

3.2.1 The governing board of the institution is responsible for the selection and the periodic evaluation of the chief executive officer. (CEO evaluation/selection)

Off-site Committee's Response

Texas College documents the selection of the President that occurred in 2008 and was approved by the Board of Trustees. Moreover, the duties of the President are clearly delineated in the Bylaws and the employment contract. Although the Bylaws outline that the Board must conduct an annual evaluation of the President, the College only documented the President's compliance with this evaluation process. There was no documentation of the process or the input that the Board provides by way of feedback to the President.

Institution's Response

The Off-site Committee addressed no concerns about the selection process and the periodic evaluation of the President. The Committee did express a concern that there was no documentation of the process or input that the Board provides by way of feedback to the President.

Pursuant to the standard, the Board has established in the President's Employment Agreement that, "*The President shall be evaluated annually by the Board [item VII. Evaluation, of the Employment Agreement]*"; the annual process addresses the periodic expectation of the evaluation process. The Employment Agreement also establishes the Annual Performance Goals that are to be addressed. Specifically, it states the measures to be addressed as:

- 50% for increase the enrollment head count of 105 each year
- 20% for maintaining SACSCOC Compliance according to the Principles of Accreditation: Foundation for Quality Enhancement
- 20% for increase private and community support; and
- 10% for Faculty Improvement-Employs and maintains competent effective faculty and staff includes but not limited to professional development training, and continuing educational (courses and/or degrees).

As it pertains to the specific concern regarding "feedback," from the evaluation process, it should be noted that the President's evaluation by the Board is a discussion/review that takes place during a process of "Closed Executive Session." When this occurs minutes are not recorded and all discussions are private with non-disclosure. However, Attachment 3.2.1-B (excerpt from Minutes of Annual Spring Meeting, April 3, 2014) is evidence of the session occurring with feedback to the President from the Executive Committee (on record) that the goals for the President have been met.

Documentation:

- Attachment 3.2.1-A: Excerpt of the Presidential Employment Agreement Referencing Annual Performance Goals and Periodic Nature of the Evaluation Process
- Attachment 3.2.1-B: Excerpt from Minutes of Annual Spring Meeting (April 3, 2014)

Attachment 3.2.1-A: Excerpt of the
Presidential Employment Agreement
Referencing Annual Performance Goals
and Periodic Nature of the Evaluation
Process

PRESIDENTIAL EMPLOYMENT AGREEMENT

TEXAS COLLEGE

Attachment 3.2.1-A – Excerpt of the
Presidential Employment Agreement
Referencing Annual Performance Goals and
Periodic Nature of the Evaluation Process d

I. Preamble

The employment agreement is executed by and between the Board of Trustees of Texas College (hereinafter referred to as the "Board") 2402 N. Grand Avenue, Tyler, TX 75702 and the President of Texas College (hereinafter referred to as the "College"). It is executed with the mutual understanding that the Board develops, formulates and adopts policies of the institution, and the President, as the Chief Executive Officer, carries out these policies. Both parties recognize that there must be a close working relationship not only administratively but philosophically concerning the operation of the institution and that the Board and the President will expend their best efforts to see that this is accomplished for the benefit of the students, the college and its officers, employees and constituents.

II. Appointment

The Board hereby appoints ~~Dr. David L. Starnell~~ to be the President of the College. This appointment shall run from August 1, 2012 through and including August 1, 2017.

III. Duties

It shall be the duty of the President to act as Chief Executive Officer of the College and to be responsible for the performance of duties by all subordinate personnel. The President shall be responsible for carrying out such duties and responsibilities required by state law. The President shall also perform such duties and responsibilities as may be assigned or delegated by the Board or as may be set forth in the administrative policy or directives of the institution concerning duties of the President.

The President shall keep the Board fully informed of activities at the College, including but not limited to, the functioning of personnel, enrollment of students, budget and finance, and shall provide to the Board special reports, and other items of information related to the governance of the College.

The Chairman of the Board shall be the individual to whom the President reports informally between Board meetings, but any written material shall be distributed to all members of the Board.

The President agrees to perform at all times, faithfully and industriously and to the best of the President's ability, experience and talents, all of the duties that may be required pursuant to the express and implicit terms hereof to the reasonable satisfaction of the Board.

IV. Salary

The President shall receive an annual salary of \$35,000.00, subject to increases as ratified by the Board following the annual review during the term of this contract. The salary shall be paid in accordance with the College's scheduled payroll dates and subject to all appropriate withholdings and taxes. Any increase in the salary of the President may be implemented by resolution or motion duly passed by the Board and shall be evidenced by written addendum to this contract.

V. Benefits

In addition to the annual salary set forth above, the President shall receive the following benefits:

- 1). Medical and dental insurance coverage shall be provided for the President and dependent family members.
- 2). Sick leave with full salary which shall accrue at the rate of twenty-one (21) days per year. Sick leave accruals shall not be carried over from year to year, nor is sick time payable upon separation from employment.
- 3). Vacation leave with full salary which shall accrue in the amount of four (4) weeks per year. A maximum of one (1) week per year of vacation leave accrued may be carried over from year to year. Accrued but unused vacation may be payable upon separation from employment.
- 4). Retirement benefits shall be provided for the President in an amount equal to four percent (4%) of the President's annual salary.
- 5). Life insurance coverage shall be provided for the President in an amount equal to \$250,000.00. The President shall be the owner of the policy, with the President's family as beneficiary.
- 6). During the term of this contract, the President shall receive a performance bonus if performance goals are met and exceeded over the term of contract.)

Annual Performance Goals

50% for Increase Enrollment Headcount of 10% each year

20% for SACSCOC Requirements – maintaining SACSCOC Compliance according to The Principles of Accreditation: Foundations for Quality Enhancement

20% for Increase Private Donations and Community Support

10% for Faculty Improvement – Employs and Maintains competent effective faculty and staff includes but not limited to professional development training, and continuing educational (courses and/or degrees).

Attachment 3.2.1-B: Excerpt Minutes of Annual Spring Meeting (April 3, 2014)

**Texas College
Board of Trustees
Annual Spring Meeting
Thursday, April 3, 2014
5:04 p.m.**

Minutes

Call to Order, Devotion and Roll Call

The meeting was called to order by Board Chairman Henry M. Williamson, Sr.
The meeting began with an opening prayer by Trustee Tyrone Davis.

The roll was taken by Trustee Leon McCowan, Secretary of the Board of Trustees.

Trustees Present

Chairman Henry M. Williamson, Sr.
Trustee Jerry L. Christian, Sr.
Trustee Emeritus Leo Berman
Trustee Bobby Best
Trustee Tyrone Davis
Trustee Spencer Hervey
Trustee Charles Hill
Trustee Jesse Jones
Trustee Kwesi Kamau
Trustee Donald R. Madlock, Sr.
Trustee Leon McCowan, Sr.
Trustee Timothy McKay
Trustee Patricia McKenzie
Trustee Clifton Roberson
Trustee Hyattye Simmons
Trustee Christopher Sparrow (Faculty Representative)
Trustee Sarah Wilborn
Trustee Selwyn Willis
Trustee Pené G. Woods
Trustee Jerry Woolverton

Trustees Absent

Trustee Kenneth W. Carter
Trustee Ronald M. Cunningham
Trustee Charles J. King, Jr.

Executive Committee – Closed Session

The Executive Committee of the Board of Trustees convened to a Closed Session deliberation for the “President’s Evaluation.”

Executive Committee – Open Session

It was shared by the Committee that President Fennell had met the goals established by the Board and Trustee Hyattye Simmons moved that the Board accept the “President’s Evaluation” recommendation of the Ad Hoc Committee that the President be awarded his contract-required full bonus, plus a five percent salary increase. The motion was seconded by Trustee Emeritus Leo Berman. **The motion passed.**

Trustee Tyrone Davis moved that the Annual Meeting of the Board of Trustee adjourn. The motion was seconded by Trustee Hyattye Simmons. **The motion passed.**

The meeting adjourned at 6:16 p.m.