

C.2.11 (Policy) Legal Services

Responsible Department: Legal Services

Board Adoption: 12-14-10

Last Board Action: 5-13-14

Reviewed: 1-8-20

Requests for Legal Services

College District employees shall perform their duties in compliance with applicable legal requirements and shall seek legal counsel from the District Office of Legal Services when legal and compliance questions arise. Administrators shall consider whether their plans and actions have a reasonable likelihood of binding the College District contractually (*e.g.*, agreements, benefit plans, etc.) or creating claims of liability against the College District (*e.g.*, personnel actions) and consult the District Office of Legal Services well in advance of any final action. Requests for legal services shall be in writing (or via e-mail) and the requests, together with all communications to and from the attorneys and District Office of Legal Services staff shall be treated as confidential. The District Office of Legal Services may consult with outside attorneys whom the College District has engaged. The College District itself shall always be the “client” of the Office of Legal Services. Legal services shall not be provided for individuals (employees not within the scope of employment, students, etc.) unless expressly authorized by the Chancellor.

Review of Agreements and Other Legally Operative Documents

Appropriate legal and management review of all agreements, renewals to agreements, amendments to agreements and other legally operative documents shall be conducted to assure that such agreements are consistent with the College District’s mission, policies, budget and interests. No employee, agent or officer of the College District has implied or apparent authority to bind the College District or any of the individual colleges by written or oral agreement except as authorized by appropriate administration in conformance with this policy and related procedures. This requirement of legal review does not apply to certain transactions based on unmodified forms of agreement previously approved by the Office of Legal Services, most noteworthy being acquisitions by the Purchasing and Contract Administration Department.

The Chancellor or designee shall develop procedures to ensure that agreements are defined; are consistent with the College District’s mission policies, budget and interests; and contain terms acceptable to the College District.

Electronic Documents and Digital Signatures Procedure

This policy acknowledges a trend toward electronic transactions and authorizes development and use of procedures to facilitate the use of electronic means in appropriate circumstances. The College District agrees to conduct appropriate contractual transactions by electronic means, pursuant to and as authorized by the Uniform Electronic Transactions Act (Texas Business & Commerce Code Chapter 322). To that end, the Chancellor or designee is authorized to develop procedures to facilitate electronic transactions and the use of digital signatures, including any necessary security procedures applied to determine the person to which the electronic record or signature is attributable.