if any, that qualify to be placed on the consent agenda. A consent agenda shall include items of a routine and/or recurring nature grouped together under one action item. For each item listed as part of a consent agenda, the Board shall be furnished with background material. All such items shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration. The remaining items shall be adopted under a single motion and vote.
Notice to Members	Members of the Board shall be given notice of regular and special meetings at least <u>72 hours three business days</u> prior to the scheduled <u>time date</u> of the meeting and at least one hour prior to the time of an emergency meeting.
Closed Meeting	Notice of all meetings shall provide for the possibility of a closed meeting during an open meeting, as provided by law. The Board may conduct a closed meeting when the agenda subject is one that may properly be discussed in closed meeting. See BDA
Order of Business	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 <u>the Board Chair, the presiding Board officer, or by a majority vote consensus</u> of Board members present.
Rules of Order	The Board shall observe the parliamentary procedures as found in <i>Robert's Rules of Order, Newly Revised</i> , except as otherwise provided in Board procedural rules or by law. Procedural rules may be suspended at any Board meeting by majority vote of the members present so long as the suspension does not result in actions or motions that must be declared null and void under <i>Robert's Rules of Order, Newly Revised</i> or applicable law.
Voting	Voting shall be by voice vote or show of hands, as directed by the Board Chairperson. Any member may abstain from voting, and a member's vote or failure to vote shall be recorded upon that member's request.
Minutes	Board action shall be carefully recorded by the Board Secretary or clerk; 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. The official minutes of the Board shall be retained on file in the office of the District President and shall be available for examination during regular office hours.
Discussions and Limitation	Discussions shall be addressed to the Board Chairperson and then the entire membership. Discussion shall be directed solely to the

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business currently under deliberation, and the Board Chairperson shall halt discussion that does not apply to the business before the Board.

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

Trustee Requests for Accommodations for Board Meetings

The College is committed to its compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. No qualified Trustee with a Disability, as defined in board policy DAA(LEGAL), shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the College or be subjected to disability discrimination. The Board will adopt a set of procedures for Trustees to request reasonable and legal accommodations in writing for participation in or legal access to regularly scheduled Board meetings that conform with the existing definitions and requirements under Board policy, see GA.

The College is not obligated to provide an accommodation if it would impose an undue financial hardship or administrative burden on the College as such limits are described in Board policy, see GA and DAA, or if it would require the College to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity.

NEW POLICY

Designation and Use of Private Spaces

The Board will ensure that the District President or designee and staff, designates private spaces in accordance with law.

The District President shall develop administrative regulations to ensure compliance with law and policy regarding the use of private spaces, as defined in law, on all College District campuses and facilities.

REGISTRATION AND ATTENDANCE

FC
(LOCAL)

Purpose

The District President or designee will develop procedures addressing registration and attendance requirements, including procedures for all excused absences consistent with applicable law.

The registration and attendance procedures will be published in the College District catalog, official bulletins, website and other appropriate Districtwide publications.

Collin College is committed to providing an academic environment that is respectful of the religious beliefs, if any, of its students, in accordance with state and federal laws and regulations. The purpose of this policy is to ensure reasonable accommodations will be provided to students whose sincerely held religious beliefs conflict with a Collin College policy, procedure, and/or program or academic requirement. The purpose of this policy is to also help ensure compliance with students' observance of religious holy days in accordance with state law. [See FC(LEGAL)]

Definitions

For purposes of this policy, the following definitions apply.

A "religious accommodation" is a reasonable adjustment to an academic or clinical program of the College District.

A "religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20 as defined in FC(LEGAL).

An accommodation may cause "undue hardship" if it is an action or request that would pose an unreasonable burden or significant difficulty or expense to the College District considered under the factors allowed by law. The determination of undue hardship is dependent on the facts of each individual situation and will be made on a case-by-case basis.

A "fundamental alteration" is a change to an academic course, program, service, or activity of the College District that significantly changes the essential nature of the academic course, program, service, or activity (i.e., course design or degree requirements).

**Attendance
Accommodations for
Religious Holy Days**

The District President or designee will develop procedures for addressing excused absences of students, including for absences due to religious holy days, consistent with applicable law. The procedures will be published in the student handbook, catalog, and/or official publications of the College District.

Consistent with state law and regulations, if there is a disagreement about the excused absence for the observance of a religious holy day or about the reasonable time to complete a missed assignment or examination, either the student or the faculty member may request a ruling from the District President or designee. The

**Religious
Accommodations in
Clinical Programs
that Involve Patient
Care**

student and the faculty member will abide by the decision of that individual.

Religious accommodation requests of students in clinical programs of the College District will be evaluated on a case-by-case basis. Religious accommodation requests that cause an undue hardship to the College District, result in a fundamental alteration of course or clinical requirements, or are objectively unreasonable will not be granted.

Religious accommodation requests of students in a clinical program that involve patient care may depend on the requirements imposed by external hospitals and clinical partners where the clinicals or labs are hosted. A religious accommodation in a clinical program may require placement at a different hospital or clinical partner, if available. If not available, granting the religious accommodation may delay the student's completion of the clinical program.

The District President or designee will develop procedures addressing religious accommodations in clinical programs that involve patient care, consistent with law, for students whose sincerely held religious beliefs conflict with a Collin College policy, procedure, and/or program or academic requirement.

To request a religious accommodation in a clinical program that involves patient care, a student must submit the appropriate form to the Accommodations at Collin College for Equal Support Services (ACCESS) Office.