

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF REGENTS OF THE DEL MAR COLLEGE DISTRICT

August 11, 2020

The Regular Meeting of the Board of Regents of the Del Mar College District convened at the Isensee Board Room, Del Mar College, Corpus Christi, Texas at 1:00 p.m. on Tuesday, August 11, 2020, in person and/or by teleconference, with the following present:

From the Board:

Ms. Carol Scott, Dr. Nicholas Adame, Ms. Libby Averyt, Mr. Ed Bennett, Ms. Elva Estrada, Ms. Susan Hutchinson, and Dr. Mary Sherwood.

From the College:

Dr. Mark Escamilla, President and CEO; Mr. Raul Garcia, Vice President and CFO; Ms. Lenora Keas, Executive Vice President and COO; Ms. Tammy McDonald, Vice President of Administration and Human Resources; Mr. August Alfonso, Vice President and Chief Information Officer; Dr. Rito Silva, Vice President of Student Affairs; Mr. Augustin Rivera, Jr., General Counsel; Mr. John Strybos, Vice President and Chief Physical Facilities Officer; Ms. Lorette Williams, Executive Director of Strategic Communication and Government Relations; Dr. Natalie Villarreal, Director of External & Board Relations; Ms. Mary McQueen, Executive Director, Development; Ms. Delia Perez, Executive Administrative Assistant to the President & Board Liaison, and other staff and faculty.

CALL TO ORDER QUORUM CALL/MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE/VISION STATEMENT

Ms. Scott called the meeting to order with a quorum present. She requested a moment of silence followed by the Pledge of Allegiance and Del Mar College Vision Statement.

Due to the health and safety concerns and the Coronavirus Pandemic Crisis, this meeting was conducted by video and/or teleconference and was conducted in accordance with the Texas Governor's Office and the Texas Attorney General's Office. Provisions were made for the public to participate in this meeting with public comments.

GENERAL PUBLIC COMMENTS – The public was given the opportunity to provide public comments (both general and specific to any agenda item) by calling a toll-free phone line prior to the Board meeting and registering with their name and subject of public comment.

There were no public comments made for this meeting.

**SPECIAL ACTION ITEM.....Ms. Carol Scott**

Discussion and possible action regarding adoption of Resolution Honoring Regent Gabriel Rivas, III

*(Goal 5: Workforce Development, Community Partnerships, and Advocacy)*

Mr. Augustin Rivera, Jr. read the following Resolution Honoring Regent Gabriel Rivas, III entitled “Resolution of the Board of Regents of the Del Mar College District in Honor and Memory of Regent Gabriel “Gabe” Rivas, III (1954-2020)”:

**RESOLUTION OF THE BOARD OF REGENTS  
OF THE DEL MAR COLLEGE DISTRICT  
IN HONOR AND MEMORY OF  
REGENT GABRIEL “GABE” RIVAS, III (1954-2020)**

August 11, 2020

WHEREAS, Gabriel “Gabe” Rivas, III, was first elected to the Del Mar College Board of Regents in November 2000 and served through 2006, during which time he led the Board as President for four of those years;

WHEREAS, during his tenure as President, Regent Rivas helped guide Del Mar College to the successful passage and implementation of an historic \$108 million bond referendum that re-imagined the College’s West Campus and expanded educational opportunities with the construction of the Health Sciences and Emerging Technology Complex; the Public Safety Education Complex; and, the Industrial Education Complex;

WHEREAS, Regent Rivas was appointed by the Del Mar College Board of Regents in August 2007 to fill a vacancy in the District 1 seat, a position to which he was re-elected by the voters of District 1, most recently to a term that would have run through 2024, and served as the Board’s First Vice-Chair during those years;

WHEREAS, during his twenty years of devoted service to Del Mar College, Regent Rivas unfailingly carried out his duties to the Board, to the College, and to the entire community, with exemplary distinction, tireless commitment, and the highest integrity, and his visionary leadership and hard work in promoting better and more access to educational opportunities inspired much of Del Mar College’s success over those twenty years;

WHEREAS, Regent Rivas, through his honesty, humility, collegiality, and sincere respect for others, embodied the very best qualities of a community college regent and made him a trusted colleague who was deeply revered and held in the highest regard by his fellow Del Mar College Regents and countless other trustees throughout the State of Texas and nationally, as well;

WHEREAS, Regent Rivas always maintained the utmost compassion and concern for the well-being of each and every member of the Del Mar College community, including, staff, faculty, and, most importantly to him, the students of Del Mar College, many of whom regarded Regent Rivas as an advisor, a mentor, and, beloved friend;

WHEREAS, Regent Rivas' extensive and life-long commitment to public service included, in part, serving as: President of the League of United Latin-American Citizens (LULAC) Council No. 1; Graduate of Leadership Corpus Christi, Class XV; Chair of the Leadership Corpus Christi Alumni Association; Member of numerous City of Corpus Christi commissions, including the Human Relations Commission; and, Member of the Board of Directors of Amistad Community Health Center; and,

WHEREAS, on August 5, 2020, the entire Del Mar College family and the broader Corpus Christi community lost a much beloved and valued community leader and friend, with the sad passing of Regent Gabriel "Gabe" Rivas, III;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Regents of the Del Mar College District, hereby:

- (1) recognizes and honors with deepest appreciation their dear colleague and friend, Regent Gabriel "Gabe" Rivas, III, for his profound and significant service and contributions to Del Mar College; for his passionate life-time dedication to expanding access to quality higher education for all; and, for his genuine care, concern and compassion for the staff, faculty, and students at Del Mar College; and,
- (2) together with many, many others, mourns his passing and extends its sincerest condolences to his beloved family.

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Carol Scott, Chair

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Ed Bennett

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Dr. Nicholas L. Adame, 2<sup>nd</sup> Vice-Chair

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Elva Estrada

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Dr. Mary Sherwood, Secretary

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Susan Hutchinson

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Libby Averyt

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Hector Salinas

The Board of Regents and President Escamilla shared their heartfelt memories of Regent and friend, Gabe Rivas.

Regent Estrada made a motion to pass the Resolution Honoring Regent Gabriel “Gabe” Rivas, III. Regent Adame seconded the motion. There was no further discussion from the Board. There were no public comments. A roll call vote was taken and the motion carried unanimously, 7-0, with Regents Adame, Averyt, Bennett, Estrada, Hutchinson, Sherwood, and Scott in favor.

**COLLEGE PRESIDENT’S REPORT.....Dr. Mark Escamilla**  
***(Goal 4: Learning Environment)***

President Escamilla gave his condolences to all who have lost loved ones because of COVID-19, especially within our Del Mar College family. President Escamilla provided an update regarding Del Mar College’s limited accessibility and stated that the College is in Return-to-Campus Phase II and will continue throughout the Fall Semester with adjustments made as needed. Del Mar College employees continue to work remotely when possible. The campus remains closed to the public with only designated areas open on a restricted basis. He reiterated that the health and safety of the students, staff, employees and guests is their top priority.

President Escamilla gave an update regarding the communications and procedures provided in response to Hurricane Hannah by the Crisis Management Team and thanked them for their efforts. There was minimal property damage to the College and no campus injuries. The College resumed operations under RTC Phase II conditions on July 27, 2020.

A new program by the Student Enrollment Center is now providing Virtual Assistance to help students with the 2020 fall semester registration. All protocols are being taken to ensure continued health and safety.

On August 14, 2020, the College will hold Graduation live via Facebook and YouTube channel.

On August 17, 2020, the College Convocation will be held virtually for all faculty, staff and Board of Regents which will include a tribute to the Del Mar College family lost this year.

President Escamilla congratulated Chairwoman Scott who was elected as Chairwoman to the Community College Association of the Texas Trustees Board of Directors. The Community College Association of Texas Trustees deals with community college issues at the state level.

The Student Services Division hard work assisted the College in receiving the Trio Grant which is a student services grant which supports completion for specially designated

students. The Grant is in the amount of approximately \$1.5 million which will be received over the next five years.

President Escamilla provided a SACSCOC onsite visit update, he stated that it is going to be a virtual visit. The visit will take place the week of October 26-30, 2020.

For future reference, President Escamilla stated that there are eleven scheduled workshops for the next year.

**REGENT’S COMMENTS:**

- **CCATT Annual Meeting.....Ms. Carol Scott  
(Goal 5: Workforce Development, Community Partnerships, and Advocacy)**

Chairwoman Scott provided information regarding the CCATT Annual Meeting and stated that the incoming Chair-Elect is Robert Glaser with Houston Community College who will be chairing their Legislative Committee. Chairwoman Scott encouraged the Board of Regents to contact her if they would like to get further involved with numerous committees. Although the conference in Corpus Christi was canceled, webinars and professional development seminars will be provided by CCATT and the information will be provided by Delia Perez, Board of Regents Liaison.

- **ACCT Congress (Virtual) September 30 - October 5-8, 2020.....Ms. Carol Scott  
(Goal 5: Workforce Development, Community Partnerships, and Advocacy)**

The annual ACCT Congress is being reimagined into a virtual Congress for a week in early October, 2020. There will be a series of online seminars and/or webinars. All of the seminars will be available online once the Congress has concluded.

**STAFF REPORTS:**

- **Legislative Update.....Dr. Natalie Villarreal  
(Goal 5: Workforce Development, Community Partnerships, and Advocacy)**

Dr. Escamilla introduced Dr. Natalie Villarreal who began her presentation and stated the 87<sup>th</sup> Legislative Session will start January 12, 2021 and end May 31, 2021 (140 days). The Legislature will elect a new Speaker of the House and discuss changes due to COVID-19.

Del Mar College’s involvement and collaboration for community college advocacy includes the following at the State level: Texas Association of Community Colleges (TACC); Community Colleges Association of Texas Trustees (CCATT); Texas Community College Teachers Association (TCCTA); and the Texas High Education Coordinating Board (THECB). Del Mar College Day at the Texas State Capitol is tentatively scheduled for March 4, 2021.

Currently, they are in the 116<sup>th</sup> National Congress. In February 2020, Regent Scott and Dr. Villarreal traveled to Washington D.C. with the ACCT National Congress and heard Senator Lamar Alexander and Senator Murray speak. Their focus was on the Higher Education Re-Authorization Act which has been up for renewal for many years. The College received relief from the initial CARES Act which included the Higher Ed Relief Fund. Del Mar College received \$1.9 million and \$245,000 as a minority serving institution. Del Mar College is also a member of the American Association of Community College Trustees and the American Association of Community Colleges which promotes advocacy at the national level.

**PENDING BUSINESS:**

- Status Report on Requested Information  
*(Goal 5: Workforce Development, Community Partnerships, and Advocacy)*

Chair Scott reviewed the list of pending business.

**CONSENT AGENDA**

**CONSENT MOTIONS:**

*(At this point the Board will vote on all motions not removed for individual consideration.)*

**ITEMS FOR DISCUSSION AND POSSIBLE ACTION:**

1. Approval of Minutes:  
Regular Board Meeting July 14, 2020  
*(Goal 5: Workforce Development, Community Partnerships, and Advocacy)*
2. Acceptance of Investments for July 2020  
*(Goal 6: Financial Effectiveness and Affordability)*
3. Acceptance of Financials for June 2020  
*(Goal 6: Financial Effectiveness and Affordability)*

Regent Estrada made a motion to approve the Consent Agenda items. Regent Sherwood seconded the motion. There was no further discussion from the Board. A voice vote was taken, and the motion passed unanimously, 7-0 amongst Regents present, with Regents Adame, Averyt, Bennett, Estrada, Hutchinson, Scott, and Sherwood in favor.

**REGULAR AGENDA**

4. **Discussion and possible action related to acceptance of internal audit follow-up reports and Fiscal Year 2021 Internal Audit Plan.....Ms. Tammy McDonald**  
*(Goal 5: Workforce Development, Community Partnerships, and Advocacy)*

Dr. Escamilla provided introductory comments. Ms. McDonald introduced Dan Graves and Brandon Tanous with Weaver.

Mr. Graves stated that the College will have an Annual Internal Audit Report and will follow the State Auditor’s Guidelines which have not been provided possibly due to delays resulting from COVID-19 and remote working of most state agencies.

Mr. Graves provided details regarding the 2020 Internal Audit Follow-up Reports including purchasing; accounts payable & disbursements; financial aid; student services, and proposed 2021 Internal Audit Plan. They evaluated the corrective action of the 4 open internal audit findings from the 13 overall findings identified in the 2017 Internal Audit Report over Purchasing. For Accounts Payable and Disbursements, they evaluated the corrective action of the 2 open internal audit findings from the 5 overall findings identified in the 2018 Internal Audit Report. They evaluated the corrective action of the 1 open internal audit finding from the 6 overall findings identified in the 2016 Internal Audit Report over Financial Aid. They also evaluated the corrective action of the 6 open internal audit findings identified in the 2019 Internal Audit Report.

Mr. Graves and Mr. Tanous discussed the results of the internal audit follow-up procedures performed for the College for Purchasing, Accounts Payable and Disbursements, Financial Aid, and Student Services.

Ms. McDonald, Mr. Graves, Mr. Tanous, and Dr. Escamilla responded to questions from the Board of Regents.

Regent Bennett made a motion to accept the College’s Internal Audit Follow-up Reports and Fiscal Year 2021 Annual Internal Audit Plan. Regent Averyt seconded the motion. There was no further discussion from the Board. There were no public comments. A roll call vote was taken and the motion passed unanimously, 7-0, with Regents Scott, Adame, Averyt, Bennett, Estrada, Hutchinson, and Sherwood in favor.

**5. Discussion and possible action regarding revisions and additional related policies to Board Policy B9.1.....Ms. Tammy McDonald (Goal 5: Workforce Development, Community Partnerships, and Advocacy)**

Ms. McDonald discussed the Title IX mandated changes from the Department of Education which will primarily affect procedures and processes that are not in Board “B” policy but instead, in Administrative “A” policy. Board policy will instruct Administration to establish all necessary procedures and processes to fully comply with Title IX as amended. The proposed B9.1 policy also includes revisions to the Texas Education Code per SB212 covering the reporting of sexual misconduct.

Procedure and process revisions will be established based on new mandates and distributed in compliance with Title IX. A few of the highlights of the procedural mandates include

- Revision to the rights of the complainant and respondent (the accused)
- Revision of definition of “sexual misconduct”
- Complaint process to include a hearing with a decision maker overseeing the hearing
- Establishes a defined appeal process
- Title IX Coordinator/Deputy Coordinators can no longer serve as investigators
- Require 2 persons to investigate a complaint
- New roles and training for persons who are part of the complaint and hearing process (Advisors and Decision Makers)
- Reporting of incidents of sexual misconduct to the State (SB212)
- Discipline/dismissal of employees who fail to report an incident of sexual misconduct (SB212)

Changes to B9.1 will require additional revisions to the following Board “B” policies as a result of revisions to B9.1: B2.1.2.14; B5.1; B5.11; B5.41; B5.43; B5.50; B6.9; B7.13.3.15; B7.19.

Regent Hutchison made a motion to adopt the revisions and additional related policies to Board Policy B9.1. Regent Averyt seconded the motion. There was no further discussion from the Board. There were no public comments. A roll call vote was taken and the motion passed unanimously, 7-0, with Regents Scott, Adame, Averyt, Bennett, Estrada, Hutchinson, and Sherwood in favor.

**6. Discussion and possible action regarding revisions to Cash Reserve Policy B4.1.1**  
 .....**Mr. Raul Garcia**  
*(Goal 6: Financial Effectiveness and Affordability)*

Mr. Garcia discussed revisions to the Board Policy B4.1.1 regarding Cash Reserves. Mr. Garcia stated that Board Policy B4.1.1 requires the College to maintain a certain level of cash reserves and plan for an annual budget contingency. The College is seeking to make revisions to the existing policy to include a plan and risk management reserve both which have a long-term financial outlook. The risk reserve fund is intended to provide funding that is sufficient and flexible enough to support the mission of the College throughout a crisis. The plant fund is intended to fund the College’s needs for software, deferred maintenance, furniture and fixtures, equipment and land purchases.

Regent Bennett made a motion to adopt the revisions related to Board Policy Cash Reserve B4.1.1. Regent Sherwood seconded the motion. There was no further discussion from the Board. There were no public comments. A roll call vote was taken and the motion passed unanimously, 7-0, with Regents Scott, Adame, Averyt, Bennett, Estrada, Hutchinson, and Sherwood in favor.



At 3:00 p.m., the Chair announced the Board was going into Closed Session pursuant to:

**7. CLOSED SESSION pursuant to:**

A. TEX. GOV'T CODE § 551.087: (Deliberation Regarding Economic Development), regarding the discussion or deliberation of information and/or an offer of a financial or other incentive received from a business prospect engaged in economic development negotiations with Del Mar College, with possible discussion and action in open session.

B. TEX. GOV'T CODE § 551.071: (Consultation with legal counsel), regarding pending or contemplated litigation or claims, or a settlement offer, with possible discussion and action in open session; and, the seeking of legal advice from counsel on pending legal or contemplated matters or claims, with possible discussion and action in open session;

C. TEX. GOV'T CODE § 551.074(a)(1): (Personnel Matters), regarding the appointment, employment, evaluation, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; including, 1.) Annual Evaluation of College President, and 2.) College President's Contract, with possible discussion and action in open session.

The Board reconvened in Open Session at 4:06 p.m.

There was no action taken in Closed Session.

CALENDAR: Discussion related to calendaring dates.

ADJOURNMENT: The meeting was adjourned at 4:10 p.m.

MINUTES REVIEWED BY GC: /s/ARjr