

Instructions for Reviewing Trustee Applicants

TRUSTEE POSITION NO. 3 | SEVEN-CATEGORY NUMERICAL RUBRIC

Purpose

The rubric supports a consistent, evidence-based review of applicants for appointment to the Laredo College Board of Trustees. Each Board member should review and score every applicant independently before the Board discusses applicants collectively.

1. Use Only the Official Application Materials

- Base every score only on information contained in the official application packet, including the application, Letter of Intent, résumé or curriculum vitae, required certifications, conflict-of-interest disclosure, and any other materials formally accepted as part of the packet.
- Do not rely on personal familiarity, reputation, hearsay, outside research, social media, political considerations, or information not included in the official application packet.
- Do not assume or supply missing qualifications, experience, knowledge, intent, or examples.
- Prior board service is not required. Relevant transferable experience documented in the packet may support a score.

2. Complete an Independent Review

1. **Read the complete packet.** Review all submitted materials before assigning any score.
2. **Score all seven categories.** Select one score from 1 through 5 for each category.
3. **Use the closest descriptor.** Select the descriptor that best matches the evidence presented, not the applicant's perceived potential.
4. **Record concise evidence.** Use the comments sections to identify the specific experience, statement, or example supporting the score.
5. **Calculate the total.** Add the seven category scores. The maximum possible score is 35 points.

3. Apply the Rubric Consistently

- **Apply the same standard.** Use the same interpretation of each descriptor for every applicant.
- **Stay within the category.** Score only the evidence relevant to the category being reviewed.
- **Avoid double-counting.** The same experience may be relevant to more than one category, but repeated references to the same fact should not automatically increase multiple scores.
- **Evaluate the ethics category from the materials.** Consider documented examples of responsible decision-making, accountability, fairness, compliance, public service, or ethical leadership. Do not make unsupported conclusions about an applicant's character.
- **Do not consider protected characteristics.** Do not consider age, disability, race, religion, sex, gender identity, sexual orientation, or any other legally protected characteristic.

- **Refer legal or eligibility questions.** Questions involving eligibility, legal compliance, or conflicts of interest should be referred to the designated administrator or legal counsel and should not be resolved by adjusting the rubric score.

4. Identify the Top Three Candidates

- After all Board members have completed their independent rubrics, the scores will be collected and tabulated through the Board-established process.
- The three applicants with the highest resulting scores will be identified for Board discussion.
- The rubric is a screening and discussion tool. A score does not constitute an appointment, promise, recommendation, commitment, or final vote.
- If a tie affects the top-three group, the Board will address the tie under the procedure announced for the meeting and with legal guidance as necessary.
- Any appointment requires official Board action in accordance with applicable law, Board policy, and meeting requirements.

5. Confidentiality and Handling of Materials

I will safeguard applicant packets, completed rubrics, notes, and individual scores and use them only for the authorized Board review process. I will not distribute, copy, photograph, post, or disclose applicant information or individual scoring outside the authorized process, except as required or permitted by law or as directed by the Board, the College, or legal counsel. I understand that applicant materials and evaluation records may be subject to public-information, records-retention, open-meeting, or other legal requirements. This acknowledgment does not promise confidentiality beyond what applicable law permits.

6. Conflict-of-Interest Disclosure

Before reviewing or scoring an applicant, I will disclose any actual, potential, or perceived conflict of interest involving the applicant or the appointment process, including any relevant business, financial, contractual, familial, employment, personal, or other relationship. I will disclose the matter to the Board Chair and designated legal counsel and follow any guidance concerning review, scoring, discussion, or voting. I will not use the process for personal benefit or to favor or disadvantage an applicant for reasons unrelated to the adopted criteria and submitted evidence.

7. Reviewer Acknowledgment

Board Member / Reviewer:	_____
Signature:	_____

Date:	
Conflict disclosed before review?:	☐ No ☐ Yes ☐ Referred for guidance
All seven categories completed?:	☐ Yes ☐ No

Trustee Vacancy Applicant Evaluation Rubric

Applicant Name: _____

Evaluator: _____

Instructions: Evaluate each applicant solely on evidence presented in the submitted application materials. Do not assume qualifications or assign credit for information not included. Prior board service is not required. Assign one score in each category. Total possible score: 35 points.

Priority / Evaluation Criteria	5 - Exceptional	4 - Strong	3 - Adequate	2 – Limited	1 - Limited Evidence Provided	Score
1. Understanding of Trustee Roles & Responsibilities	Clearly demonstrates a thorough understanding of collective Board governance, limits of individual authority, trustee responsibilities, and the distinction between governance and administration.	Demonstrates a strong understanding of trustee responsibilities and governance principles.	Demonstrates a general understanding of the trustee role and a clear willingness to learn.	Demonstrates limited understanding but indicates interest in learning the role.	Provides little or no evidence of understanding trustee responsibilities.	—
2. Ethics, Integrity & Public Accountability	Submitted materials provide clear, specific examples of responsible decision-making, accountability, fairness, compliance with applicable requirements, and service above personal interest.	Submitted materials provide relevant examples of responsible decision-making, accountability, fairness, or ethical leadership.	Submitted materials demonstrate a general understanding of ethical conduct, conflicts of interest, accountability, and the responsibilities of public service.	Submitted materials make general references to ethics or accountability but provide limited explanation or supporting information.	Submitted materials provide little or no information addressing ethics, integrity, conflicts of interest, or public accountability.	—

3. Institutional Mission & Community Stewardship	Provides compelling evidence of commitment to Laredo College’s mission, student and institutional success, responsible stewardship, and strengthening connections between the College and community.	Demonstrates strong support for the College’s mission and provides relevant evidence of community engagement or institutional stewardship.	Demonstrates a general understanding of the College’s mission and the trustee’s responsibility to represent both the institution and community.	Provides limited evidence of understanding the College’s mission or the trustee’s community stewardship role.	Provides little or no evidence addressing the College’s mission, institutional interests, or relationship with the community.	—
4. Budget & Financial Oversight	Provides extensive evidence of responsibility for significant budgets, audits, financial planning, or fiscal governance.	Provides strong evidence of managing budgets, financial operations, or fiscal accountability.	Provides evidence of managing departmental, program, project, or organizational budgets.	Provides limited evidence of budget review, financial reporting, or fiscal oversight.	Provides little or no evidence addressing budgeting or financial oversight.	—
5. Policy & Governance	Provides extensive evidence of developing, approving, interpreting, or overseeing policy and governance.	Provides strong evidence of policy development, review, implementation, or organizational governance.	Provides relevant experience working within established policies, procedures, or governance structures.	Provides limited evidence of policy or governance experience.	Provides little or no evidence addressing policy or governance.	—
6. Employee Management & Leadership	Provides extensive evidence of executive leadership, personnel responsibility, accountability, and organizational oversight.	Provides strong evidence of supervising employees, departments, teams, or major initiatives.	Provides evidence of managing employees, teams, programs, projects, or personnel decisions.	Provides limited evidence of supervisory or leadership experience.	Provides little or no evidence addressing employee management or leadership.	—

7. Collaboration, Community Engagement & Commitment to Service	Provides compelling evidence of collaboration, respectful decision-making, dependability, preparation, sustained service, and significant civic, nonprofit, or community leadership.	Provides strong evidence of teamwork, reliability, constructive relationships, and leadership in community, civic, nonprofit, volunteer, or service organizations.	Demonstrates willingness to collaborate, prepare, complete required training, devote time to Board service, and participate in community, civic, nonprofit, volunteer, or service activities.	Provides limited evidence of collaboration, reliability, sustained commitment, or community, civic, nonprofit, or volunteer involvement.	Provides little or no evidence addressing collaboration, commitment to service, or community, civic, nonprofit, or volunteer involvement.	—
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TOTAL SCORE: _____ / 35

Strengths:
Areas for Further Consideration:
Additional Comments:

Board Vacancy Applicant Review: Policy Relevance

Purpose: These policies collectively establish who may be appointed, how the vacancy may be filled, what the Board is evaluating, how trustees must act, and what orientation and training follow an appointment.

Policy	Relevance to the Vacancy and Applicant-Review Process
BBA(LEGAL) Eligibility / Qualifications	Establishes the minimum legal qualifications for an appointee, including citizenship, age, voter registration, residency, felony status, and mental-capacity requirements. It supports the administrative eligibility review and confirms that legal eligibility is separate from the Board’s comparative rubric scoring.
BBC(LEGAL) Vacancies and Removal from Office	Provides the legal authority to fill a vacancy by special election or by appointment. It addresses when a vacancy occurs, candidate eligibility, special-election timing, the duration of an appointment, and the requirement that an appointee serve until the next regular Board election.
BBC(LOCAL) Vacancies and Removal from Office	Establishes Laredo College’s appointment process: a 180-day timeline subject to Board extension, a call for applications posted for at least 14 days, Board review or optional interviews, possible committee review, majority approval, and service until the next regular Board election.
BAAA(LEGAL) Powers, Duties, Responsibilities	Defines the work of the Board and supports the substantive rubric categories. It identifies institutional mission, community stewardship, policy direction, fiduciary responsibility, budget and audit oversight, appointment and evaluation of the president, and responsibilities involving personnel and institutional governance.
BBE(LEGAL) Board Member Authority	Clarifies that trustees act only as a properly convened Board, not individually, and that each trustee has fiduciary duties. It also addresses access to information, handling of confidential information, confidentiality agreements, and preservation of governmental records, supporting both the trustee-role and document-handling instructions.
BBF(LOCAL) Ethics	Provides the ethical and behavioral expectations reflected in the rubric: compliance with law and policy, preparation and attendance, impartial decision-making, avoidance of personal benefit, cooperation with other trustees, respect for majority decisions, recognition of limited individual authority, and delegation of administration to the president.
BBD(LOCAL) Orientation and Training	Explains the orientation and continuing-training obligations that follow election or appointment. It includes orientation on Board functions, policies, procedures, legal duties, and budget oversight, as well as Open Meetings Act, Public Information Act, cybersecurity, and annual training expectations.

How the policies work together: BBA establishes eligibility; BBC establishes the vacancy-filling authority and process; BAAA, BBE, and BBF define the responsibilities and conduct used to evaluate readiness; and BBD establishes the orientation and training required after appointment.

BOARD LEGAL STATUS
POWERS, DUTIES, RESPONSIBILITIES

BAAA
(LEGAL)

Responsibilities

It is the policy of this state that the governing boards of institutions of higher education, including college districts, being composed of lay members, shall exercise the traditional and time-honored role for such boards as their role has evolved in the United States and shall constitute the keystone of the governance structure. In this regard, each governing board:

1. Is expected to preserve institutional independence and to defend its right to manage its own affairs through its chosen administrators and employees.
2. Shall enhance the public image of each institution under its governance.
3. Shall interpret the community to the campus and interpret the campus to the community.
4. Shall nurture each institution under its governance to the end that each institution achieves its full potential within its role and mission.
5. Shall insist on clarity of focus and mission of each institution under its governance.

Education Code 51.352(a)

**Extent of State and
Local Control**

All authority not vested by Education Code Chapter 130 or by other laws of the state in the Coordinating Board or in the Texas Education Agency shall be reserved and retained locally in each of the respective public junior college districts or the governing board of such junior colleges as provided in the laws applicable. *Education Code 130.002*

Regulatory
Exceptions

*Greenhouse Gas
Emissions*

The state has exclusive jurisdiction over the regulation of greenhouse gas emissions in this state. A municipality or other political subdivision, including a college district, may not enact or enforce an ordinance or other measure that directly regulates greenhouse gas emissions.

“Greenhouse gas emissions” means emissions of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Health and Safety Code 382.005, .05102(a)

*Oil and Gas
Operations*

An oil and gas operation is subject to the exclusive jurisdiction of this state. A municipality or other political subdivision, including a college district, may not enact or enforce an ordinance or other measure, or an amendment or revision of an ordinance or other measure, that bans, limits, or otherwise regulates an oil and gas

BOARD LEGAL STATUS
POWERS, DUTIES, RESPONSIBILITIES

BAAA
(LEGAL)

operation within the boundaries or extraterritorial jurisdiction of the municipality or political subdivision.

"Oil and gas operation" means an activity associated with the exploration, development, production, processing, and transportation of oil and gas, including drilling, hydraulic fracture stimulation, completion, maintenance, reworking, recompletion, disposal, plugging and abandonment, secondary and tertiary recovery, and remediation activities.

Natural Resources Code 81.0523(a)(2), (b)

*Utility Services
and Infrastructure*

No political subdivision of this state, including a college district, may adopt or enforce an ordinance, resolution, regulation, code, order, policy, or other measure that has the purpose, intent, or effect of directly or indirectly banning, limiting, restricting, discriminating against, or prohibiting the connection or reconnection of a utility service or the construction, maintenance, or installation of residential, commercial, or other public or private infrastructure for a utility service based on the type or source of energy to be delivered to the end-use customer. This section does not limit the ability of a political subdivision to choose utility services for properties owned by the political subdivision.

"Utility" has the meaning assigned by Utilities Code 181.901, except that the term does not include a person, company, or corporation engaged in furnishing telephone service to the public.

Utilities Code 181.903(a)(2), (b), (d)

*Regulation of
Energy Sources*

A political subdivision, including a college district, may not adopt or enforce an ordinance, order, regulation, or similar measure that limits access to or use of an energy source or that results in the effective prohibition of infrastructure that is necessary to provide access to a specific energy source, including a wholesaler, retailer, energy producer, or related infrastructure, including a retail service station, unless permitted by Local Government Code 248.002.

"Energy source" means any fuel or power source used to power an engine.

Local Gov't Code 248.001(1), .002

*Regulation of
Engines*

A political subdivision, including a college district, may not adopt or enforce an ordinance, order, regulation, or similar measure that directly prohibits or restricts the use, sale, or lease of an engine based on its fuel source.

BOARD LEGAL STATUS
POWERS, DUTIES, RESPONSIBILITIES

BAAA
(LEGAL)

“Engine” means a machine for converting an energy source into mechanical force and motion, including a generator or an internal combustion engine.

Local Gov’t Code 248.001(2), .003

*Regulation of
Extreme Risk
Protective Orders*

A governmental entity, including a college district, may not adopt or enforce a rule, ordinance, order, policy, or other similar measure relating to an extreme risk protective order unless state law specifically authorizes the adoption and enforcement of such a rule, ordinance, order, policy, or measure. *Code of Criminal Procedure 7C.002*

Note: For other provisions limiting regulation authority, see CHC, CLA, CR, FLBD, FLBE, GDA, and GH.

Powers and Duties

State statute assigns specific powers and duties to a college district board of trustees. Examples of these powers and duties are described below.

Governance

The governing board of an institution of higher education shall provide the policy direction for each institution of higher education under its management and control. Said board shall act and proceed by and through resolutions or orders adopted or passed by the board and the affirmative vote of a majority of all members of the board shall be required to adopt or pass a resolution or order, and the board shall adopt such rules, regulations, and bylaws as it deems advisable, not inconsistent with this section. *Education Code 51.352(b), 130.082(d)*

The governing board of a junior college district shall be governed in the establishment, management, and control of a public junior college in the district by the general law governing the establishment, management, and control of independent school districts insofar as the general law is applicable. *Education Code 130.084(a)*

Establish Goals

Each governing board shall establish, for each institution under its control and management, goals consistent with the role and mission of the institution. [See AD] *Education Code 51.352(d)*

Curriculum Review

At least once every five years, the governing board of each institution of higher education shall conduct a comprehensive review of the general education curriculum established by the institution in accordance with Education Code requirements and shall certify compliance to the Coordinating Board and relevant legislative committees and subcommittees. [See EFAA] *Education Code 51.315(b)*

BOARD LEGAL STATUS
POWERS, DUTIES, RESPONSIBILITIES

BAAA
(LEGAL)

Taxes and Bonds	The governing board of each junior college district, and each regional college district, for and on behalf of its junior college division, annually shall cause the taxable property in its district to be assessed for ad valorem taxation and the ad valorem taxes in the district to be collected, in accordance with any one of the methods set forth in Education Code 130.121, and any method adopted shall remain in effect until changed by the board. The governing board of each junior college district, and each regional college district for and on behalf of its junior college division, shall be authorized to issue negotiable coupon bonds for the construction and equipment of school buildings and the purchase of the necessary sites therefor, and levy and pledge annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same come due, and to levy annual ad valorem taxes for the further maintenance of its public junior college or junior colleges. <i>Education Code 130.121(a), .122(a) [See CAD and CAI]</i>
Tuition and Fees	The governing board of a junior college district may set and collect with respect to a public junior college in the district any amount of tuition, rentals, rates, charges, or fees the board considers necessary for the efficient operation of the college district, except that a tuition rate set under this provision must satisfy the requirements of Education Code 54.051(n). The governing board may set a different tuition rate for each program, course, or course level offered by the college, including a program, course, or course level to which a provision of Section 54.051 applies, as the governing board considers appropriate to reflect course costs or to promote efficiency or another rational purpose. [See FD] <i>Education Code 130.084(b)</i>
Management of College District Funds	Each member of a governing board has the legal responsibilities of a fiduciary in the management of funds under the control of institutions subject to the board's control and management. <i>Education Code 51.352(e)</i>
Annual Budget	The governing board of each institution shall approve an itemized current operating budget on or before September 1 of each year. [See CC] <i>19 TAC 13.42</i>
Annual Audit	The board must have the accounts of the college district audited in accordance with the approved financial reporting system. [See CDC] <i>Education Code 61.065</i>
Endowment Fund	The board of trustees of a public junior college may establish an endowment fund outside the state treasury in a depository selected by the board of trustees. <i>Education Code 130.007</i>

BOARD LEGAL STATUS
POWERS, DUTIES, RESPONSIBILITIES

BAAA
(LEGAL)

Depository	The governing board of each institution may select one or more depositories as places of deposit for the funds enumerated in Education Code 51.002. [See CB] <i>Education Code 51.003</i>
Elections	Each election shall be called by resolution or order of the board. <i>Education Code 130.082(f), .122(b)</i>
Eminent Domain	A board may, by the exercise of the right of eminent domain, acquire the fee simple title to real property on which to construct school buildings or for any other public use necessary for the district. [See CFG] <i>Education Code 11.155, 130.084; Atty. Gen. Op. CM-700 (1970)</i>
Appoint and Evaluate Chief Executive Officer	Each governing board shall appoint the president or other chief executive officer of each institution under the board's control and management and evaluate the chief executive officer of each component institution and assist the officer in the achievement of performance goals. [See BF series] <i>Education Code 51.352(d), 130.082(d)</i>
Employment of Personnel	The board shall be authorized to appoint or employ such agents, employees, and officials as deemed necessary or advisable to carry out any power, duty, or function of said board; and to employ a dean or other administrative officer, and upon the president's recommendation to employ faculty and other employees of the College District. [See DC series] <i>Education Code 130.082(d)</i>
<i>Provost</i>	Each governing board shall approve or deny the hiring of an individual for the position of provost or deputy, associate, or assistant provost by each institution under the board's control and management. [See DC] <i>Education Code 51.352(d)</i>
<i>Vice President or Dean</i>	The governing board of an institution of higher education may overturn any hiring decision for the position of vice president or dean made by the administration of a campus under the board's control and management through appropriate action, including rescission of an employment offer, termination of employment, or termination of an employment agreement. [See DC and DM series] <i>Education Code 51.352(g)</i>
<i>Report</i>	The governing board of each institution of higher education shall annually submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature a report regarding decisions made by the governing board for the applicable academic year on any hiring of administration in which the board approved or denied the hiring decision or took action to overturn the hiring decision for the position of vice president or dean, as provided above. <i>Education Code 51.352(h)</i>

BOARD LEGAL STATUS
POWERS, DUTIES, RESPONSIBILITIES

BAAA
(LEGAL)

Rentals, Rates, and Charges	Each board shall be authorized to fix and collect rentals, rates, charges, and/or fees, including student union fees, from students and others for the occupancy, use, and/or availability of all or any of its property, buildings, structures, activities, operations, or facilities, of any nature, in such amounts and in such manner as may be determined by such board. <i>Education Code 130.123(c)</i>
Real Property	The governing body of a governmental agency may execute, perform, and make payments under a contract under the Public Property Finance Act for the use or purchase or other acquisition of real property or an improvement to real property. [See CFG] <i>Local Gov't Code 271.004</i>
Personal Property	The governing body of a governmental agency may execute, perform, and make payments under a contract with any person for the use or the purchase or other acquisition of any personal property, or the financing thereof. [See CFH] <i>Local Gov't Code 271.005</i>
Lawsuits	The board may sue and be sued. <i>Education Code 11.151(a), 130.084</i>
Settlements	A governmental unit may not enter into a settlement of a claim or action against the governmental unit in which: 1. The amount of the settlement is equal to or greater than \$30,000; 2. The money that would be used to pay the settlement is derived from taxes collected by a governmental unit; received from the state; or insurance proceeds received from an insurance policy for which the premium was paid with taxes collected by a governmental unit or money received from the state; and 3. A condition of the settlement requires a party seeking affirmative relief against the governmental unit to agree not to disclose any fact, allegation, evidence, or other matter to any other person, including a journalist or other member of the media. A settlement agreement provision entered into in violation of the provisions above is void and unenforceable. <i>Civ. Prac. & Rem. Code 116.002</i>
Communicate with Coordinating Board	Each governing board shall ensure that its formal position on matters of importance to the institutions under its governance is made clear to the Coordinating Board when such matters are under consideration by the Coordinating Board. <i>Education Code 51.352(d)</i>

BOARD LEGAL STATUS
POWERS, DUTIES, RESPONSIBILITIES

BAAA
(LEGAL)

Student Admissions	Each governing board shall collaborate with institutions under its control and management to set campus admission standards consistent with the role and mission of the institution and considering admission standards of similar institutions nationwide having a similar role and mission, as determined by the Coordinating Board. [See FB] <i>Education Code 51.352(d)</i>
Compliance	The Coordinating Board office of the ombudsman shall receive and, if necessary, investigate complaints submitted by a student or faculty or staff member in accordance with Education Code 61.031(d) regarding a college district's or other institution of higher education's failure to comply with Education Code 51.315, 51.3522, 51.3525, 51.3541, 51.9431, and 61.0522. [See AF] <i>Education Code 61.031(c)-(d)</i>
Withholding Funds	On receipt of a report determining the governing board has not resolved noncompliance issues within 180 days of receiving the office of the ombudsman's final determination regarding the investigation, the ombudsman may recommend to the legislature that the institution not be allowed to spend money appropriated to the institution for a state fiscal year until the institution's governing board certifies compliance, and the state auditor confirms the institution's compliance. <i>Education Code 61.031(k)-(l)</i>

BOARD MEMBERS
ELIGIBILITY/QUALIFICATIONS

BBA
(LEGAL)

Eligibility

To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, including a college district board member, a person must:

1. Be a United States citizen.
2. Be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable.
3. Have not been determined by a final judgment of a court exercising probate jurisdiction to be:
 - a. Totally mentally incapacitated; or
 - b. Partially mentally incapacitated without the right to vote.
4. Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities.
5. Have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:
 - a. For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
 - b. For a write-in candidate, the date of the election at which the candidate's name is written in.
 - c. For an appointee to an office, the date the appointment is made.
6. On the date described by item 5, be registered to vote in the territory from which the office is elected.

Tex. Const. Art. XVI, Sec. 14; Election Code 141.001(a); Education Code 130.082(d), (g); Gov't Code 601.009; Att'y Gen. Op. GA-555 (2007)

Each member of the board shall be a resident, qualified voter of the district. *Education Code 130.082(d)*

Single-Member
Districts

A candidate for trustee representing a single-member district must be a resident of the trustee district the candidate seeks to represent. A trustee vacates the office if the trustee ceases to reside in the trustee district the trustee represents. *Education Code 130.0822(h)*

BOARD MEMBERS
ELIGIBILITY/QUALIFICATIONS

BBA
(LEGAL)

Definitions	“Residence” means domicile, that is, one’s home and fixed place of habitation to which one intends to return after any temporary absence. <i>Election Code 1.015(a)</i>
<i>Residence</i>	
Temporarily Away	A person does not lose the person’s residence by leaving the person’s home to go to another place for temporary purposes only. <i>Election Code 1.015(c)</i>
Temporary Habitation	A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person's home. <i>Election Code 1.015(d)</i>
Prohibited Residence	A person may not establish residence for the purpose of influencing the outcome of a certain election. <i>Election Code 1.015(b)</i>
<i>To Influence Election</i>	
<i>Place Not Inhabited</i>	A person may not establish a residence at any place the person has not inhabited. A person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain. <i>Election Code 1.015(f)</i>
Intent to Return	For purposes of satisfying the continuous residency requirement, a person who claims an intent to return to a residence after a temporary absence may establish that intent only if the person: 1. Has made a reasonable and substantive attempt to effectuate that intent; and 2. Has a legal right and the practical ability to return to the residence. The provisions above do not apply to a person displaced from the person’s residence due to a declared local, state, or national disaster. <i>Election Code 141.001(a-1)–(a-2)</i>
Note: The issue of whether a candidate has satisfied residency requirements should be judicially determined. <i>State v. Fischer</i> , 769 S.W.2d 619 (Tex. App.—Corpus Christi 1989, writ dismissed w.o.j.)	
<i>Qualified Voter</i>	“Qualified voter” means a person who: 1. Is 18 years of age or older;

BOARD MEMBERS
ELIGIBILITY/QUALIFICATIONS

BBA
(LEGAL)

2. Is a United States citizen;
3. Has not been determined by a final judgment of a court exercising probate jurisdiction to be:
 - a. Totally mentally incapacitated; or
 - b. Partially mentally incapacitated without the right to vote;
4. Has not been finally convicted of a felony or, if so convicted, has:
 - a. Fully discharged the person's sentence, including any term of incarceration, parole, or supervision or completed a period of probation ordered by any court; or
 - b. Been pardoned or otherwise released from the resulting disability to vote. A person is not considered to have been finally convicted of an offense for which the criminal proceedings are deferred without an adjudication of guilt;
5. Is a resident of this state; and
6. Is a registered voter.

Election Code 11.002

*Totally Mentally
Incapacitated*

A person determined to be totally mentally incapacitated by a court exercising probate jurisdiction is not subject to a voting disability or candidacy disqualification under this code if, subsequent to that determination, the person's mental capacity has been completely restored by a final judgment of a court exercising probate jurisdiction. *Election Code 1.020(a)*

*Partially Mentally
Incapacitated
Without the Right
to Vote*

A person determined to be partially mentally incapacitated without the right to vote by a court exercising probate jurisdiction is not subject to a voting disability or candidacy disqualification under this code if, subsequent to that determination, the person's guardianship has been modified to include the right to vote or the person's mental capacity has been completely restored by a subsequent final judgment of a court exercising probate jurisdiction. *Election Code 1.020(a)*

Official Oaths

Each member of the board shall take the proper oath of office before taking up the duties of office. *Education Code 130.082(d)*

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

Resignation

To be effective, a public officer's resignation or an officer-elect's declination must be in writing and signed by the officer or officer-elect and delivered to the appropriate authority, the college district board of trustees, for acting on the resignation or declination. The resignation or declination may be delivered to the presiding officer of the body or to its clerk or secretary. The authority may not refuse to accept a resignation. *Election Code 201.001(a)–(b), .002*

Effective Date

If an officer submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the appropriate authority or on the eighth day after the date of its receipt by the authority, whichever is earlier. *Election Code 201.023*

Holdover Doctrine

All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified, i.e., 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 provision. A holdover public officer may not vote on the appointment of the officer's successor. [See DBE] *Tex. Const. Art. XVI, Sec. 17; Atty. Gen. Ops. JM-636 (1987), DM-2 (1991), GS-6259 (1945)*

Residency

A person elected or appointed to serve as a board member must remain a resident of the college district throughout the term of office. A board member who ceases to reside in the college district vacates office. *Tex. Const. Art. XVI, Sec. 14; Whitmarsh v. Buckley, 324 S.W.2d 298 (Tex. App.—Houston 1959, no writ) [See BBA]*

Single-Member
Districts

A trustee other than a trustee allowed to complete the remainder of the trustee's term after the initial election from single-member districts vacates the office if the trustee ceases to reside in the trustee district the trustee represents. *Education Code 130.0822(g)–(h)*

**Involuntary Removal
from Office**

Quo Warranto

If grounds for the remedy exist, the attorney general or the county or district attorney of the proper county may petition the district court of the proper county or a district judge if the court is in vacation for leave to file an information in the nature of quo warranto. The attorney general or county or district attorney may file the petition on his or her own motion or at the request of an individual relator. An action in the nature of quo warranto is available if:

1. A person usurps, intrudes into, or unlawfully holds or executes a public office; or
2. A public officer does an act or allows an act that by law causes forfeiture of office.

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

Civ. Prac. & Rem. Code 66.001–.002

Removal by Petition
and Trial

A petition for removal of a public officer may be 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. A proceeding for removal is begun by filing a written petition for removal in a district court of the county in which the officer resides. *Local Gov't Code 87.015(a)-(b)*

*Reasons for
Removal*

An officer may be removed 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. The conviction of a public officer by a petit jury for any felony or for a misdemeanor involving official misconduct operates as an immediate removal from office of that officer.
5. Nonattendance of board meetings if the member is absent from more than half of the regularly scheduled board 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.

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

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

Automatic Removal
for Certain Criminal
Offenses

*Qualifying
Offense*

“Qualifying offense” means a criminal offense involving:

1. Bribery;
2. Theft of public money;
3. Perjury;
4. Coercion of public servant or voter;
5. Tampering with governmental record;
6. Misuse of official information;
7. Abuse of official capacity; or
8. Conspiracy or the attempt to commit any of the offenses described by this provision.

Local Gov’t Code 180.010(a)

*Automatic
Removal*

A person who holds an elected or appointed office of a college district is automatically removed from and vacates the office on the earlier of the date the person:

1. Enters a plea of guilty or nolo contendere to a qualifying offense;
2. Receives deferred adjudication for a qualifying offense; or
3. Is convicted of a qualifying offense.

Local Gov’t Code 180.010(b)

*Filling Vacancy
Upon Removal*

The governing body of a political subdivision shall, at the first regularly scheduled meeting of the governing body for which notice is required under Government Code Chapter 551, fill the vacancy in the manner provided by law following the date an officer of the political subdivision is removed from office, if an election is not required. *Local Gov’t Code 180.010(a)-(b), (c)*

Removal for
Purchasing
Violations

A board member who is convicted of a purchasing offense under Education Code 44.032 [see CF(LEGAL), Impermissible Practices] is considered to have committed official misconduct and is subject to removal under Local Government Code Chapter 87. *Education Code 44.032*

Filling a Vacancy

Any vacancy occurring on the board through death, resignation, or otherwise, shall be filled by a special election ordered by the board or by appointment by resolution or order of the board. *Education Code 130.082(d)*

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

Special Election

A special election to fill a board vacancy is conducted in the same manner as the district's general election except as provided by the applicable provisions of the Election Code. [See BBBA]

If a vacancy in office is to be filled by special election, the election shall be ordered as soon as practicable after the vacancy occurs. A special election to fill a vacancy shall 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 shall be ordered not later than the 78th day before election day.

In all elections to fill vacancies of office in this state, it shall be to fill the unexpired term only.

Tex. Const. Art. XVI, Sec. 27; Education Code 130.082(d); Election Code 41.002, 201.051–.052

Appointment

An appointment to the governing body of a local government shall 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 shall adopt procedures for the implementation. *Local Gov't Code 180.005(b)–(c)*

To be eligible to be appointed to a public elective office, a person must meet the qualifications set forth at Election Code 141.001(a) and Education Code 130.082(d). [See BBA] *Election Code 141.001(a); Education Code 130.082(d)*

The person appointed to fill the unexpired term shall serve until the next regular election of members to the board, at which time the position shall 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)*

*Single-Member
Districts*

Except as provided in Education Code 130.0822(l), in single-member districts, any vacancy on the board shall be filled by appointment made by the remaining members of the board. The appointed person serves for the unexpired term. *Tex. Const. Art. XVI, Sec. 27; Education Code 130.0822(i), (l)*

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

An elected or appointed officer of the state or of any political subdivision, including a member of the college district board of trustees, 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, but the appropriate authority may appoint a re-

BOARD MEMBERS
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placement to serve as a temporary active officer 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 officer who is temporarily replaced may recommend to the appropriate appointing authority the name of a person to temporarily fill the office. The appropriate authority shall appoint the temporary acting officer to begin service on the date specified in writing by the officer being temporarily replaced as the date the officer will enter active military service.

A temporary acting officer has all the powers, privileges, and duties of the office. A temporary acting officer shall perform the duties of office for the shorter period of:

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

Tex. Const. Art. XVI, Sec. 72

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
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Filling a Vacancy

When a vacancy occurs on the Board, the Board shall fill the position by appointment, in accordance with law and the appointment procedures below, or by special election, in accordance with law.

The vacancy shall 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.

*Exception for
Involuntary
Removal from
Office*

If a Board member is removed from office in accordance with law, the Board shall appoint a candidate to fill the vacancy at the first regularly scheduled Board meeting following the removal. The Board may adjust the deadlines described by this policy as necessary to satisfy this timeline.

*Appointment
Procedures*

To fill a vacancy by appointment, the Board shall accept applications from prospective candidates. The Board shall establish the requirements and deadline for submitting an application.

*Call for
Applications*

The Board shall, for at least 14 days, post a call for applications on the College District's website. Additionally, the Board shall publicize the call for applications in any other manner the Board determines best suited to reach the highest number of eligible candidates.

The call for applications must include the applicant eligibility requirements and the requirements and deadline for submission of an application.

*Review of
Applications*

At a regularly scheduled Board meeting following the application deadline or at a special meeting called for that purpose, the Board shall review the applications and may interview select applicants.

Alternatively, the Board may form a Board committee to assess the applicants and recommend an applicant or applicants for consideration by the Board. [See BCB]

Selection

An applicant must receive the affirmative vote of a majority of Board members to be appointed to the Board.

*Duration of
Appointment*

An appointed Board member shall serve until the next regular election of members to the Board.

BOARD MEMBERS
ORIENTATION AND TRAINING

BBD
(LOCAL)

Orientation

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. Assistance given in the orientation of new Board members may include the following, as appropriate or available:

1. Selected materials on the responsibilities of being a contributing member of the Board.
2. Material pertinent to meetings and an explanation of its use.
3. Invitations to meet with the College President and other administrative personnel designated by the College President to discuss services the administration performs for the Board.
4. Access to a copy of the Board's policies and administrative regulations and other documents and information currently in use by other Board members.
5. Information regarding appropriate meetings and workshops.
6. A formal orientation on legal and budgetary oversight responsibilities of the Board.
7. Other information and activities as the Board or the College President deems useful in fulfilling the role of Board member.

Annual Training Plan

The College President shall work with the Board to develop and implement an annual plan to address the training needs of Board members.

Each Board member shall complete a Texas Open Meetings Act training as specified by Government Code Section 551.005 no later than the 90th day after the member takes the oath of office and annually thereafter.

**Cybersecurity
Training**

The College President or designee shall determine, from the list of cybersecurity training programs certified by the Department of Information Resources (DIR) and published to DIR's website, the cybersecurity training program to be used in the College District. The College President may remove access to the College District's computer systems and databases for noncompliance with training requirements as appropriate.

The College President shall periodically require an internal review of the College District to ensure compliance with the cybersecurity training requirements.

BOARD MEMBERS
ORIENTATION AND TRAINING

BBD
(LOCAL)

**Public Information
Act Training**

After Election or
Appointment

The College President or designee shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the Public Information Act (PIA) training specified by Government Code 552.012 to be completed no later than the 90th day after the member takes the oath of office.

Each Board member shall complete the PIA training as specified by Government Code Section 552.012 no later than the 90th day after the member takes the oath of office and annually thereafter.

After a Violation

A Board member who receives written notice from the attorney general that the member must complete the PIA training described by Section 552.012 following the College District's failure to comply with a PIA requirement shall complete the training within the time-lines described in law.

Additional Training

In addition to the orientation and training described above, the following programs from the Association of Governing Boards (AGB) are available to Board members on a voluntary basis. Board members are encouraged, but not required, to complete these programs, and may do so at any time:

1. AGB Public Institutions: Board Member Orientation (four modules);
2. Governance in Higher Education (four lessons);
3. Fiduciary Duties of Governing Board Members (two lessons);
4. Responsibilities of Governing Boards (five lessons); and
5. Board Dynamics (five lessons).

BOARD MEMBERS
AUTHORITY

BBE
(LEGAL)

Board Authority	Because the board is a body corporate, members can perform no valid act except as a body at meetings properly convened and conducted. <i>Toyah ISD v. Pecos-Barstow Indep. Sch. Dist.</i> , 466 S.W.2d 377 (Tex. App.—San Antonio, 1971, no writ); <i>Buchele v. Woods</i> , 528 S.W.2d 95 (Tex. App. —Tyler, 1975, no writ)
Fiduciary	Each member of a governing board has the legal responsibilities of a fiduciary in the management of funds under the control of institutions subject to the board's control and management. <i>Education Code 51.352(e)</i>
Access to Information	A member of the governing board of a governmental body, including a college district board of trustees, may inspect, duplicate, or inspect and duplicate public information maintained by the governmental body if the member is acting in the member's official capacity. Public information requested under this section shall be provided to the member promptly and without charge. <i>Gov't Code 552.403(a)-(b); Atty. Gen. Op. JM-119 (1983)</i>
Confidential Information	When there are competing confidentiality or security concerns, it may be proper for a board to establish reasonable procedures to preserve confidentiality, but the college district may not absolutely prohibit an individual board member from viewing records involving college district business that are otherwise properly available to the board as a governmental body. <i>Atty. Gen. Op. GA-138 (2004)</i>
<i>Access to Information Subject to Attorney-Client Privilege</i>	Information subject to attorney-client privilege is not subject to disclosure to a board member unless the attorney-client relationship upon which the privilege is based applies to the member. A governmental body shall inform the member if information responsive to a request made under this section is withheld as information subject to attorney-client privilege. <i>Gov't Code 552.403(d)</i>
<i>Access to Student Records</i>	An educational agency or institution may disclose personally identifiable information from an education record of a student without the written consent of the student required by 34 C.F.R. 99.30 if the disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests. [See FJ] 34 C.F.R. 99.30, .31(a)
<i>Request to Redact</i>	If requested by the board member, public information requested under this section that is confidential under law shall be redacted from the information provided to the member without charge. <i>Gov't Code 552.403(c)</i>
<i>Confidentiality Agreement</i>	A governmental body that has been requested to provide information to a board member under this section may request the board member who is receiving public information that is confidential un-

der law to sign a confidentiality agreement that covers the information and requires that:

1. The information not be disclosed;
2. The information be labeled as confidential;
3. The information be kept securely; or
4. The number of copies of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned remaining confidential and subject to the confidentiality agreement.

Gov't Code 552.404(a)

Determination
by the Attorney
General

A board member who has received a request to sign a confidentiality agreement may seek a decision about whether the information covered by the confidentiality agreement is confidential under law. A confidentiality agreement is void to the extent that the agreement covers information that is determined by the attorney general or a court to not be confidential under law. *Gov't Code 552.405(a)*

Appeal

The board member or the governmental body may appeal a decision of the attorney general to a Travis County district court. Any other person may appeal a decision of the attorney general to a Travis County district court if the person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect. *Gov't Code 552.405(d)*

*Release of
Information Not a
Confidentiality
Waiver*

A governmental body, by providing public information under this section that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required disclosure of the information in the future. *Gov't Code 552.404(b)*

Writ of Mandamus

If a governmental body fails or refuses to comply with an applicable requirement of this section, a member of a governing board who made a request may file a motion, petition, or other appropriate pleading in a district court for a writ of mandamus to compel the body to comply with the applicable requirement. *Gov't Code 552.406(a)*

*Information
Obtainable Under
Other Law*

The procedures outlined in this section do not affect:

1. The procedures under which information may be obtained under other law; or

2. The use that may be made of information obtained under other law.

Gov't Code 552.407

Destruction of and
Tampering with
Records

An officer, including a board member, or employee of a local government commits a criminal offense if the officer or employee knowingly or intentionally violates Local Government Code Title 6, Subtitle C, or rules under it by destroying or alienating a local government record in contravention of Subtitle C or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a). *Local Gov't Code 202.008*

A person commits an offense if the person:

1. Knowingly makes a false entry in, or false alteration of, a governmental record;
2. Makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
3. Intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;
4. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;
5. Makes, presents, or uses a governmental record with knowledge of its falsity; or
6. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

It is an affirmative defense to prosecution for possession under item 6 that the possession occurred in the actual discharge of official duties as a public servant. It is a defense to prosecution under item 1, 2, or 5 that the false entry or false information could have no effect on the government's purpose for requiring the governmental record.

Penal Code 37.10(a), (e)-(f)

A person commits an offense if the person willfully destroys, mutilates, removes without permission as provided by Government Code Chapter 552 (Public Information Act), or alters public information. *Gov't Code 552.351(a)*

**Distribution of
Confidential
Information**

A person commits an offense if the person distributes information considered confidential under the terms of Chapter 552. *Gov't Code 552.352(a)*

**Protections for
Acting on a
Legislative Measure**

To protect the independence of state and local officers acting in a legislative capacity, a state or local officer, whether elected or appointed, including a member of the governing body of a college district, school district, or other political subdivision of this state, may not be subject to disciplinary action or a sanction, penalty, disability, or liability for:

1. An action permitted by law that the officer takes in the officer's official capacity regarding a legislative measure;
2. Proposing, endorsing, or expressing support for or opposition to a legislative measure or taking any action permitted by law to support or oppose a legislative measure;
3. The effect of a legislative measure or of a change in law proposed by a legislative measure on any person; or
4. A breach of duty, in connection with the member's practice of or employment in a licensed or regulated profession or occupation, to disclose to any person information, or to obtain a waiver or consent from any person, regarding the officer's actions relating to a legislative measure; or the substance, effects, or potential effects of a legislative measure.

Gov't Code 572.059

BOARD MEMBERS
ETHICS

BBF
(LOCAL)

Statement of Ethics

As a member of the Board, I shall strive to improve community college education, and to that end I shall adhere to all state and federal laws, College District policies, and the ethical standards set out in this policy.

Service

I shall attend all regularly scheduled Board meetings insofar as possible and devote time, thought, and study to the duties and responsibilities of a Board member, so that I may render effective and creditable service.

I shall bring about desired changes through legal and ethical procedures, upholding and enforcing all applicable statutes, regulations, and court decisions pertaining to community colleges.

I shall establish and adhere to policies and practices prohibiting unlawful discrimination, including harassment on the basis of sex, gender, race, color, national origin, religion, age, disability, or any other basis prohibited by law.

Collaboration

I shall work with my fellow Board members in a spirit of harmony and cooperation and encourage the free expression of opinion in spite of differences that arise during vigorous debates of points of issue.

I shall base my personal decisions upon all available facts in each situation; vote my honest conviction in every case, unswayed by partisan bias of any kind; and abide by and uphold the final majority decisions of the Board.

Authority

I shall remember at all times that as an individual I have no legal authority outside the meetings of the Board, and to conduct my relationships with the College District staff, the local citizenry, and all media of the community on the basis of this fact.

I shall resist every temptation and outside pressure to use my position as a Board member to benefit myself or any other individual or agency apart from the total interest of the College District.

Roles

I shall recognize that it is as important for the Board to understand and evaluate the educational program of the College District as it is to plan for the business of College District operations.

I shall delegate the administrative matters of the College District to the College President and support the employment of qualified College District staff.

I shall welcome and encourage active cooperation by citizens, organizations, and the College District media by communicating with respect to policy on current College District operations and proposed future developments.

BOARD MEMBERS
ETHICS

BBF
(LOCAL)

Teamwork

I shall speak with one voice as a Board member once a Board decision or policy is made.

I shall support state and national organizations in their efforts to benefit Texas community colleges, such as the Community College Association of Texas Trustees, the Texas Association of School Boards, and the Association of Community College Trustees.

I shall work step by step toward ideal conditions for the most effective College District Board service to my community, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and the perpetuation of our representative democracy.

REFERENCE: derived from the *Association of Community College Trustees Guide to Ethical Governance*