

# Community College Association of Texas Trustees

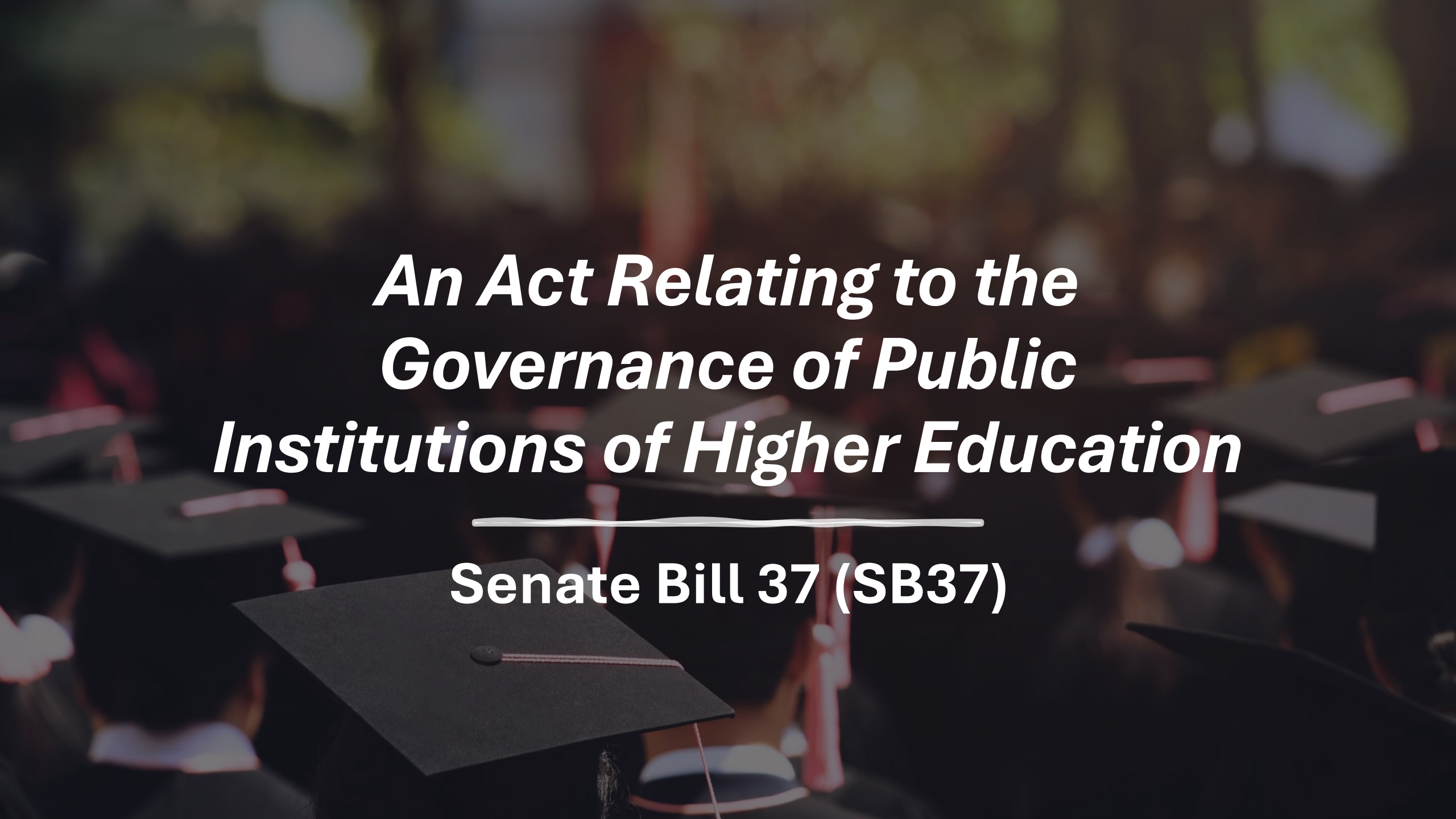
# **Article 2 of Senate Bill 37:** Understanding New Board-Level Oversight Responsibilities

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# Agenda
# SB 37 Article 2

- *Overview of Legislation*
- *Additional Board Duties*
- *TASB Guidance on Hiring*
- *Faculty Council/Senate & Shared Governance*
- *Administrator Performance*
- *Board Representation on Executive Search Committee*
- *Faculty Grievance, Discipline, & Authority*



# *An Act Relating to the Governance of Public Institutions of Higher Education*

## Senate Bill 37 (SB37)

# Why?
# Authority and Accountability

Clarifies and Adds to the Expected Duties and Responsibilities of the College Board



# Bill Language

- The language of the bill predominantly reflects terminology most often associated with four-year colleges and university systems
- That aside, it is intended for all public institutions of higher education, and that includes community colleges
- Interesting threads appear throughout the bill, tying the use of SB37 as a governance tool for upholding and monitoring both HB8 (2023) and SB17 (2023). Thematic elements of SB1786 (2025)



# SB37 Changes the Texas Education Code

- Texas Education Code (TEC)  governs all levels of education in Texas
- It regulates operations, enrollment, curriculum, certification, and district accountability
- SB37 will be enacted via revisions made to TEC
- Title 3 of the TEC is specific to higher education
- Changes spurred by SB37 now appear in two sections of Title 3
  - Section 51 – Provisions Generally Applicable to Higher Education
  - Section 61 – Texas Higher Education Coordinating Board

# SB37 – Four Articles

- Article 1 – Curriculum and Academic Programs
- Article 2 – Institutional Governance
- Article 3 – Coordination and Oversight of Institutions of Higher Education
- Article 4 – Applicability; Effective Date



# Institutional Governance

Article 2 – SB37

# **Sec 2.01** – *Additional Board Duties*

- **Approve or deny the hiring of an individual to serve as the institution's Chief Academic Officer**
  - Includes associate/assistant positions
  - VPAA
- Collaborate to set admissions standards
  - Consistent with the role and mission of the institution
  - Similar to organizations nationwide
- **May overturn <u>any</u> hiring decision for the position of a Vice President or Dean made by college administration**
- **Annually submit a report on any hiring decision made by administration and approved or denied by the Board**

# Sec 2.01 – TASB Guidance on Hiring Provisions

- TASB Policy Services updated DC (Local) to help member colleges navigate the hiring requirements for certain contractual employees as outlined in the legislation
  - Four versions sent to institutions: AJC, BJC, CJC and DJC
- TASB Policy Services defines best practices:
  - Decision brought before the board in the hiring process
  - Posted meeting agenda in compliance with Texas Open Meetings Act (TOMA)
  - Formal vote of approval by a quorum of the governing board is necessary
- Direct specific policy questions to TASB or institutional legal counsel

# **Sec 2.02** – *Faculty Council/Senate, Shared Governance, & Administrative Performance*

- Faculty Council or Senate
- Shared Governance
- Expectations of College Administration
- Inappropriate Use of Shared Governance
- Administrator Performance Evaluations

# Faculty Council or Senate

- A Faculty Council or Senate at an institution may only be established by the Governing Board
- Before establishing a council or senate body the Board must adopt a policy governing the selection of members
  - Ensures adequate representation of college divisions
  - Requires all members to be faculty members
  - Limits the number of members to 60, with at least two representatives from each division
    - One member appointed by the college president
    - Remaining members elected by a vote of the faculty members' division

# Faculty Council or Senate – Advisory Only

- A council or senate's role is advisory only
- A council or senate is expected to represent the entire faculty at the college and will advise only on matters related to the general welfare of the institution
- Service is an additional duty of the faculty member's employment
  - No additional compensation. Reimbursements for expenses are allowed if the expense is approved by the institution

# Faculty Council or Senate – Term & Term Limits

- CEO Appointed
  - May serve up to six consecutive one-year terms
  - May be reappointed only after sitting out for two years
- Faculty Elected
  - Two-year term, staggered to allow 50% of the organization's membership to be elected each year
  - May be reelected only after sitting out for two years
- Member Removal
  - Failure to conduct responsibilities
  - Failure to attend meetings, or engaging in other similar misconduct
  - Upon recommendation of the CAO and approval of the CEO

# Faculty Council or Senate – Officers

- Appointed by the Institution's CEO
  - Presiding officer, associate providing officer, secretary
- Presiding Officer Duties
  - Presides over meetings
  - Represents the council or senate in official communications with the institution's administration

# Faculty Council or Senate – Meeting Protocol

- Meeting Protocol
  - Quorum present
  - Open to the public
  - Broadcast over the internet with live video and audio
  - Agenda and curriculum proposals posted 7 days prior to meeting
  - Names of members present recorded when
    - Vote of no-confidence regarding an institution or administrator
    - Policies related to curriculum and academic standards

# Shared Governance

- Defines the Concept
  - Board is the ultimate authority
  - Responsible for institutional oversight, financial stewardship, and policy implementation
  - Appropriate consultation may be sought from faculty, administration, and other stakeholders
    - Specifically related to academic policy and institutional operations
  - Reiterates the board’s ultimate authority
    - Best interests of the institution, students, and taxpayers

# Expectations of College Administrators

- Decisions that promote efficiency, accountability, and responsiveness
- Consideration of state priorities, workforce needs, and the institution's mission
- Provide, in conjunction with faculty and staff, recommendations on academic matters
- Recognize input is advisory in nature and governing board/leadership retain ultimate decision-making authority

# Inappropriate Use of Shared Governance

Shared governance structure may not be used to:

- Obstruct
- Delay
- Undermine
- Advance ideological or political agendas

# Administrator Performance Evaluations

Section 2.02 outlines that the college CEO

- is responsible for conducting annual evaluations for the following positions:
  - Vice President
  - Provost (Chief Academic Officer)
  - Dean
- must report to the governing board any decision to remove an individual from one of the positions outlined above.

# **Sec 2.03** – *Board Representation on Executive Search Committee*

Membership of CEO Search Committees

- Must include at least two members of the governing board
- One of those members must serve as the chair of the search committee

# **Sec 2.04** – *Grievance, Hiring, and Discipline Decision-Making Authority*

- Delineates who has the authority to make these key decisions
- Only the CEO, chief academic officer, or the administration's designee may be involved in the decision-making around a faculty grievance or faculty discipline process
- A faculty member who does not serve in an administrative position at the institution may not have <u>final</u> decision-making authority for faculty or administrative leadership hiring

https://tacc.org/ccatt/data-informed-governance

Community College Association of Texas Trustees

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Search

ABOUT ADVOCACY PROFESSIONAL DEVELOPMENT EVENTS RESOURCES

# Building Board Capacity for Informed Decision-Making

Effective, data-informed governance empowers boards to make policy decisions that advance student success and strengthen institutional effectiveness. This learning module series is designed to build data competency while emphasizing strategic oversight, strong board-CEO partnerships, and the balance between governance and operations. Using the case study of Bluebonnet Community College, a fictional institution in rural Texas, the modules explore practical strategies for asking better questions, interpreting both quantitative and qualitative data, and applying insights in ways that align with community needs and the college mission. The below resources are designed to support boards in setting expectations, monitoring progress, and making informed decisions that serve students and ensure long-term institutional sustainability.



SAVE THE DATE

# TEXAS TRUSTEESHIP FORUM

## JANUARY 29, 2027

HYBRID | AUSTIN, TEXAS

8:30 AM – 3:30 PM CT

**JANUARY 28**

**Networking Reception for Texas Trusteeship Forum Participants**

Following Community College Day at the Texas Capitol

# Thank you!

