

## Follow Up to December 11, 2018 Question by Dr. Raj Menon

### Re: Adjusting Individual Salaries and Compensation in a Board Meeting

#### Question:

Trustee Menon inquired if the Board could adjust an individual employee's salary when considering approval of the Personnel Report in a Board meeting.

#### Answer:

The Board of Trustees approved Board Policy DEA(Local) Compensation and Benefits that delegates responsibility to the District President for administering and maintaining compensation in accordance with the college's policy and the related compensation procedures and guidelines. In addition, it provides that the compensation schedule is reviewed every two years and adjusted periodically to reflect market changes. The Texas Education Code also stipulates that the President's responsibility is to recommend employment of faculty and other (non-administrative) employees of the college.

When the inquiry was made in the December 12, 2018, meeting, the motion before the board was consideration of approval of the personnel report. While individual salaries are included on the report, the action being considered was to approve or not approve the personnel report.

Attempting to set individual compensation in the meeting is not consistent with Board policy or state statutes.

References to the Texas Open Meetings Act, the Texas Education Code, and the applicable Board Policies (excerpts below) are designed to ensure transparency of the Board's actions.

- The Texas Open Meetings Act requires that the notice of a meeting of a governmental body must be posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting, except as provided by Sections 551.044–551.046.
- The Texas Open Meetings Act also states that in the event a member of the public or of the governmental body inquires about a subject for which notice has not been given, discussion shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.
- Board Policy BFA(Local) establishes the responsibility for the District President to “enhance academic quality... through the employment, professional development, and retention of a well-qualified, diverse, student-oriented faculty and administrative team, while ensuring that criteria required for continued regional accreditation are maintained.”

- Board Policies BAA and BFA(Legal) and Texas Education Code 130.082(d) stipulate that the board is “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 president, dean, or other administrative officer, and upon the president’s recommendation to employ faculty and other employees of the junior college.”

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