

B.5.2 (Policy) Board Member Authority

Responsible Department: Office of the Chancellor, Legal Services

Board Adoption: 8-18-09

Last Board Action: 10-27-15

The Board has final authority to determine and interpret the policies that govern the College District and, within the limits imposed by other legal authorities, has complete and full control of the College District.

Board members as individuals shall not exercise authority over the College District, its property, or its employees. Except for appropriate duties and functions of the Board Chairperson, an individual member may act on behalf of or represent the Board regarding College District business only with the express authorization of the Board. Without such authorization, no individual member may commit or represent the Board regarding College District business on any issue. Nothing herein contained shall impair the right of each Trustee as an elected official to accept the views of constituents, but in the special case of employee constituents certain matters should be directed to the administration as hereinafter specified under "Complaint Referral."

Individual Access to Information

An individual Board member, acting in his/her official capacity, shall have the right to seek information pertaining to College District fiscal affairs, business transactions, governance, and personnel matters from the administration, including information that properly may be withheld from members of the general public in accordance with the Public Information Chapter of the Texas Government Code. (See [G.1.1](#))

Board members shall not conduct independent investigations, hearings, listening sessions or fact gathering directly from employees, or become involved in the day-to-day operation, of the College District's various departments or colleges. A Trustee visiting a College shall advise its President in advance of the Trustees arrival, and a Trustee visiting the District Support operations shall similarly advise the relevant Vice-Chancellor. A Trustee outside of a Board meeting, Board committee meeting, or through contacts with employees authorized by the Board, should not question, challenge or attempt to influence a College District employee in the performance of his/her duties. If an individual Trustee has a question regarding a College District employee's action, the Trustee should direct the question to the Chancellor.

Individual members shall not have access to confidential student records due to statutory and regulatory requirements except as authorized by the Board in consultation with the Chancellor and legal counsel.

Individual members shall seek access to records or request copies of records from the Chancellor or other designated custodian of records. When a custodian of records other than the Chancellor provides access to records or copies of records to individual Board members, the provider shall inform the Chancellor of the records provided.

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Directives to the Chancellor or other College District staff regarding the preparation of reports that will, in the opinion of the Chancellor, require excessive staff time or expense, must be authorized by action of the Board.

Should Board members be provided access to confidential records or to reports compiled from such records, the Chancellor and legal counsel shall advise them of their responsibility to comply with confidentiality requirements.

Complaint Referral

If employees, students, or citizens bring a concern or complaint to an individual Board member, he/she shall refer them to the Chancellor or designee, who shall proceed according to appropriate Board policy (see [B.8.1](#)).

When the concern or complaint directly pertains to the Board's own actions or policy, for which there is no administrative remedy, the Board member may request that the issue be placed on the agenda. When the concern or complaint relates to alleged misconduct by the Chancellor, the Board member should refer the issue to the District's internal auditor or the Board's counsel.

Staff Authority

Except as authorized by these policies and resulting procedures, no employee or agent shall have the authority to bind the College District contractually.

Acting on a Legislative Measure

A Board member may not be subject to disciplinary action or a sanction for an action permitted by law that the Board member takes in the Board member's official capacity regarding a legislative measure.

Notice

A copy of this policy shall be provided to each Board member for information and acknowledgment.

Legal Reference - TACC Policy Reference Manual
BBE(LEGAL) - Board Members: Authority