

**MEETING OF THE
BOARD GOVERNANCE COMMITTEE
OF THE BOARD OF TRUSTEES
HOUSTON COMMUNITY COLLEGE**

January 12, 2017

Minutes

The Board Governance Committee of the Board of Trustees of Houston Community College held a meeting on Thursday, January 12, 2017 at the HCC Administration Building, Second Floor Auditorium, 3100 Main, Houston, Texas.

MEMBERS PRESENT

Zeph Capo, Committee Chair
Robert Glaser, Committee Member
Eva Loreda, Committee Member
John P. Hansen, Alternate Member
Carolyn Evans-Shabazz
Christopher Oliver
Neeta Sane
Adriana Tamez
Dave Wilson

ADMINISTRATION

Cesar Maldonado, Chancellor
Melissa Gonzalez, Vice Chancellor/Chief of Staff
Ashley Smith, General Counsel
Teri Zamora, Senior Vice Chancellor, Finance and Administration
Kimberly Beatty, Vice Chancellor, Instructional Services/Chief Academic Officer
Athos Brewer, Vice Chancellor, Student Services
William Carter, Associate Vice Chancellor, Information Technology
Madeline Burillo, President, Southwest College
Margaret Ford Fisher, President, Northeast College
Zachary Hodges, President, Northwest College
Phillip Nicotera, President, Coleman College
Irene Porcarello, President, Southeast College
Jason Wilson, Acting President, Central College
Janet May, Chief Human Resources Officer
Terrence Corrigan, Director, Internal Audit

OTHERS PRESENT

Jarvis Hollingsworth, Board Counsel, Bracewell LLP
Melissa Miller-Waters, President, Faculty Senate
Other administrators, citizens, and representatives from the news media

CALL TO ORDER

Mr. Zeph Capo, Committee Chair, called the meeting to order at 10:38 a.m. and declared the Board convened to consider matters pertaining to Houston Community College as listed on the duly posted Meeting Notice.

(The following Trustees were present: Capo, Evans-Shabazz, Hansen, Loredo, Tamez, and Wilson)

TOPICS FOR DISCUSSION AND/OR ACTION

APPROVAL OF AMENDED HCC POLICY CIA (LOCAL)

Motion: Dr. Hansen motioned and Ms. Loredo seconded.

Dr. Maldonado informed that the amendment is primarily dealing with records management to promote operational efficiency and the move to an electronic system. He noted that General Counsel would provide an overview of the item.

Mr. Ashley Smith informed that the CIA standards are part of TASB and noted that the modifications are requested to continue the record retention plan. He introduced Mr. Brehon Evans, Director of Records Management.

Mr. Smith provided the following overview of the amendments as follows:

- Appointment of designated field manager will assist the Director in the collection and retention of records
- Designation and changes in record retention managers must be reported to the State within 30 days
- Employee emails are applicable to the records retention policy
- Student email accounts are not subject to the records retention policy

Vote: Motion passed with a vote of 3-0.

APPROVAL OF FFDA (LOCAL) AND DIAA (LOCAL)

Motion: Ms. Loredo motioned and Dr. Hansen seconded.

Dr. Maldonado noted the item provided is to consider amendments to policies FFDA (Local) and DIAA (Local), which according to TASB were being renamed. He noted that the amendments are referencing Title IX and apprised that Mr. David Cross would provide an overview of the changes.

Mr. Cross provided an overview of the amendments to include:

FFDA (Local)/DIAA (Local): Freedom from Discrimination, Harassment, and Retaliation: Sex and Sexual Violence:

- Establishes definitions (discrimination, sexual harassment, sexual violence, gender-based harassment and retaliation)
- Names the Title IX Coordinator
- Identifies all employees as responsible employees
- Identifies the Title IX Coordinator and Title IX Contacts as authorized to receive Title IX complaints
- Establishes a 30-day time frame to complete a Title IX investigation

Ms. Loreda noted that in previous years there was a 60-day wait and inquired of the disclosure process. Mr. Cross informed that the process was included in the board material provided and gave an example of an issue to note that not all incidents result in formal complaints. He added that the 60 days reflected the federal mandate and with the resources in place for the students, he apprised that the effort is to do better by providing a 30-day timeframe.

Mr. Capo inquired of the genesis for the changes to the policy. Mr. Cross informed that the changes align with the new TASB policy and an effort to improve services.

Mr. Capo referenced the presentation made to Cabinet regarding the chart under gender related cases and inquired of the outlined circumstances that caused the level of increase in 2014-2016. Mr. Cross noted there is an increase of student utilization due to an increased awareness made to students and faculty.

Mr. Capo inquired if there is a more detailed sub-group category for the two years for the gender-related category. Mr. Cross noted that the information would be provided.

Dr. Hansen noted his issue is regarding the wording. He apprised DIAA (Local) is intended to apply to employees. He noted the wording in the policy provided on page 1 of 6 references employee and then changes to individual without rationale for changing the reference wording.

Mr. Capo inquired if there is a legal basis definition from employee to individual and for applicants and unpaid interns. Mr. Cross noted the DIAA (Local) reflects the student policy FDAA and noted revisions are possible.

Dr. Hansen noted that if there are two separate policies, why not write them to reflect whom they affect. Mr. Capo noted he wanted assurance there is no legal definition change between the sub categories that will make a difference.

Dr. Maldonado noted employee complaints are referenced at the beginning of the policy.

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Mr. Capo inquired if the unpaid interns were excluded from the policy because they are not students. Mr. Hollingsworth noted that the policy would include non-paid interns and applicants.

Mr. Hollingsworth requested an opportunity to review to clarify if all those individuals are inclusive as employees.

Dr. Maldonado noted the edits will be made and apprised the TASB definition of employee covers all those classes of individuals referenced by Mr. Capo. He noted the term individuals could be changed back to employees.

Mr. Capo noted that he would like to make certain that employee applies to all those individuals. Mr. Cross noted a review would be conducted before presenting the item for approval to the full Board at the regular meeting.

Dr. Hansen noted there are four categories defined to include sexual harassment, sexual discrimination, sexual assault, and sexual violence. He inquired of the reason not to define sexual discrimination and sexual assault if prohibited. He noted there is a paragraph called discrimination on page 1 of 6, but it does not define what it means. Mr. Cross noted that sex discrimination includes all forms. Dr. Hansen noted the policy assumes that people would know what sex discrimination means.

Mr. Capo inquired if there was a Title IX federal definition of sexual discrimination and requested the definition for Committee review. Dr. Hansen recommended the wording change to state that sexual discrimination is defined in Title IX and HCC adheres to the definition.

(Mrs. Sane joined the meeting at 11:03 a.m.)

Dr. Maldonado noted that adjustments could be made based on the Committee's comments and noted the inquiry would be reviewed.

Dr. Hansen referenced the same page regarding sexual discrimination and noted that the policy is not specific and leaves it to an individual's interpretation. He noted that he does not object to the four areas listed. He noted the word "including" should be removed and the areas should be stated.

Mr. Capo noted that his understanding is that the individual receiving the treatment is part of the definer and has the responsibility to place the person taking the action on notice. Mr. Cross noted that part of the training conducted includes identifying the unwelcomed behaviors, understanding the expectation of the parameters, and bringing concerns forth.

Dr. Maldonado noted that he is not certain that the policy could define every type of claim brought forward by an employee. He noted a review of other sample policies could be conducted.

Dr. Hansen clarified that his suggestion is to keep the four categories and add the two additional paragraphs proposed to define the categories of prohibited things.

Mr. Capo requested a copy of the procedures to support Dr. Hansen's concerns.

Ms. Loredo noted the need for individuals to know that the environment is open to accept complaints and that follow-ups are conducted.

Dr. Hansen referenced page 3 of 6 on DIAA (Local) and inquired what are the procedures if the report involves the chair. Mr. Hollingsworth apprised that the wording would need to be updated to include the vice chair.

Mr. Capo motioned to pass through committee contingent on revisions discussed in committee.

Dr. Maldonado noted if the item is not available for review before the information is provided to the Board for the regular meeting, the item would be pulled for consideration at a subsequent meeting.

Mr. Wilson referenced the ruling in federal court regarding gender identity and noted he is uncomfortable with moving forward until a decision is granted by federal court.

(Mr. Glaser joined the meeting at 11:18 a.m.)

Mr. Wilson inquired about postponing the item until the federal court makes a decision. Mr. Cross noted the policy needed to reflect current law that establishes a process to respond to issues regarding sexual harassment. He noted policy revisions would be based on changes to the law. Dr. Maldonado noted that Mr. Wilson's inquiry is for legal counsel to address since it is not a policy issue.

Mr. Capo noted that Mr. Wilson's inquiry is separate from the agenda item and requested Board and/or General Counsel provide a response to Trustee Wilson's reference.

Mr. Ashley Smith noted the law as of today is the law on the books. He noted that there may be an appeal of the law but it is policy in accordance to the law on the books.

Vote: Motion passed with a vote of 4-0.

APPROVAL OF CAMPUS CARRY POLICY

Motion: Ms. Loredo motioned and Mr. Glaser seconded.

Dr. Maldonado noted the recommendation is regarding GFA (Local) and apprised that Dr. Kimberly Beatty would provide an overview of the campus carry policy. Dr. Maldonado also noted that Trustee Glaser provided input and the information has been included in the policy.

Dr. Beatty provided an overview to include the following:

- Campus-Carry Committee Members
- Goals for the Committee
 - Develop a draft policy that adheres to the law
 - Engage as many stakeholders as possible
 - Be transparent
 - Utilize TASB format to align with existing policies
 - Identify and develop training opportunities for faculty, staff, and students
- Accomplishments to Date
- Policy Highlights
 - Weapons Prohibited
 - Weapons Free Zones by Law
 - Establishing Additional Weapons Free Zones
- Other Considerations
 - Dual Credit

Mr. Capo apprised that he would not vote for the policy because 18 and 19-year old individuals should not be carrying weapons around 13 and 14 year olds. He noted this is an issue created by the State.

Dr. Beatty continued with the overview presentation.

- Enforcement
- Next Steps

Dr. Beatty noted the approved policy will be forwarded to a special committee in Austin. She noted that HR has begun developing training modules for faculty, staff, and students as part of the next steps. Dr. Beatty apprised that the timeline calls for implementation on August 2017. She noted the student representative on the committee made a recommendation to include “student” in the definition of designated conference areas and apprised that the recommendation from the student is included in the updated attachment.

Ms. Loredó inquired of the number of students involved in the process. Dr. Beatty noted input was provided in developing the policy at a forum held at Central College.

Ms. Loredó apprised that safety is the student’s major concern and the efforts should be to put student safety at the forefront.

Mr. Glaser inquired of the timeline for submitting a policy to the State. Dr. Beatty noted there is an internal timeline established to provide sufficient time to get the policy to the State by February.

Mr. Glaser associated with his colleagues who expressed concern for the safety of the students, especially the early college students and noted that this is a state mandate.

Mr. Glaser inquired if there has been a discussion with other community colleges to establish best practices and discuss the issues of early colleges. He noted that he is not currently in favor of the policy as presented and wants it to be more specific regarding minors on campus.

(Mr. Oliver joined the meeting at 11:35 a.m.)

Mr. Glaser noted he would vote in favor of sending the item to the full Board.

Dr. Beatty apprised there has been contact with other community colleges; however, HCC is further ahead in the developing and planning of the policy.

Dr. Hansen noted he is in agreement with the sentiments expressed by Mr. Capo. He inquired what is the rationale in deciding ahead of time those areas where underage students are present cannot be exempted. Dr. Beatty noted it would reflect that a reasonable policy is not being presented for consideration. She noted that some segregated areas are already included in the policy as weapon free zones. She added the statute states that the college is responsible for presenting a reasonable policy and that it would not adhere to the spirit of the law.

Dr. Maldonado noted the guidance received through the legislature indicated the non-acceptance of a blanket exemption for minor students in non-weapon free zones.

Mr. Capo expressed a strong concern about the policy mandate.

Dr. Beatty clarified that the basis of the campus carry law is that an individual has to be a licensed carrier.

Mr. Oliver noted there was a similar discussion regarding the open carry item. He inquired if there has been a review or discussion of the insurance liability and will there be a premium spike. Dr. Beatty noted that insurance was not in the scope of the committee's charge in establishing the policy; however, internal discussions would be conducted and reported back to the Board.

Dr. Tamez noted that the item has emerged from a State law and inquired with Board Counsel of the consequences for not complying. Mr. Hollingsworth apprised that he is uncertain of the consequences and noted that the State had appointed a special committee to review the submitted policies before finalizing and consider alternatives. Dr. Tamez noted that she agrees with the sentiments expressed by her colleagues.

Dr. Tamez inquired if there are any government bodies who have rejected the administration proposal. Dr. Maldonado noted that he would have to review the inquiry with General Counsel to study the implications.

Mr. Hollingsworth noted there would be a review of the concerns prior to the Regular Board meeting for next week.

Mrs. Sane requested the liability aspect be included prior to considering the item for next week.

(Dr. Evans-Shabazz stepped out at 11:58 a.m.)

Mr. Capo inquired as to how the policy engages those who are responsible for protecting the students. He noted that he appreciates Dr. Tamez statements regarding it being a State mandate and apprised that he will vote against the policy as long as there is a campus carry policy at the Northline campus.

Ms. Loredo inquired if there is any guidance from the Higher Education Board. Dr. Maldonado noted that there is no guidance from the association and that in discussion with multiple CEOs regarding the issue, they are all working in complying with the statute. Ms. Loredo inquired if they are hearing from the different colleges regarding the similar concern of the safety of the student and employee. Dr. Maldonado noted that not all colleges have expressed the same opinions as HCC's Board; however, the Texas Association of Colleges (TAC) is allowing the colleges to work out their own policies and procedures.

Vote: Motion passed with a vote of 2-1 with Mr. Capo opposing.

APPROVE A RESOLUTION ENDORSING THE CONTINUED SUPPORT OF NON-DISCRIMINATING POLICIES AND LEGISLATION TO PROTECT ALL HCC STUDENTS

Motion: Mr. Capo motioned and Dr. Tamez seconded.

Mr. Capo apprised that Dr. Tamez would provide the presentation of the item.

(Dr. Evans-Shabazz returned at 12:04 p.m.)

Dr. Tamez read the resolution for consideration regarding the continued support in the endorsement of non-discriminating policies and legislation to protect all HCC students.

Mr. Capo provided information to the Board regarding Plyer v. Doe being the basis of the Supreme Court rulings that allows students to access public education. He noted when the item was presented in legislature, there was no previous policy. He added that the resolution would set policy for the Board if it passed. He noted there must be a review as to how to reconcile the issue of students who pay tuition and taxes that support the institution. Mr. Capo apprised that documentation has proven that it is not in our economic best interest to repeal the Texas Dream Act.

Mr. Capo noted the resolution was drafted by administration with input from the Faculty Senate. He apprised that presenting through the Governance Committee provides an opportunity for Board members to review the language and consider revisions. He added that the students who were part of the process have a copy of the resolution to review the language and provide input.

Ms. Loredo noted students are to be provided an opportunity to be able to continue their education.

Mr. Glaser inquired if the item was a governance issue or should it have come through the COTW. He noted that administration follows the current laws and inquired as to how the resolution fits into the scheme of everything since it is not a policy issue.

Mr. Capo noted that it would be considered Board policy if the item passed under the Governance committee, and it would take a position on any legislation under the Texas Dream Act. He also noted that the COTW only consists of finance and facilities items.

Dr. Hansen inquired if records of the student immigration status are maintained. Mr. Capo noted the financial aid process maintains records and administration would have to outline the details regarding current student records.

Mr. Wilson noted that this is the first time he has seen the Board with a hat trick and noted that with action item B it will poke the Lt. Governor in the eye, action item C will poke the legislature, and action item D will poke the President-elect with a sanctuary item. He noted that he would not vote for a sanctuary junior college.

Mr. Capo noted that the characterization is off because the item is not a sanctuary item and noted the effort is to acknowledge that the Board as a whole either supports current policy or not.

Dr. Tamez inquired of the Chancellor's opinion and if he considers the item to be a sanctuary campus. Dr. Maldonado noted sanctuary campus is not in the resolution and sanctuary is not defined in the resolution, nor is creating a sanctuary campus described in the resolution.

Mr. Capo apprised that HCC has the highest enrollment of international students paying premium tuition. He noted there is a vested interest in stating our position of how current and future policies impact HCC students.

Dr. Evans-Shabazz noted that HCC has a responsibility to help all students and support our economic system by offering protection from discrimination and training.

Vote: Motion passed with a vote of 3-0.

ADJOURNMENT

With no further business coming before the Board, the meeting adjourned at 12:23 p.m.

Minutes submitted by Sharon Wright, Director, Board Services

Minutes Approved as Submitted: February 23, 2017