



This Open Meeting of the Board of Trustees is authorized in accordance with the Texas Government Code, §§ 551.001 through 551.146. Verification of Notice of Meeting and Agenda are on file in the Office of Board Relations. Per Texas Government Code § 551.1282.

NOTICE OF WORK SESSION OF THE BOARD OF TRUSTEES FOR DALLAS COLLEGE AND RICHLAND COLLEGIATE HIGH SCHOOL

Thursday, August 26, 2021

3:00 PM

1601 Botham Jean Blvd., Room 036, Dallas, Texas 75215

www.dcccd.edu/boardmeetingslive

THIS MEETING WILL BE CONDUCTED PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.127 BY VIDEOCONFERENCE CALL. AT LEAST A QUORUM OF THE BOARD OF TRUSTEES WILL BE PHYSICALLY PRESENT AND PARTICIPATING IN THE MEETING IN PERSON AT 1601 BOTHAM JEAN BOULEVARD, DALLAS, TEXAS 75215. ONE OR MORE MEMBERS OF THE BOARD OF TRUSTEES MAY BE PARTICIPATING FROM A REMOTE LOCATION VIA VIDEOCONFERENCE CALL AND SHALL BE VISIBLE AND AUDIBLE TO THE PUBLIC .

Work Session Agenda

- 1. Roll Call - Announcement of a Quorum**
- 2. Certification of Notice Posted for the Meeting**
- 3. Citizens Desiring to Address the Board**
- 4. Presentation and Discussion Regarding Issues Related to Governance of Singly Accredited Institution**

Presenters: Lisa Karen Atkins, Ogletree Deakins, Rob Wendland, General Counsel

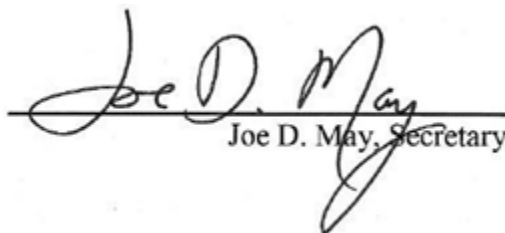
5. Executive Session (if required)

- 5.1. Consultation with Attorney Regarding Legal Matters or Pending and/or Contemplated Litigation or Settlement Offers - Section 551.071
- 5.2. Personnel Matters Relating to Appointment, Employment, Evaluation, Assignments, Duties, Discipline, or Dismissal of Officers or Employees - Section 551.074
- 5.3. Deliberate Regarding Real Property Since Open Deliberation would have a Detrimental Effect Upon Negotiations with a Third Person - Section 551.072
- 5.4. Deliberate Regarding Security Devices or Security Audits- Sections 551.076 and 551.089

6. Adjournment

CERTIFICATION OF NOTICE POSTED FOR THE AUGUST 26, 2021 WORK SESSION OF DALLAS COLLEGE AND RICHLAND COLLEGIATE HIGH SCHOOL BOARD OF TRUSTEES

I, Joe D. May, Secretary of the Board of Trustees of Dallas College, do certify that a copy of this notice was posted on the Dallas College website on the 23rd day of August 2021 in accordance with those provisions of section 551.043 (a)-(b)(1) of the Texas Government Code, and those other provisions of the Texas Government Code that have not been temporarily suspended by order of Governor Abbott on March 16, 2020.



Joe D. May, Secretary

Ogletree
Deakins

Dallas College Board Meeting

August 26, 2021

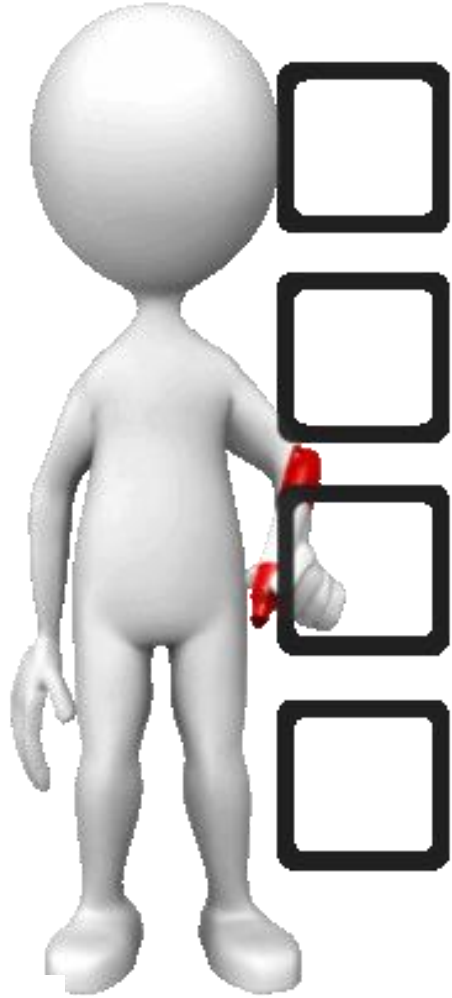


Presentation and Discussion Regarding Issues Related to Governance of Singly Accredited Institution

Presenter

Lisa Karen Atkins, Leader
Higher Education Practice Group
Ogletree Deakins

Topics:



Board Function

Governance

Institutional Roles

Academic Freedom, Shared
Governance, and Accreditation



Dallas College was created when the Dallas County Community College District moved from seven, separately accredited colleges to a singly-accredited institution.

- The seven colleges had been individually accredited.
- The district received accreditation for one college with seven campuses.

- Seven colleges, their personnel, and their resources were successfully combined into one.



- The restructuring is the biggest change in the 54-year history of the community college district.

With this consolidation, we are in a time of transformation. The consolidation provides an opportunity for -

- Review of institutional roles,
- Clarification of policies and practices, requirements and actions, as well as
- Actions that need to be taken to reflect the changes, advancements, improvements and opportunities presented by the consolidation.

Board Function

- Functions as the college's legislative and policymaking body
- Exercises its leadership through formulation and adoption of written regulations
- Delegates to the Chancellor the function of specifying required actions and arrangements under which the college will be operated
- Maintains continuous supervision through study and evaluation of reports concerning implementation of policies

Governance and Institutional Roles

Under the Board's powers, duties, and responsibilities, the Board is responsible for governance.

This includes:

- Periodic review and update of policies
- Annual establishment of strategic priorities

Delegation to the Chancellor is a substantial and material characteristic of the Board's execution of its responsibilities.

A primary purpose of this presentation and discussion is to assist the Board and Institution to participate in high-level discussion and thinking about the Board's role in adopting policy.

An additional purpose is clarify the roles of the Board, the Chancellor, the Chancellor's staff, and constituents in the management and operation of the college.

Question:

- What is the role of the Board, the Chancellor, the Chancellor's staff or cabinet in the administration and the management of the consolidated institution?
- Who has what right and authority?



Roles and Authority Are Expressly Contingent upon Board Rules and Board Delegations

The Board

Board delegates authority to the Chancellor

The Chancellor

Chancellor delegates authority to members of the Chancellor's staff

Chancellor's Staff

Performs the delegated duties with, as needed, advisory input from other departments and personnel

Question: Has the fact that the college transformed into a consolidated institution impacted shared governance?

Answer: No.

"Shared governance" is not a legal term. It is not mandated by a statute, the Constitution, or legal authority. Governance is the responsibility of the Board. Certain aspects are expressly delegated to the Chancellor and, at the Chancellor's discretion, some aspects of governance are delegated to members of the Chancellor's Staff.

The Chancellor or CEO decides whether other members of the administration, faculty, professional staff, and/or students participate in the development of policies that affect the institution.

Where there are multiple campuses and each has a CEO or COO, the Chancellor determines whether governance authority is delegated to individual campuses.

When it comes to decision-making, having the Chancellor in the decision-making role, with advisory input from members of the administration, faculty, professional staff, and/or students participate in the development of policies that affect the institution, is standard practice.

Where there are multiple campuses and each has a CEO or COO, the Chancellor determines whether governance authority is delegated to individual campuses or retained at a centralized level.

For decision-making, the Chancellor retaining the decision-making authority delegated by the Board is the common approach.

This does not prevent the Chancellor from requesting advisory input and other contributions from others related development of policies and practices that affect the institution.

- For example, traditional and best practice for faculty communication with the chancellor is through the chief academic officer, to whom the chancellor delegated responsibility for academic matters.
- The chief academic officer or Provost can communicate with faculty through representatives elected by all faculty who are eligible to vote as defined by the Faculty Handbook.
- These representatives can provide recommendations or advisory opinions to the Provost.

- If the combined institution adopts a faculty senate, faculty council, or other representatives faculty body, it can only do so through authority delegated by the board, to the chancellor, to the provost.
- This faculty body would be advisory to the Provost.
- the faculty body would communicate with the Chancellor through the Provost's Office.

The decision would be that of the Chancellor.

3.7.5 Faculty Role in Governance

To gain or maintain accreditation with SACSCOC, an institution must comply with the standards contained in the Principles of Accreditation

3.7.5 requires that the institution publish policies on the responsibility and authority of faculty in academic and governance matters, e.g., overseeing and suggesting changes in the annual assessment of academic programs.



This includes involvement in:

- Faculty Senate/Faculty Council elections
- University-wide committees
- School/College and department level committees
- University policy related to admission standards
- Curriculum
- Degree and certificate requirements
- Class attendance
- Conduct in the classroom
- Academic freedom
- Tenure and promotion, and grievance procedures
- Other matters pertaining to the conduct of faculty affairs

Academic Freedom

Today there are many things in place that protect faculty.

“Academic Freedom” as that term has been historically defined offers far fewer protections than current law, particularly for public employees.

However, there are limits, such as false, harassing, or disruptive speech, illegal activity, policy violations, *et cetera*.

SACSCOC 3.7.4 Academic Freedom

This should be defined by the Faculty Handbook.

Academic freedom is the freedom to discuss relevant matters in the classroom, to explore scholarship, research, and creative expression, and to speak or write without institutional discipline or restraint on matters of public concern and the functioning of the university.

The teacher is entitled to:

- freedom in research and publication of the results, subject to the adequate performance of his or her other academic duties.
- freedom in the classroom and laboratory in discussing his or her subject

SACSCOC 3.7.4 Academic Freedom – part 2

- should not to introduce into his or her teaching controversial matter unrelated to his or her subject.
- When he or she speaks or writes as a citizen, he or she should feel free from institutional censorship or discipline, but must indicate that he or she is not an institutional spokesperson.

Questions?

