The Community College Board Member’s Guide to Policy
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College District Governance

An Overview

Access to higher education and student success are at the heart of the mission of Texas public community colleges. To accomplish this mission, college districts must navigate and integrate federal and state law, Texas Higher Education Coordinating Board and other agency rules, local community values, and local board mandates, and adopt policies and create administrative regulations to implement practices that ensure every facet of college district operations is working smoothly. TASB Community College Services, working in cooperation with a local college district policy contact, helps college districts navigate this terrain.

TASB Community College Services

TASB Community College Services provides legal expertise and comprehensive policy development and maintenance responsive to the needs of Texas community colleges.

Statute and Agency Rules

The college district is bound by a host of regulations and rules imposed from outside sources, including:

- State and federal law;
- The Southern Association of Colleges and Schools Commission on Colleges;
- Texas Higher Education Coordinating Board; and
- Limitations of state, federal, or foundation grants.

For more information, see the sections on Policy 101 and TASB Numbered Updates.

Board Action

State law provides the local college district board of trustees with the authority to have “exclusive power to manage and govern the college district” and to ensure that the chief executive officer implements systems to achieve the board’s desired results in the major areas of college district operations.

This charge represents many different types of board action, each with a specific purpose, including adopting (LOCAL) policies.

For more information, see the section on Local District Updates.

Administrative Regulations

A regulation is an administrative document put in place to implement policy or describe a procedure. Written regulations ensure everyone is aware of the rules, guidelines, and procedures under which the college district operates and further ensures consistency across campuses and departments.

Additionally, with the growth of accountability, reporting, and the related auditing, it has become increasingly necessary for administrators to document the HOW of college district operations.

For more information, see the section on Administrative Regulations.
Maintaining the Board Policy Manual

The Board’s Role in Policy Making

Good business practice and, in many cases, the law itself require the board to adopt written policies governing college district operations and to make these policies easily accessible to college district employees, students, and the community.

Board policy provides a foundation for the board and the college district in several key areas:

- Authorizing key college district programs and initiatives;
- Responding to emerging issues, conflicts, and controversy;
- Clarifying the board’s own roles and responsibilities and those of the chief executive officer and staff;
- Defining the college district’s decision-making process; and
- Ensuring timely evaluation of programs, personnel, and activities.

What Makes a Good Policy?

Policy, along with the other forms of board action discussed in this publication, defines the board’s vision for the college district, the structure for accomplishing the vision, and the system of accountability for all involved in realizing the vision. With this in mind, board policy should serve a clear governance purpose and reflect constituent input.

Board Policy Should Serve a Clear Governance Purpose

Policy should reflect essential board governance statements, such as broad authorizations of programs and services, outlining the administration’s role in implementing these programs.

In general, policies that point to a course of action should give clear direction by defining governing principles and designating responsibility, but should not unduly limit administrative discretion or professional judgment.

In other words, board policies should clearly define what the board intends or requires, leaving the “how” of implementation and administration to the chief executive officer or designees.

Board Policy Should Reflect Constituent Input

The recommendations of college district administrators, legal counsel, decision-making and other advisory committees, and the college district’s TASB policy consultant, as well as informal input from the community should guide the policy determinations of the board.
Tips for Policy Development

The tips below will help facilitate efficient and effective action on board policy; the remainder of this guide will fill in the details. Board members can also contact the chief executive officer, the college district’s policy contact (if someone other than the chief executive officer), or the college district’s TASB policy consultant with questions about board policy.

Participate in (LOCAL) Policy Development

(LOCAL) policies, rather than other forms of board action, are needed in several specific circumstances, to:

- Respond to a legal requirement to adopt policy;
- Reduce potential legal risk by mandating consistent practices across the college district, such as the response to allegations of discrimination or harassment;
- Declare the college district’s choice among legal options; or
- Clarify administrative authority for managing college district business.

Quick Tips:

- Take the most efficient form of action: determine if a (LOCAL) policy is necessary, if the policy manual is the best place for the information, or if a different form of board action would make more sense.
- Avoid repeating information from one source (state law, accreditation requirements, board resolutions, etc.) in (LOCAL) policy. The source may change, rendering the policy out of date, inaccurate, and potentially in conflict with current law or other board action.

Review and Adopt TASB Numbered Updates

Numbered updates (e.g., Update 31) include updated (LEGAL) policies and recommended changes to (LOCAL) policies in response to changes in state and federal law, Texas Administrative Code, etc.

Quick Tip:

- Ensure numbered updates are timely reviewed in order to keep the college district’s manual in line with current law.

Review (But Don’t Adopt) Administrative Regulations

The college catalog, student and employee handbooks, and other major administrative documents contain the details college district staff and constituents need to know. Take the time to review these documents annually.

Quick Tips:

- Administrative regulations should be reviewed, but not adopted, by the board. These documents need to remain responsive, allowing the administration to manage day-to-day operations.
- Include an information item on your monthly meeting agenda prompting the administration to review significant changes, if any, to administrative practices.

Periodically Review the Entire Board Policy Manual

The college district should periodically undergo a comprehensive policy audit to ensure board policies are accurate, up to date, and reflect the most current board mandates. The college district’s assigned policy consultant can suggest strategies for this task.

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Policy Basics

The board policy manual serves to articulate a governance foundation for college district activities and is structured to provide the legal requirements and local board mandates where they exist for each of the major areas of college district operations.

The local policy manual is unique to the college district, based on the legally-referenced material found in the Community College Policy Reference Manual (CCPRM), but reflect the local board’s decisions on key policy issues.

For this reason, the policy manual serves as a broad foundation on which to base important college district decisions and build the administrative regulations and procedures needed to manage the day-to-day operations of the college district.

The Policy Manual

The college district’s policy manual is divided into sections corresponding to these major areas of operations:

A: Basic District Foundations
B: Local Governance
C: Business and Support Services
D: Personnel
E: Instruction
F: Students
G: Community and Governmental Relations

Within each section, the manual is further divided into individual policy codes, such as those found in the example below from the A section of the policy manual pertaining to basic district foundations.

(LEGAL) versus (LOCAL) Policy

Policies are divided into (LEGAL) policies, which summarize the law on a topic, and (LOCAL) policies, which outline local board mandates regarding governance issues.

(LEGAL) policies contain citations to the statutes, rules, and case law governing a particular topic. They are compiled by TASB Community College Services to provide the legal framework for key areas of college district operations. (LEGAL) policies are placed in the policy manual for convenience as they are intended to be read in conjunction with the (LOCAL) policies and are not adopted by the board.

(LEGAL) and (LOCAL) policy designations are found at the top and the bottom of each policy page. See page 6 for a sample (LOCAL) policy.
The Need for (LOCAL) Policy

The board takes action in many ways. The board may take action on a topic through approving a budget item, hiring practices, passing a resolution, or adopting a (LOCAL) policy.

(LOCAL) Policy Versions

When (LOCAL) policy statements are required by law or would contribute to college district operations, TASB Community College Services creates, to the extent practicable, standardized policy statements to facilitate adoption of key policies, taking into consideration common responses to choices allowed by statute.

From these (LOCAL) policy versions, college districts occasionally need to further tailor the policy statements to match local practices, creating a unique policy.

The bottom of the policy reveals whether the college district has a TASB-recommended (LOCAL) policy version or a unique policy. A TASB-recommended policy version will be indicated by any letter or letters other than an “X” at the bottom of the policy. A policy that is unique to the college district will be indicated by an “X.”

Regulations

A (REGULATION) is an administrative document put in place to implement policy or describe a procedure. Currently, there are no TASB-recommended regulations placed in local policy manuals. If a (REGULATION) appears in the college district’s policy manual, it is a locally-developed document marked at the bottom with an “X,” as with unique (LOCAL) policies.

For more information, see the section on Administrative Regulations.
Sample Local Policy

Where the statute requires that “the governing board of a junior college district may set and collect... any amount of tuition, rentals, rates, charges, or fees,” the board has adopted in (LOCAL) policy that a college district official, in this instance, the chief executive officer, develops the procedures for the collection of tuition and fees.

<table>
<thead>
<tr>
<th>COLLECTION OF TUITION AND FEES</th>
<th>The Board may adopt an installment payment plan in accordance with state law.</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAYMENTS</td>
<td>The College President is authorized to develop procedures for the collection of tuition and fees.</td>
</tr>
<tr>
<td>COLLECTION PROCEDURES</td>
<td>The College District shall refund tuition and fees for courses from which the students drop or withdraw in accordance with law and related provisions adopted by the Board and published in the College District catalog and in any other appropriate College District publication. Tuition and fees paid directly to the institution by a sponsor, donor, or scholarship shall be refunded to the source rather than directly to the student.</td>
</tr>
</tbody>
</table>

DATE ISSUED: 3/11/2014
LDU 2014.02
FD(LOCAL)-AJC

In some cases, a college district may need to add to, take away from, or otherwise add locally developed provisions to the TASB-recommended text, creating an “X” version, or unique (LOCAL) policy.
Local District Updates

Local Policy Development

Your college district will occasionally need to add new policy, delete old policy, or amend current policy. When the college district initiates a policy change, it’s called a Local District Update, or LDU.

Local District Updates might occur as a response to:

- Changing college district practices, priorities, staffing, or emerging local issues.
- A changing response to legal options.
- Revisions to TASB numbered update materials.

The board may initiate policy changes, form a committee to review policy, or collaborate as a whole in open session on policy issues. In every case, it’s the board’s responsibility to adopt (LOCAL) policy.

Keys to Developing Efficient and Effective Policies

Policy development should be approached in a consistent manner to ensure the policy manual stays updated and accurately reflects current college district practices.

For many policy issues, the college district’s policy contact will need only to call the college district’s TASB policy consultant. Other issues will be more complex, requiring input from multiple people, and necessitating updates to multiple college district documents.

Call TASB First

Your TASB policy consultant is the policy expert assigned to your college district to provide individualized service based on the unique characteristics of your college district.

Your consultant usually works directly with the college district’s policy contact to:

- Answer policy questions;
- Consult via telephone and e-mail;
- Provide sample policies;
- Draft policy language and revisions that meet legal requirements and local need; and
- Prepare drafts for presentation to the board.

Your policy consultant can help identify areas of concern, point out inconsistencies or redundancies with other policies in the manual, help the college district determine the appropriate place to code any new policy or policy revisions, and identify what information, if any, is better suited to administrative regulations.

You can find your college district’s consultant and contact information on the Community College Services website.
Is it a Policy or Procedure?

Often a change in college district practice or procedure belongs in an administrative document, such as the student handbook or the college district’s emergency response plan, rather than in board-adopted policy.

To keep your policy manual in its optimal state, avoid including or duplicating administrative information in policy and carefully determine where best to place information for convenient, intuitive, and useful access by those who will need it.

A Word about Processing and Legal Advisories

Because of the high volume of policy changes we review and process throughout the year, and due to other factors, such as updating schedules, there is a processing time from the submission of an adopted policy change until you receive the official copy for the college district’s manual. Many changes can be processed within a few days, while more complex changes can take up to three weeks.

Additionally, your policy consultant may send the policy to TASB’s community college counsel for review. Any legal issues will be addressed in a letter sent to the college district’s chief executive officer.

Policy Footer with College District Adoption Date

The example below shows the bottom of (LOCAL) policy DBE. The college district initiated a policy change (LDU), which was adopted by the board on September 5th. Processing by TASB was complete on September 15th. After the college district received the hard copy from TASB, it was stamped with the original adoption date.

The college district’s updated (LOCAL) policies are only as good as their implementation. Make sure policy and practice stay in line by updating handbooks, administrative procedures, and guidelines when affected by a (LOCAL) policy change, and keeping college district constituents informed of changes as needed. [See the section on Administrative Regulations.]
Review and Adoption of TASB-Initiated Policy Updates

Congress, the U.S. Department of Education, the Texas Legislature, and the courts are some of the entities whose decisions can impact your local policy manual.

TASB Community College Services continually monitors changes in the legal landscape and prepares recommended revisions to your policy manual when changes are warranted. New legal requirements and recommended revisions to (LOCAL) policies are provided to you in a numbered update, which may affect many policy codes.

In most cases, numbered updates (e.g., Update 32) affect both (LEGAL) and (LOCAL) policies:

- New or revised (LEGAL) policies cite current legal requirements. These policies are reviewed by the board, but not adopted. (LEGAL) policies will be published online when the update is mailed to those college districts that subscribe to Policy On Line®.

- (LOCAL) policy recommendations require attention and action. These recommendations result from a policy consultant's review of your college district's (LOCAL) policies in conjunction with new laws. These recommendations require board approval before they are officially incorporated into your college district’s policy manual. The board may accept the recommendations as provided, or make amendments to the recommended policy language.

Update Resources

Each update comes with resources designed to help the board review and adopt necessary changes.

In addition to materials meant to facilitate necessary administrative steps, such as a sample agenda posting and tips for maintenance of the historical file, each update comes with information the board will need to review.

CCPRM (LEGAL) Policy Comparison

A (LEGAL) policy comparison PDF containing annotated copies that show the changes between the old and new versions of each policy is published with the CCPRM on myTASB.

(LOCAL) Policy Comparisons

College districts that subscribe to Policy On Line® will receive a PDF containing annotated policies that show the changes from the current to the recommended policy text. However, (LEGAL) policies, brand new policies, and deleted policies are not included in the policy comparison file.

Explanatory Notes

Explanatory notes give information about why and how the policy text was revised. Explanatory notes are also used to send advisory information. The explanatory notes fill in the details and are specific to your college district and to an individual policy code.
Explanatory Notes from a TASB Numbered Update

**FD (LEGAL) TUITION AND FEES**

Provisions regarding tuition and fees, including waivers, exemptions, and rates, formerly housed at FBB, have been moved to this code. Revisions have been made to this information for clarification and to remove the detail about tuition and fee waivers, including cites to the waivers instead. As mentioned above, FD(EXHIBIT) includes a list, with citations, of exemptions and waiver.

Additionally, text previously found at FN regarding student fees has been relocated to this policy, as this policy focuses on fees as well. Clarifying language to explain the board's power to determine what is considered a student service or an incidental fee has also been added.

**FD (LOCAL) TUITION AND FEES**

To address the board and college district administration's roles with regard to tuition and fees, as well as applicable refunds, the enclosed policy is recommended.
Steps to Adoption

Depending on the number and type of policies addressed, and on other factors such as timing and local issues, the college district should strive to review and adopt an update as soon as possible to ensure (LEGAL) and (LOCAL) policies are up to date, accurately reflect local practices, and are legally sound.

Administrative Review

Administrators and appropriate faculty and staff need to review update materials to understand the rationale for changes and recommendations. The chief executive officer should review the explanatory notes, any new policies, and the annotated (LOCAL) policies, then distribute policies to appropriate administrators for further review. For example, the chief financial officer might review changes to CAK(LOCAL) regarding the college district’s investment practices.

Making Changes

In most cases, the recommendations made by your TASB policy consultant will work well for the college district with no additional changes. Occasionally, however, revisions to the recommended policy text are necessary to better match intended college district practices.

When this happens, your policy consultant can work with the college district’s policy contact to offer additional information, answer questions about recommendations, and provide a revised draft, if needed.

Board Review

In preparation for the board meeting at which the update will be considered, the board should take the time to review the proposed (LOCAL) policy changes for board adoption.
Administrative Regulations

Plans, Procedures, and Guidelines that Reflect and Implement Policy

Realistically it would be impossible for the board to govern and implement the work of the college district. Implementation, or in this case, educating students and managing college district operations, is a full-time job...or several full-time jobs.

These plans, procedures, programs, regulations, and systems are collectively referred to as “administrative regulations” or “administrative procedures” and, like policy recommendations, they are the responsibility of the administrative staff.

Enforcing Regulations

Boards and administrators often wonder if college district regulations, including employee and student handbooks, are enforceable if the board does not take action to adopt or approve them. Indeed, they are! So long as administrative regulations are not in conflict with college district policy, they are enforceable.

More importantly, if the board adopts administrative regulations, they become the law of the college district, which means that no changes can be made except at a properly held board meeting. This could unintentionally lead to “painting yourself into a corner” and render administrators less able to enforce the rules necessary to effectively manage the college district. For this reason, the board should not adopt such administrative documents. For more information, see policy BH.

To keep the board informed about changes in these documents, many college districts add an information item to the monthly board meeting agenda prompting the chief executive officer and board to discuss any important administrative changes.

Keeping Administrative Regulations in the Policy Manual

While administrative regulations can be placed in the board policy manual alongside any (LEGAL) or (LOCAL) policies, they are often housed at the local level, such as on the college district’s website or intranet. If, after carefully reviewing publication options, the college district wishes to place administrative documents in the policy manual, they will appear as a (REGULATION) or (EXHIBIT) and be marked at the bottom with an “X.”

Policy = What
Administrative Regulations = How
The board is responsible for deciding WHAT will happen in the college district.

This is usually accomplished by board action, including the adoption of (LOCAL) policies. Then, for the most part, the board delegates the responsibility for making policy happen, or implementation, to the chief executive officer or a designee.
Administrators document HOW things happen.

Administrative regulations provide details related to board policy and serve as directives to staff, students, etc. In application, administrative regulations come in the form of flow charts, forms, reports, guidelines, procedures, and handbooks.

<table>
<thead>
<tr>
<th>TUITION AND FEES</th>
<th>FD (REGULATION)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuition and fees are due upon registration for classes. Failure to submit payment by the tuition deadline will result in removal from classes.</td>
<td></td>
</tr>
</tbody>
</table>

| PAYMENT METHOD | The College District accepts cash, checks, credit cards (American Express, Discover, Mastercard, and Visa), U.S. money orders, and cashier checks drawn from U.S. banks. |

| PAY ONLINE | An individual may make a payment online with a credit or debit card (as above) or e-check. |

Administrative regulations are reviewed, but not adopted, by the board. [See policy BH]
Tools to Help

TASB Community College Services has compiled a number of resources to guide the college district through complex issues of policy and procedure, some of which are available to the public and some of which are available to a more limited audience through myTASB.

Resources Available to All

The Community College Services website, available at colleges.tasb.org, houses a great deal of general policy information, current news, information about upcoming numbered updates, and links to outside sources that may be of interest. Follow us on Twitter @tasbcolleges for timely information and links to our updated resource page.

Additionally, college districts can find the name and contact information for the college district’s policy consultant.

Resources for Keeping Policies Current

Community College Services offers several resources to facilitate both annual and ongoing policy maintenance to keep the college district’s manual current.

Ongoing maintenance requires timely action on TASB-initiated Numbered Updates. Numbered updates should be acted on by the board within two to three months of receiving the update to ensure the college district’s manual accurately reflects current legal requirements.

Annually, usually at the end of each academic year, the college district should review administrative procedures. Administrators should review policy changes from the previous year and ensure all administrative regulations and procedures have been updated to reflect changes.

Legal Advice

Decision makers at TASB member college districts get unlimited and confidential access to dedicated community college attorneys who can provide legal advice by phone at 800-580-1488, at no additional charge to the college.

Training Opportunities

TASB’s dedicated community college attorneys offer trainings, workshops, and webinars for the board and/or college administrators on a variety of topics, including governance, business, personnel, and student issues. To schedule an in-service or find out more, call 800-580-1488 or e-mail colleges@tasb.org.
Glossary

Adoption date—the date on which the board adopted a local policy. After a policy change has been processed by TASB and mailed to the college district, the college district should stamp or write the adoption date on the last page of the policy in the appropriate spot.

Community College Policy Reference Manual (CCPRM)—an extensive and authoritative compilation of state and federal law, case law, governmental regulations, attorney general opinions, and Texas Higher Education Coordinating Board commissioner's decisions. It is the single best source of legal information affecting local governance of public education. The CCPRM is updated regularly and is made available in the Policy Service Resource Library on myTASB.

Explanatory notes—a code-by-code explanation, accompanying each numbered update (Update 32, for example), of the changes made to each (LEGAL) policy and the changes recommended to each (LOCAL) policy included in the update.

Historical file—an archive of (LOCAL) policy changes maintained at the college district. Historical files should be maintained chronologically by code.

Issue date—found at the bottom of a policy, the date on which the policy was issued by TASB. In some cases, the issue date will occur before the adoption date and in some cases it will occur after. In either case, these two dates serve different purposes.

LDU (Local District Update)—the name applied to a policy change initiated by the local college district and sent to TASB for processing. LDUs are reviewed for content by the college district's policy consultant, editorially reviewed by our production staff, and processed in our system. If warranted, the LDU will be sent for legal review by TASB's community college counsel.

Legal advisory letter—a letter sent from TASB's community college counsel in reference to a recent policy change. Legal advisory letters provide a valuable service to subscribers by advising of any potential legal risks inherent in certain policy choices.

(LEGAL) policies—legally cited provisions compiled by TASB Community College Services and housed in the college district's policy manual for convenience. (LEGAL) policies are not adopted by the board and should be read alongside corresponding (LOCAL) policies, though not every code includes both a (LEGAL) and a (LOCAL) policy.

LMU (Local Manual Update)—for Policy On Line® college districts, a convenient online compilation of the materials included in the numbered update packet. The college district policy contact can access the LMU through the myTASB portal.

(LOCAL) policies—board-adopted local mandates housed in the college district's local policy manual. (LOCAL) policies should be read alongside corresponding (LEGAL) policies, though not every code includes both a (LEGAL) and a (LOCAL) policy.

(LOCAL) policy versions—a letter combination noted alongside the policy code (i.e., FD(LOCAL)-AJ C). Any letter combination other than an X denotes policy text developed by TASB, whereas an X denotes policy text that is in whole or in part unique to the local college district.

myTASB—the college district's portal to the tasb.org controlled access resources, such as the Community College Policy Reference Manual and Local Manual Update. myTASB can be accessed by ten college district employees identified by each
college district, including the chief executive officer and the college district’s policy contact.

**Numbered update**—changes to (LEGAL) policies and recommended changes to (LOCAL) policies made necessary by recent changes in the legal context. Numbered updates are issued two times each year.

**Policy contact**—a college district employee assigned to be a liaison with TASB Community College Services to facilitate policy changes and maintenance of the college district’s policy manual.

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**Policy On Line®**—an online interface for accessing the college district’s local policy manual.

**REGULATION**—a written administrative document, such as local guidelines and handbooks, meant to implement the requirements of law and board policy, subject to board review but not formal approval, and generally housed locally rather than in the college district’s policy manual.

**Update packet**—a packet mailed to the college district containing all the necessary information for the college district to understand and take action on a TASB numbered update. Update packets are also available electronically for certain college district administrators. [See LMU.]