

Regular Meeting
Thursday, June 23, 2022 6:00 PM

ALVIN COMMUNITY COLLEGE
3110 Mustang Road
Alvin, TX 77511

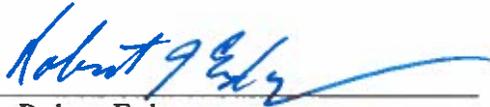
Agenda

1. **Call to Order**
2. **Certification of Posting of Notice**

**CERTIFICATION OF POSTING OF NOTICE TO THE
REGULAR MEETING OF THE
ALVIN COMMUNITY COLLEGE DISTRICT
BOARD OF REGENTS
JUNE 23, 2022**

It is hereby certified that a notice of this meeting was posted on the 16th day of June 2022, in a place convenient to the public on the Alvin Community College campus as required by Section 551.002, *Texas Government Code*.

Signed this 16th day of June 2022.



Dr. Robert Exley
President

3. **Executive Session**
4. **Call to Order**
5. **Pledge**
6. **Invocation**
7. **Citizen Inquiries**
8. **Board Chairman Report/Comments**
9. Information Items
 - 9.A. **Personnel Action**



Robert J. Exley, PhD
President

Your College > Right Now

MEMORANDUM NO: 103-2022

TO: Board of Regents
FROM: Robert J. Exley, PhD *RJE*
DATE: June 8, 2022
SUBJECT: Personnel Action (Replacement): Assistant Registrar

The individual listed below has been recommended to fill the full-time position of Assistant Registrar.

Candidate

Recommended: Cara Hogan

Education: Texas State University
Master of Arts, Technical Communications

Angelo State University
Bachelor of Arts, English

Experience: Odessa College
Registrar February 2020–Present
Assistant Registrar April 2018–January 2020
Phi Theta Kappa Advisor April 2017–Present
Adjunct Instructor – English Department December 2014–December 2021
Curriculum & Articulation Specialist March 2014 – March 2018

Waste Control Specialists
Regulatory Compliance Analyst May 2013 – March 2014
Procedure Administrator May 2011 – May 2013

Salary: \$67,236.71 Annual
Grade 206 / 2021–22 Professional Salary Schedule

RJE:tg

JOB DESCRIPTION

Job Title:	Assistant Registrar		
Department:	Student Services	FLSA Status:	Exempt
Reports to:	Registrar	Grade Level:	206
Safety Sensitive:	Yes	Job Category:	Professional
HR approved:	Human Resources/LH	Date:	2/11/2022
Last updated by:	Dr. Jade Borne	Date:	2/11/2022

SUMMARY

The Assistant Registrar would perform as the second in command for all of the functions within the Registrar's Office. The Assistant Registrar, under the direction of the Registrar, would have the highest level of security clearance and direct responsibility for the management of the entire Colleague Student Module. The Assistant Registrar assists the Registrar in maintaining academic records for all current and former students, grading, records' editing functions, the production of transcripts, enrollment/degree verifications, and the processing of requests from students while ensuring compliance with College policies and the Family Educational Rights and Privacy Act (FERPA). The Assistant Registrar serves as the Veterans Affairs (VA) Certification Certifying Official.

ESSENTIAL DUTIES AND RESPONSIBILITIES include, but are not limited to the following.

- Supports the Registrar in overseeing all functions of the Registrar's Office.
- Makes ruling on state residency classification and re-classifications, when needed.
- Provides high quality service to campus constituencies by producing timely and accurate grade reports, transcripts, verifications of student enrollments/degrees, data reports, and other student information and interprets, explains, and enforces academic policies and procedures to students, faculty, staff, and parents.
- Conducts the Federal VA Benefits awarding process.
- Ensures the College's compliance with VA rules and regulations.
- Conducts the annual certification of ACC programs with the VA.
- Regularly meet with military veterans and/or VA dependents.
- Contact departments for late grade submissions and reports on all errors to Department Chairs, Deans and the Vice President of Instruction.
- Ensures compliance with the College and the State of Texas records retention policies by using professional resources to stay current with records management techniques relating to imaging, disaster recovery, retention schedule, and other critical issues.
- Processes open records requests according to FERPA guidelines.
- Reviews and designs office communication tools (forms, emails, texts, etc.).
- Ensures the accuracy of student records and grading each semester by coordinating audit reports and other quality assurance checks of student records which includes examining credit hours, fees, and other critical information, requesting various reports, editing for errors, making necessary corrections, and reporting results to the Registrar.

- Oversees the reporting of enrollment data to the National Student Clearinghouse and facilitates the resolution of related system and data discrepancies.
- Assists with state reporting and data corrections and will also process state reports in the absence of the Registrar.
- Assists with the maintenance of the system academic calendar.
- Assists with Registration parameter setup and rules.
- Assists with coordination of registration services by developing and documenting policies and procedures, implementing and maintaining effective systems, and working in cooperation with the Registrar and others to ensure academic policies and procedures are enforced and proper records are maintained.
- Maintains a thorough knowledge of academic policies and College data systems and provides training for the department on topics such as FERPA, academic policies, and Colleague web-based computer systems and programs.
- Helps to develop, disseminate, and enforce the registration sequence for each registration cycle, including setting priority dates for approved categories of students, and supervising the input, maintenance, and testing of the prerequisite checking, registration sequence, refund, and cancellation tables on the College database system.
- Ensures students have appropriate information needed to make informed decisions regarding registration, change of schedule, Pass/Not Pass grading, audit grading, and withdrawing and that the requests are processed sensitively, accurately, and according to College policy by monitoring the processing of such changes, proposing changes to policy when needed, and communicating such changes to the College community.
- Helps to ensure the course database system is accurate and responsive to the needs of the College by assisting the Registrar with implementing curricular changes, setting service learning indicators, setting fees, and making other updates to the system.
- Assists with Graduation orientation, reception and ceremony.
- Develops a competent, productive, and effective staff by selecting and supervising front counter staff.
- Contributes to a work environment that encourages knowledge of, respect for, and development of skills to engage with those of other cultures or backgrounds.
- Remains competent and current through self-directed professional reading, developing professional contacts with colleagues, maintaining membership in professional organizations and participating in conferences, attending professional development courses, and attending training and/or courses required by the Registrar.
- Serves on committees as directed.
- Serves as second in command in the Registrar's Office in the absence of the Registrar.
- Other duties as assigned.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform the essential duties and responsibilities listed above. The qualifications listed below are representative of the education, experience, knowledge, skills, and/or abilities required.

EDUCATION

- Bachelor's degree required.

EXPERIENCE

- Minimum of three (3) years of experience in the functions of admissions and records in a higher education setting.
- One (1) year of supervisory experience is required.
- Experience working with the Colleague Student Modules is preferred.
- Preference will be given to candidates with experience in a position with similar responsibilities.

KNOWLEDGE, SKILLS, AND ABILITIES

- Direct knowledge and skills in the following areas: computer integrated student data systems, maintenance of current and on-going systems and practices, development and implementation of new systems, development and implementation of policy and procedures, statistical data reporting.
- Demonstrated knowledge of student information systems and data input/retrieval; preferably the Ellucian Colleague Student Information System.
- Knowledge of computer applications including Microsoft Suite (Word, Excel, Outlook).
- Evidence of strong written and oral communication skills.
- Strong commitment to quality customer service.
- Attention to detail in accurate record-keeping, ability to prioritize tasks and handle multiple tasks simultaneously.
- Knowledge of procedures, THECB rules and regulations.

WORK ENVIRONMENT

The incumbent typically works in an office environment and uses a computer, telephone and other office equipment as needed to perform duties. The noise level in the work environment is typical of that of an office. Incumbent may encounter frequent interruptions throughout the work day.

PHYSICAL DEMANDS

The employee is regularly required to sit, talk, or hear; frequently required to use repetitive hand motion, handle or feel, and to stand, walk, reach, bend or lift up to twenty (20) pounds.

This job description in no way states or implies that these are the only duties to be performed by the employee occupying this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by their supervisor.

This job description may be revised upon development of other duties and changes in responsibilities.

X

EMPLOYEE PRINTED NAME

X

SUPERVISORS PRINTED NAME

X

EMPLOYEE SIGNATURE AND DATE

X

SUPERVISOR SIGNATURE AND DATE

Sign and return to HR for placement into employee personnel file.

9.B. Headcount Report

ALVIN COMMUNITY COLLEGE

EMPLOYEE CATEGORIES

SUMMER 2022 As of 05/31/2022

JUNE

	Budgeted 2021-22	JUNE 2022	Funded Vacancies
Administrative	14	10	4
Professional	84	73	7
Faculty	118	115	2
Technical Support, Clerical & Maintenance (TSCM)	113	102	10
Total Full-Time (FT) Employees	329	300	23

9.C. Resignation/Retirement Report

Resignation/Termination Report

	Name	Position / Department	Last Day Worked	Reason
1	Matthew Porter	TSCM / Transportation Mechanic	5/19/2022	Resignation
2	Sierra Riley	TSCM / Dispatcher	5/27/2022	Resignation
3	Simon Salem	PROF / Director, Lab School	6/22/2022	Resignation
4	Brenda Farmer	TSCM / Veteran's Specialist	6/17/2022	Resignation

10. **Consent Agenda**
 - 10.A. **Minutes**

**ALVIN COMMUNITY COLLEGE
REGULAR MEETING OF MAY 17, 2022
OFFICIAL MINUTES**

The Board of Regents of Alvin Community College met in a regular session on the 17th day of May at 6:00 p.m., with the following members, administrative personnel, and guests present:

'Bel Sanchez	Chairman
Jody Droege	Vice-Chair
Patty Hertenberger	Secretary
Jim Crumm	Regent
Kam Marvel	Regent
Mike Pyburn	Regent
Darren Shelton	Regent
Jake Starkey	Regent
Roger Stuksa	Regent
Michael Hoover	Incoming Regent
Yvette Reyes-Hall	Incoming Regent
Robert Exley	President, Alvin Community College
Wendy Del Bello	Alvin Community College
Stacy Ebert	Alvin Community College
Nichole Eslinger	Alvin Community College
Kelly Klimpt	Alvin Community College
John Matula	Alvin Community College
Karl Stager	Alvin Community College

Beth Nelson
Kyle Stone
Tammy Giffrow
Anita Exley
Lilly Garcia
Brett Haduch

Lorrent Smith
Donna Coneley
Matt Graves
Valerie Hoover
Susan Hoover
Victoria McChesney

Nadia Nazarenko
Debra Fontenot
Jeff Parks
Alyssa Bullock

Call to Order

The meeting was called to order by Chair Sanchez at 6:05 p.m.

Certification of Posting of Notice

Certification of the posting of the notice as listed in the agenda was acknowledged. Dr. Exley certified that a notice of the meeting was posted in accordance with Title 5, Chapter 551, *Texas Government Code*.

Pledge

Invocation

Invocation by Mr. Shelton.

Citizen Inquiries

Mr. Dick Tyson submitted a copy of information regarding the Senate Committee on Water, Agriculture and Rural Affairs and an article from the Austin American Statesman for record. He also thanked Mr. George Tacquard and his family their efforts and time dedicated to the college .

Order Canvassing Returns, Declaring Results of Regents Election and Oath of Office

The motion was made that the Board of Regents approve the Order Declaring Results of the Regent Election and Canvass of Regent Election held on May 7, 2022 by Vice Chair Droege. Seconded by Mr. Starkey. Motion passed unanimously. Judge Mike Merkle administered the oath of office to the new Board Regents, Ms. Yvette Reyes-Hall, Mr. Michael Hoover and re-elected Regent Dr. Patty Hertenberger.

Board Comments

The Regents thanked the outgoing Regents Stuksa and Tacquard for their dedication and efforts in keeping the college's best interest always at the forefront of their service and Mr. Mike Pyburn for graciously stepping in serve the remainder of Mr. Tacquard's term, congratulated the baseball team on a great season, thanked the staff and faculty for their hard work on a successful graduation and pinning ceremonies.

Executive Session

- *Private consultation with its attorney, when seeking the advice of its attorney in accordance with Section 551.071; Deliberate the evaluation of ACC employees, including, but not limited to, College President's goals as related to President's evaluation and contract, in accordance with Tex. Gov't Code Section 551.074.*

The meeting was called back into session by Chair Sanchez at 7:06 p.m.

Election of Officers – Chair, Vice Chair and Secretary

The motion to remain with the current elected officers for the 2022-2024 term was made by Mr. Marvel. Seconded by Dr. Crumm. Motion passed unanimously. The officers are as follows: Chair, Ms. 'Bel Sanchez, Vice Chair, Ms. Jody Droege, and Secretary, Dr. Patty Hertenberger.

Approval of the Consent Agenda

Chair Sanchez said that she would entertain a motion of approval of the Consent Agenda that included the Approval of Minutes of Regular Board Meeting of April 28, 2022, Title IX CEO Report, Approval of Personnel (Replacement): Culinary Arts Instructor (Steven Valerio), Coordinator Emergency Medical Services Instructor – 12 Month (Brian Ayers) and Associate Degree Nursing Instructor – 12 (Samantha Harrison) Month. A motion to approve the Consent Agenda was made by Dr. Hertenberger. Seconded by Vice Chair Droege. Motion passed unanimously.

President's Report – State of the College

Dr. Exley gave a summary that included the following: Construction update, summary of the federal Covid 19 Relief funds expenditures, fall student data comparison, five year comparison of unduplicated headcount, racial climate survey, Quality Enhancement Plan - success through engaged advising, articulation agreements with UHCL, UHV and HBU, the awarding of the JET grant, the Dolphin baseball team season update, commercial truck driving program featured, All State music winners, ACC Podcast and radio show, and the various student achievements over the 2021-22 academic year. This report was for information only.

Report – President’s Goal #6 - Provide Oversight to the Strategic Planning Project for Development of ACC’s 2022-2025 Strategic Plan

Dr. Exley introduced Dr. Stacy Ebert, who presented the information on the President’s Goal #6 relating to the strategic planning project for the development of ACC’s 2022-25 Strategic Plan. Included in the presentation was the modifications to the process, establishing the priorities for strategic issues, the pay-off matrix regarding greatest impact, the strategic issues that were identified and the goals that were built around the issues. The Board will review and discuss these goals at the June workshop. This report was for information only.

Report - President’s Goal #7 - Complete the Facility Renovations that are in Progress and Update ACC’s Deferred Maintenance Plan

Dr. Exley introduced Mr. Matt Graves who presented the information on the President’s Goal #7 - Complete the Facility Renovations that are in Progress and Update ACC’s Deferred Maintenance Plan. Mr. Graves updated the Board with a project overview of completed and near completed projects that included courtyard sidewalks and landscape, generator relocations, doors and thresholds, E Building serving line, building automation system (BAS) and commissioning, gun range HVAC troubleshooting, parking lot refurbishments, restroom ADA corrections, and masonry repairs. Mr. Karl Stager spoke about various costs and future projects. This report was for information only.

Consider Approval of Contract Recommendations for 2022-23

The motion to approve the contract recommendations for 2022-23 as presented was made by Mr. Shelton. Seconded by Dr. Hertenberger. Motion passed unanimously.

Tabled Matters - Remote Work Policy

At the April Board of Regents meeting the Remote Work policy was tabled for further administrative review and was completed and resubmitted for the May 17, 2022, meeting. A motion was made by Dr. Crumm to take from the table consideration for the remote work policy. Seconded by Mr. Marvel. Motion passed unanimously. A second motion was made by Mr. Marvel to adopt the current version of the Remote Work policy. Seconded by Mr. Shelton. Motion passed unanimously.

Consider Approval of Right Now Marketing Direct Mail Publication

The motion to approve and allow the President to execute an agreement with Publication Printers of Denver, Colorado for purchase with an estimated total cost of \$60,236.00 was made by Dr. Hertenberger. Seconded by Vice Chair Droege. Motion passed unanimously.

Consider Approval of Childcare Fee Increase

Dr. Hertenberger made the motion to approve the increase of the weekly fee for the Childcare Lab School effective as of Fall 2022. Seconded by Mr. Shelton. Motion passed unanimously.

Consider Approval of Tuition for Dual Enrollment Recommendations

Dr. Crumm made the motion to approve the \$25 per hour tuition, \$45 per student Technology fee, \$5 security fee and \$30 registration fee for Alvin ISD dual enrollment students effective with the Fall term 2022. Seconded by Mr. Marvel. Motion passed unanimously.

Consider Approval of Resale of Property

The motion to approve the resale of property for Account # 0213-0020-000, Brazoria County Suit # 65822 was made by Mr. Marvel. Seconded by Dr. Hertenberger. Motion passed unanimously.

Financial Report Ending April 2022

Mr. Marvel made the motion to approve the financial and investment report for April 2022. Seconded by Dr. Crumm. Motion passed unanimously.

Adjournment

Meeting was adjourned at 8:30 p.m.

Dr. Patty Hertenberger, Secretary

'Bel Sanchez, Chair

**ALVIN COMMUNITY COLLEGE
BOARD WORKSHOP OF JUNE 13, 2022
OFFICIAL MINUTES**

The Board of Regents of Alvin Community College met in a Board Workshop on the 13th day of June, 2022 immediately after the conclusion of the Called Meeting at 12:00 p.m., with the following members, administrative personnel, and guests present:

'Bel Sanchez	Chair
Jody Droege	Vice-Chair
Patty Hertenberger	Secretary
Jim Crumm	Regent
Michael Hoover	Regent
Kam Marvel	Regent
Yvette Reyes-Hall	Regent
Jake Starkey	Regent
Robert Exley	President, Alvin Community College
Wendy Del Bello	Alvin Community College
Stacy Ebert	Alvin Community College
Nichole Eslinger	Alvin Community College
John Matula	Alvin Community College
Karl Stager	Alvin Community College

Tammy Giffrow	Alyssa Bullock
Kyle Marasckin	Beth Nelson

Call to Order

The meeting was called to order by Chair Sanchez at 12:22 p.m.

Certification of Posting of Notice

Certification of the posting of the notice as listed in the agenda was acknowledged. Dr. Exley certified that a notice of the meeting was posted in accordance with Title 5, Chapter 551, *Texas Government Code*.

Strategic Plan for 2022-2025

Dr. Stacy Ebert presented the 2022 – 2025 Strategic Plan Goals and Objectives for the Regents to review. The Board engaged in productive dialogue on the goals and objectives, clarified items of concern and reached agreement on the goals and objectives to be formally approved at the June 23, 2022 Board of Regents meeting.

Initial Presentation of the Fiscal Analysis and Proposed 2021-2022 Budget

Mr. Karl Stager presented the first draft of the 2022-2023 budget along with the fiscal analysis. Included in the overview was tax values information, estimated revenue, sources of revenue for the college and the effect of the possible tax protests could have on the budget, the possible proposed pay increases by other colleges in our area, new positions, and modifications to current positions. Each member of the Executive Leadership Team presented changes in their area's budget. The budget will be presented again at the June Board meeting for review and information only.

Executive Session

Chair Sanchez announced the convening of the Board of Regents into Executive Session and dismissed all staff in attendance at 1:56 p.m.

Adjournment

The meeting was called back to order at 2:44 p.m. and adjourned at 2:45 p.m.

Dr. Patty Hertenberger, Secretary

'Bel Sanchez, Chair

10.B. **Personnel Action (Replacement): Instructor/Business**



Robert J. Exley, PhD
President

Your College **Right Now**

MEMORANDUM NO: 102-2022

TO: Board of Regents
FROM: Robert J. Exley, PhD *RJE*
DATE: June 8, 2022
SUBJECT: Personnel Action (Replacement): Instructor/Business

The individual listed below has been recommended to fill the full-time position of Instructor/Business – 9 Month.

Candidate

Recommended: **Tonya Jefferson**

Education:

Capella University
Doctorate, Psychology, In Process

Ashford University
Master of Arts, Organizational Management and Leadership

University of North Texas
Bachelor of Arts, Public Affairs and Community Service

Experience:

Lamar Consolidated ISD
Long-Term Substitute August 2021 - Present

Goldberg Towers
Property Manager June 2019 – March 2021

Lone Star College
Adjunct Professor, Business Management, Marketing
and Learning Framework September 2015 – June 2019

Diab
Sales and Customer Service Management
Team Lead/Trainer June 2007 – July 2014

Salary: \$57,905.57 Annual
9TECH/9 – Step 9, 9 Month Faculty Salary Schedule

RJE:tg

ACC ALVIN COMMUNITY COLLEGE

JOB DESCRIPTION

Job Title:	Faculty – Business		
Department:	Business Management	FLSA Status:	Exempt
Reports to:	Dean of Professional, Technical, & Human Performance	Salary Step:	Based on Contract Length / Degree
Safety Sensitive:	No	Job Category:	Full-Time Faculty
HR approved:	Human Resources/JE	Date:	2/2/2022
Last updated by:	Department Chair: Business & Technology Programs/MJ	Date:	2/2/2022

SUMMARY

The instructor will teach a variety of courses within the Business Management Department including principles of management, ethics, leadership, financial management, quality management, production and operations management, negotiations, critical thinking, supervision, strategic management, project management, communications, marketing and team building.

Our faculty enjoy an atmosphere of collegiality and mutual respect that promotes outstanding teaching and fosters active intellectual and creative engagement.

ESSENTIAL DUTIES AND RESPONSIBILITIES include but are not limited to the following:

- Instructs and supervises a diverse population of students in the classroom at various times and locations
- Networks with community members and others to promote the ACC program and its students
- Possesses a commitment to student engagement, student success, and instructional excellence
- Demonstrates effective communication skills, both written and oral
- Prepares and utilizes a course syllabus and assessments for each course using guidelines established by the institution
- Maintains current knowledge of effective teaching methodologies and utilizes a variety of instructional delivery methods, classroom media, and educational resources
- Assists in the recruitment and retention of students
- Advises students in academic matters or refers students to appropriate resources
- Assesses students' performance through a range of measurement activities and keeps them informed of their progress in a timely manner
- Engages students through posted office hours and electronic communication
- Utilizes technology to facilitate learning and to access data, maintain records, generate reports, and communicate with others
- Assists in the development, distribution and collection of assessments for courses and program objectives
- Builds positive and professional relationship with students, colleagues, college administration, and the community
- Submits timely college reports and forms to the appropriate divisions and departments
- Provides recommendations to the Instructional Dean, Department Chair, and appropriate college committees regarding curriculum, instruction and division operations

- Exhibits a commitment to lifelong learning through participation in professional development activities
- Adheres to Alvin Community College's policies and procedures
- Attends institutional meetings as required
- Follows prescribed course syllabi and adopted textbooks
- Exhibits sensitivity to and an understanding of the diverse academic, socio-economic, cultural and ethnic backgrounds of staff and students and to staff and students with disabilities
- Other related duties as assigned

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform the essential duties and responsibilities listed above. The qualifications listed below are representative of the education, experience, knowledge, skills, and/or abilities required.

EDUCATION

- Associate's degree in Business Management or Business Administration from a regionally accredited college or university
- Bachelor's degree in Business Management or Business Administration from a regionally accredited college or university preferred

EXPERIENCE

- Three (3) years direct management industry experience; department manager, store manager, business manager, customer service manager or other direct management experience; supervisor, department lead, coordinator may be considered based on duties
- Three (3) years prior teaching experience at the college level preferred

KNOWLEDGE, SKILLS, AND ABILITIES

- Must have a working knowledge of Microsoft Office programs, as well as intermediate computer skills
- Must possess practical knowledge of management principles including ethics, leadership, quality controls, organization, operations, and finance
- Must be familiar with interactive and engaging teaching methods across a variety of teaching modalities
- Must be familiar with interactive teaching methods and instruction via the Internet
- Working knowledge of Blackboard course management system preferred
- Prior Blackboard, Quality Matters, and online teaching certifications preferred

WORK ENVIRONMENT

The incumbent typically works in a classroom environment and uses a computer, telephone and other office equipment as needed to perform duties. The noise level in the work environment is typical of that of a classroom. Incumbent may encounter frequent interruptions throughout the work day.

PHYSICAL DEMANDS

The employee is regularly required to sit, talk, or hear; frequently required to use repetitive hand motion, handle or feel, and to stand, walk, reach, bend or lift up to twenty (20) pounds.

This job description in no way states or implies that these are the only duties to be performed by the employee occupying this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by their supervisor.

This job description may be revised upon development of other duties and changes in responsibilities.

X

EMPLOYEE PRINTED NAME

X

SUPERVISORS PRINTED NAME

X

EMPLOYEE SIGNATURE AND DATE

X

SUPERVISOR SIGNATURE AND DATE

Sign and return to HR for placement into employee personnel file.

10.C. **Personnel Action (Replacement): Director/Child Lab School**



Robert J. Exley, PhD
President

Your College **Right Now**

MEMORANDUM NO: 106-2022

TO: Board of Regents
FROM: Robert J. Exley, PhD *RJE*
DATE: June 13, 2022
SUBJECT: Personnel Action (Replacement): Child Lab School Director

The individual listed below has been recommended to fill the full-time position of Director, Child Lab School.

Candidate

Recommended: Karen Tofte

Education: University of Houston – Clear Lake
Master of Education, Early Childhood Education – in process

University of Central Florida
Bachelor of Science, Early Childhood Education

Brevard Community College
Associate of Arts, General Education

Experience: Collaborative For Children
Lead Curriculum and Instructional Design Consultant July 2016 – Present

The Primrose School of League City at Victory Lakes
Director August 2015 – May 2016

Childcare Network
Director August 2010 – July 2015

The Sunshine House
Assistant Director June 2007 – August 2010

Salary: \$63,349.00 Annual
Grade 206 / 2021–22 Professional Salary Schedule

RJE:tg

JOB DESCRIPTION

Job Title:	Director, Child Developmental Laboratory School		
Department:	Child Development & Education	FLSA Status:	Exempt
Reports to:	Dean, Professional, Technical and Human Performance	Grade Level:	206
Safety Sensitive:	Yes	Job Category:	Professional
HR approved:	Human Resources/JE	Date:	04/05/2022
Last updated by:	Professional, Technical and Human Performance Dean/JP	Date:	04/05/2022

SUMMARY

The Director is responsible for the organization and operation of the Child Development Laboratory School. He/She supervises the staff, and aids the students as they report to the Laboratory School. The Director is responsible for parent contact, parent and teacher conferences, and matters related to the regulatory agencies that govern the laboratory school's daily operation.

ESSENTIAL DUTIES AND RESPONSIBILITIES include, but are not limited to the following.

- Supervises general operating procedures
- Prepares reports on the status of the budget upon request
- Initiates purchase orders for the laboratory school
- Supervises and evaluates the laboratory school staff
- Authorizes maintenance on records of children, families, and staff
- Supervises the ordering, receiving, storing, maintaining, and inventory of supplies, materials, equipment, and furniture
- Responsible for implementation of the annual budget guidelines and procedures for the laboratory school
- Follows and implements current requirements from licensing agencies to include: Texas Health and Human Services, Texas and Brazoria County Health Departments, and Alvin Fire Department
- Must prepare to substitute in any position when situation necessitates
- Coordinates the planning and implementation of lesson plans, learning environments and learning centers
- Assumes the responsibility for knowing and translating to staff members the medical needs of children in his/her care
- Oversees the evaluation of each child's progress and provides reports to the parent
- Interacts with parents of children regarding educational, social, emotional, and physical development and needs
- Attends meetings and conferences of professional organizations appropriate for early care and education
- Collaborates with the Division Dean to maintain efficiency of the center and well-being of the children
- Models exemplary behavior and techniques for staff, lab students, and observers
- Assumes responsibility for maintaining a safe learning environment
- Assists ACC observation students in fulfillment of laboratory assignments
- Meets the requirements of regulatory agencies

- Responds to emergency situations
- Other related duties as assigned

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform the essential duties and responsibilities listed above. The qualifications listed below are representative of the education, experience, knowledge, skills, and/or abilities required.

EDUCATION

- Bachelor's degree in Early Childhood Education or Child Development required.

EXPERIENCE

- Three (3) years classroom experience required.
- One (1) year supervisory experience required.

KNOWLEDGE, SKILLS, AND ABILITIES

- The Director must be knowledgeable regarding the regulations of the licensing agencies.
- Must have the knowledge to make decisions regarding budget and personnel management, parent interactions, child development issues, and must follow all safety procedures in the management of the operations of the center.
- Must be able to physically and mentally react immediately to unexpected circumstances.

WORK ENVIRONMENT

The incumbent typically works in an office environment and uses a computer, telephone and other office equipment as needed to perform duties. The employee frequently works in a classroom setting. The noise level in the work environment is typical of that of an early childhood classroom. The employee will be exposed to loud sounds and high noise levels on a daily basis. Incumbent may encounter frequent interruptions throughout the work day. The employee will work very near others and will be exposed to diseases and infections, such as colds and influenza, on a weekly basis.

PHYSICAL DEMANDS

While performing the duties of this job, the employee is regularly required to stand, walk, stoop, bend, kneel, crawl and sit on the floor; reach with arms and hands and use hands and fingers to handle, feel or grasp. Acute situations may necessitate the ability to run or climb. The employee must regularly lift and/or move up to ten (10) pounds and occasionally lift and/or move up to sixty (60) pounds. While performing this job, the employee is frequently required to talk or hear. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and ability to adjust focus.

This job description in no way states or implies that these are the only duties to be performed by the employee occupying this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by their supervisor.

This job description may be revised upon development of other duties and changes in

X

EMPLOYEE PRINTED NAME

X

SUPERVISORS PRINTED NAME

responsibilities.

X

EMPLOYEE SIGNATURE AND DATE

X

SUPERVISOR SIGNATURE AND DATE

Sign and return to HR for placement into employee personnel file.

10.D. **Personnel Action (New): IT Director, Network and Client Services**



Robert J. Exley, PhD
President

Your College **Right Now**

MEMORANDUM NO: 104-2022

TO: Board of Regents

FROM: Robert J. Exley, PhD *RJE*

DATE: June 8, 2022

SUBJECT: Personnel Action (New): IT Director, Network and Client Services

The individual listed below has been recommended to fill the full-time position of IT Director, Network and Client Services.

Candidate

Recommended: Medgar Jacobs

Education: American Public University
Master of Science, Assurances & Security

University of North Texas
Bachelor of Applied Arts & Sciences, Computer Information Systems/
Digital Media Mgt. Systems

Professional Certifications
Cisco Certified Network Associate
Microsoft Professional Certifications (MCITP)
CompTIA Professional Certifications A+

Experience: University of Houston
LAN Administrator/ISO February 2017 – Present
Microsystems Analyst March 2012 – February 2017

Austin Community College
Multimedia Technology Specialist II June 2006 – May 2010

Salary: \$87,981.27 Annual
Grade 212 / 2021–22 Professional Salary Schedule

RJE:tg

JOB DESCRIPTION

Job Title:	IT Director, Network and Client Services		
Department:	Information Technology	FLSA Status:	Exempt
Reports to:	Vice President, Information Technology	Grade Level:	212
Safety Sensitive:	Yes	Job Category:	Professional
HR approved:	Human Resources/JE	Date:	10/4/2021
Last updated by:	VP of Information Technology//KK	Date:	10/4/2021

SUMMARY

The IT Director, Network and Client Services' primary responsibilities are to plan and provide streamlined, secure, and reliable infrastructure and endpoint support to the College's user community. The position provides strategic oversight of data center operations, cloud services, and employee and instructional endpoint support services for continuous improvement of the end-user experience. Ensures that systems hardware, operating and software systems, and related processes adhere to regulatory and operational standards. The Director collaborates with IT and executive leadership as well as instructional and functional areas to strategically align projects and goals with the business objectives of the College. This is a hands-on working director position. The Director's goal is to maximize operational efficiency and security of the College's network and client infrastructure that contribute to student and institutional success.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

- Directs and participates in the network and server operations team, provides proactive planning, guidance to maintain secure continuity of services, and implements network/improvement and enhancement solutions.
- Directs and participates in the client support team, provides guidance and assistance to meet service level agreement and customer experience goals.
- Resolves escalated issues and manages emerging risk to services and continuous network performance.
- Develops and implements communication and reporting processes to manage issues, risks and timely delivery of project milestones.
- Directs, creates, and maintains controls, standards, and process documentation.
- Collaborates with the Network Security Administrator to ensure compliance with Texas Administrative Code 202, FERPA, HIPAA, PCI, GLBA, and other regulatory bodies.
- Provides technical management of network and client endpoint operations, ensures that documented service levels are met, and corresponding processes are followed
- Provides technical expertise to enable the correct application of operational procedures. Uses network and system management tools to determine baseline loads and performance statistics. Contributes to the planning and implementation of installation and maintenance activities. Participates in change control discussions and procedures.
- Responsible for regular review, maintenance, and upgrade of mission critical components to continuously improve upon the College's business continuity and disaster recovery plans.
- Contributes to the development and implementation of strategic plans for acquiring and enabling efficient and cost-effective information processing and communication technologies.
- Defines and communicate project milestones, and resource allocation to the College's administration, department leads, support staff, and end users.
- Benchmarks, analyze, report on, and make recommendations for the improvement of the IT infrastructure and IT systems.

- Participates in negotiation and administration of vendor, outsourcer, and consultant contracts and service agreements.
- Coordinates and facilitates consultation with stakeholders to define business and systems requirements for new technology initiatives.
- Keeps current with trends and issues in the IT industry, including current technologies and prices. Advise, counsel, and educate management on their competitive or financial impact.
- Other duties may be assigned

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform the essential duties and responsibilities listed above. The qualifications listed below are representative of the education, experience, knowledge, skills, and/or abilities required.

EDUCATION

- Bachelor's Degree in Computer Information Systems or closely related field required. Equivalent combination of education, certification(s), and relevant work experience may be considered.
- Professional certification (ITIL, PMP, SSCP, or similar) required. Equivalent combination of education and relevant work experience may be considered.

EXPERIENCE

- Requires five (5) years of progressive experience working in an Information Technology department and two (2) years of supervisory experience in an Information Technology department.
- Experience with documenting standards and processes, especially in support of regulatory compliance, strongly preferred
- Cisco, Cisco-Meraki, and Sophos networking experience preferred.
- Dell server and storage experience preferred.
- Virtualized server management utilizing VMWare and Hyper-V solutions preferred.
- Experience working in a higher education environment preferred.

KNOWLEDGE, SKILLS, AND ABILITIES

- Considerable knowledge of management, budgeting, and business operations
- Proven experience in IT planning, organization, and development
- Ability to travel to off-campus locations, including high schools and Texas Department of Corrections sites, to perform network management and upgrades.
- Must be available for scheduled and/or occasional work outside of normal business hours
- Excellent written and oral communication skills
- Excellent interpersonal skills
- Strong negotiating skills
- Ability to present ideas in business-friendly and user-friendly language
- Exceptionally self-motivated and directed
- Keen attention to detail
- Superior analytical, evaluative, and problem-solving abilities
- Hands on working manager
- Ability to travel to off-campus locations, including high schools and Texas Department of Corrections sites, to perform network management and upgrades.
- Must be available for occasional work outside of normal business hours

WORK ENVIRONMENT

The incumbent typically works in an office environment and uses a computer, telephone and other office equipment as needed to perform duties. The noise level in the work environment is typical of that of an office. Incumbent may encounter frequent interruptions throughout the work day.

PHYSICAL DEMANDS

The employee is regularly required to sit, talk, or hear; frequently required to use repetitive hand motion, handle or feel, and to stand, walk, reach, bend or lift up to twenty (20) pounds.

This job description in no way states or implies that these are the only duties to be performed by the employee occupying this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by their supervisor.

This job description may be revised upon development of other duties and changes in responsibilities.

X

EMPLOYEE PRINTED NAME

X

SUPERVISORS PRINTED NAME

X

EMPLOYEE SIGNATURE AND DATE

X

SUPERVISOR SIGNATURE AND DATE

Sign and return to HR for placement into employee personnel file.

10.E. **Consider Approval of Board Policy DIAA (LOCAL) and FFDA (LOCAL)**



Your College > Right Now

Robert J. Exley, PhD
President

MEMORANDUM NO: 94-2022

TO: Board of Regents

FROM: Robert J. Exley, PhD

A handwritten signature in blue ink, appearing to be 'RJE', is written over the name 'Robert J. Exley, PhD'.

DATE: June 1, 2022

SUBJECT: Policies Update - FFDA (Local) and DIAA (Local)

ACC policies Freedom from Discrimination, Harassment, and Retaliation FFDA (Local) for students and DIAA (Local) for employees have been updated to reflect a change in the designated Title IX coordinator.

The Title IX coordinator is responsible for coordinating ACC's efforts to comply with Title IX of the Education Amendments of 1972, as amended, and related state and federal laws.

The former Title IX coordinator role was filled by Dr. Jade Borne, Vice President of Student Services, who recently resigned. The Title IX coordinator role is now filled by Dr. Brett Haduch, Interim Dean, Student Support Services.

It is recommended the Board of Regents approve this update to Policy FFDA (Local) and policy DIAA (Local).

RJE:tg

Note: This policy addresses complaints of sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting students. For additional legally referenced material relating to discrimination, harassment, and retaliation, see FA(LEGAL). For sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting employees, see DIAA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any student on the basis of sex or gender. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Definitions

Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of sex or gender that adversely affects the student.

*Sexual Harassment
By an Employee*

Sexual harassment of a student by a College District employee includes unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A College District employee causes the student to believe that the student must submit to the conduct to participate in a college program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it limits or denies the student's ability to participate in or benefit from the College District's educational program or activities.

By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the College District's educational program or activities.

Sexual Violence

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

Dating Violence

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature

with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

*Domestic
Violence*

"Domestic violence" means violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- Any other member of the victim's family as defined by state law;
- Any other current or former member of the victim's household as defined by state law;
- A person in a dating relationship with the victim as defined by state law; or
- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault as defined by law; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household; destroying the student's property; threatening to commit suicide or homicide if the student ends the relationship; tracking the student; attempting to isolate the student from friends and family; threatening a student's spouse or partner; or encouraging others to engage in these behaviors.

Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Acts of gender-based harassment may also be considered sex discrimination or sexual harassment.

Examples

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Prohibited Conduct

In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.

Complainant

In this policy, the term "complainant" refers to an applicant for admission or a student who is alleged to have experienced prohibited conduct. The term also includes a former student who is alleged to have experienced prohibited conduct while participating, or attempting to participate, in the College District's educational program or activity.

Respondent

In this policy, the term "respondent" refers to a person who is alleged to have committed prohibited conduct.

Confidential Employee

A "confidential employee" is a person who holds a professional license requiring confidentiality, such as a counselor or medical provider, who is supervised by such a person, or a person who is a

nonprofessional counselor or advocate designated in administrative procedures as a confidential source.

**Reporting
Procedures**

Student Report

A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report.

Any student who believes that the student has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to the Title IX coordinator, the College President, or another employee. A report against the College President may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation. A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct.

Alternatively, a student may submit the report electronically through the College District's website. The submission of an anonymous electronic report may impair the College District's ability to investigate and address the prohibited conduct.

A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.

Exception

Absent consent or unless required by law, a student designated in administrative regulations as a student advocate to whom another student may speak confidentially concerning prohibited conduct may not disclose any communication made by the other student.

Employee Report

Any College District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct, regardless of when or where the incident occurred, shall immediately notify the Title IX coordinator and shall take any other steps required by this policy. Additionally, the employee may report to the College President or designee.

A report against the College President must also be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

Exceptions

**Disclosure at
Event**

A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational

institution or by a student organization affiliated with the institution is not required to report the prohibited conduct unless the person has the authority to institute corrective measures on behalf of the College District.

Employee
Subject to
Confidentiality
Rules

Absent the student's consent, or unless required by law, a confidential employee shall only be required to disclose the type of incident reported and may not disclose information that would violate the student's expectation of privacy. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.

Peace Officer

A College District peace officer who received information regarding the incident from a student who chooses to complete a pseudonym form as described by law shall only be required to disclose the type of incident reported and may not disclose the student's name, phone number, address, or other information that may directly or indirectly reveal the student's identity.

Prior Report

A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment and gender-based harassment, may be directed to the Title IX coordinator. The College District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended, and related state and federal laws:

Title IX Coordinator: Dr. Brett Haduch, Interim Dean, Student Support Services

Address: 3110 Mustang Rd., Alvin, TX 77511

Telephone: (281) 756-3533

Email: [Title IX Coordinator email](#)¹

Webpage: [Title IX/Sexual Misconduct webpage](#)²

Responsible Employees

All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with Title IX.

Timely Reporting

A failure to immediately report prohibited conduct may impair the College District's ability to investigate and address the conduct.

Consolidate Reports	When the allegations underlying two or more reports arise out of the same facts or circumstances, the College District may consolidate the reports.
Advisor	Each party to the complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College District procedures.
Conflict of Interest Prohibited	No person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.
Training	A person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College District procedures.
Days	"Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Extension of Timelines	Timelines established by this policy and associated procedures may be subject to a limited extension if good cause, as defined in this policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension.
Investigation of the Report	The College District may request, but shall not require, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.
Initial Assessment	Upon receipt or notice of a report, the Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX coordinator shall promptly offer supportive measures to the complainant. The Title IX coordinator shall explain the process for filing a formal complaint and assess any request not to investigate. If the College District moves forward with the investigation, the Title IX coordinator shall immediately provide notice to the known parties to the complaint. If the Title IX coordinator determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the Title IX coordinator shall refer the complaint for consideration under the appropriate policy.
<i>Request Not to Investigate</i>	The complainant may request that the College District not investigate the allegations. If the complainant requests that the allega-

tions not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.

Formal Complaint	To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.
Notice to Parties	<p>The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.</p> <p>If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.</p>
Informal Resolution	The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution of the complaint, the Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator determines that informal resolution is appropriate, then the Title IX coordinator or designee may facilitate that resolution within ten days. If the Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process. This process is not available in situations where an employee is alleged to have sexually harassed a student.
Formal Resolution	If the complaint is not subject to the informal resolution process, the Title IX coordinator shall authorize or undertake an investigation, except as provided below at Criminal or Regulatory Investigation.
Supportive Measures	If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator shall promptly provide supportive measures intended to address prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation. Examples of possible supportive

measures include academic accommodations, such as extensions of deadlines or other course-related adjustments and modifications of class schedules; housing and dining modifications; temporary removal from an education program or activity in accordance with law; counseling; health services; campus escort services; mutual restrictions on contact between the parties; and increased security and monitoring of certain areas of the campus.

**College District
Investigation**

The investigation may be conducted by the Title IX coordinator or designee or by a third party designated by the College District, such as an attorney.

The investigation may consist of personal interviews with the complainant, the respondent, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College District so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.

At least ten days prior to the completion of the investigation report, the College District must send each party and the party's advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.

**Criminal or
Regulatory
Investigation**

If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District shall confer with the agency to determine if the College District's investigation would impede the criminal or regulatory investigation. The College District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College District shall promptly resume its investigation. Any delay under this provision shall constitute good cause for an extension of timelines established by this policy and associated procedures.

**Concluding the
Investigation**

The investigation shall be completed within a reasonable time, not to exceed 30 days from the date of the report.

The investigator shall prepare a written report of the investigation. The investigation report shall be filed with the Title IX coordinator within five days following the completion of the investigation.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
SEX AND SEXUAL VIOLENCE

FFDA
(LOCAL)

<p>Notification of the Report</p>	<p>The Title IX coordinator shall provide the investigation report, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the complainant and the respondent promptly following receipt. The parties shall be given ten days to respond to the report.</p>
<p>College District Action</p>	<p>The Title IX coordinator shall submit the investigation report and any response from the parties to the dean of student support promptly after receipt of the parties' response but no later than the expiration of the parties' deadline to respond.</p> <p>The dean of student support or designee shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten days, following the receipt of the investigation report. The hearing shall be conducted in accordance with law and College District procedures.</p> <p>After the hearing, the dean of student support or designee shall determine whether each individual allegation of prohibited conduct occurred using a preponderance of the evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the dean of student support or designee shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The dean of student support or designee shall create a written determination regarding responsibility in accordance with law and College District procedures within five days following the hearing and submit the determination to the parties simultaneously.</p>
<p>Disciplinary or Corrective Action</p>	<p>If the dean of student support or designee determines that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.</p> <p>Examples of disciplinary or corrective action may include:</p> <ul style="list-style-type: none">• Implementing the disciplinary measures described in FM for students or DH and DM series for employees;• Providing a training program for those involved in the complaint;• Providing a comprehensive education program for the College District community;• Providing counseling for the victim and the party who engaged in prohibited conduct;

- Permitting the victim or student who engaged in the prohibited conduct to drop a course in which they both are enrolled without penalty;
- Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
- Involving students in efforts to identify problems and improve the College District climate;
- Increasing staff monitoring of areas where prohibited conduct has occurred;
- Reaffirming the College District's policy against discrimination and harassment; and
- Taking other actions described in College District regulations.

Exception

The College District shall minimize attempts to require a complainant to resolve the problem directly with the person who engaged in the harassment; however, if that is the most appropriate resolution method, the College District shall be involved in an appropriate manner. In no event may a student be required to resolve a complaint of sexual harassment by an employee directly with the employee.

Improper Conduct

If the dean of student support or designee determines that improper conduct occurred that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.

Dismissal of Complaint

Mandatory Dismissal

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

Permissive Dismissal

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.

A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Notice of Dismissal

Upon dismissal of a complaint, the Title IX coordinator or the dean of student support or designee shall provide the parties written notice of the dismissal.

Confidentiality

To the greatest extent possible, consistent with law, the College District shall respect the privacy of the complainant or the respondent or a person who makes a report or serves as a witness. Limited

disclosures may be necessary to carry out the purposes of this policy and associated regulations and to comply with applicable law.

Retaliation

The College District prohibits retaliation against any person for the purpose of interfering with a right or privilege under this policy; the complainant; or a person who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.

A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy DIAA, as appropriate.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

Failure to Report and False Claims

An employee who fails to make a required report or a student or employee who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.

Appeal

Discipline or Corrective Action

Students

Suspension

If the dean of student support or designee determines that a student committed prohibited conduct that warrants a suspension, the official shall forward the determination and all evidence collected during the investigation and hearing to the College President. A conference shall be scheduled within ten days of the notice of determination in accordance with FMA, beginning at Appeal to College District Administration.

Expulsion

If the dean of student support or designee determines that the student committed prohibited conduct that warrants expulsion, the official shall forward the determination and all evidence collected during the investigation and hearing to the College President to schedule an expulsion hearing before the Board in accordance with FMA.

Other Action

If the dean of student support or designee determines that the student committed prohibited conduct that warrants other discipline or corrective action, the dean of student support or designee shall inform the student that the student may appeal the determination within ten days in accordance with FMA, beginning at Appeal to College District Administration.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
SEX AND SEXUAL VIOLENCE

FFDA
(LOCAL)

<i>Employee</i>	If the dean of student support or designee determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the dean of student support or designee shall inform the employee in writing of the determination, and a Board hearing shall be scheduled in accordance with DMAA.
Suspension Without Pay or Termination of Contract Employees	
Other Action	If the dean of student support or designee determines that the employee committed prohibited conduct that warrants other discipline or corrective action, the dean of student support or designee shall inform the employee that the employee may appeal the determination within ten days in accordance with DGBA, beginning at Level Three.
Other Appeals	All other appeals related to this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]
Complaints Filed with OCR	A party shall be informed of the party's right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR).
Records Retention	Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]
Access to Policy, Procedures, and Related Materials	Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed to applicants for admission and employment and annually to College District employees, students, and parents or guardians of dual credit students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials and any materials used to train a person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator shall also be prominently published on the College District's website on a dedicated page accessible through a clear link on the homepage, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to a student who makes a report.

¹ Title IX Coordinator email: <mailto:bhaduch@alvincollege.edu>

² Title IX/Sexual Misconduct webpage:
<https://www.alvincollege.edu/student-information/Title-IX.html>

Note: This policy addresses complaints of sex and gender discrimination, sexual harassment, sexual violence, dating violence, domestic violence, stalking, and retaliation targeting employees. For additional legally referenced material relating to discrimination, harassment, and retaliation, see DAA(LEGAL). For sex discrimination, sexual harassment, sexual violence, dating violence, domestic violence, stalking, and retaliation targeting students, see FFDA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any employee on the basis of sex. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Definitions

Employee

Solely for purposes of this policy, the term “employee” includes former employees, applicants for employment, and unpaid interns.

Discrimination

Discrimination against an employee is defined as conduct directed at an employee on the basis of sex that adversely affects the employee’s employment.

In accordance with law, discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.

Sexual Harassment

Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee’s employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee’s work performance or creates an intimidating, threatening, hostile, or offensive work environment.

Sexual Violence

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol or due to an intellectual or other disability.

Dating Violence “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence “Domestic violence” means violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- Any other member of the victim’s family as defined by state law;
- Any other current or former member of the victim’s household as defined by state law;
- A person in a dating relationship with the victim as defined by state law; or
- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

Examples Examples of sexual harassment of an employee may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; sexual assault as defined by law; offensive or derogatory language

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directed at another person's gender identity; and other sexually motivated conduct, communication, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; put-downs; or threats directed at the employee, the employee's family members, or members of the employee's household; destroying the employee's property; threatening to commit suicide or homicide if the employee ends the relationship; tracking the employee; attempting to isolate the employee from friends and family; threatening an employee's spouse or partner; or encouraging others to engage in these behaviors.

Prohibited Conduct In this policy, the term "prohibited conduct" includes discrimination, sexual harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.

Complainant In this policy, the term "complainant" refers to an employee who is alleged to have experienced prohibited conduct.

Respondent In this policy, the term "respondent" refers to a person who is alleged to have committed prohibited conduct.

Confidential Employee A "confidential employee" is a person who holds a professional license requiring confidentiality, such as a counselor or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.

Reporting Procedures A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report.

Reporting by
Alleged Victim

An employee who believes that the employee has experienced prohibited conduct may report the alleged acts to the employee's immediate supervisor, to the Title IX coordinator, or to the College President or designee.

Reports against the Title IX coordinator may be directed to the College President. A report against the College President may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation. An employee shall not be required to report prohibited conduct to the person alleged to have committed the conduct.

Alternatively, the employee may report electronically through the College District's website.

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	<p>A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.</p> <p>It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.</p>
<p>Reporting by Other Employees</p>	<p>Any employee who believes that another employee has experienced prohibited conduct, regardless of when or where the incident occurred, shall immediately report the alleged acts to the Title IX coordinator. Additionally, the employee may report to the College President or designee.</p> <p>A report against the College President must also be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.</p>
<p><i>Exceptions</i></p> <p>Disclosure at Event</p>	<p>A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by an employee organization affiliated with the institution is not required to report the prohibited conduct unless the person has authority to institute corrective measures on behalf of the College District.</p>
<p>Employee Subject to Confidentiality Rules</p>	<p>Absent the employee's consent, or unless required by law, a confidential employee shall only be required to disclose the type of incident reported and may not disclose information that would violate the employee's expectation of privacy. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.</p>
<p>Peace Officer</p>	<p>A College District peace officer who received information regarding the incident from an employee who chooses to complete a pseudonym form as described by law shall only be required to disclose the type of incident reported and may not disclose the employee's name, phone number, address, or other information that may directly or indirectly reveal the employee's identity.</p>
<p>Prior Report</p>	<p>A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.</p>
<p>Title IX Coordinator</p>	<p>Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The College District designates the following person to coordinate its efforts to</p>

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comply with Title IX of the Education Amendments of 1972, as amended, and related state and federal laws:

Title IX Coordinator: Dr. Brett Haduch, Interim Dean, Student Support Services

Address: 3110 Mustang Rd., Alvin, TX 77511

Telephone: (281) 756-3533

Email: [Title IX Coordinator email¹](#)

Webpage: [Title IX/Sexual Misconduct webpage²](#)

Responsible Employees

All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with Title IX.

Timely Reporting

A failure to immediately report prohibited conduct may impair the College District's ability to investigate and address the conduct.

Consolidate Reports

When the allegations underlying two or more complaints arise out of the same facts or circumstances, the College District may consolidate the complaints.

Advisor

Each party to a complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College District procedures.

Conflict of Interest Prohibited

No person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.

Training

A person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College District procedures.

Days

"Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Extension of Timelines

Timelines established by this policy and associated procedures may be subject to a limited extension if good cause, as defined in this policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension. A limited delay determined to be necessary so as not to impede a criminal or regulatory investigation shall constitute good cause for an extension of timelines established by this policy and associated procedures.

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Investigation of the Report

The College District may request, but shall not insist upon, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX coordinator shall promptly offer supportive measures to the complainant. The Title IX coordinator shall explain the process for filing a formal complaint and assess any request not to investigate. If the College District moves forward with the investigation, the Title IX coordinator shall immediately provide notice to the known parties to the complaint.

If the Title IX coordinator determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the Title IX coordinator shall refer the complaint for consideration under the appropriate policy.

Request Not to Investigate

The complainant may request that the College District not investigate the allegations. If the complainant requests that the allegations not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.

Formal Complaint

To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.

Notice to Parties

The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.

If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.

Informal Resolution

The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution

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of a formal complaint, the Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator determines that informal resolution is appropriate, then the Title IX coordinator or designee may facilitate that resolution within ten days. If the Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process.

Formal Resolution

If the complaint is not subject to the informal resolution process, the Title IX coordinator shall authorize or undertake an investigation.

Supportive Measures

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator shall promptly provide supportive measures intended to prevent prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation. Examples of possible supportive measures include work accommodations, such as leaves of absence or administrative leave; mutual restrictions on contact between the parties; counseling and health services; and increased security and monitoring of certain areas of the campus.

College District Investigation

The investigation may be conducted by the Title IX coordinator or a designee or by a third party designated by the College District, such as an attorney. When appropriate, the supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the complainant, the respondent, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College District so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.

At least ten days prior to the completion of the investigation report, the College District must send each party and the party's advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.

Concluding the Investigation

The investigation shall be completed within a reasonable time, not to exceed 30 days from the date of the report.

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	<p>The investigator shall prepare a written report of the investigation. The investigation report shall be filed with the Title IX coordinator within five days following the completion of the investigation.</p>
<p>Notification of the Report</p>	<p>The Title IX coordinator shall provide the investigation report, within the extent permitted by law, to the complainant and the respondent promptly following receipt. The parties shall be given ten days to respond to the report.</p>
<p>College District Action</p>	<p>The Title IX coordinator shall submit the investigation report to the vice president for human resources promptly after receipt of the parties' response but no later than the expiration of the parties' deadline to respond.</p> <p>The vice president for human resources or designee shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten days. The hearing shall be conducted in accordance with law and College District procedures.</p> <p>After the hearing, the vice president for human resources or designee shall determine whether each individual allegation of prohibited conduct occurred using a preponderance of evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the vice president for human resources or designee shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The vice president for human resources or designee shall create a written determination regarding responsibility in accordance with law and College District procedures within five days following the hearing and submit the determination to the parties simultaneously.</p>
<p>Disciplinary or Corrective Action</p>	<p>If the vice president for human resources or designee determines that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.</p> <p>The College District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.</p> <p>Examples of disciplinary or corrective action may include:</p> <ul style="list-style-type: none">• Implementing the disciplinary measures described in DH and the DM series for employees or FM for students;• Providing a training program for those involved in the complaint;

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- Providing a comprehensive education program for the College District community;
- Providing counseling for the victim and the student who engaged in prohibited conduct;
- Permitting the victim or student engaged in the prohibited conduct to drop a course in which they both are enrolled without penalty;
- Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
- Involving employees in efforts to identify problems and improve the College District climate;
- Increasing staff monitoring of areas where prohibited conduct has occurred;
- Reaffirming the College District's policy against discrimination and harassment; and
- Taking other actions described in College District regulations.

Exception

The College District shall minimize attempts to require a complainant to resolve the problem directly with the person who engaged in the harassment; however, if that is the most appropriate resolution method, the College District shall be involved in an appropriate manner.

Improper Conduct

If the vice president for human resources or designee determines that improper conduct occurred that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.

Dismissal of Complaint

Mandatory Dismissal

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

Permissive Dismissal

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.

A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Notice of Dismissal

Upon dismissal of a complaint, the Title IX coordinator or the vice president for human resources or designee shall provide the parties written notice of the dismissal.

Confidentiality To the greatest extent possible, consistent with law, the College District shall respect the privacy of the complainant or the respondent or a person who makes a report or serves as a witness. Limited disclosures may be necessary to carry out the purposes of this policy and associated regulations and to comply with applicable law.

Retaliation The College District prohibits retaliation against any person for the purpose of interfering with a right or privilege under this policy; the complainant; or a person who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.

A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy FFDA, as appropriate.

Examples Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

Failure to Report and False Claims An employee who fails to make a required report or an employee or student who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.

Appeal If the vice president for human resources or designee determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the vice president for human resources or designee shall inform the employee in writing of the determination, and a Board hearing shall be scheduled in accordance with DMAA.

Discipline or
Corrective Action

Employees

Suspension
Without Pay or
Termination of
Contract
Employees
Other Action

If the vice president for human resources or designee determines that the employee committed prohibited conduct that warrants other discipline or corrective action, the vice president for human resources or designee shall inform the employee that the employee may appeal the determination within ten days in accordance with DGBA beginning at Level Three.

Students

Suspension

If the vice president for human resources or designee determines that a student committed prohibited conduct that warrants a suspension, the official shall forward the determination and all evidence collected during the investigation and hearing to the College

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	<p>President. A conference shall be scheduled within ten days of the notice of determination in accordance with FMA, beginning at Appeal to College District Administration.</p>
<p>Expulsion</p>	<p>If the vice president for human resources or designee determines that the student committed prohibited conduct that warrants expulsion, the official shall forward the determination and all evidence collected during the investigation and hearing to the College President to schedule an expulsion hearing before the Board in accordance with FMA.</p>
<p>Other Action</p>	<p>If the vice president for human resources or designee determines that the student committed prohibited conduct that warrants other discipline or corrective action, the vice president for human resources or designee shall inform the student that the student may appeal the determination within ten days in accordance with FMA, beginning at Appeal to College District Administration.</p>
<p>Other Appeals</p>	<p>All other appeals related to this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]</p>
<p>Complaints Filed with State or Federal Agencies</p>	<p>A party shall be informed of any right to file a complaint with appropriate state or federal agencies.</p>
<p>Records Retention</p>	<p>Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]</p>
<p>Access to Policy, Procedures, and Related Materials</p>	<p>Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed to applicants for admission and employment and annually to College District employees, students, and parents or guardians of dual credit students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials and any materials used to train a person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator shall also be prominently published on the College District's website on a dedicated page accessible through a clear link on the homepage, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to an employee who makes a report.</p>

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¹ Title IX Coordinator email: <mailto:bhaduch@alvincollege.edu>

² Title IX/Sexual Misconduct webpage:
<https://www.alvincollege.edu/student-information/Title-IX.html>

11. **President's Report**
12. **Board Policy Update 43, affecting Local Policies**



Robert J. Exley, PhD
President

Your College **Right Now**

MEMORANDUM NO: 89-2022

TO: Board of Regents

FROM: Robert J. Exley, PhD *RJE*

DATE: June 6, 2022

SUBJECT: Board Policy Update 43, affecting Local Polices (see attached list)

We have received the Texas Association of School Board’s Policy Manual Update 43. As laws change or as needs are identified for additional local policies or changes to existing local policies, TASB Policy Services makes edits to policies and shares them with their participating member colleges. Per state law, I am providing the Board with the entire packet of information. The critical portion for your consideration is the that which addresses changes in Local policies initiated by TASB owing to changes in corresponding Legal policy.

The proposed policy changes from TASB Update 43 are based on legislation from the 87th Regular Legislative Session and changes from federal and state rulemaking authorities. Included in the information provided is a list of the local policies to be revised, explanatory notes providing rationale for the updates, and the policies recommended for revision showing the annotations.

Updates to Legal Board Policies that reference relevant law and contain citations to the statutes, rules, and case law governing a particular topic may be found on the college district website.

Update 43 includes twenty-six (26) Legal Board Policies (the Board is not required to act on these) and the following eight (8) Local Board Policies which do require Board action.

<i>Local Policy</i>	<i>Title</i>
<i>CIA(LOCAL)</i>	Equipment and Supplies Management: Records Management
<i>CJ(LOCAL)</i>	Transportation Management
<i>DGC(LOCAL)</i>	Employee Rights and Privileges: Employee Expression and Use of College Facilities
<i>DHA(LOCAL)</i>	Employee Standards of Conduct: Child Abuse and Neglect Reporting
<i>DHC(LOCAL)</i>	Employee Standards of Conduct: Employee Solicitations
<i>ECC(LOCAL)</i>	Instructional Arrangements: Course Load and Schedules
<i>EDA(LOCAL)</i>	Instructional Resources: Instructional Materials

As a reminder to the Board, the annotations are as follows:

- *Deletions* are shown in red strike-through font: ~~deleted text~~
- *Additions* are shown in a blue, bold font: **new text**
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's designation from its origin: ~~moved text~~ becomes moved text
- TASB's recent changes to the policy
- to facilitate accessibility sometimes makes formatting changes appear tracked, even though the text remains the same.

It is recommended the Board of Regents review these materials and consider the approving this update to FFDA (Local) and DIAA (Local) during the July Board of Regents Meeting.

RJE:tg

Instruction Sheet

Community College Localized Policy Manual Update 43

Alvin Community College

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
CAD	(LEGAL)	Replace policy	Revised policy
CAIA	(LEGAL)	Replace policy	Revised policy
CDDA	(LEGAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CIA	(LEGAL)	Replace policy	Revised policy
CIA	(LOCAL)	Replace policy	Revised policy
CJ	(LEGAL)	Replace policy	Revised policy
CJ	(LOCAL)	Replace policy	Revised policy
CKE	(LEGAL)	Replace policy	Revised policy
CM	(LEGAL)	Replace policy	Revised policy
CS	(LEGAL)	Replace policy	Revised policy
D	(LEGAL)	Replace table of contents	Revised table of contents
DC	(LEGAL)	Replace policy	Revised policy
DGC	(LEGAL)	Replace policy	Revised policy
DGC	(LOCAL)	Replace policy	Revised policy
DHA	(LEGAL)	ADD policy	See explanatory note
DHA	(LOCAL)	ADD policy	See explanatory note
DHB	(LEGAL)	Replace policy	Revised policy
DHB	(LOCAL)	Replace policy	Revised policy
DHC	(LEGAL)	Replace policy	Revised policy
DHC	(LOCAL)	Replace policy	Revised policy
EBB	(LEGAL)	Replace policy	Revised policy
ECC	(LEGAL)	Replace policy	Revised policy
ECC	(LOCAL)	Replace policy	Revised policy
EDA	(LEGAL)	Replace policy	Revised policy
EDA	(LOCAL)	Replace policy	Revised policy
EFA	(LEGAL)	Replace policy	Revised policy
EFBB	(LEGAL)	Replace policy	Revised policy
F	(LEGAL)	Replace table of contents	Revised table of contents
FC	(LEGAL)	Replace policy	Revised policy
FLA	(LEGAL)	Replace policy	Revised policy
GCA	(LEGAL)	Replace policy	Revised policy
GD	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

Community College Localized Policy Manual Update 43

Alvin Community College

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

Changes at Update 43 are based on legislation from the 87th Regular Legislative Session and changes from federal and state rulemaking authorities.

References to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 87th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

CAD(LLEGAL)

APPROPRIATIONS AND REVENUE SOURCES: BOND ISSUES

This legally referenced policy has been updated to include:

- Existing state statutes on Limitation to General Obligation Bonds and Authority to Contract for Services; and
- Existing federal statutes at Federal Securities Law.

In addition, Administrative Code language at Attorney General Review and Approval has been clarified.

CAIA(LLEGAL)

AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

SJR 35 proposed a constitutional amendment to permit the legislature to create an ad valorem tax exemption for the residence homestead of a qualified surviving spouse of a member of the U.S. armed services who is killed or fatally injured in the line of duty. Because the amendment was approved, SB 611 implements this change.

CDDA(LLEGAL)

PAYROLL PROCEDURES: SALARY DEDUCTIONS

This legally referenced policy has been updated to include existing state statutes on Credit Unions and Employee Membership Organizations.

CH(LLEGAL)

SITE MANAGEMENT

This legally referenced policy has been updated to reflect recent Administrative Code amendments addressing Human Trafficking Signs at Cosmetology Facilities. A college district that does not post signage as required may be fined \$200 per violation per day.

CIA(LLEGAL)

EQUIPMENT AND SUPPLIES MANAGEMENT: RECORDS MANAGEMENT

This legally referenced policy has been revised to include existing language at Records Management Program, Permanent Records, Microfilm, and Records That May Be Destroyed. The policy has also been updated to reflect recently amended Administrative Code provisions addressing Electronic Records Management and Electronic Records Destruction.

The language added at Records Management Program includes the requirement that the college district submit its records management policy and any amendments to that policy to the Texas State Library and Archives Commission (TSLAC). TSLAC stated that the submission of a local policy based on TASB model policy CIA(LOCAL) satisfies the submission requirement.

Additional changes are for clarity and to adhere to TASB style.

Explanatory Notes

Community College Localized Policy Manual Update 43

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DC(LLEGAL) EMPLOYMENT PRACTICES

At Report, this legally referenced policy has been updated to include revised Administrative Code language.

DGC(LLEGAL) EMPLOYEE RIGHTS AND PRIVILEGES: EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

SJR 27 proposed a constitutional amendment to prohibit a college district from placing limits to Religious Services in Texas. The amendment was approved by voters at the November election.

DGC(LOCAL) EMPLOYEE RIGHTS AND PRIVILEGES: EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

All previous content in this policy describing Employee Solicitation has been moved to the new standalone policy at DHC on Employee Solicitations. References to DHC have been added to this policy where appropriate.

DHA(LLEGAL) EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING

All previous content from DHB has been moved to this policy without changes to accommodate the new Employee Solicitations policy at DHC.

DHA(LOCAL) EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING

All previous content from DHB has been moved to this policy without changes to accommodate the new Employee Solicitations policy at DHC.

DHB(LLEGAL) EMPLOYEE STANDARDS OF CONDUCT: CHILD ABUSE AND NEGLECT REPORTING

To accommodate the new Employee Solicitations policy at DHC:

- This policy has been renamed, and all previous content from this policy has been moved without changes to DHA; and
- All previous content from DHC has been moved to this policy without changes.

DHB(LOCAL) EMPLOYEE STANDARDS OF CONDUCT: CHILD ABUSE AND NEGLECT REPORTING

To accommodate the new Employee Solicitations policy at DHC:

- This policy has been renamed, and all previous content from this policy has been moved to DHA; and
- All previous content from DHC has been moved to this policy.

In addition, HB 3379 requires a person to report child abuse and neglect if the person has reasonable cause, instead of cause, to believe that child abuse or neglect has occurred or may occur. In response, at Reporting, references to "cause" are recommended to be revised to "reasonable cause."

DHC(LLEGAL) EMPLOYEE STANDARDS OF CONDUCT: EMPLOYEE SOLICITATIONS

Language on Charitable Raffles has been included in this new Employee Solicitations policy.

Explanatory Notes
Community College Localized Policy Manual Update 43

Alvin Community College

Because this is a nonsubstantive change, FI(LEGAL) and FI(LOCAL) were not issued. Both policies will be updated on Policy Online™. If you wish, you can print these policies with the new title from Policy Online.

FC(LEGAL) ATTENDANCE

This legally referenced policy has been revised to include recent amendments to Administrative Code provisions related to absences due to required military service.

FLA(LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

SJR 27 proposed a constitutional amendment to prohibit a college district from placing limits to Religious Services in Texas. The amendment was approved by voters at the November election.

GCA(LEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO INFORMATION

HB 1027 states that any agreement relating to course material fees or charges, entered into as of fall 2022, is considered public information under the PIA.

GD(LEGAL) COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

SJR 27 proposed a constitutional amendment to prohibit a college district from placing limits to Religious Services in Texas. The amendment was approved by voters at the November election.

GH(LEGAL) RELATIONS WITH SCHOOLS AND DISTRICTS

This legally referenced policy has been updated to reflect amendments to Administrative Code provisions addressing Dual Credit Agreements.

Additional changes were made to adhere to TASB style.

EQUIPMENT AND SUPPLIES MANAGEMENT
RECORDS MANAGEMENT

CIA
(LOCAL)

The ~~College President~~ ~~The College President~~ shall oversee the performance of records management functions prescribed by state and federal law:

- Records ~~administrator~~ ~~Administrator~~, as prescribed by Local Government Code 176.001 and 176.~~0065.007~~ [See BBFA, CIA, and CFE]
- Officer for ~~public information~~ ~~Public Information~~, as prescribed by Government Code 552.201–.205. [See GCB]
- Public ~~information coordinator~~ ~~Information Coordinator~~, as prescribed by Government Code 552.012. [See BBD]

**Local Government
Records Act**

The term “local government record” shall pertain to all items identified as such by the Local Government Records Act.

Local Government
Record

Records
Management
Officer

The ~~head librarian~~ ~~head librarian~~ shall serve as and perform the duties of the College District’s records management officer, as prescribed by Local Government Code 203.023, and shall administer the College District’s records management program pertaining to local government records in compliance with the Local Government Records Act.

Notification

The records management officer shall file ~~the officer's~~ ~~his or her~~ name with the Texas State Library and Archives Commission (TSLAC) within 30 days of assuming the position.

Electronic Records

The records management officer shall develop procedures for the management of electronic records that comply with the College District’s records control schedules and meet the minimum components required by law.

The procedures shall:

1. Specify the objectives of the electronic records management program;
2. Identify the responsibilities of employees who create, receive, or maintain electronic records;
3. Ensure the maintenance of electronic records until the expiration of the applicable retention period and final disposition; and
4. Ensure that electronic records that must be protected from unauthorized use or disclosure are appropriately protected as required by law, regulation, or other applicable requirements.

EQUIPMENT AND SUPPLIES MANAGEMENT
RECORDS MANAGEMENT

CIA
(LOCAL)

**Records Control
Schedules**

The records management officer shall file with the TSLAC a written certification that the College District has adopted records control schedules that comply with records retention schedules issued by the TSLAC as provided by law.

Website Postings

The College District's records management program shall address the length of time records will be posted on the College District's website when the law does not specify a posting period.

**Records Destruction
Practices**

All local government records shall be considered College District property and any unauthorized destruction or removal shall be prohibited. The College District shall follow its records control schedules, records management program, and all applicable laws regarding records destruction. However, the College District shall preserve records, including electronically stored information, and suspend routine record destruction practices where appropriate and in accordance with procedures developed by the records management officer. Such procedures shall describe the circumstances under which local government records scheduled for destruction must be retained. Notification shall be given to appropriate staff when routine record destruction practices must be suspended and when they may be resumed.

Training

The records management officer shall receive appropriate training regarding the Local Government Records Act and shall ensure that custodians of records, as defined by law, and other applicable College District staff are trained on the College District's records management program, including this policy and corresponding procedures.

TRANSPORTATION MANAGEMENT

CJ
(LOCAL)

Student Travel

Modes of Transportation

Modes of transportation used for student travel shall include, but are not limited to, cars, vans, and buses. Travel arrangements for student groups shall be made in accordance with administrative regulations.

Driver Requirements

A driver who is transporting students in College District-owned or -leased vehicles must:

1. Be an employee of the College District.
2. Hold a valid driver's license appropriate for the vehicle to be driven. A driver of a commercial motor vehicle must have a commercial driver's license.
3. Have an acceptable driving record.

Safety Standards

The driver shall ensure that the number of passengers does not exceed the designed capacity of the vehicle and that each passenger is secured by a safety belt, if provided.

Driver Fatigue

A driver shall not drive for more than ~~four~~four consecutive hours without taking a ~~ten~~ten-minute break or relief from driving.

Note: For expression and use of College District facilities and grounds by students and registered student organizations, see FLA. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD. For use of the College District's internal mail system, see CHE.

Academic Freedom

Faculty members are entitled to academic freedom in the conduct of research and teaching and are tasked with the associated responsibilities. To this end, the College District endorses the academic freedom principles set forth in the [Statement of Principles on Academic Freedom and Tenure \(PDF\)](#)¹ published by the Association of American Colleges and Universities and the American Association of University Professors.

The Board shall address faculty academic freedom and the associated responsibilities in appropriate College District publications.

Complaints regarding alleged violations of the right to academic freedom shall be filed in accordance with DGBA(LOCAL).

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any employee or employee organization, except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by an employee or employee organization.

Limitations on Content

Materials shall not be distributed by an employee or employee organization on College District property if:

1. The materials are obscene;
2. The materials contain defamatory statements about public figures or others;
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;
4. The materials are considered prohibited harassment [see DIA series and FFD series];
5. The materials constitute nonpermissible solicitation [see [DHC](#)]; or

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

**Time, Place, and
Manner Restrictions**

6. The materials infringe upon intellectual property rights of the College District [see CT].

Distribution of materials shall be conducted in a manner that:

1. Is not disruptive to College District operations;
2. Does not impede reasonable access to College District facilities;
3. Does not result in damage to College District property;
4. Does not interfere with the rights of others; and
5. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.

The ~~vice president, administrative services or designee~~ ~~vice president, administrative services or designee~~ shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by employees or employee organizations to employees or others in College District facilities and areas that are not considered common outdoor areas.

**Use of Facilities and
Grounds**

The facilities and grounds of the College District shall be made available to employees or employee organizations when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting employees or employee organization shall pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the Board.

An "employee organization" is an organization composed only of College District faculty and staff or an employee professional organization.

Requests

To request permission to meet or host a speaker in College District facilities, interested employees or employee organizations shall file a written request with the vice president, administrative services or designee in accordance with administrative procedures.

The employees or the employee organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

The ~~vice president, administrative services or designee~~ ~~vice president, administrative services or designee~~ shall approve or reject the request in accordance with provisions and deadlines set

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

out in this policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the employees' or employee organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see DHC];;
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The ~~vice president, administrative services or designee~~ ~~vice president, administrative services or designee~~ shall provide the applicant a written statement of the grounds for rejection if a request is denied.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Employees and employee organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

*Employee
Solicitation*

~~"Employee solicitation" shall mean the sale or offer for sale of any property or service, whether for immediate or future delivery, and the receipt of or request for any gift or contribution by an employee or employee organization. The term does not include activities engaged in to conduct College District business.~~

*Permitted
Solicitation*

~~Employee solicitation shall be permitted in or on premises owned or controlled by the College District only if the solicitation does not violate a sole source vendor contract clause and the solicitation is:~~

- ~~1. The sale or offer for sale of any publication, merchandise, food, or nonalcoholic beverages in an area designated for the conduct of such activity;~~
- ~~2. The collection of membership fees or dues by employee organizations at the organizations' meetings scheduled in accordance with this policy and associated procedures;~~
- ~~3. The collection of admission fees for the exhibition of movies, performances, or other programs that are sponsored by an employee or employee organization and scheduled in accordance with this policy and associated procedures;~~
- ~~4. The sale of raffle tickets by an employee organization that can present written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under 26 U.S.C. 501(c)(3);~~
- ~~5. The collection of donations by an employee organization; or~~
- ~~6. The sale of items by an employee organization to its members.~~

~~Any solicitations by an employee organization must be on behalf of or for the benefit of an employee organization or an organization granted an exemption from taxation under 26 U.S.C. 501(c)(3).~~

~~Employee solicitation must comply with law and College District policies and procedures, including procedures addressing time limits for employee solicitation. No solicitation shall be conducted on the grounds, sidewalks, or streets of any property either owned or controlled by the College District, except as approved by the vice president, administrative services or designee.~~

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LOCAL)

~~Employees may not engage in solicitation during work hours and may not disrupt the educational environment or the work of other employees.~~

Announcements
and Publicity

In accordance with administrative procedures, all employees and employee organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Employees and employee organizations using College District facilities must provide identification when requested to do so by a College District representative.

Violations

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, suspension of an employee's or employee organization's use of College District facilities and/or other disciplinary action in accordance with the College District's policies and procedures and the employee handbook.

Interference with
Expression

Faculty, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures. [See DH, FM, and FMA]

Appeals

Decisions made by the administration under this policy may be appealed in accordance with DGBA(LOCAL) and FLD(LOCAL) as applicable.

Publication

This policy and associated procedures must be posted on the College District's website and distributed in the employee and student handbooks and other appropriate publications.

¹ 1940 Statement of Principles on Academic Freedom and Tenure (PDF):
<https://www.aaup.org/file/1940%20Statement.pdf>

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHA
(LOCAL)

**Reasonable
Suspicion Searches**

The College District reserves the right to conduct searches when the College District has reasonable cause to believe that a search will uncover evidence of work-related misconduct. The College District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on College District premises or worksites or used in College District business. Searches that reveal a violation of the College District's standards of conduct may result in disciplinary action. [See DH]

**Reasonable
Suspicion Alcohol
and Drug Testing**

The College District may remove an employee from duty and require testing if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of College District policy. The determination of reasonable suspicion may be based on specific observations of the appearance, behavior, speech, or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity seems to be impaired while on duty or other relevant information. Any employee who is asked to submit to drug or alcohol screening shall be given the opportunity to provide relevant information about prescription or nonprescription medications that may affect the screening.

A College District employee who refuses to comply with a directive to submit to testing based upon reasonable suspicion shall be subject to disciplinary action, up to and including termination.

A College District employee confirmed to have violated the College District's policy pertaining to alcohol or drugs may be subject to disciplinary action. [See DM series and DH]

Note: The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

**Federally Required
DOT Testing
Program**

In accordance with DOT rules, the College District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The College President shall designate a College District official who shall be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

**Drug-related
Violations**

The following constitute drug-related violations under the DOT rules:

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHA
(LOCAL)

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or substituted specimen on an alcohol or controlled substances test.
3. Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.
4. Testing positive for controlled substances in a post-accident test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.
7. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.
8. Testing positive for controlled substances in a reasonable suspicion test.

An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above may be reinstated as a driver if he or she successfully completes a return-to-duty test. The employee may also be subject to follow-up tests.

Alcohol Results
Between 0.02 and
0.04

In accordance with DOT rules, a driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended from driving duties for at least 24 hours.

[In the event of a subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, see the disciplinary consequences at College District-Imposed Consequences, below.]

Reasonable
Suspicion DOT
Testing

Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the ob-

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHA
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served behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

College District-
Imposed
Consequences

In addition to the consequences established by federal law, a College District employee confirmed to have violated the College District's policy pertaining to alcohol or controlled substances, including a second or subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, shall be subject to College District-imposed discipline, as determined by his or her supervisor(s) and the College President. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment.

In cases where a driver is also employed in a nondriving capacity by the College District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up to and including termination of employment with the College District may be considered.

EMPLOYEE STANDARDS OF CONDUCT
CHILD ABUSE ~~SEARCHES~~ AND NEGLECT REPORTING ~~ALCOHOL/DRUG~~
~~TESTING~~

DHB
(LOCAL)

Reporting

Any person who
Reasonable
Suspicion Searches

~~The College District reserves the right to conduct searches when the College District~~ has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a responsibility under state law to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking ~~search will uncover evidence~~ of a child.

A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child has an additional legal obligation to submit a written or oral report within 48 hours after the professional first has reasonable cause to believe the abuse or neglect has occurred or may be occurring. A "professional" is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (DFPS) at (800) 252-5400 or the [Texas Abuse Hotline Website](#);
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility.

An individual does not fulfill the person's responsibilities under the law by only reporting suspicion of abuse or neglect to the College

EMPLOYEE STANDARDS OF CONDUCT
CHILD ABUSE ~~SEARCHES~~ AND NEGLECT REPORTING ~~ALCOHOL/DRUG~~
~~TESTING~~

DHB
(LOCAL)

	<p>President or another College District staff member. work-related misconduct. The College District shall not require an may search the employee to first report, the employee's suspicion to a personal items, work areas, lockers, and private vehicles parked on College District premises or campus administrator.</p>
Confidentiality	<p>In accordance with state law, the identity of a person making a report of suspected child abuse worksites or neglect shall be kept confidential and shall be disclosed only used in accordance with the rules of the investigating agency.</p>
Immunity	<p>A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.</p>
Failure to Report	<p>By failing to report suspicion of child abuse or neglect, an employee:</p> <ol style="list-style-type: none">1. May be placing a child at risk of continued abuse or neglect;2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report; and3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment. <p>It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.</p>
Responsibilities Regarding Investigations	<p>In accordance with law, College District officials shall be prohibited from:</p> <ol style="list-style-type: none">1. Denying an investigator's request to interview a child on campus in connection with an investigation of child abuse or neglect; <p>Requiring a parent or business. Searches that reveal a violation of the College District employee be present during the interview; or District's standards of conduct may result in disciplinary action. {See DH}</p> <ol style="list-style-type: none">2. Coercing someone into suppressing or failing to report child abuse or neglect. <p>College District personnel shall cooperate fully and without parental consent with an investigation of reported child abuse or neglect.</p>
Adverse Employment Action Prohibited	<p>The College District prohibits any adverse employment action, including termination or discrimination, against any employee who in good faith reports child abuse or neglect or participates in a related investigation.</p>

EMPLOYEE STANDARDS OF CONDUCT
CHILD ABUSE SEARCHES AND NEGLECT REPORTING ALCOHOL/DRUG
TESTING

DHB
(LOCAL)

Training

**The Reasonable
Suspicion Alcohol
and Drug Testing**

~~The College District may remove an employee from duty and require testing if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of College District policy. The determination of reasonable suspicion may be based on specific observations of the appearance, behavior, speech, or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity seems to be impaired while on duty or other relevant information. Any employee who is asked to submit to drug or alcohol screening shall be given the opportunity to provide relevant information about prescription or nonprescription medications that may affect the screening.~~

~~A College District shall provide training employee who refuses to comply with a directive to submit to testing based upon reasonable suspicion shall be subject to disciplinary action, up to and including termination.~~

~~A College District employee confirmed to have violated the College District's policy pertaining to alcohol or drugs may be subject to disciplinary action. [See DM series and DH]~~

Note: ~~The following provisions apply to employees as required who are covered by law. Training the federal Department of Transportation (DOT) rules.~~

**Federally Required
DOT Testing
Program**

~~In accordance with DOT rules, the College District shall address reporting requirements establish an alcohol and techniques controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.~~

~~The College President shall designate a College District official who shall be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.~~

**Drug-related
Violations**

~~The following constitute drug-related violations under the DOT rules:~~

- ~~1. Refusing to submit to a required test for alcohol or controlled substances.~~
- ~~2. Providing an adulterated, diluted, or substituted specimen on an alcohol or controlled substances test.~~

EMPLOYEE STANDARDS OF CONDUCT
CHILD ABUSE SEARCHES AND NEGLECT REPORTING ALCOHOL/DRUG
TESTING

DHB
(LOCAL)

3. ~~Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.~~
4. ~~Testing positive for controlled substances in a post-accident test.~~
5. ~~Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.~~
6. ~~Testing positive for controlled substances in a random test.~~
7. ~~Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.~~
8. ~~Testing positive for controlled substances in a reasonable suspicion test.~~

~~An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above may be reinstated as a driver if he or she successfully completes a return-to-duty test. The employee may also be subject to follow-up tests.~~

~~Alcohol Results
Between 0.02 and
recognize sexual
abuse,
trafficking, 0.04~~

~~In accordance with DOT rules, a driver tested under this policy and all other maltreatment of children found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended from driving duties for at least 24 hours.~~

~~[In the event of a subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, see the disciplinary consequences at College District Imposed Consequences, below.]~~

~~Reasonable
Suspicion DOT
Testing~~

~~Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.~~

~~The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.~~

~~College District-
Imposed
Consequences~~

~~In addition to the consequences established by federal law, a College District employee confirmed to have violated the College Dis-~~

EMPLOYEE STANDARDS OF CONDUCT
CHILD ABUSE SEARCHES AND NEGLECT REPORTING ALCOHOL/DRUG
TESTING

DHB
(LOCAL)

~~trict's policy pertaining to alcohol or controlled substances, including a second or subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, shall be subject to College District-imposed discipline, as determined by his or her supervisor(s) and the College President. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment.~~

~~In cases where a driver is also employed in a nondriving capacity by the College District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up to and including termination of employment with the College District may be considered.~~

~~^ Texas Abuse Hotline Website: <https://www.txabusehotline.org>~~

Employee Solicitation

"Employee solicitation" shall mean the sale or offer for sale of any property or service, whether for immediate or future delivery, and the receipt of or request for any gift or contribution by an employee or employee organization. The term does not include activities engaged in to conduct College District business.

Permitted Solicitation

Employee solicitation shall be permitted in or on premises owned or controlled by the College District only if the solicitation does not violate a sole-source vendor contract clause and the solicitation is:

1. The sale or offer for sale of any publication, merchandise, food, or nonalcoholic beverages in an area designated for the conduct of such activity;
2. The collection of membership fees or dues by employee organizations at the organizations' meetings scheduled in accordance with this policy and associated procedures;
3. The collection of admission fees for the exhibition of movies, performances, or other programs that are sponsored by an employee or employee organization and scheduled in accordance with this policy and associated procedures;
4. The sale of raffle tickets by an employee organization that can present written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under 26 U.S.C. 501(c)(3);
5. The collection of donations by an employee organization; or
6. The sale of items by an employee organization to its members.

Any solicitations by an employee organization must be on behalf of or for the benefit of an employee organization or an organization granted an exemption from taxation under 26 U.S.C. 501(c)(3).

Employee solicitation must comply with law and College District policies and procedures, including procedures addressing time limits for employee solicitation. No solicitation shall be conducted on the grounds, sidewalks, or streets of any property either owned or controlled by the College District, except as approved by the vice president, administrative services or designee.

Time Limit

No employee or employee organization shall solicit under this policy for more than the time limit established by administrative regulations for each fiscal year.

Exception

	<p>If approved by the vice president, administrative services or designee, solicitation intended to raise funds to respond to a declared disaster or emergency is not subject to the established time limit.</p>
<p>Use of College District Name</p>	<p>Only authorized employees or authorized employee organizations shall be allowed to sponsor and engage in solicitation and/or fund-raising activities under the name of the College District. All such activities shall be compatible with the mission and objectives of the College District and shall be approved by the vice president, administrative services or designee in accordance with procedures developed for that purpose.</p>
<p>Conduct During Solicitation</p>	<p>Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a responsibility under state law to immediately report the suspected abuse or neglect to an appropriate authority.</p>
<p>Solicitation made pursuant to the terms of this policy must be conducted according to Reporting</p>	<p>As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.</p> <p>A professional who has cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child has an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect. A "professional" is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.</p> <p>A person is required to make a report if the person has cause to believe that an adult was a victim of abuse or neglect as a child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.</p>
<p>Making a Report</p>	<p>Reports may be made to any of the following:</p> <ol style="list-style-type: none">1. The solicitation may not occur during the employee's work hours.1. The solicitation shall not disrupt a state or disturb the regular academic local law enforcement agency;2. The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (DFPS) at (800) 252-5400 or institutional programs being conducted in buildings the Texas Abuse Hotline Website⁴;3. A local CPS office; or on property owned

~~4. If applicable, the state agency operating, licensing, certifying, or controlled registering the facility in which the suspected abuse or neglect occurred.~~

~~However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility.~~

~~An individual does not fulfill the person's responsibilities under the law by the only reporting suspicion of abuse or neglect to the College President or another College District or the work of other employees staff member. The College District shall not require an employee to first report the employee's suspicion to a College District or campus administrator.~~

2. The solicitation shall not interfere with the free or unimpeded flow of pedestrian and vehicular traffic on sidewalks and streets and at places of ingress and egress to and from buildings owned or controlled by the College District.
3. The solicitation shall not harass, threaten, or intimidate the person or persons being solicited.

Sanctions

If an employee or employee organization is alleged to have violated this policy, the employee or organization shall be subject to a reasonable investigation conducted by the vice president, administrative services or designee.

If the vice president, administrative services or designee determines that a solicitation is being conducted in a manner violating this policy, the vice president, administrative services or designee may prohibit the offending employee or employee organization from soliciting on the campus for such period or periods of time determined to be appropriate.

An employee determined to be in violation of this policy shall ~~Confidentiality Immunity~~

~~In accordance with state law, the identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the rules of the investigating agency.~~

~~A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.~~

~~Failure to Report~~

~~By failing to report suspicion of child abuse or neglect, an employee:~~

- ~~1. May be placing a child at risk of continued abuse or neglect;~~
- ~~2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report; and~~
- ~~3. Violates Board policy and may be subject to disciplinary measures as described~~ **action, including possible termination of employment.**

~~It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.~~

**Responsibilities
Regarding
Investigations**

~~In accordance with law, College District officials shall be prohibited from:~~

- ~~1. Denying an investigator's request to interview a child on campus in connection with an investigation of child abuse or neglect;~~
- ~~2. Requiring a parent or College District employee be present during the interview; or~~
- ~~3. Coercing someone into suppressing or failing to report child abuse or neglect.~~

~~College District personnel shall cooperate fully and without parental consent with an investigation of reported child abuse or neglect.~~

**Adverse
Employment Action
Prohibited**

~~The College District prohibits any adverse employment action, including termination or discrimination, against any employee who in good faith reports child abuse or neglect or participates in policy DH and the employee handbook. a related investigation.~~

Training

~~The College District shall provide training to employees as required by law. Training shall address reporting requirements and techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children.~~

¹ Texas Abuse Hotline Website: <https://www.txabusehotline.org>

Course Load

The normal course load for the fall or spring semester is considered to be 15 semester hours. Course loads in excess of 18 semester hours shall require approval by the vice president, instruction or designee.

The normal course load for the summer session shall be seven semester hours for each six-week term or 14 semester hours for a full summer semester. Course loads in excess of seven semester hours per term or 14 semester hours per summer semester shall require approval by the vice president, instruction or designee.

**Limitation on
Number of Dropped
Courses**

A College District student shall not be permitted to drop more than six courses taken while enrolled at the College District or another public institution of higher education. For the limit to apply:

1. The student must be permitted to drop the course without receiving a grade or being penalized academically;
2. The student's transcript must indicate or will indicate the student was enrolled in the course; and
3. The student must not have dropped the course to withdraw from the College District.

**Exceptions for
Good Cause**

A student shall be permitted to exceed the limit on the number of dropped courses for any of the following reasons:

1. A severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;
2. The care of a sick, injured, or needy person if providing that care affects the student's ability to satisfactorily complete a course;
3. The death of a member of the student's family as defined by law;
4. The death of a person who has a sufficiently close relationship to the student as defined by law;
5. The student's active military duty service;
6. The active military service of a member of the student's family or a person who has a sufficiently close relationship to the student;
7. A change in the student's work schedule that is beyond the student's control and affects the student's ability to satisfactorily complete the course; or

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8. A disaster declared by the governor that prevents or limits in-person course attendance for a period ~~determined by the College District, in accordance with law, to~~that significantly ~~af-~~fect~~s~~ affects the student's ability to participate in coursework.

Exception for
Reenrolled
Students

A qualifying reenrolled student may drop a seventh course in accordance with law.

Exception for
COVID-19
Pandemic

A course dropped by a student during the 2020 spring or summer semester or the 2020–21 academic year because of a bar or limit on in-person course attendance due to the COVID-19 pandemic may not be counted toward the limit on the number of dropped courses.

Procedures

The College President shall develop procedures to implement this policy and shall publish the procedures in the College District catalog.

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

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**Textbook Selection
of Course Materials**

The ~~College President~~ shall establish procedures for adopting, reviewing, and changing ~~course textbooks and other instructional~~ materials, including textbooks. The procedures shall incorporate faculty participation.

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**Tax Bonds and
Maintenance Tax**

The governing board of each junior college district shall be authorized to issue negotiable coupon bonds for the construction and equipment of school buildings and the purchase of the necessary sites therefor, and levy and pledge annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as they come due, and to levy annual ad valorem taxes for the maintenance of its public junior college or junior colleges; provided that the annual bond tax shall never exceed \$0.50 on the \$100 valuation of taxable property in the district, and the annual bond tax, if any, together with the annual maintenance tax shall never exceed the aggregate of \$1 on the \$100 valuation of taxable property in the district.

Such bonds may be issued in various series or issues, and shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of the board. Said bonds, and the interest coupons appertaining thereto, shall be negotiable instruments, and they may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by the board in the resolution or order authorizing the issuance of said bonds. All bonds shall be sold to the highest bidder for not less than their par value and accrued interest.

All bonds shall be issued in accordance with the Public Security Procedures Act, Government Code Chapter 1201, and Education Code 130.122.

Education Code 130.122(a); Gov't Code 1201

**General Obligation
Bonds**

Notwithstanding any other provision of law, a political subdivision, including a college district, may not issue general obligation bonds to purchase, improve, or construct one or more improvements to real property, to purchase one or more items of personal property, or to do both, if the weighted average maturity of the issue of bonds exceeds 120 percent of the reasonably expected weighted average economic life of the improvements and personal property financed with the issue of bonds. *Gov't Code 1253.002(b)*

*Investment of
Bond Proceeds*

For legal requirements regarding investment of bond proceeds, see CAK(LEGAL).

*Use of Unspent
Proceeds*

A political subdivision other than a school district may use the unspent proceeds of issued general obligation bonds only for the specific purposes for which the bonds were authorized, to retire the bonds, or for a purpose other than the specific purposes for which the bonds were authorized if:

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1. The specific purposes are accomplished or abandoned; and
2. A majority of the votes cast in an election held in the political subdivision approve the use of the proceeds for the proposed purpose.

The election order and the notice of election for an election described by item 2 must state the proposed purpose for which the bond proceeds are to be used. A political subdivision must hold the election in the same manner as an election to issue bonds in the political subdivision.

Gov't Code 1253.003

Capital Appreciation
Bonds

"Capital appreciation bond" means a bond that accrues and compounds interest from its date of delivery, the interest on which by its terms is payable only upon maturity or prior redemption.

A junior college district or other political subdivision may not issue capital appreciation bonds that are secured by ad valorem taxes unless:

1. The bonds have a scheduled maturity date that is not later than 20 years after the date of issuance;
2. The governing body of the political subdivision has received a written estimate of the cost of the issuance, including:
 - a. The amount of principal and interest to be paid until maturity;
 - b. The amount of fees to be paid to outside vendors, including vendors who sell products to be financed by the bond issuance;
 - c. The amount of fees to be paid to each financing team member; and
 - d. The projected tax impact of the bonds and the assumptions on which the calculation of the projected tax impact is based;
3. The governing body of the political subdivision has determined in writing whether any personal or financial relationship exists between the members of the governing body and any financial adviser, bond counsel, bond underwriter, or other professional associated with the bond issuance. The governing body of a political subdivision that makes a determination that a personal or financial relationship exists shall submit the determination to the Texas Ethics Commission; and

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4. The governing body of the political subdivision posts prominently on the political subdivision's internet website and enters in the minutes of the governing body:
 - a. The total amount of the proposed bonds;
 - b. The length of maturity of the proposed bonds;
 - c. The projects to be financed with bond proceeds;
 - d. The intended use of bond proceeds not spent after completion of the projects identified in paragraph 4c;
 - e. The total amount of the political subdivision's outstanding bonded indebtedness at the time of the election on the bonds, including the amount of principal and interest to be paid on existing bond indebtedness until maturity;
 - f. The total amount of the political subdivision's outstanding bonded indebtedness, including the amount of principal and interest to be paid until maturity; and
 - g. The information received under item 2 and determined under item 3.

The total amount of capital appreciation bonds may not exceed 25 percent of the political subdivision's total outstanding bonded indebtedness at the time of the issuance, including the amount of principal and interest to be paid on the outstanding bonds until maturity.

The governing body of a political subdivision shall regularly update the debt information posted on the political subdivision's internet website under paragraph 4f to ensure that the information is current and accurate.

Gov't Code 1201.0245(a)-(d), (g)

Exclusions

Capital appreciation bond proceeds may not be used to purchase the following items, unless an item has an expected useful life, determined based on the depreciable life of the asset under the Internal Revenue Code of 1986, that exceeds the bond's maturity date:

1. Items more regularly considered maintenance items, including replacement HVAC units, upgraded plumbing, or similar items; or
2. Transportation-related items, including buses.

Government Code 1201.0245 does not apply to the issuance of refunding bonds under Government Code Chapter 1207 or capital

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appreciation bonds for the purpose of financing transportation projects.

Gov't Code 1201.0245(e), (j)

*Unspent
Proceeds*

Capital appreciation bond proceeds unspent after completion of the project identified as the proceeds' intended use may be used only for a use identified on the political subdivision's website under paragraph 4d, above, unless another use is approved by the voters of the political subdivision at an election held for that purpose. *Gov't Code 1201.0245(f)*

*Extension of
Maturity Date*

A junior college district may not extend the maturity date of an issued capital appreciation bond, including through the issuance of refunding bonds that extend the maturity date. *Gov't Code 1201.0245(h)*

Exception

A political subdivision, other than a school district, may extend the maturity date of an issued capital appreciation bond only if the extension of the maturity date will decrease the total amount of projected principal and interest to maturity.

Gov't Code 1201.0245(i)

Credit Agreements

A junior college district that at the time of the issuance of obligations and execution of credit agreements has at least 2,000 full-time students or the equivalent or a combined aggregate principal amount of at least \$50 million of outstanding bonds and voted, but unissued, bonds may, in the issuance of bonds as provided by Education Code 130.122, exercise the powers granted to the governing body of an issuer with regard to the issuance of obligations and execution of credit agreements under Government Code Chapter 1371.

A proposition to issue bonds to which Education Code 130.1221 applies must include the question of whether the board may levy, pledge, assess, and collect annual ad valorem taxes sufficient to pay the principal of and interest on the bonds and the costs of any credit agreements executed in connection with the bonds.

Limits

A district may not issue bonds in an amount greater than the greater of:

1. Twenty-five percent of the sum of:
 - a. The aggregate principal amount of all district debt payable from ad valorem taxes that is outstanding at the time the bonds are issued; and

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- b. The aggregate principal amount of all bonds payable from ad valorem taxes that have been authorized but not issued;
2. Twenty-five million dollars, in a district that has at least 3,500 but not more than 15,000 full-time students or the equivalent; or
3. Fifty million dollars, in a district that has more than 15,000 full-time students or the equivalent.

Government Code 1371.057 and 1371.059 govern approval by the attorney general of obligations issued under the authority of Education Code 130.1221.

Education Code 130.1221

Elections

No such bonds shall be issued and none of the aforesaid taxes shall be levied unless authorized by a majority of the electors voting at an election held for such purpose in accordance with law, at the expense of the junior college district. Each such election shall be called by resolution or order of the board, which shall set forth the date of the election, the proposition or propositions to be submitted and voted on, the polling place or places, and any other matters deemed necessary or advisable by the board.

The election shall be held on a uniform election date.

Education Code 130.122(b); Election Code 41.001(a) [See BBB]

Call for Election

For an election to be held on a uniform election date, the election shall be called not later than the 78th day before election day. [See BBB] *Election Code 3.003, .005, 41.002*

Notice of Election

Notice of said election shall be given by publishing a substantial copy of the election resolution or order one time, at least ten days prior to the date set for the election, in a newspaper of general circulation in the district. The person responsible for giving the notice must retain a copy of the published notice that contains the name of the newspaper and the date of publication. *Education Code 130.122(b); Election Code 4.003(a)(1), (c), .005*

The governing body of a political subdivision, including a college district, that orders an election shall deliver notice of the election, including the location of each polling place, to the county clerk and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day. *Election Code 4.008(a)*

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*Posting Notice of
Election*

In addition, not later than the 21st day before election day, a county shall post a copy of a notice of the election provided to the county under Election Code 4.008(a), which must include the location of each polling place, on the county's internet website, if the county maintains a website. An authority responsible for giving notice of an election may post a copy of the notice on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves. If a county does not maintain a website, the authority responsible for giving notice of the election shall post a copy of a notice of the election on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves. The notice posted under this provision must remain posted continuously through election day.

The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the authority responsible for giving the election notice after the last posting is made.

Election Code 4.003(a)(1), (b)–(c), .004–.005

Election Order

"Debt obligation" means an issued public security, as defined by Government Code 1201.002, that is secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.

The document ordering an election to authorize a political subdivision to issue debt obligations must distinctly state:

1. The proposition language that will appear on the ballot;
2. The purpose for which the debt obligations are to be authorized;
3. The principal amount of the debt obligations to be authorized;
4. That taxes sufficient to pay the principal of and interest on the debt obligations may be imposed;
5. A statement of the estimated tax rate if the debt obligations are authorized or of the maximum interest rate of the debt obligations or any series of the debt obligations, based on the market conditions at the time of the election order;
6. The maximum maturity date of the debt obligations to be authorized or that the debt obligations may be issued to mature over a specified number of years not to exceed the maximum number of years authorized by law;

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7. The aggregate amount of the outstanding principal of the political subdivision's debt obligations as of the date the election is ordered;
8. The aggregate amount of the outstanding interest on the debt obligations of the political subdivision as of the date the election is ordered, which may be based on the political subdivision's expectations relative to variable rate debt obligations; and
9. The ad valorem debt service tax rate for the political subdivision at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property.

Election Code 3.009

*Posting the
Election Order*

A debt obligation election order required under Election Code 3.009 shall be posted on election day and during early voting by personal appearance, in a prominent location at each polling place; not later than the 21st day before the election, in three public places in the boundaries of the political subdivision holding the election; and during the 21 days before the election, on the political subdivision's internet website, prominently and together with the notice of the election, the contents of the proposition, and any sample ballot prepared for the election, if the political subdivision maintains an internet website. *Election Code 4.003(f)*

Propositions

The ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision shall specifically state:

1. A general description of the purposes for which the debt obligations are to be authorized;
2. A plain language description of the single specific purposes for which the debt obligations are to be authorized;
3. The total principal amount of the debt obligations to be authorized; and
4. That taxes sufficient to pay the principal of and interest on the debt obligations will be imposed.

Each single specific purpose for which debt obligations requiring voter approval are to be issued must be printed on the ballot as a separate proposition. A proposition may include as a specific purpose one or more structures or improvements serving the substantially same purpose and may include related improvements and equipment necessary to accomplish the specific purpose.

Gov't Code 1251.052(a)-(a-1); Election Code 52.072(f)

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Voter Information
Document

A political subdivision with at least 250 registered voters on the date the governing body of the political subdivision adopts the debt obligation election order must prepare a voter information document for each proposition to be voted on at the election. The political subdivision shall post the voter information document in the same manner as a debt obligation election order is required to be posted under Election Code 4.003(f) and may include the voter information document in the debt obligation election order. The voter information document must distinctly state:

1. The language that will appear on the ballot;
2. The following information formatted as a table:
 - a. The principal of the debt obligations to be authorized;
 - b. The estimated interest for the debt obligations to be authorized;
 - c. The estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized; and
 - d. As of the date the political subdivision adopts the debt obligation election order:
 - (1) The principal of all outstanding debt obligations of the political subdivision;
 - (2) The estimated remaining interest on all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt obligations; and
 - (3) The estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt obligations;
3. The estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the political subdivision with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved, based upon assumptions made by the governing body of the political subdivision; and
4. Any other information that the political subdivision considers relevant or necessary to explain the required information.

Gov't Code 1251.052(b)

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The governing body of the political subdivision shall identify in the voter information document the major assumptions made in connection with the statement required by item 3, including:

1. The amortization of the political subdivision's debt obligations, including outstanding debt obligations and the proposed debt obligations;
2. Changes in estimated future appraised values within the political subdivision; and
3. The assumed interest rate on the proposed debt obligations.

A political subdivision that maintains an internet website shall provide the information described by Government Code 1251.052(b) on its website in an easily accessible manner beginning not later than the 21st day before election day and ending on the day after the date of the debt obligation election.

Gov't Code 1251.052(c)-(d)

Canvass

The board shall canvass the returns and declare the results of such election. *Education Code 130.122(b)*

Political Advertising

An officer or employee of a political subdivision, including a college district, may not knowingly spend or authorize the spending of public funds for political advertising. The restriction does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure.

An officer or employee of a political subdivision may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that:

1. The officer or employee knows is false; and
2. Is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

It is an affirmative defense for an offense under this section or the imposition of a civil penalty for conduct under this section that an officer or employee of a political subdivision reasonably relied on a court order or an interpretation in a written opinion issued by a court of record, the attorney general, or the Texas Ethics Commission.

On written request of the governing body of a political subdivision that has ordered an election on a measure, the Texas Ethics Commission shall prepare an advance written advisory opinion as to

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whether a particular communication relating to a measure complies with the section.

Election Code 255.003(a)–(b-1), (d)–(e) [See CHE]

Newsletters

A newsletter of a public officer of a political subdivision is not political advertising if:

1. It includes no more than two pictures of a public officer per page and if the total amount of area covered by the pictures is no more than 20 percent of the page on which the pictures appear;
2. It includes no more than eight personally phrased references (such as the public officer's name, "I", "me", "the city council member") on a page that is 8 1/2" x 11" or larger, with a reasonable reduction of the number of such personally phrased references in pages smaller than 8 1/2" x 11"; and
3. When viewed as a whole and in the proper context:
 - a. Is informational rather than self-promotional;
 - b. Does not advocate passage or defeat of a measure; and
 - c. Does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

1 TAC 26.2

**Attorney General
Review and Approval**

Unless exempt under Government Code 1202.007, before the issuance of a public security, the issuer shall submit the public security and the record of proceedings to the attorney general in accordance with Government Code Chapter 1202 and 1 Administrative Code Chapter 53, Subchapter A. *Gov't Code 1202.003(a); 1 TAC Ch. 53, Subch. A*

Refunds

An issuer, including a college district, may issue refunding bonds under Government Code Chapter 1207 to refund all or any part of the issuer's outstanding bonds, notes, or other general or special obligations.

Subject to the provisions of Government Code Chapter 1207 and Education Code 130.122, the governing board of each junior college district is authorized to refund or refinance all or any part of any of its outstanding bonds and matured but unpaid interest coupons payable from ad valorem taxes by the issuance of negotiable coupon refunding bonds payable from ad valorem taxes.

Gov't Code 1207.002; Education Code 130.122(c)

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Authorized Unissued Bonds

All tax bonds voted in any junior college district in accordance with law but unissued by September 1, 1969, may be issued in the manner provided in Education Code 130.122, without an additional election; and all maintenance taxes voted in any district in accordance with law may be levied and collected in the manner provided by law without an additional election. *Education Code 130.122(g)*

Authority to Contract for Services

An issuer has exclusive authority to select, contract with, and determine the basis for compensation of a person to provide legal and other services as may be determined by the issuer to be necessary in connection with the issuer's issuance of public securities or administration of its affairs that pertain to the issuance of public securities. The selection of legal counsel shall be made in accordance with the provisions of Government Code Chapter 2254, Subchapter A, applicable to the selection by a governmental entity of a provider of professional engineering services. [See CF(LEGAL) regarding contingent fee contracts for legal services and Government Code 2254.102(e) for additional requirements] *Gov't Code 1201.027(a)*

Federal Securities Law

Disclosure Obligations for Bond and Other Debt Offerings

Prior to publicly offering bonds, a college district must prepare and deliver to an underwriter an official statement containing the terms of the bond offering, a description of the college district itself, financial and operating data of the college district, and any other information that may be material to an investor interested in purchasing the college district's bonds or otherwise required by Rule 15c2-12 of the Securities and Exchange Commission (SEC) (SEC Rule 15c2-12(b)). [See Note, below] *17 C.F.R. 240.15c2-12*

Continuing Disclosure after Issuing Bonds

Except for exempt offerings, SEC Rule 15c2-12(b) requires underwriters to obtain a continuing disclosure agreement (CDA) from the college district when the college district issues bonds. A CDA obligates the college district to prepare and file continuing disclosures of financial information and operating data annually after the bonds are issued. A CDA also requires filing notice regarding the occurrence of events listed under SEC Rule 15c2-12(b)(5)(i)(C) within ten business days following the occurrence of any such event. [See Note, below] *17 C.F.R. 240.15c2-12*

Liability under Federal Securities Law

College districts, board members, and certain employees of the college district are subject to liability under the antifraud provisions of the federal securities laws contained in Section 17(a) of the Securities Act of 1933 (the "Securities Act"), Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act"), and Rule 10b-5 of the SEC. The antifraud provisions generally prohibit false or misleading statements made in connection with the offer or sale of a college district's bonds (or the omission of material facts from such statements), including the official statement itself and any

other statement reasonably expected to reach bond investors (disclosures). *SEC Exchange Act Release No. 33741 (Mar. 9, 1994)*

The antifraud provisions also apply to a college district's continuing disclosure obligations under SEC Rule 15c2-12(b) after a college district's bonds are issued. [See Continuing Disclosure after Issuing Bonds, above] *SEC Report on the Municipal Securities Market (July 31, 2012) (the "SEC 2012 Report") at pg. 29*

Note: In preparing an official statement, a college district may reasonably rely on the advice of outside professionals who are also subject to the antifraud provisions, but a college district is primarily liable for the content of its official statement and other disclosures. *SEC Exchange Act Release No. 36761 (Jan. 24, 1996)*

A college district may engage qualified consultants, including qualified disclosure or securities counsel and a financial adviser, to assist with preparing an official statement and other primary disclosures relating to a bond offering. Creation of internal procedures may help to insulate a college district against criticism or liability under federal securities laws.

College districts may also engage disclosure counsel and/or other professionals to assist with secondary disclosure, including advice and assistance ensuring that (1) reporting requirements imposed by a CDA are satisfied; and (2) information disclosed in periodic and occasional reports is accurate and complete.

Internal procedures may provide for (1) appointment of, and disclosure training for, college district officials and employees who will be part of the financing team; (2) a procedure of accountability for review of the disclosures; and (3) ensuring that any procedures established are in fact followed.

[See SEC Report on the Municipal Securities Market (July 31, 2012)]

Tax Exemptions

**Homestead
Exemptions**

An individual who is disabled or is 65 or older is entitled to an exemption from taxation by a taxing unit of a portion, the amount of which is fixed as provided by Tax Code 11.13(e), of the appraised value of the individual's residence homestead if the exemption is adopted either:

1. By the governing body of the taxing unit; or
2. By a favorable vote of a majority of the qualified voters of the taxing unit at an election called by the governing body of a taxing unit, and the governing body shall call the election on the petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the taxing unit.

The amount of an exemption adopted is \$3,000 of the appraised value of the residence homestead unless a larger amount is specified by the governing body authorizing the exemption as described at item 1 or the petition for the election if the exemption is authorized as described at item 2.

Once authorized, an exemption adopted as provided in this section may be repealed or decreased or increased in amount by the governing body of the taxing unit or by the procedure authorized by item 2 above. In the case of a decrease, the amount of the exemption may not be reduced to less than \$3,000 of the market value.

Tax Code 11.13(d)–(f)

*Application for
Exemption*

To receive the residence homestead exemption, a person claiming the exemption must apply for the exemption. *Tax Code 11.43(a)*

*Homesteads
Rendered
Uninhabitable or
Unusable*

If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135 and 11.26(n)–(o) and 34 Administrative Code 9.416. *Tax Code 11.135, .26(n)–(o); 34 TAC 9.416*

*Disabled
Veterans and
Their Families
Portion of
Assessed Value
Owned
Residence*

Pursuant to Tax Code 11.22, a disabled veteran and, if that person dies, the person's unmarried surviving spouse or unmarried children, is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates in accordance with Tax Code 11.22(f). *Tax Code 11.22*

*Donated
Residence*

A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization:

1. At no cost to the disabled veteran; or
2. At some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date the donation is made.

The surviving spouse of a disabled veteran who qualified for the exemption of a percentage of the appraised value of the disabled veteran's residence homestead when the disabled veteran died is entitled to an exemption in accordance with Tax Code 11.132.

Tax Code 11.132(b)–(c)

Total Appraised
Value

A disabled veteran who has been awarded by the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead.

The surviving spouse of a disabled veteran who qualified for an exemption under Tax Code 11.131(b) when the disabled veteran died, or of a disabled veteran who would have qualified for an exemption under Section 11.131(b) if Section 11.131(b) had been in effect on the date the disabled veteran died, is entitled to an exemption from taxation of the total appraised value of the same property to which the disabled veteran's exemption applied, or to which the disabled veteran's exemption would have applied if the exemption had been authorized on the date the disabled veteran died, if the surviving spouse has not remarried since the death of the disabled veteran; and the property:

1. Was the residence homestead of the surviving spouse when the disabled veteran died; and
2. Remains the residence homestead of the surviving spouse.

If a surviving spouse who qualifies for an exemption under Tax Code 11.131(c) subsequently qualifies a different property as the surviving spouse's residence homestead, the surviving spouse is

entitled to an exemption from taxation of the subsequently qualified homestead in accordance with Tax Code 11.131(d).

Tax Code 11.131(b)-(d)

*Surviving Spouse
of Armed
Services Member*

The surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead in accordance with Tax Code 11.133. *Tax Code 11.133(b)*

*Surviving Spouse
of First
Responder*

The surviving spouse of a first responder listed in Government Code 615.003 who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead in accordance with Tax Code 11.134. *Tax Code 11.134(b)*

Exemption for
Property Damaged
by a Disaster

A person is entitled to an exemption from taxation by a taxing unit of a portion of the appraised value of qualified property that the person owns in an amount determined under Tax Code 11.35(h). *Tax Code 11.35(b)*

*Application for
Exemption*

A person who qualifies for an exemption under this section must apply for the exemption in accordance with Tax Code 11.43(s). *Tax Code 11.43(s)*

*Expiration of
Exemption*

The exemption authorized by this section expires as to an item of qualified property on January 1 of the first tax year in which the property is reappraised under Tax Code 25.18. *Tax Code 11.35(k)*

*Qualified
Property*

"Qualified property" means property that:

1. Consists of tangible personal property used for the production of income; an improvement to real property; or a manufactured home as that term is defined by Occupations Code 1201.003 that is used as a dwelling, regardless of whether the owner of the manufactured home elects to treat the manufactured home as real property under Occupations Code 1201.2055;
2. Is located in an area declared by the governor to be a disaster area following a disaster;
3. Is at least 15 percent damaged by the disaster, as determined by the chief appraiser under Tax Code 11.35; and
4. For property described by item 1, is the subject of a rendition statement or property report filed by the property owner under Tax Code 22.01 that demonstrates that the property had taxable situs in the disaster area for the tax year in which the disaster occurred.

Tax Code 11.35(a)

Goods-in-Transit

A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit. *Tax Code 11.253(b)*

In accordance with Tax Code 11.253, the governing body of a taxing unit, in a manner required for official action by the governing body, may provide for the taxation of goods-in-transit exempt as set out above and not exempt under other law. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the governing body proposes to tax goods-in-transit. Before acting to tax the exempt property, the governing body must conduct a public hearing as required by Texas Constitution Article VIII, Section 1-n(d). The goods-in-transit remain subject to taxation by the taxing unit until the governing body of the taxing unit, in the manner required for official action, rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption prescribed above will apply to that taxing unit. *Tax Code 11.253(j)*

Notwithstanding Tax Code 11.253(j) or official action that was taken before October 1, 2011, to tax goods-in-transit under the above exemption, a taxing unit may not tax such goods-in-transit in a tax year that begins on or after January 1, 2012, unless the governing body of the taxing unit takes official action on or after October 1, 2011, in the manner required for official action by the board, to provide for the taxation of the goods-in-transit. *Tax Code 11.253(j-1)*

Exception

If the governing body of the taxing unit, before October 1, 2011, took action to provide for the taxation of goods-in-transit and pledged the taxes imposed on the goods-in-transit for the payment of a debt of the taxing unit, the tax officials of the taxing unit may continue to impose the taxes against the goods-in-transit until the debt is discharged, if cessation of the imposition would impair the obligation of the contract by which the debt was created. *Tax Code 11.253(j-2)*

*Extension for
Property in
Disaster Area*

This provision applies only to a taxing unit any part of which is located in an area designated a disaster area by a disaster declaration issued under Government Code 418.040 or 418.108 on or after January 1, 2020. The governing body of a taxing unit, in the manner provided by law for official action, may extend the date by which goods-in-transit must be transported to another location in this state or outside this state to a date not later than the 270th day after the date the person acquired the property in or imported the property into this state. An extension adopted by official action under this provision applies only to the exemption from ad valorem taxation by the taxing unit adopting the extension and the tax year in which the extension is adopted. *Tax Code 11.253(l)*

AD VALOREM TAXES
EXEMPTIONS AND PAYMENTS

CAIA
(LEGAL)

Additional Exemptions	A taxing unit is required or permitted, as applicable, to grant additional tax exemptions as provided by law. <i>Tex. Const. Art. VIII, Sec. 1-b; Tax Code Ch. 11, Subch. B</i>
Notice of Optional Exemption	If a taxing unit adopts, amends, or repeals an exemption that the unit by law has the option to adopt or not, the taxing unit shall notify the appraisal office of its action and of the terms of the exemption within 30 days after the date of its action. <i>Tax Code 6.08</i>
Tax Payments	
Discounts	The governing body of a taxing unit may adopt one of the discounts described below, or both, in the manner required by law for official action by the body. <i>Tax Code 31.05(a)</i>
<i>Option 1</i>	A taxing unit may adopt the following discounts to apply regardless of the date of which it mails its tax bills: <ol style="list-style-type: none">1. Three percent if the tax is paid in October or earlier;2. Two percent if the tax is paid in November; and3. One percent if the tax is paid in December. This discount does not apply to taxes that are calculated too late for it to be available. <i>Tax Code 31.04(c), .05(b)</i>
<i>Option 2</i>	A taxing unit may adopt the following discounts to apply when it mails its tax bills after September 30: <ol style="list-style-type: none">1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed;2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed; and3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed. <i>Tax Code 31.05(c)</i>
<i>Both Options</i>	If a taxing unit adopts both discounts, the discounts described at Option 1 apply unless the tax bills for the unit are mailed after September 30, in which case only the discounts described at Option 2 apply. <i>Tax Code 31.05(a)</i>
<i>Rescission</i>	The governing body of a taxing unit may rescind a discount adopted by the governing body in the manner required by law for official action by the body. The rescission of a discount takes effect

in the tax year following the year in which the discount is rescinded. *Tax Code 31.05(d)*

Split Payment

The governing body of a taxing unit that collects its own taxes may provide, in a manner required by law for official action by the body, that a person who pays one-half of the unit's taxes before December 1 may pay the remaining one-half of the taxes without penalty or interest before July 1 of the following year. The split-payment option, if adopted, applies to taxes for all units for which the adopting taxing unit collects taxes.

If one or more taxing units contract with the appraisal district for collection of taxes, the split-payment option does not apply to taxes collected by the district unless approved by resolution adopted by a majority of the governing bodies of the taxing units whose taxes the district collects and filed with the secretary of the appraisal district board of directors. After an appraisal district provides for the split-payment option, the option applies to all taxes collected by the district until revoked. It may be revoked in the same manner as provided for adoption.

This payment option does not apply to taxes that are calculated too late for it to be available.

Tax Code 31.03, .04(c)

*In Certain
Counties*

The governing body of a taxing unit located in a county having a population of not less than 285,000 and not more than 300,000 that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide that the split-payment option does not apply to the taxing unit's taxes collected by the other taxing unit. *Tax Code 31.03(d)*

Installment
Payments

*Certain
Homesteads*

Tax Code 31.031 applies only to an individual who is disabled or at least 65 years of age and qualified for an exemption under Tax Code 11.13(c) or an individual who is a disabled veteran or the unmarried surviving spouse of a disabled veteran and qualified for an exemption under Tax Code 11.132 or 11.22. Subject to Section 31.031, an individual to whom this section applies may pay a taxing unit's taxes imposed on property that the person owns and occupies as a residence homestead in four equal installments without penalty or interest if the first installment is before the delinquency date and is accompanied by notice that the individual will pay the remaining taxes in three equal installments. If the delinquency date is February 1, the second installment must be paid before April 1, the third installment must be paid before June 1, and the fourth installment must be paid before August 1. If the delinquency date is a date other than February 1, the second installment must be paid

before the first day of the second month after the delinquency date, the third installment must be paid before the first day of the fourth month after the delinquency date, and the fourth installment must be paid before the first day of the sixth month after the delinquency date.

Notwithstanding the deadline prescribed above for payment of the first installment, an individual to whom this section applies may pay the taxes in four equal installments as provided above if the first installment is paid and the required notice is provided before the first day of the first month after the delinquency date.

Tax Code 31.031(a)-(a-2)

*Damaged
Property in a
Disaster or
Emergency Area*

This section applies to:

1. Real property that:
 - a. Is the residence homestead of the owner or consists of property that is used for residential purposes and that has fewer than five living units or is owned or leased by a business entity that had not more than the amount calculated as provided by Tax Code 31.032(h) in gross receipts in the entity's most recent federal tax year or state franchise tax annual period, according to the applicable federal income tax return or state franchise tax report of the entity;
 - b. Is located in a disaster area or emergency area; and
 - c. Has been damaged as a direct result of the disaster or emergency;
2. Tangible personal property that is owned or leased by a business entity described above at paragraph 1a; and
3. Taxes that are imposed on the property by a taxing unit before the first anniversary of the disaster or emergency.

A person may pay a taxing unit's taxes imposed on property that the person owns in four equal installments without penalty or interest if the first installment is paid before the delinquency date and is accompanied by notice to the taxing unit that the person will pay the remaining taxes in three equal installments in accordance with Tax Code 31.032.

Notwithstanding the deadline prescribed above for payment of the first installment, a person to whom this section applies may pay the taxes in four equal installments as provided above if the first installment is paid and the required notice is provided before the first day of the first month after the delinquency date.

Tax Code 31.032(a)-(b-1)

*Undamaged
Property in a
Disaster or
Emergency Area*

This section applies to:

1. Real property that:
 - a. Is owned or leased by a business entity that had not more than the amount calculated as provided by Tax Code 31.032(h) in gross receipts in the entity's most recent federal tax year or state franchise tax annual period, according to the applicable federal income tax return or state franchise tax report of the entity;
 - b. Is located in a disaster area or emergency area; and
 - c. Has not been damaged as a direct result of the disaster or emergency;
2. Tangible personal property that is owned or leased by a business entity described above at paragraph 1a; and
3. Taxes that are imposed on the property by a taxing unit before the first anniversary of the disaster or emergency.

The governing body of a taxing unit may authorize a person to pay the taxing unit's taxes imposed on property that the person owns in installments in accordance with Tax Code 31.032(b)–(d).

Tax Code 31.033(b)–(c)

Partial Payments

A tax collector may adopt a policy of accepting partial payments of property taxes. Acceptance of a partial payment does not affect the date that the tax becomes delinquent, but the penalties and interest provided by Tax Code 33.01 are incurred only by the portion of tax that remains unpaid on the date the tax becomes delinquent. A payment option provided by Tax Code 31.03 or a discount adopted under Tax Code 31.05 does not apply to any portion of a partial payment. *Tax Code 31.07(c)*

Performing Services
in Lieu of Paying
Taxes

In accordance with Tax Code 31.035, the governing body of a taxing unit may permit an individual who is at least 65 years of age to perform service to the taxing unit in lieu of paying property taxes imposed by the taxing unit on property owned by the individual and occupied as the individual's residence homestead. While performing service for the taxing unit, the property owner is not an employee of the taxing unit and is not entitled to any benefit, including workers' compensation coverage, that the taxing unit provides to an employee of the taxing unit. *Tax Code 31.035(a), (f)*

Delinquency Date

Taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed, except as provided below:

1. The taxing unit has provided for split payments, as described above. *Tax Code 31.03*
2. The taxing unit's tax bills are mailed after January 10. *Tax Code 31.04(a)*
3. The taxing unit's tax bills are mailed after September 30 and the taxing unit has adopted discounts provided by Tax Code 31.05(c). *Tax Code 31.04(d)*
4. A person who owns any interest in the property is an eligible person serving on active duty in any branch of the U.S. armed forces as provided by Tax Code 31.02(b).

Tax Code 31.02

Delinquent Tax
Collection

The governing body of a taxing unit may contract with any competent attorney to represent the unit to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. *Tax Code 6.30(c)*

Penalties and
Interest

Delinquent taxes incur penalties and accrue interest in accordance with Tax Code 33.01, subject to any waiver by the board pursuant to Tax Code 33.011.

Additional Penalties

A taxing unit or appraisal district may provide, in the manner required by law for official action by the body, that taxes that become delinquent on or after February 1 but not later than May 1 of that year and remain delinquent on July 1 of the year in which they become delinquent incur an additional penalty to defray costs of collection, if the unit or district or another unit that collects taxes for the unit has contracted with a private attorney for the collection of delinquent taxes pursuant to Tax Code 6.30. The amount of the penalty may not exceed the amount of the compensation specified in the contract with the attorney to be paid in connection with the collection of the delinquent taxes. A tax lien attaches to the property on which the tax is imposed to secure payment of the penalty. If a taxing unit or appraisal district provides for a penalty under this section, the collector shall deliver notice of the delinquency and of the penalty to the property owner at least 30 and not more than 60 days before July 1.

If the governing body of the taxing unit or appraisal district has imposed the penalty for collection costs described above and the taxing unit or appraisal district, or another taxing unit that collects taxes for the unit, has entered into a contract with an attorney under Tax Code 6.30 for collection of delinquent taxes, the governing body of the taxing unit or appraisal district, in a manner required by

law for official action, may provide that taxes that become delinquent on or after June 1 under Tax Code 26.075(j), 26.15(e), 31.03, 31.031, 31.032, 31.033, 31.04, or 42.42 incur an additional penalty to defray costs of collection. The amount of the penalty may not exceed the amount of compensation specified in the contract with the attorney to be paid in connection with the collection of the delinquent taxes. A tax lien attaches to the property on which the tax is imposed to secure payment of the additional penalty. After the taxes become delinquent, the collector for a taxing unit or appraisal district that has provided for the additional penalty shall send a notice of the delinquency and the penalty to the property owner. The penalty is incurred on the first day of the first month that begins at least 21 days after the date the notice is sent.

Tax Code 33.07--.08

PAYROLL PROCEDURES
SALARY DEDUCTIONS

CDDA
(LEGAL)

Income Tax	Except as otherwise provided in 26 U.S.C. 3402, every employer making payment of wages shall deduct and withhold upon such wages an income tax determined in accordance with tables or computational procedures prescribed by the Secretary of the Treasury. <i>26 U.S.C. 3401–3402</i>
Medicare Tax	The tax imposed by 26 U.S.C. 3101 shall be collected by the employer of the taxpayer hired after March 31, 1986, by deducting the amount of the tax from the wages as and when paid as required by law. <i>26 U.S.C. 3102(a), 3121(u)</i>
Retirement	<p>Each payroll period, each employer shall deduct from the compensation of each member employed by the employer the amount required by Government Code 825.402. <i>Gov't Code 825.403</i></p> <p>Each employer shall pick up the employee contribution required of each of its employees by Government Code 825.403. An employer shall pick up these contributions by a corresponding reduction in the cash salary of the employees, by an offset against a future salary increase, or by a combination of salary reduction and offset against a future salary increase.</p> <p>"Employee" means a person who is employed, as determined by the Teacher Retirement System of Texas, on other than a temporary basis by a single employer for at least one-half time at a regular rate of pay comparable to that of other persons employed in similar positions.</p> <p><i>Gov't Code 821.001(6), 825.409(a); Atty. Gen. Op. JH-871 (1976)</i></p>
Optional Retirement Program	A participant in the optional retirement program and the employing institution of higher education acting through its governing board shall execute an agreement under which the salary of the participant is reduced by the amount of the contribution required under Government Code 830.201 in accordance with Government Code 830.204. <i>Gov't Code 830.204</i>
Child Support Payments	<p>In accordance with Family Code Chapter 158, an employer shall begin to withhold income in accordance with an order or writ of withholding issued under Chapter 158 not later than the first pay period following the date on which the order or writ was delivered to the employer and shall continue to withhold income as required by the order or writ as long as the obligor is employed by the employer. The employer shall remit the amount to be withheld to the person or office named in the order or writ on each pay date.</p> <p>An employer may deduct an administrative fee of not more than \$10 each month from the obligor's disposable earnings in addition to the amount withheld as child support.</p> <p><i>Family Code 158.202–.204</i></p>

PAYROLL PROCEDURES
SALARY DEDUCTIONS

CDDA
(LEGAL)

**Spousal
Maintenance**

An order or writ of withholding issued under Family Code Chapter 8 for spousal maintenance and delivered to an employer doing business in this state is binding on the employer without regard to whether the obligor resides or works outside this state. In accordance with Chapter 8, the employer shall remit to the person or office named in the order or writ of withholding the amount of income withheld from an obligor on each pay date.

An employer may deduct an administrative fee of not more than \$5 each month from the obligor's disposable earnings in addition to the amount withheld as spousal maintenance.

Family Code 8.107, .203-.204

Social Security

An employer shall deduct from the salaries of designated employees the amount of Social Security tax required by federal law. 26 U.S.C. 3101-3102, 3121(b)(7); 26 C.F.R. 31.3121(b)(7)-2

**Federal Education
Loans**

An employer shall pay to the U.S. Secretary of Education, the Texas Guaranteed Student Loan Corporation, or any other guaranty agency for federal education loans as directed in the withholding order issued in an action to recover delinquent federal education loan payments. 20 U.S.C. 1095a(a)(6)

**Prepaid Higher
Education Tuition
Program**

An employee of a political subdivision of the state, including a college district, may make payments under a prepaid tuition contract by payroll deductions made by the appropriate officer of the political subdivision. *Education Code 54.626(c)*

**Higher Education
Savings Plan**

An employee of a political subdivision of the state, including a college district, may make contributions to a higher education savings trust account established under the higher education savings plan by payroll deductions made by the appropriate officer of the state or political subdivision. *Education Code 54.708(a)*

**English Proficiency
Course**

The cost of such English proficiency course offered under Education Code 51.917 will be deducted from said faculty member's salary. *Education Code 51.917*

**Parking Fees and
Permits**

An employee of an institution of higher education, including a college district, may authorize in writing a reduction each pay period from the employee's salary or wage payment for the payment of any fee or charge for parking, a parking permit, a transportation pass, or other qualified transportation benefit authorized under Section 132(f), Internal Revenue Code of 1986, as amended. The institution shall determine which fee or charge an employee may pay under this provision. *Gov't Code 659.202(a)*

**Club and
Recreational Fees**

An employee of an institution of higher education, including a college district, may authorize in writing a deduction each pay period

from the employee's salary or wage payment for the payment of any fee or charge for parking or for a club membership, recreational sports membership, or similar activity or program. The institution shall determine which fee or charge an employee may pay under this provision. *Gov't Code 659.202(b)*

Status of Deduction

If so designated by the employing institution of higher education, a salary deduction made by an employee under Government Code Chapter 659, Subchapter J, shall be considered compensation under Government Code Chapter 659 and salary and wages and member compensation under Government Code Title 8.

If authorized by federal law, a salary deduction or salary reduction under Government Code Chapter 659, Subchapter J, may be made on a pretax basis.

Gov't Code 659.205

Credit Unions

An employee of a state agency, including a college district, may authorize in writing a deduction each pay period from the employee's salary or wage payment for payment to a credit union to be credited to a share or deposit account of the employee. The deduction shall be administered in accordance with Government Code Chapter 659, Subchapter G. *Gov't Code 659.103*

**Employee
Membership
Organizations**

An employee of a state agency, including a college district, may authorize in writing a deduction each pay period from the employee's salary or wage payment for payment to an eligible state employee organization of a membership fee in the organization. "Eligible state employee organization" means a state employee organization with a membership of at least 2,000 active or retired state employees who hold or who have held certification from the Texas Commission on Law Enforcement.

The deduction shall be administered in accordance with Government Code Chapter 659, Subchapter G, and 34 Administrative Code 5.46.

Gov't Code 659.1031; 34 TAC 5.46

**Charitable
Contributions**

For purposes of Government Code Chapter 659, Subchapter H, a public junior college is considered to be an institution of higher education and employees of the public junior college are considered to be state employees during a state fiscal year unless an affirmative decision not to participate in the state employee charitable contribution program is made by the governing board of the public junior college not later than April 1 of the preceding state fiscal year. An employee of a public junior college that elects not to participate in the state employee charitable contribution program may authorize a deduction from the employee's salary or wage payment

for a charitable contribution as provided by the policy of the governing board of the public junior college. *Gov't Code 659.1311*

**Charitable
Contributions to
Institution of Higher
Education**

An employee of an institution of higher education, including a college district, may authorize a deduction each pay period from the employee's salary or wage payment for a contribution to an institution of higher education or a charitable contribution to a nonprofit organization the purpose of which is to support the programs of an institution of higher education.

To be eligible to receive charitable contributions, a nonprofit organization must comply with the rules adopted under Government Code 2255.001 by the institution of higher education the organization supports. An institution of higher education shall establish procedures to enable an employee of the institution to authorize a deduction under this section.

Education Code 51.947

Assignments

An employee's assignment, pledge, or transfer, as security for indebtedness, of any interest in or part of the employee's salary or wages then due or that may become due under an existing contract of employment is enforceable only if, before or at the time of execution, delivery, or acceptance of an assignment, pledge, or transfer, written approval is obtained in accordance with the policy of the employing institution; and to the extent that the indebtedness it secures is a valid and enforceable obligation.

An institution of higher education shall honor an assignment, pledge, or transfer fulfilling the conditions of Education Code 51.934(b) without incurring any liability to the employee executing the assignment, pledge, or transfer. Payment to any assignee, pledgee, or transferee in accordance with the terms of the instrument is payment to or for the account of the assignor, pledgor, or transferor. An assignment, pledge, or transfer is enforceable only to the extent of salary due or that may become due during continuation of the assignor's employment as an employee of the institution.

Education Code 51.934; Atty. Gen. Op. GM-3474 (1941)

**Deferred
Compensation**

The governing board of a state-supported institution of higher education, including a college district, may reduce the salary of participants in approved deferred compensation and annuity programs when authorized by the participants and shall apply the amount of the reduction to the purchase of annuity contracts or to contributions to any type of investment authorized in Section 403(b), Internal Revenue Code of 1986, and its subsequent amendments, the exclusive control of which will vest in the participants and develop a system to allow or require participants to electronically authorize

participation under Revised Civil Statutes Article 6228a-5, purchases of annuity contracts, and contributions to investments. [See CKC] *Rev. Civ. Stat. Art. 6228a-5, Sec. 2(b); Gov't Code Chapter 609*

Cafeteria Plans

An employer shall withhold from an employee's salary the amount designated by an employee for participation in the college district's cafeteria plan authorized under 26 U.S.C 125. *26 U.S.C. 125*

Public Purpose and Employee Benefit

The governing board of an institution of higher education, including a college district, that is not a component institution of a university system may authorize employees of the institution to elect a payroll deduction for any purpose that the governing board determines serves a public purpose and benefits employees. The board may adopt policies and procedures governing payroll deductions under this section. A payroll deduction under this section is in addition to payroll deductions authorized by other law.

The payroll deduction must be at the written request of the employee, and the request must state the amount to be deducted and the entity to which the deducted amount is to be transferred. A payroll deduction is in effect until revoked in writing by the employee, but the policies and procedures of the institution of higher education may provide for enrollment periods.

An institution of higher education may collect an administrative fee to cover the costs of making a deduction.

This section does not authorize a payroll deduction for dues or membership fees payable to a labor union or employees' association.

Education Code 51.9611

Administrative Fee for Required Deductions

An employer who is required by state or federal law to deduct from the current wages of an employee an amount garnished under a withholding order may deduct monthly an administrative fee from the employee's disposable earnings in addition to the amount required to be withheld under the withholding order. This section does not apply to income withholding under Family Code Chapter 158.

The administrative fee may not exceed the lesser of:

1. The actual administrative cost incurred by the employer in complying with the withholding order; or
2. \$10.

Civ. Prac. and Rem. Code 63.006(a)-(b)



Reduction of Energy Consumption

Each political subdivision or institution of higher education, including each college district, shall establish a goal to reduce the electric consumption by the entity by at least five percent each state fiscal year for seven years, beginning September 1, 2019.

Each political subdivision or institution of higher education shall implement all energy efficiency measures that meet the standards established for a contract for energy conservation measures under Local Government Code 302.004(b) in order to reduce electricity consumption by the existing facilities of the entity.

A political subdivision or institution of higher education annually shall report to the State Energy Conservation Office (SECO), on forms provided by that office, regarding the entity's goal, the entity's efforts to meet the goal, and progress the entity has made. SECO shall provide assistance and information to the entity to help the entity meet established goals.

A political subdivision or institution of higher education that does not attain the established goals must include in the report justification that the entity has already implemented all available cost-effective measures. An entity that submits a report indicating that the entity has reviewed its available options, has determined that no additional measures are cost-effective, and has already implemented all available cost-effective measures is exempt from the annual reporting requirement if a subsequent report would indicate no change in status. An entity may be required to provide notice that it is exempt to SECO.

Health and Safety Code 388.005(b)–(e)

Exception

This section does not apply to a state agency or an institution of higher education that SECO determines, before September 1, 2007, adopted a plan for conserving energy under which the agency or institution established a percentage goal for reducing the consumption of electricity. The exemption provided by this section applies only while the agency or institution has an energy conservation plan in effect and only if the agency or institution submits reports on the conservation plan each year to the governor, the Legislative Budget Board, and SECO. *Health and Safety Code 388.005(f)*

Energy or Water Conservation Measures

The governing board of an institution of higher education, including a college district, may enter into an energy savings performance contract in accordance with this section. "Energy savings performance contract" means a contract with a provider for energy or water conservation or usage measures in which the estimated energy savings, utility cost savings, increase in billable revenues, or increase in meter accuracy resulting from the measures is subject to

guarantee to offset the cost of the energy or water conservation or usage measures over a specified period. The term does not include the design or new construction of a water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, or drainage project. The term includes a contract related to the pilot program described by Local Government Code 302.001(9-a) and a contract for the installation or implementation of the following in new or existing facilities, including all causally connected work:

1. Insulation of a building structure and systems within the building.
2. Storm windows or doors, caulking or weather stripping, multi-glazed windows or doors, heat-absorbing or heat-reflective glazed and coated window or door systems, or other window or door system modifications that reduce energy consumption.
3. Automatic energy control systems, including computer software and technical data licenses.
4. Heating, ventilating, or air-conditioning system modifications or replacements that reduce energy or water consumption.
5. Lighting fixtures that increase energy efficiency.
6. Energy recovery systems.
7. Electric systems improvements.
8. Water-conserving fixtures, appliances, and equipment or the substitution of non-water-using fixtures, appliances, and equipment.
9. Water-conserving landscape irrigation equipment.
10. Landscaping measures that reduce watering demands and capture and hold applied water and rainfall, including:
 - a. Landscape contouring, including the use of berms, swales, and terraces; and
 - b. The use of soil amendments that increase the water-holding capacity of the soil, including compost.
11. Rainwater harvesting equipment and equipment to make use of water collected as part of a storm-water system installed for water quality control.

12. Equipment for recycling or reuse of water originating on the premises or from other sources, including treated municipal effluent.
13. Equipment needed to capture water from nonconventional, alternate sources, including air-conditioning condensate or graywater, for nonpotable uses.
14. Metering or related equipment or systems that improve the accuracy of billable-revenue-generation systems.
15. Alternative fuel programs resulting in energy cost savings and reduced emissions for local government vehicles, including fleet vehicles.
16. Programs resulting in utility cost savings.
17. Other energy or water conservation-related improvements or equipment, including improvements or equipment related to renewable energy or nonconventional water sources or water reuse.

Each energy or water conservation measure must comply with current local, state, and federal construction, plumbing, and environmental codes and regulations. Notwithstanding the list above, an energy savings performance contract may not include improvements or equipment that allow or cause water from any condensing, cooling, or industrial process or any system of nonpotable usage over which the public water supply system officials do not have sanitary control, to be returned to the potable water supply.

The board may enter into energy savings performance contracts only with persons who are experienced in the design, implementation, and installation of the energy or water conservation measures addressed by the contract.

The contracting and delivery procedures for construction projects described at Government Code Chapter 2269 do not apply to energy savings performance contracts.

Education Code 51.927(a)–(d), (k); Local Gov't Code 302.001(4)

Performance Bond

Before entering into an energy savings performance contract, the board shall require the provider of the energy or water conservation measures to file with the board a payment and performance bond in accordance with Government Code Chapter 2253. The board may also require a separate bond to cover the value of the guaranteed savings on the contract. *Education Code 51.927(e)*

Contract Term

The board may enter into an energy savings performance contract for a period of more than one year only if the board finds that the

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amount the institution would spend on the energy or water conservation measures will not exceed the amount to be saved in energy, water, wastewater, and operating costs over 20 years from the date of installation. *Education Code 51.927(f)*

Financing

An energy savings performance contract may be financed:

1. Under a lease/purchase contract that has a term not to exceed 20 years from the final date of installation and that meets federal tax requirements for tax-free municipal leasing or long-term financing;
2. With the proceeds of bonds; or
3. Under the contract with the provider of the energy or water conservation measures that has a term not to exceed the lesser of 20 years from the final date of installation or the average useful life of the energy or water conservation or usage measures.

Notwithstanding other law, the board may use any available money to pay the provider of the energy or water conservation measures, and the board is not required to pay for such costs solely out of the savings realized by the college district under an energy savings performance contract.

Education Code 51.927(g)-(g-1)

Cost Savings

An energy savings performance contract shall contain provisions requiring the provider of the energy or water conservation measures to guarantee the amount of the savings to be realized by the institution of higher education under the contract. If the term of the contract exceeds one year, the institution's contractual obligations in any one year during the term of the contract beginning after the final date of installation may not exceed the total energy, water, wastewater, and operating cost savings, including electrical, gas, water, wastewater, or other utility cost savings and operating cost savings resulting from the measures, as determined by the board, divided by the number of years in the contract term beginning after the final date of installation. The board shall consider all costs of the energy or water conservation measures, including costs of design, engineering, installation, maintenance, repairs, and debt service. *Education Code 51.927(f), (h)*

Contract
Procurement

An energy savings performance contract shall be let according to the procedures established for professional services by Government Code 2254.004. Notice of the request for qualifications shall be given in the manner provided by Government Code 2156.002.

The board may contract with the provider to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract.

Education Code 51.927(g-1), (i)

Guidelines

The Coordinating Board, in consultation with SECO with regard to energy conservation measures, shall establish guidelines and an approval process for awarding energy savings performance contracts. The guidelines must require that the cost savings projected by an offeror be reviewed by a licensed professional engineer who has a minimum of three years of experience in energy calculation and review, is not an officer or employee of an offeror for the contract under review, and is not otherwise associated with the contract. In conducting the review, the engineer shall focus primarily on the proposed improvements from an engineering perspective, the methodology and calculations related to cost savings, increases in revenue, and, if applicable, efficiency or accuracy of metering equipment. An engineer who reviews a contract shall maintain the confidentiality of any proprietary information the engineer acquires while reviewing the contract. A contract is not required to be reviewed or approved by SECO. Occupations Code 1001.053 and 1001.047 apply to work performed under the contract.

The guidelines must require the Coordinating Board to review any reports submitted to the Coordinating Board that measure and verify cost savings to an institution of higher education under an energy savings performance contract; and based on the reports, provide an analysis, on a periodic basis, of the cost savings under the energy savings performance contract to the governing board of the institution of higher education and the Legislative Budget Board until the governing board of the institution of higher education determines that the analysis is no longer required to accurately measure cost savings.

Education Code 51.927(i), (l)

Energy Usage Report

A governmental entity, including a college district, shall record in an electronic repository the governmental entity's metered amount of electricity, water, or natural gas consumed for which it is responsible to pay and the aggregate costs for those utility services. The governmental entity shall report the recorded information on a publicly accessible internet website with an interface designed for ease of navigation if available, or at another publicly accessible location.
Gov't Code 2265.001

Light Bulbs

An institution of higher education, including a college district, shall purchase for use in each type of light fixture in an educational or housing facility the commercially available model of light bulb that:

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1. Is compatible with the light fixture;
2. Uses the fewest watts for the necessary luminous flux or light output; and
3. Is the most cost-effective, considering the factors described above.

"Housing facility" means a single- or multi-family residence used exclusively for housing or boarding, or housing and boarding students, faculty, or staff members of an institution of higher learning. The term includes infirmary and student union building, but does not include a housing or boarding facility for the use of a fraternity, sorority, or private club.

Education Code 51.9271, 53.02(7)

Recycling Program

An institution of higher education, including a college district, shall:

1. Establish a program for the separation and collection of all recyclable materials generated by the entity's operations;
2. Provide procedures for collecting and storing recyclable materials, containers for recyclable materials, and procedures for making contractual or other arrangements with buyers of recyclable materials;
3. Evaluate the amount of recyclable material recycled and modify the recycling program as necessary to ensure that all recyclable materials are effectively and practicably recycled; and
4. Establish educational and incentive programs to encourage maximum employee participation.

"Recyclable material" means a material generated by the entity's operations, including aluminum, steel containers, aseptic packaging and polycoated paperboard cartons, high-grade office paper, and corrugated cardboard.

Health and Safety Code 361.425(a), (d); 30 TAC 328.201–.202

Exception

A governmental entity, including a college district, may exclude one or more recyclable materials from its program if the Texas Commission on Environmental Quality (TCEQ) finds that a recycling program for a recyclable material is not available through its solid waste provider or the inclusion of a recyclable material would create a hardship.

A governmental entity may request additional consideration from TCEQ if compliance with this section would create a hardship.

"Hardship" means a circumstance that causes unreasonable burden on the college district.

Health and Safety Code 361.425(d); 30 TAC 328.201, .204(b)–(c)

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Certificate of Mold Remediation

If a property owner, including a college district, sells property, the property owner shall provide to the buyer a copy of each certificate of mold remediation issued for the property during the five years preceding the date the property owner sells the property. *Occupations Code 1958.154(b); 16 TAC 78.150(e)*

Pools

Generally

An owner, manager, operator, or other attendant, including a college district, in charge of a public swimming pool, wading pool, baby pool, hot tub, in-ground spa, spray fountain, or other artificial body of water typically used for recreational swimming, bathing, or play shall comply with relevant pool safety standards necessary to prevent drowning adopted by the executive commissioner of the Health and Human Services Commission. *Health and Safety Code 341.0645; 25 TAC 265.181-.211*

A person, including a college district, may use, maintain, and repair a pool or spa that was in compliance with the laws of this state on August 31, 2021, and related mechanical, electrical, and plumbing systems in accordance with the laws applicable to the pool or system on that date. *Health and Safety Code 341.0645(f)*

Drains

Each public pool and spa shall comply with the drain cover standards found at 15 U.S.C. 8003. "Public pool and spa" means a swimming pool or spa that is open to the public generally, whether for a fee or free of charge. *15 U.S.C. 8003*

Human Trafficking Signs at Cosmetology Facilities

A person, including a college district, who operates a cosmetology facility or other entity described by 1 Administrative Code 54.80 shall post at the entity a sign as prescribed by 1 Administrative Code Chapter 54, Subchapter C, or, if applicable, similar signs or notices as prescribed by other state law. "Cosmetology facility" means a person who holds a license to operate a facility or school under Occupations Code Chapter 1602. [See CJ]

A sign required to be posted under Government Code 402.0351 must at a minimum:

1. Contain information regarding services and assistance to victims of human trafficking;
2. Be in both English and Spanish; and
3. Include:
 - a. A toll-free telephone number and internet website for accessing human trafficking resources;
 - b. The contact information for reporting suspicious activity to the Department of Public Safety; and

- c. The key indicators that a person is a victim of human trafficking.

A sign required under 1 Administrative Code Chapter 54, Subchapter C, must be clearly legible and posted in a conspicuous place that is either near the public entrance or in clear view of the public and employees and near the location similar notices are currently posted.

Gov't Code 402.0351(a)(1), (a-1), (b)-(d); 1 TAC 54.80

**Display of National
Motto**

An institution of higher education, including a college district, must display in a conspicuous place in each building of the institution a durable poster or framed copy of the U.S. national motto, "In God We Trust," if the poster or framed copy meets the requirements below and is donated for display at the institution or purchased from private donations and made available to the institution.

A poster or framed copy of the national motto:

1. Must contain a representation of the U.S. flag centered under the national motto and a representation of the state flag; and
2. May not depict any words, images, or other information other than the representations listed in item 1.

An institution of higher education may accept and use private donations for the purposes of this section.

Education Code 1.004

Note: For record retention requirements under specific statutes or rules, see the applicable policy code.

**Local Government
Record**

A "local government record" means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information-recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government, including a college district, or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business.

The term does not include:

1. Extra identical copies of documents created only for convenience of reference or research by officers or employees of the local government.
2. Notes, journals, diaries, and similar documents created by an officer or employee of the local government for the officer's or employee's personal convenience.
3. Blank forms.
4. Stocks of publications.
5. Library and museum materials acquired solely for the purposes of reference or display.
6. Copies of documents in any media furnished to members of the public to which they are entitled under Government Code Chapter 552 (Public Information Act) or other state law.
7. Any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by Government Code 2009.054(c), associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a state department or institution, local government, special district, or other political subdivision of the state participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

Local Gov't Code 201.003(8)

**Board's
Responsibilities**

The governing body of a local government, including a college district, shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all local government records;

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2. Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer;
3. Facilitate the creation and maintenance of local government records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the local government and designed to furnish the information necessary to protect the legal and financial rights of the local government, the state, and persons affected by the activities of the local government;
4. Facilitate the identification and preservation of local government records that are of permanent value;
5. Facilitate the identification and protection of essential local government records; and
6. Cooperate with the Texas State Library and Archives Commission (TSLAC) in its conduct of statewide records management surveys.

Local Gov't Code 203.021

**College District
Duties**

Each local government shall:

1. Submit to the TSLAC director and librarian the name of the local government's records management officer identified under Local Government Code 203.001 or designated under Local Government Code 203.025 and the name of the new officer in the event of a change;
2. File a plan or an ordinance or order establishing a records management program and any amendments to the plan or ordinance or order with the director and librarian as required by Local Government Code 203.005 and 203.026;
3. Notify the commission at least ten days before destroying a local government record that does not appear on a records retention schedule issued by the commission; and
4. File with the director and librarian a written certification as provided by Local Government Code 203.041 that the local government has prepared a records control schedule that:
 - a. Establishes a retention period for each local government record as required by Local Government Code Chapter 203, Subchapter C; and
 - b. Complies with a local government records retention schedule distributed by the director and librarian under

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Government Code 441.158 and any other state and federal requirements.

Gov't Code 441.169

Custodians of Records

Custodians of records in each local government, including each college district, shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by the local government for the efficient and economical management of records and in carrying out the requirements of Local Government Code Title 6, Subtitle C;
2. Adequately document the transaction of government business and the services, programs, and duties for which the custodians and their staff are responsible; and
3. Maintain the records in the custodians' care and carry out the preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the local government's records management program and the requirements of Subtitle C and rules adopted under it.

State law relating to the duties, other responsibilities, or record-keeping requirements of a custodian of local government records do not exempt the custodian or the records in the custodian's care from the application of Subtitle C and rules adopted under it and may not be used by the custodian as a basis for refusal to participate in the records management program of the local government whose establishment is required by Local Government Code Chapter 203.

"Custodian" means the appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records.

"Third-party custodians" are parties with which a local government entity may contract for services who are temporarily responsible for the maintenance of local government records, other than an inter-local contract under Local Government Code 203.025(f).

Local Gov't Code 201.003(2), 203.022; 13 TAC 7.71(16)

Records Management Officer

Designation

The governing body of each local government shall designate a records management officer by:

1. Designating an individual; or
2. Designating an office or position, the holder of which shall be the records management officer.

The name, office, or position of the records management officer shall be entered on the minutes of the governing body. The name or the name and office or position of the records management officer shall be filed by the records management officer with the TSLAC director and librarian within 30 days after the date of the designation.

The designation of a new individual or a new office or position shall be entered on the minutes and reported by the records management officer to the director and librarian in the same manner as the original designation. If the order designating a records management officer designates an office or position rather than an individual, a new holder of that office or position must file the holder's name with the director and librarian within 30 days after the date of assuming the office or position.

Local Gov't Code 203.025(a)–(e); 13 TAC 7.121(3)

Duties

The records management officer in each local government shall:

1. Assist in establishing and developing policies and procedures for the records management program for the local government.
2. Administer the records management program and provide assistance to custodians for the purposes of reducing costs and improving the efficiency of recordkeeping.
3. In cooperation with the custodians of the records, prepare the records control schedules and amended schedules required by Local Government Code 203.041 and the list of obsolete records as provided by Local Government Code 203.044.
4. In cooperation with custodians, identify and take adequate steps to preserve local government records of permanent value.
5. In cooperation with custodians, identify and take adequate steps to protect essential local government records.
6. In cooperation with custodians, ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the policies and procedures of the local government's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it.
7. Disseminate to the governing body and custodians information concerning state laws, administrative rules, and policies of the government relating to local government records.

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8. In cooperation with custodians, establish procedures to ensure that the handling of records in any context of the records management program by the records management officer or those under the officer's authority is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

Local Gov't Code 203.023

**Records
Management
Program**

Each governing body, including each college district board of trustees, by ordinance or order, as appropriate, shall establish a records management program to be administered by the records management officer. The ordinance or order must provide methods and procedures to enable the governing body, custodians, and the records management officer to fulfill the duties and responsibilities set out in Local Government Code 203.021, 203.022, and 203.023 concerning the management and preservation of records. The ordinance or order may prescribe any policies or procedures for the operation of the records management program that are consistent with the requirements of Local Government Code Title 6, Subtitle C, and rules adopted under it.

A copy of the ordinance or order must be filed by the records management officer with the TSLAC director and librarian within 30 days after the date of its adoption. A copy of an amended ordinance or revised order relating to the establishment or operation of the records management program must be filed by the governing body with the director and librarian within 30 days after the date of its adoption.

"Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

Local Gov't Code 201.003(13), 203.026(a)-(c), (e)

**Electronic Records
Management**

Administrative Code Title 1, Chapter 7, Subchapter C, establishes the minimum requirements for the maintenance, use, retention, and storage of any electronic record of a local government whose retention period is ten years or more on a records retention schedule. These requirements are recommended as best practices for

electronic records with retention periods of less than ten years. All electronic records are subject to the applicable provisions of the Local Government Code Chapter 205.

The governing body of a local government and its records management officer, in cooperation with other employees of the local government, must:

1. Administer a program for the management of records created, received, maintained, used, or stored on electronic media;
2. Integrate the management of electronic records with other records and information resources management programs;
3. Incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives;
4. Establish procedures for addressing records management requirements, including recordkeeping requirements and disposition;
5. Make training available for users of electronic records systems that addresses:
 - a. The operation, care, and handling of the equipment, software, media, and information contained in the system; and
 - b. Records management concepts and applicable requirements, including any records management issues as they relate to paragraph 5a;
6. Develop and maintain up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics necessary for reading or processing the records and the timely, authorized disposition of records; and
7. Specify the location and media on which electronic records are maintained to meet retention requirements and maintain inventories of electronic records systems to facilitate disposition.

13 TAC 7.72(a), (c)

*Policies and
Procedures*

Local government records management officers, in conjunction with the governing body, shall approve and institute written policies and procedures that communicate the organization's approach for electronic records management practices that ensure electronic records maintain and retain reliability, usability, integrity, and authenticity.

A local government's policies and procedures must:

1. Establish a component of the local government's active and continuing records management program to address the management of electronic records created, received, retained, used, transmitted, or disposed of electronically, including electronic records maintained or managed by third-party custodians or other external entities;
2. Integrate the management of electronic records into existing records and information resources management programs;
3. Incorporate electronic records management objectives, responsibilities, and authorities;
4. Address electronic records management requirements, including retention requirements and final disposition;
5. Address the use of new technologies through regular media and format conversion, recopying, reformatting, and other necessary maintenance to ensure the retention and usability of electronic records until the expiration of their retention periods and final disposition; and
6. Ensure transparency by documenting, in an open and verifiable manner, the processes and activities carried out in the management of electronic records.

A local government's policies and procedures must ensure information that must be protected from unauthorized use or disclosure is appropriately protected as required by applicable law, regulation, or other applicable requirement.

13 TAC 7.73

*Minimum
Requirements for
Electronic
Records*

Each local government must:

1. Manage electronic records according to the local government's records management program and records retention schedule regardless of format, system, or storage location;
2. Maintain ownership and responsibility for electronic records regardless of where the record originates or resides, including, but not limited to, external electronic records systems, third-party custodians, and social media platforms;
3. Develop and maintain up-to-date documentation about electronic records systems and storage media adequate to identify, retain, read, process, or migrate electronic records and ensure the timely, authorized final disposition of electronic records;

4. Ensure that electronic records remain readily retrievable and readable for as long as they are maintained by the local government through migration or by maintaining any software, hardware, and documentation required to retrieve and read the electronic records;
5. Maintain descriptive and technical metadata required for electronic records to maintain and retain reliability, including metadata necessary to adequately support the usability, authenticity, or integrity as well as the preservation of a record;
6. Preserve the authenticity, integrity, reliability, and usability of the records;
7. Ensure that electronic records are readily retrievable and readable independently of other records in the database management system, electronic records system, or electronic storage media;
8. Ensure that system backups that are required for disaster recovery are not used to satisfy records retention requirements unless indexed to ensure usability and are tested on a regular basis; and
9. Require all third-party custodians of records to provide the local government with descriptions of their business continuity and/or disaster recovery plans pertaining to the protection of the local government's essential records.

Any technology for electronic records developed, used, or acquired by a local government must support the local government's ability to meet the minimum requirements to preserve and make readily retrievable and readable any electronic record or to extract or migrate the record in as complete a form as possible for its full retention period.

13 TAC 7.74

*Electronic
Records Security*

Local governments must implement and maintain an electronic records security program for office and storage areas that:

1. Ensures that only authorized individuals have access to electronic records;
2. Provides for backup and recovery of records to protect against information loss;
3. Ensures that authorized individuals are trained to safeguard confidential electronic records; and

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4. Minimizes the risk of unauthorized alteration or erasure of electronic records.

A duplicate copy of essential records and any software or documentation required to retrieve and read the records must be maintained in a separate storage area.

For records stored on rewritable electronic storage media, local governments must ensure that read/write privileges are controlled and that an audit trail of rewrites is maintained.

13 TAC 7.75 [See CS]

*Electronic
Storage Media
Maintenance*

Local governments shall maintain electronic storage media in accordance with 13 Administrative Code 7.76. *13 TAC 7.76*

*Electronic
Records Systems
Requirements*

Local governments shall satisfy the minimum requirements for electronic records systems described by 13 Administrative Code 7.77.

An electronic records system not meeting the provisions of 1 Administrative Code Chapter 7, Subchapter C, may be utilized for records subject to 13 Administrative Code 7.72, provided the source document, if any, or a paper copy of the record is maintained, or the record is microfilmed in accordance with the provisions of Local Government Code Chapter 204 and the rules adopted under it.

13 TAC 7.72(d), .77

Retention Schedules

On or before January 4, 1999, the records management officer shall:

1. Prepare a records control schedule listing the following records and establishing a retention period for each as provided by Local Government Code 203.042:
 - a. All records created or received by the local government or elective county office;
 - b. Any record no longer created or received by the local government or elective county office that is still in its possession and for which the retention period on a records retention schedule issued by the commission has not expired; and
 - c. Any record no longer created or received by the local government or elective county office that is still in its possession and for which the retention period on a records retention schedule issued by the commission has

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expired but which will not be destroyed as provided by
Local Government Code 203.044; and

2. File with the TSLAC director and librarian a written certification of compliance that the local government or the elective county office has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by the commission.

At the discretion of the records management officer the records control schedule may also list and provide retention periods for material that is excluded from the definition of a local government record by Local Government Code 201.003(8) and exempted records described by Local Government Code 202.001(b) if in the officer's opinion the inclusion of the material or records is necessary to ensure the periodic destruction of the material or records in the interest of efficient records management.

The records management officer shall review the records control schedules of the local government or elective county office and prepare amendments to the schedules as needed to reflect new records created or received by the government or office or revisions to retention periods established in a records retention schedule issued by the commission. The records management officer shall file with the director and librarian a written certification of compliance that the local government or the elective county office has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by the commission.

The governing body shall require in the ordinance or order establishing the records management program the review or approval of a records control schedule or amended schedule by the officers of the local government as it considers necessary. The records control schedule or amended schedule for an elective county office need only be approved by the elected official in charge of that office.

Records control schedules may be prepared on an office-by-office basis or on a department-by-department basis within each office.

A local government that intends to retain all records permanently or that destroys only those records for which no retention periods have been established in a records retention schedule established under Government Code 441.158 is not required to prepare a records control schedule.

Local Gov't Code 203.041

The records retention schedules adopted in 1 Administrative Code 7.125 shall be considered minimum requirements and shall in no way affect the authority of the governing bodies of local governments to establish longer periods of time for which records of their government are to be retained. The applicable records retention schedules adopted by the State Library and Archives Commission include:

1. Local Schedule GR—Records Common to all Governments;
2. Local Schedule EL—Records of Elections and Voter Registration;
3. Local Schedule TX—Records of Property Taxation; and
4. Local Schedule JC—Records for Public Junior Colleges.

13 TAC 7.123(b), .125

Note: Local government records retention schedules¹ are available on the Texas State Library and Archives Commission website.

Preservation of Records

A governmental body, including a college district board of trustees, may determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of local government records or public information. *Gov't Code 552.004(a)*

Permanent Records

Permanent records shall be stored under conditions that meet the requirements of 1 Administrative Code 7.164. As resources permit, local governments should strive to store records under enhanced storage conditions that meet as many of the recommendations of 1 Administrative Code 7.165 as practicable.

The requirements apply only to records in storage and are not required for records being transported, temporarily housed or displayed, or in active use. Unless otherwise noted, the requirements apply only to paper records. Storage requirements for local government records stored micrographically or electronically are adopted under 1 Administrative Code 7.26 and 1 Administrative Code 7.76 respectively.

13 TAC 7.162(b)–(c), .164(a), .165(a)

Microfilm

Any local government record may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Local Government Code Chapter 204 and 13 Administrative Code Chapter 7, Subchapter B. *Local Gov't Code 204.002–.003; 13 TAC 7.23(a)*

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Electronic Storage Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media.
Local Gov't Code 205.002-.003

**Destruction of
Records**

**Records That May
Be Destroyed**

A local government record may be destroyed if:

1. The record is listed on a valid records control schedule and either its retention period has expired or it has been micro-filmed or stored electronically in accordance with the requirements of Local Government Code Chapters 204 and 205;
2. The record appears on a list of obsolete records as provided by Local Government Code 203.044; or
3. The record is not listed on a records retention schedule issued by the commission and the local government provides notice to the commission at least ten days before destroying the record as required by Government Code 441.169.

Local governments may destroy the following records without first filing records destruction requests with the TSLAC director and librarian:

1. Records the destruction or obliteration of which is directed by an expunction order issued by a court pursuant to state law.
2. Any record whose retention period in a records retention schedule is AV (as long as administratively valuable).
3. Any record whose retention period in a records retention schedule is one year or less.
4. Any record whose retention period in a records retention schedule is US (until superseded), unless an additional period exceeding one year is prescribed beyond supersession.
5. Any record listed in Local Schedule EL whose retention period is RP-1 (general, special, and primary elections that do not involve a federal office--60 days after election day) or RP-2 (general, special, and primary elections that do involve a federal office--22 months after election day).
6. Any record listed as exempt from the destruction request requirement in a records retention schedule.

Local Gov't Code 202.001; 13 TAC 7.123(c)

Exceptions

A local government record the subject matter of which is known by the custodian to be in litigation may not be destroyed until the litigation is settled. A local government record subject to a request under Government Code Chapter 552 may not be destroyed until the request is resolved. *Local Gov't Code 202.002*

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**Manner of
Destruction**

A local government record may be destroyed by burning, shredding, pulping, or burial in a landfill or by sale or donation for recycling purposes except that records, including extra identical copies of a local government record, to which public access is restricted under Government Code Chapter 552 or other state law may be destroyed only by burning, pulping, or shredding.

A local government that sells or donates records for recycling purposes shall establish procedures for ensuring that the records are rendered unrecognizable as local government records by the recycler.

The TSLAC director and librarian may approve other methods of destruction that render the records unrecognizable as local government records.

Local Gov't Code 202.003, .006

**Electronic
Records
Destruction**

Electronic records may be destroyed only in accordance with Local Government Code 202.001.

Each local government must ensure that:

1. Electronic records eligible for destruction are disposed of in a manner that ensures protection of any confidential information; and
2. Electronic storage media used for electronic records containing confidential information is not reused if the previously recorded information can be compromised in any way through reuse.

13 TAC 7.78(a)-(b)

**Alienation of
Records**

A local government record may be sold or donated, loaned, transferred, or otherwise passed out of the custody of a local government to any public institution of higher education, public museum, public library, or other public entity with the approval of the local government's records management officer and after the expiration of the record's retention period under the local government's records control schedule.

A local government record may not be sold or donated (except for the purposes of recycling), loaned, transferred, or otherwise passed out of the custody of a local government to any private college or university, private museum or library, private organization of any type, or an individual, except with the consent of the TSLAC director and librarian and after the expiration of its retention period under the local government's records control schedule.

A records management officer or custodian may temporarily transfer a local government record to a person for the purposes of microfilming, duplication, conversion to electronic media, restoration, or similar records management and preservation procedures.

Local Gov't Code 202.004

Right of Recovery

In accordance with Local Government Code 202.005, the governing body may demand and receive from any person any local government record in private possession created or received by the local government the removal of which was not authorized by law.

Local Gov't Code 202.005(a)

Penalties

Destruction or
Alienation of Record

An officer or employee of a local government commits an offense if the officer or employee knowingly or intentionally violates this subtitle or rules adopted under it by destroying or alienating a local government record in contravention of Local Government Code Title 6, Subtitle C or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a).

Local Gov't Code 202.008

Federal
Investigations and
Bankruptcy

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under U.S.C. Title 11 (bankruptcy), or in relation to or contemplation of any such matter or case, shall be fined, imprisoned not more than 20 years, or both. *18 U.S.C. 1519*

**Chapter 176
Disclosures**

A records administrator shall:

1. Maintain a list of local government officers of the local governmental entity and shall make that list available to the public and any vendor who may be required to file a conflict of interest questionnaire under Local Government Code 176.006 [see CFE]; and
2. Maintain the statements and questionnaires that are required to be filed under Local Government Code Chapter 176 [see BBFA, CFE, and DBD] in accordance with the local governmental entity's records retention schedule.

Local Gov't Code 176.0065

Records
Administrator

"Records administrator" means the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the local governmental entity or another person designated by the local governmental entity to maintain statements

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and questionnaires filed under Local Government Code Chapter 176 and perform related functions. *Local Gov't Code 176.001(5)*

¹ Local Government Retention Schedules:
<https://www.tsl.texas.gov/slr/recordspubs/localretention.html>



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The College President shall oversee the performance of records management functions prescribed by state and federal law:

- Records administrator, as prescribed by Local Government Code 176.001 and 176.0065. [See BBFA, CIA, and CFE]
- Officer for public information, as prescribed by Government Code 552.201–.205. [See GCB]
- Public information coordinator, as prescribed by Government Code 552.012. [See BBD]

**Local Government
Records Act**

The term “local government record” shall pertain to all items identified as such by the Local Government Records Act.

Local Government
Record

Records
Management
Officer

The head librarian shall serve as and perform the duties of the College District’s records management officer, as prescribed by Local Government Code 203.023, and shall administer the College District’s records management program pertaining to local government records in compliance with the Local Government Records Act.

Notification

The records management officer shall file the officer’s name with the Texas State Library and Archives Commission (TSLAC) within 30 days of assuming the position.

Electronic Records

The records management officer shall develop procedures for the management of electronic records that comply with the College District’s records control schedules and meet the minimum components required by law.

The procedures shall:

1. Specify the objectives of the electronic records management program;
2. Identify the responsibilities of employees who create, receive, or maintain electronic records;
3. Ensure the maintenance of electronic records until the expiration of the applicable retention period and final disposition; and
4. Ensure that electronic records that must be protected from unauthorized use or disclosure are appropriately protected as required by law, regulation, or other applicable requirements.

Records Control
Schedules

The records management officer shall file with the TSLAC a written certification that the College District has adopted records control

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schedules that comply with records retention schedules issued by the TSLAC as provided by law.

Website Postings

The College District's records management program shall address the length of time records will be posted on the College District's website when the law does not specify a posting period.

Records Destruction Practices

All local government records shall be considered College District property and any unauthorized destruction or removal shall be prohibited. The College District shall follow its records control schedules, records management program, and all applicable laws regarding records destruction. However, the College District shall preserve records, including electronically stored information, and suspend routine record destruction practices where appropriate and in accordance with procedures developed by the records management officer. Such procedures shall describe the circumstances under which local government records scheduled for destruction must be retained. Notification shall be given to appropriate staff when routine record destruction practices must be suspended and when they may be resumed.

Training

The records management officer shall receive appropriate training regarding the Local Government Records Act and shall ensure that custodians of records, as defined by law, and other applicable College District staff are trained on the College District's records management program, including this policy and corresponding procedures.

- Vehicle Registration** The owner of a motor vehicle, trailer, or semitrailer may apply for registration under Transportation Code 502.451 and is exempt from the payment of a registration fee under Transportation Code Chapter 502 if the vehicle is owned by and used exclusively in the service of the United States, this state, or a county, municipality, or school district in this state. An application for registration under this section must be made by a person having the authority to certify that the vehicle meets the exemption requirements. *Transp. Code 502.453*
- Vehicle Identification** A motor vehicle, trailer, or semitrailer that is the property of and used exclusively by any institution of higher education, including a college district, must have the name of the institution printed on the side of the vehicle. The inscription must be in a color sufficiently different from the body of the vehicle and must be of letters of sufficient height so that the lettering is plainly legible at a distance of not less than 100 feet. This requirement does not apply to a motor vehicle used by a peace officer commissioned under Education Code Chapter 51, Subchapter E, or the chancellor or president of an institution of higher education. *Education Code 51.932*
- Driver Qualifications** A person who is 18 years of age or older and who is licensed by the Department of Public Safety to operate a motor vehicle as a school bus may operate the motor vehicle for the transportation of junior college students and employees to and from school or official school activities. This section does not apply to the operator of a vehicle operated under a registration certificate issued under Transportation Code Chapter 643. *Transp. Code 521.023(a), (c)*
- Transportation of Public School Students** A school bus operated by a junior college may also be used to transport public school students if it is convenient. If students of a local public school district are transported to and from school on a bus operated by a junior college and the operator is under 21 years of age, the selection of the operator must be approved by the principal of the public school whose students are transported on that bus. This section does not apply to the operator of a vehicle operated under a registration certificate issued under Transportation Code Chapter 643. *Transp. Code 521.023(b)-(c)*
- Student Travel** Each governing board of an institution of higher education, including each college district, shall adopt a policy regulating travel that is undertaken by one or more students presently enrolled at the institution to reach an activity or event that is located more than 25 miles from the institution that is organized and sponsored by the institution and that is:
1. Funded by the institution, and the travel is undertaken using a vehicle owned or leased by the institution; or

2. Required by a student organization registered at the institution.

The governing board shall seek advice and comment from the faculty and students of the institution before adopting any policy. The policy must contain provisions that address:

1. Different modes of travel likely to be used by students; and
2. Safety issues related to student travel, including:
 - a. Use of seat belts or other safety devices;
 - b. Passenger capacity; and
 - c. For the person providing transportation services:
 - (1) Qualifications and training required to operate that particular mode of travel; and
 - (2) Fatigue at the time of travel.

The governing board shall make the policy available to the public by publishing the policy in the college district's catalog and by any other method the board considers appropriate.

The board shall file a copy of the policy, and any amendments to that policy, with the Coordinating Board.

Education Code 51.950

**Human Trafficking
Signs**

A person, including a college district, who operates a transportation hub shall post at the entity a sign as prescribed by 1 Administrative Code Chapter 54, Subchapter C, or, if applicable, similar signs or notices as prescribed by other state law. "Transportation hub" includes a bus, bus stop, or rest area.

A sign required to be posted under Government Code 402.0351 must at a minimum:

1. Contain information regarding services and assistance to victims of human trafficking;
2. Be in both English and Spanish; and
3. Include:
 - a. A toll-free telephone number and internet website for accessing human trafficking resources;
 - b. The contact information for reporting suspicious activity to the Department of Public Safety; and

- c. The key indicators that a person is a victim of human trafficking.

A sign required under 1 Administrative Code Chapter 54, Subchapter C, must be clearly legible and posted in a conspicuous place that is either near the public entrance or in clear view of the public and employees and near the location similar notices are currently posted.

Gov't Code 402.0351(a)(7), (a-1), (b)-(d); 1 TAC 54.80

**Use of Wireless
Devices**

An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the bus is stopped. The prohibition does not apply to an operator of a school bus or passenger bus using a wireless communication device in the performance of the operator's duties as a bus driver and in a manner similar to using a two-way radio. *Transp. Code 545.425(c), (e)*



TRANSPORTATION MANAGEMENT

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Student Travel

Modes of
Transportation

Modes of transportation used for student travel shall include, but are not limited to, cars, vans, and buses. Travel arrangements for student groups shall be made in accordance with administrative regulations.

Driver
Requirements

A driver who is transporting students in College District-owned or -leased vehicles must:

1. Be an employee of the College District.
2. Hold a valid driver's license appropriate for the vehicle to be driven. A driver of a commercial motor vehicle must have a commercial driver's license.
3. Have an acceptable driving record.

Safety Standards

The driver shall ensure that the number of passengers does not exceed the designed capacity of the vehicle and that each passenger is secured by a safety belt, if provided.

Driver Fatigue

A driver shall not drive for more than four consecutive hours without taking a ten-minute break or relief from driving.



INSURANCE AND ANNUITIES MANAGEMENT
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Options

A political subdivision, including a college district, shall extend workers' compensation benefits to its employees by:

1. Becoming a self-insurer;
2. Providing insurance under a workers' compensation insurance policy; or
3. Entering into an interlocal agreement with other political subdivisions providing for self-insurance.

Labor Code 504.011

Employee

In Labor Code Chapter 504, unless a different meaning is plainly required by the context, "employee" means a person in the service of a political subdivision, including a college district, who has been employed as provided by law, or a person for whom optional coverage is provided under Labor Code 504.012 or 504.013. A person is not an employee and is not entitled to compensation under Chapter 504 if the person:

1. Is in the service of a political subdivision and is paid on a piecework basis other than by the hour, day, week, month, or year; or
2. Performs services that may benefit a political subdivision, or is employed by or under contract with a performer providing those services, but does not receive payment from the political subdivision for the performance of the services, if the services are performed in connection with the operation or production of a musical, vocal, or theatrical performance, or another entertainment event.

Labor Code 504.001(2), .014

Notice to TDI

A political subdivision, including a college district, shall notify the Texas Department of Insurance (TDI) of the method by which its employees will receive benefits, the approximate number of employees covered, and the estimated amount of payroll. *Labor Code 504.018(a)*

Notice to Employees

A political subdivision shall notify its employees of the method by which the employees will receive benefits and the effective date of the coverage.

Employers shall post notices in the workplace to inform employees about workers' compensation issues as required by 28 Administrative Code 110.101. These notices shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where each employee is likely to see the notice on a regular basis. The notices shall be printed with a title in at least 26-point bold

type, subject in at least 18-point bold type, and text in at least 16-point normal type, and shall include English, Spanish, and any other language common to the employer's employee population. The text for the notices shall be the text provided by TDI on the sample notice without any additional words or changes.

Labor Code 504.018(b); 28 TAC 110.101(e)

Report to Carrier

First Report of
Injury

The employer, including a college district, shall report to the employer's insurance carrier each death, each occupational disease of which the employer has received notice of injury or has knowledge, and each injury that results in more than one day's absence from work for the injured employee. The term "knowledge" includes receipt of written or oral information regarding diagnosis of an occupational disease, or diagnosis of an occupational disease through direct examination or testing by a doctor employed by the employer.

TDI shall prescribe the form, format, and manner of the employer's first report of injury (report). The report shall contain the information required by 28 Administrative Code 120.1(a) (relating to Employer's Record of Injuries), any additional information prescribed by TDI in accordance with the Labor Code 402.00128(b)(10), and the information necessary for an insurance carrier to electronically transmit a first report of injury to TDI. The report shall be filed with the insurance carrier not later than the eighth day after having received notice of or having knowledge of an occupational disease or death, or not later than the eighth day after the employee's absence from work for more than one day due to a work-related injury. A report is filed when personally delivered, mailed, reported via tele-claims, electronically submitted, or sent via facsimile.

The employer shall maintain a record of the date the report of injury is filed with the insurance carrier.

Labor Code 409.005-.006; 28 TAC 120.2(a)-(c), (f)

Copy to Employee

The employer shall provide a written copy of the report and a written copy of the Notice of Injured Employee Rights and Responsibilities in the Texas Workers' Compensation System (Notice of Rights and Responsibilities) adopted by the Public Counsel of the Office of Injured Employee Counsel to the injured employee by personal delivery, mail, electronic submission or facsimile at the time that the report is made with the insurance carrier. The Notice of Rights and Responsibilities shall be in English and Spanish, or in English and any other language common to the employee. The written report may be the report specified in 28 Administrative Code 120.2(b), or at a minimum shall contain the information listed in 28 Administrative Code 120.1(a).

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The employer shall maintain a record of the date the copy of the report of injury and the date the Notice of Rights and Responsibilities were provided to the employee.

Labor Code 409.005(c), (g); 28 TAC 120.2(d), (f)

Notice of Modified
Duty Program

The employer shall, on the written request of the employee, a doctor, the insurance carrier, or TDI, notify the employee, the employee's treating doctor if known to the employer, and the insurance carrier of the existence or absence of opportunities for modified duty or a modified duty return-to-work program available through the employer. If those opportunities or that program exists, the employer shall identify the employer's contact person and provide other information to assist the doctor, the employee, and the insurance carrier to assess modified duty or return-to-work options.
Labor Code 409.005(j)

Supplemental
Report of Injury

As provided in 28 Administrative Code 129.4 relating to adjustment of temporary income benefit amount, the employer shall file the supplemental report of injury, in the form, format and manner prescribed by TDI. The report shall be filed with the employer's carrier and provided to the employee within ten days after:

1. The end of each pay period in which the employee has a change in earnings, including reporting all post-injury earnings as that term is used in 28 Administrative Code Chapter 129 [see Offsetting Paid Leave Against Workers' Compensation Income Benefits, below], as a result of the injury; or
2. The employee resigns or is terminated.

The employer's duty to file supplemental reports continues until the employee reaches maximum medical improvement (MMI) or is no longer employed by the employer and the employer has made the required report. The employer may contact the insurance carrier for information regarding the employee's MMI status.

For injuries requiring a First Report of Injury, above, unless the information required in this subsection is provided on the first report, the employer shall file the supplemental report with the employer's carrier and provide a copy to the employee within three days after:

1. The employee begins to lose time from work as a result of the injury;
2. The employee returns to work; or
3. The employee, after returning to work, experiences an additional day(s) of disability as a result of the injury.

The employer shall file the supplemental report of injury with the carrier by personal delivery, telephone, facsimile or electronic

transmission. The employer shall provide a copy of the report to the employee by facsimile or electronic transmission if the employee has identified a personal facsimile number or a personal email address to be used and the employer has the means of sending such a transmission. Otherwise the report shall be provided by personal delivery or sent by mail.

The employer shall maintain a record of the date the supplemental report is filed with the carrier and provided to the employee.

Labor Code 409.005(i); 28 TAC 120.3

**Injury and
Occupational
Disease Report**

An employer that has workers' compensation insurance coverage (subscriber) shall file a report of injury with TDI pursuant to Labor Code 411.032. A subscribing employer's report of injury filed in accordance with Labor Code 409.005 and applicable TDI rules satisfies that employer's requirement to file an injury and occupational disease report under Labor Code 411.032, unless TDI requests that the employer file a report with TDI for a specific injury. *28 TAC 160.3(a)*

Wage Reports

The employer is required to timely file a complete wage statement in the form and manner prescribed by TDI. The term "filed" means "received."

The wage statement shall be filed with the carrier, the claimant, and the claimant's representative, if any, within 30 days of the earliest of:

1. The date the employer is notified that the employee is entitled to income benefits; or
2. The date of the employee's death as a result of a compensable injury.

A subsequent wage statement shall be filed with the carrier, the claimant, and the claimant's representative, if any, within seven days of a change in any wage information provided on the previous wage statement, such as because the employer has discontinued providing a nonpecuniary wage that was originally continued after the injury. A wage statement shall be filed with TDI within seven days of receiving a request from TDI.

28 TAC 120.4(a)

Record of Injuries

An employer shall keep a record of all injuries and fatal injuries to employees as reported to an employer, or otherwise made known to an employer. The record shall include:

1. The name, address, date of birth, sex, wage, length of service, social security number, and occupation of the employee;

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2. The reported cause and nature of the injury, the part of the body affected, and a description of any equipment involved;
3. The date, time, and location where the injury occurred;
4. The name of the employee's immediate supervisor;
5. The names of any witnesses (if known);
6. The name and address of the treating health-care provider, if known; and
7. Any voluntary benefits paid by the employer under the Texas Workers' Compensation Act.

These records shall be open to inspection by TDI, upon at least five working days' notice to the employer, at a reasonable time and place. The employer shall retain a record of an injury until the expiration of five years from the last day of the year in which the injury occurred.

28 TAC 120.1(a)–(c)

**Ombudsman
Program**

The Office of Injured Employee Counsel (OIEC) shall maintain an ombudsman program as provided by Labor Code Chapter 404, Subchapter D to assist injured employees and persons claiming death benefits in obtaining benefits under the Texas Workers' Compensation Act.

All employers participating in the workers' compensation system shall post notice of the OIEC's Ombudsman Program. This notice shall be posted in the workplace where each employee is likely to see the notice on a regular basis. This notice of the Ombudsman Program shall be publicly posted in English, Spanish, and any other language that is common to the employer's employees. The text of the notice shall be as described by 28 Administrative Code 276.5(c) without any additional words or changes.

Labor Code 404.151(a), .153(a); 28 TAC 276.5(a)–(c)

**First Responder
Liaison**

An employer that employs first responders or supervises volunteer first responders shall notify the first responders of the first responder liaison. The notice shall be posted in the personnel office and in the workplace where employees or volunteers are likely to read the notice on a regular basis. The notice shall be printed in English and Spanish or in English and any other language common to the employer's affected employee population. The text of the notice shall be that contained in 28 Administrative Code 276.5(d)(3) without any additional words or changes.

"First responder" means:

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1. An individual employed by a political subdivision of this state who is:
 - a. A peace officer under Code of Criminal Procedure Article 2.12;
 - b. A person licensed under Health and Safety Code Chapter 773, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or
 - c. A firefighter subject to certification by the Texas Commission on Fire Protection under Government Code Chapter 419, whose principal duties are firefighting and aircraft crash and rescue; or
2. An individual covered under Labor Code 504.012(a) who is providing volunteer services to a political subdivision of this state as:
 - a. A volunteer firefighter, without regard to whether the volunteer firefighter is certified under Government Code Chapter 419, Subchapter D; or
 - b. An emergency medical services volunteer, as defined by Health and Safety Code 773.003.

Labor Code 404.153(a-1), 504.055(a); 28 TAC 276.5(d)

**Reports of Safety
Violations**

TDI shall maintain a 24-hour toll-free telephone service in English and Spanish for reports of violations of occupational health or safety law. Each employer, including each college district, shall notify its employees of this service.

These notices shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where each employee is likely to see the notice on a regular basis. The notices shall be printed with a title in at least 26-point bold type, subject in at least 18-point bold type, and text in at least 16-point normal type, and shall include English, Spanish, and any other language common to the employer's employee population. The text for the notices shall be the text provided by TDI on the sample notice without any additional words or changes.

An employer may not suspend or terminate the employment of or otherwise discriminate against an employee for using the telephone service to report in good faith an alleged violation of an occupational health or safety law.

Labor Code 411.081-.082; 28 TAC 110.101(e)

**Relation to Paid
Leave**

Once temporary income benefits (TIBs) accrue, an injured employee is entitled to TIBs to compensate the employee for lost wages due to the compensable injury during a period in which the employee has a disability and has not reached maximum medical improvement.

"Lost wages" are the difference between the employee's gross average weekly wage (AWW) and the employee's gross post-injury earnings (PIE). If the employee's PIE equals or exceeds the employee's AWW, the employee has no lost wages.

PIE shall include, but not be limited to, the documented weekly amount of:

1. The value of any full days of accrued sick leave or accrued annual leave that the employee voluntarily elects to use after the date of injury; and
2. The value of any partial days of accrued sick leave or accrued annual leave that the employee has voluntarily elected to use after the date of injury that, when combined with the employee's TIBs, exceeds AWW.

28 TAC 129.2

**Offsetting Paid
Leave Against
Workers'
Compensation
Income Benefits**

The governing body of a political subdivision, including a college district board of trustees, by majority vote, may provide that while an employee of the political subdivision is receiving workers' compensation benefits, the employee may elect to receive previously accrued sick leave benefits, whether statutory or contractual, in an amount equal to the difference between the workers' compensation benefits and the weekly compensation that the employee was receiving before the injury that resulted in the claim. Sick leave benefits that are received shall be deducted proportionately from the employee's sick leave balance. *Labor Code 504.052*

Unless the governing body adopts the option provided by Labor Code 504.052, sick leave benefits and annual leave benefits shall not be offset against benefits paid under the Workers' Compensation Law. [See DEC] *Atty. Gen. Op. JC-0040 (1999)*

**Prohibited
Discrimination**

A person may not discharge or in any other manner discriminate against an employee because the employee has:

1. Filed a workers' compensation claim in good faith.
2. Hired a lawyer to represent the employee in a claim.
3. Instituted or caused to be instituted in good faith a proceeding under the Texas Workers' Compensation Act.

4. Testified or is about to testify in a proceeding under the Texas Workers' Compensation Act.

Labor Code 451.001

A person who violates the discrimination prohibition is liable for reasonable damages incurred by the employee as a result of the violation. An employee discharged in violation of the discrimination prohibition is entitled to reinstatement in the former position of employment. *Labor Code 451.002(a)–(b)*

A first responder who alleges a violation of Labor Code 451.001 by a state or local governmental entity, including a college district that employs the first responder, may sue the governmental entity for the relief provided by Labor Code Chapter 451. Sovereign or governmental immunity from suit is waived and abolished to the extent of liability created by Chapter 451. To the extent a person has official or individual immunity from a claim for damages, this section does not affect that immunity.

"First responder" means a public safety employee or volunteer whose duties include responding rapidly to an emergency. The term includes:

1. A peace officer whose duties include responding rapidly to an emergency;
2. Fire protection personnel under Government Code 419.021;
3. A volunteer firefighter who is certified by the Texas Commission on Fire Protection or by the State Firemen's and Fire Marshalls' Association of Texas or a member of an organized volunteer fire-fighting unit as described by Government Code 615.003;
4. An individual certified as emergency medical services personnel by the Department of State Health Services;
5. An emergency response operator or emergency services dispatcher who provides communication support services for an agency by responding to requests for assistance in emergencies; and
6. Other emergency response personnel employed by an agency.

Labor Code 451.0025; Gov't Code 421.095(1)

Leaves of Absence

The employer shall not terminate an employee who is on an unpaid leave of absence and receiving workers' compensation benefits, except when the termination is for a legitimate reason independent

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from the employee's workers' compensation claim. [See DEC] *Atty.*
Gen. Op. JM-227 (1984)



Note: For information on procuring goods and services under Education Code Chapter 44, including the delegation of authority and pursuit of injunctions, see CF(LEGAL). For information on expenditures using federal funds, see CAAB. For information on providing notice to the Legislative Budget Board (LBB) regarding contracts, see GGC.

Education Code Chapter 44, Subchapter B, applies to junior college districts. *Education Code 44.0311(a)*

Board Authority

A governmental entity, including a college district, may adopt rules as necessary to implement Government Code Chapter 2269. *Gov't Code 2269.051*

Delegation of Authority

The governing body of a governmental entity may delegate its authority under Government Code Chapter 2269 regarding an action authorized or required by Chapter 2269 to a designated representative, committee, or other person.

The governmental entity shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request.

Gov't Code 2269.053

Contracts Valued at or Above \$50,000

Except as provided by Education Code Chapter 44, Subchapter B, all college district contracts valued at \$50,000 or more in the aggregate for each 12-month period shall be made by the method that provides the best value for the district: [See also CF]

1. An interlocal contract. [See CF]
2. Competitive bidding. [See CMA]
3. Competitive sealed proposals. [See CMB]
4. Construction manager-agent method. [See CMC]
5. Construction manager-at-risk method. [See CMD]
6. Design-build method. [See CME]
7. The reverse auction procedure as defined by Government Code 2155.062(d). [See CF]

Education Code 44.031(a); Gov't Code Ch. 2269

Selecting a Contracting Method

The governing body of a governmental entity that considers a construction contract using a method authorized by Government Code

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Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity. *Gov't Code 2269.056(a)*

Exceptions

*Emergency
Damage or
Destruction*

If school equipment, a school facility, or a portion of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board of trustees determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. *Education Code 44.031(h)*

*Contracts
Requiring a Bond*

A reverse auction procedure, whether the same or similar to that described by Government Code 2155.062, may not be used to obtain services related to a public work contract for which a bond is required under Government Code 2253.021 [see Payment and Performance Bonds, below]. *Gov't Code 2253.021(h)*

Public Notice

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g); Gov't Code 2269.052(a)–(b)*

**Contract Selection
Criteria**

In determining the award of a contract, the governmental entity shall:

1. Consider and apply any existing laws, including any criteria, related to historically underutilized businesses; and
2. Consider and apply any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women- or minority-owned, small, or disadvantaged businesses.

In determining the award of a contract, the governmental entity may consider:

1. The price.

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2. The offeror's experience and reputation.
3. The quality of the offeror's goods or services.
4. The impact on the ability of the governmental entity to comply with rules relating to historically underutilized businesses.
5. The offeror's safety record.
6. The offeror's proposed personnel.
7. Whether the offeror's financial capability is appropriate to the size and scope of the project.
8. Any other relevant factor specifically listed in the request for bids, proposals, or qualifications.

Gov't Code 2269.055

Out-of-State Bidder

A governmental entity, including a college district, may not award a governmental contract for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment to a nonresident bidder whose principal place of business is not in this state, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located or the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which a majority of the manufacturing relating to the contract will be performed.

This requirement does not apply to a contract involving federal funds. A governmental entity shall use the information published by the comptroller in the Texas Register to evaluate the bid of a nonresident bidder.

Gov't Code 2252.001–.004

Publishing Criteria

The governmental entity shall publish in the request for proposals or qualifications the criteria that will be used to evaluate the offerors, the applicable weighted value for each criterion, and a detailed methodology for scoring each criterion. *Gov't Code 2269.056(b)*

Contracts Valued at or Above \$1 Million

The contract requirements in Government Code Chapter 552, Subchapter J apply to an entity that is not a governmental body that executes a contract with a governmental body that:

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1. Has a stated expenditure of at least \$1 million in public funds for the purchase of goods or services by the governmental body; or
2. Results in the expenditure of at least \$1 million in public funds for the purchase of goods or services by the governmental body in a fiscal year of the governmental body.

Gov't Code 552.371(a) [See CF]

Contracts Prohibited
Scrutinized
Companies

A governmental entity, including a college district, may not enter into a governmental contract with a company that is identified on a list prepared and maintained by the comptroller under Government Code 806.051, 807.051, or 2252.153.

"Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment. The term includes a contract to obtain a professional or consulting service subject to Government Code Chapter 2254.

Gov't Code 2252.001(3), .152

Companies that
Boycott Israel

Government Code 2271.002 applies only to a contract that:

1. Is between a governmental entity and a company with ten or more full-time employees; and
2. Has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

A governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not boycott Israel and will not boycott Israel during the term of the contract.

"Boycott Israel" has the meaning assigned by Government Code 808.001.

"Company" has the meaning assigned by Government Code 808.001, except that the term does not include a sole proprietorship.

Gov't Code 2271.001(1)-(2), .002

Companies that
Boycott Energy
Companies

Government Code 2274.002 applies only to a contract that:

1. Is between a governmental entity and a company with 10 or more full-time employees; and
2. Has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

A governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not boycott energy companies and will not boycott energy companies during the term of the contract.

"Boycott energy company" has the meaning assigned by Government Code 809.001.

"Company" has the meaning assigned by Government Code 809.001, except that the term does not include a sole proprietorship.

Gov't Code 2274.001(1)–(2), .002(a)–(b)

Exception

The above prohibition does not apply to a governmental entity that determines the requirements of that section are inconsistent with the governmental entity's constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds. *Gov't Code 2274.002(c)*

Companies that
Discriminate
Against a Firearm
Entity or Firearm
Trade Association

Government Code 2274.002 applies only to a contract that:

1. Is between a governmental entity and a company with at least ten full-time employees; and
2. Has a value of at least \$100,000 that is to be paid wholly or partly from public funds of the governmental entity.

A governmental entity may not enter into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association.

Gov't Code 2274.002(a)–(b)

Definition

"Discriminate against a firearm entity or firearm trade association" means, with respect to the entity or association, to:

1. Refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association;
2. Refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or

3. Terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association.

The term does not include:

1. The established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and
2. A company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship:
 - a. To comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or
 - b. For any traditional business reason that is specific to the customer or potential customer and not based solely on an entity's or association's status as a firearm entity or firearm trade association.

Gov't Code 2274.001(3)

Exceptions

The prohibition does not apply to a governmental entity that contracts with a sole-source provider or does not receive any bids from a company that is able to provide the written verification required by this section.

The prohibition does not apply to a contract entered into in connection with or relating to the issuance, sale, or delivery of notes under Government Code Chapter 404, Subchapter H, or the administration of matters related to the notes, including the investment of note proceeds, as provided by Government Code 2274.003.

Gov't Code 2274.002(c), .003

Contracts with
Foreign-Owned
Companies

A governmental entity may not enter into a contract or other agreement relating to critical infrastructure in this state with a company:

1. If, under the contract or other agreement, the company would be granted direct or remote access to or control of critical infrastructure in this state, excluding access specifically allowed by the governmental entity for product warranty and support purposes; and
2. If the governmental entity knows that the company is:
 - a. Owned by or the majority of stock or other ownership interest of the company is held or controlled by:

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- (1) Individuals who are citizens of China, Iran, North Korea, Russia, or a designated country; or
- (2) A company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a designated country; or

- b. Headquartered in China, Iran, North Korea, Russia, or a designated country.

"Company" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.

"Critical infrastructure" means the measures taken to protect a computer, computer network, computer system, or other technology infrastructure against unauthorized use or access.

"Designated country" means a country designated by the governor as a threat to critical infrastructure under Government Code 2274.0103.

Gov't Code 2274.0101(1), (2), (4), .0102(a)

**Required
Disclosures**

Disclosure of
Interested Parties

A governmental entity or state agency may not enter into a contract with a business entity that requires an action or vote by the governing body of the entity or agency before the contract may be signed, has a value of at least \$1 million, or is for services that would require a person to register as a lobbyist under Government Code Chapter 305, with certain exceptions, unless the business entity, in accordance with Government Code 2252.908 and rules adopted by the Texas Ethics Commission, submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. [See GL] *Gov't Code 2252.908*

Disclosures by
Purchasing
Personnel

Before a state agency, including a college district, may award a major contract, a contract that has a value of at least \$1 million, for the purchase of goods or services to a business entity, each of the state agency's purchasing personnel working on the contract must disclose in writing to the administrative head of the state agency any relationship the purchasing personnel is aware about that the employee has with an employee, a partner, a major stockholder, a paid consultant with a contract with the business entity the value of which exceeds \$25,000, or other owner of the business entity who

is within a degree described by Government Code 573.002, the third degree by consanguinity or within the second degree by affinity of the purchasing employee. The state auditor shall develop a form for use in reporting a specified relationship.

"Purchasing personnel" means an employee of a state agency who makes decisions on behalf of the state agency or recommendations regarding contract terms or conditions on a major contract, who is to be awarded a major contract, preparation of a solicitation for a major contract, or evaluation of a bid or proposal.

Gov't Code 2262.001(4), .004

*Notice
Publication*

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

Submission

A person who submits a bid, proposal, or qualification to a governmental entity shall seal it before delivery. *Gov't Code 2269.059*

Electronic Bids or
Proposals

A college district may receive bids or proposals through electronic transmission if the board of trustees of the college district adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time. An electronic bid or proposal is not required to be sealed. A provision of this chapter that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission. *Education Code 44.0313*

Selection

The governmental entity shall base its selection among offerors on applicable criteria listed for the particular method used. *Gov't Code 2269.056(b)*

**Making Evaluations
Public**

The governmental entity shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded. *Gov't Code 2269.056(c), .105*

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**Disclosure to
Offeror upon
Request**

Not later than the 30th day after the date a request is made by an offeror for documents related to the evaluation of the offeror's submission under Government Code 2269.060, the governmental entity shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission. [See CMB for competitive sealed proposal evaluations] *Gov't Code 2269.060*

**Consolidated
Insurance Program**

If a construction contract requires a person to enroll in a consolidated insurance program, the parties are subject to the disclosure requirements described by Insurance Code Chapter 151, Subchapter A.

Change Orders

If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve change orders making the changes. The district may grant general authority to an administrative official to approve the change orders.

The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.

A contract with an original contract price of \$1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than \$1 million increases the contract amount to \$1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price.

Education Code 44.0411

**Inspection,
Verification, and
Testing**

Independently of the contractor, construction manager-at-risk, or design-build firm, a governmental entity shall provide or contract for the construction materials engineering, testing, and inspection services and the verification testing services necessary for acceptance of the facility by the governmental entity. The governmental entity shall select the services for which it contracts in accordance with Government Code 2254.004. *Gov't Code 2269.058*

**Energy Savings
Performance
Contracts**

The contracting and delivery procedures for construction projects described at Government Code Chapter 2269 do not apply to energy savings performance contracts described at Education Code 51.927. [See CH] *Education Code 51.927(k)*

Professional Services

An architect or engineer required to be selected or designated under Government Code Chapter 2269 has full responsibility for complying with Occupations Code Chapter 1051 or 1001, as applicable.

If the selected or designated architect or engineer is not a full-time employee of the governmental entity, the governmental entity shall select the architect or engineer on the basis of demonstrated competence and qualifications as provided by Government Code 2254.004 [see Procuring Professional Services, below].

Gov't Code 2269.057

Registered Architect

An architectural plan or specification for any of the following may be prepared only by an architect registered under Occupations Code Chapter 1051 to engage in the practice of architecture:

1. A new building having construction costs exceeding \$100,000 that is to be constructed and owned by a political subdivision of this state and used for education, assembly, or office occupancy.
2. An alteration or addition having construction costs exceeding \$50,000 that is to be made to an existing building that is owned by a political subdivision of this state and is or will be used for education, assembly, or office occupancy and requires the removal, relocation, or addition of a wall or partition or the alteration or addition of an exit.

This section does not prohibit an owner of a building from contracting with an architect or an engineer as the prime design professional for a building construction, alteration, or addition project. Designation as the prime design professional does not expand the scope of practice of an architect or engineer beyond the scope of practice that the architect or engineer is authorized to practice under Occupations Code Chapter 1001 or 1051.

Occupations Code 1051.101(1), .703; 22 TAC 1.212

Registered Engineer

The following work is exempt from Occupations Code Chapter 1001:

1. A public work that involves electrical or mechanical engineering, if the contemplated expense for the completed project is \$8,000 or less; or
2. A public work that does not involve electrical or mechanical engineering, if the contemplated expense for the completed project is \$20,000 or less.

Occupations Code 1001.053; Atty. Gen. Op. WC-791 (1966)

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Certification for
Purchases Through
Purchasing
Cooperatives

A local government may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative in an amount greater than \$50,000 unless a person designated by the local government certifies in writing that:

1. The project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under Occupations Code Chapters 1001 or 1051; or
2. The plans and specifications required under Occupations Code Chapters 1001 and 1051 have been prepared.

"Purchasing cooperative" means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors.

Gov't Code 791.011(j)

Procuring
Professional
Services

The purchasing requirements of Education Code 44.031 do not apply to a contract for professional services rendered, including the services of an architect. A college district may, at its option, contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031. *Education Code 44.031(f)*

A governmental entity, including a college district, may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price.

"Professional services" means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, professional nursing, or forensic science;
2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, an architect, a landscape architect, a land surveyor, a physician, including a surgeon, an optometrist, a professional engineer, a state certified or state licensed real estate appraiser, a registered nurse, or a forensic analyst or forensic science expert; or

3. Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Occupations Code Chapter 1053.

Gov't Code 2254.002, .003(a)

In procuring architectural, engineering, or land-surveying services, a governmental entity shall:

1. First select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and
2. Then attempt to negotiate with that provider a contract at a fair and reasonable price.

If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land-surveying services, the entity shall formally end negotiations with that provider, select the next most highly qualified provider, and attempt to negotiate a contract with that provider at a fair and reasonable price. The entity shall continue the process to select and negotiate with providers until a contract is entered into.

Gov't Code 2254.004

An interlocal contract between a governmental entity and a purchasing cooperative may not be used to purchase engineering or architectural services. *Gov't Code 791.011(h)*

Certain Medical
Services

If a governmental entity is procuring services provided in connection with the professional employment or practice of a physician, including a surgeon, or an optometrist or registered nurse and the number of contracts to be awarded under this section is not otherwise limited, the governmental entity may make the selection and award on the basis of:

1. The provider's agreement to payment of a set fee, as a range or lump-sum amount; and
2. The provider's affirmation and the governmental entity's verification that the provider has the necessary occupational licenses and experience.

Gov't Code 2254.008(a)

Professional
Services Contract
Exceeding \$50,000

A state agency, including a college district and other institutions of higher education, shall provide written notice to the LBB of a contract for professional services, other than a contract for physician or optometric services, if the amount of the contract, including an amendment, modification, renewal, or extension of the contract,

*Contracts for
Engineering or
Architectural
Services*

Required
Standard of
Care

exceeds \$50,000. The notice must be on a form prescribed by the LBB and filed not later than the 30th day after the date the agency enters into the contract. *Gov't Code 2254.006*

A contract for engineering or architectural services to which a governmental agency is a party must require a licensed engineer or registered architect to perform services:

1. With the professional skill and care ordinarily provided by competent engineers or architects practicing under the same or similar circumstances and professional license; and
2. As expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

In a contract for engineering or architectural services to which a governmental agency is a party, a provision establishing a different standard of care is void and unenforceable. If a contract contains a void and unenforceable provision, the standard of care described above applies.

Local Gov't Code 271.904(d)–(e)

Limitation on In-
demnification

A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a governmental agency is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must indemnify or hold harmless the governmental agency against liability for damage, other than liability for damage to the extent that the damage is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the indemnitor or the indemnitor's agent, consultant under contract, or another entity over which the indemnitor exercises control.

Except as provided by Local Government Code 271.904(c), a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a governmental agency is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the governmental agency, the agency's agent, the agency's employee, or other entity, excluding the engineer or architect or that person's agent, employee, or subconsultant, over which the governmental agency exercises control. A covenant or promise may provide for

the reimbursement of a governmental agency's reasonable attorney's fees in proportion to the engineer's or architect's liability.

Notwithstanding Local Government Code 271.904(b), a governmental agency may require in a contract for engineering or architectural services to which the governmental agency is a party that the engineer or architect name the governmental agency as an additional insured under the engineer's or architect's general liability insurance policy and provide any defense provided by the policy.

Local Gov't Code 271.904(a)-(c)

Criminal History

A person or business entity, with the exception of a publicly held corporation, that enters into a contract with a college district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. A college district may terminate a contract with a person or business if the district determines that the person or business entity failed to give such notice or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract.
Education Code 44.034

Right to Work

When engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement under Government Code Chapter 2269, the governmental entity:

1. May not consider whether a person is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to any organization.

Gov't Code 2269.054

Accessibility

Each facility or part of a facility constructed by, on behalf of, or for the use of the college district shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities. Alterations of facilities that affect or could affect their usability shall, to the maximum extent feasible, be altered in such manner that the altered portion is readily accessible to and usable by individuals with disabilities.
28 C.F.R. 35.151; 34 C.F.R. 104.23

**Payment and
Performance Bonds**

A governmental entity that makes a public work contract with a prime contractor or authorizes a nongovernmental entity leasing public property from the governmental entity to enter into a public

work contract with a prime contractor shall require the contractor, before beginning the work, to execute payment and/or performance bonds as specified below. The bonds must be executed by a corporate surety in accordance with Insurance Code 7.19-1. A bond executed for a public work contract with another governmental entity must be payable to and its form must be approved by the awarding governmental entity.

For a contract in excess of \$100,000, a performance bond shall be executed. The performance bond is solely for the protection of the governmental entity awarding the public work contract, in the amount of the contract, and conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents.

For a contract in excess of \$25,000, a payment bond shall be executed. The payment bond is solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material and in the amount of the contract.

Gov't Code 2253.021(a)-(e)

Failure to Obtain
Payment Bond

If a governmental entity fails to obtain from a prime contractor a payment bond as required by Government Code 2253.021 the entity is subject to the same liability as a surety would have if the surety had issued a payment bond and if the entity had obtained the bond, and a payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the contract were subject to Property Code Chapter 53, Subchapter J. *Gov't Code 2253.027*

No Bond for Design
Services Only

A payment or performance bond is not required and may not provide coverage for the design portion of the design-build contract with the design-build firm under Government Code Chapter 2269, Subchapter G. [See CME for more information on design/build contracts, including bond amounts] *Gov't Code 2269.311(a)*

Bond for Insured
Loss

A governmental entity shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the governmental entity, furnishes or has furnished by a contractor, in accordance with Government Code Chapter 2253:

1. A performance bond as described by Government Code 2253.021(b) for the benefit of the governmental entity; and
2. A payment bond as described in Government Code 2253.021(c) for the benefit of the beneficiaries described by

that subsection. If the payment bond is not furnished, the governmental entity is subject to the same liability that a surety would have if the surety had issued the payment bond and the governmental entity had required the bond to be provided.

The bonds must be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish the bonds.

Gov't Code 2253.022(a)-(c), (f)

Exception to Bond Requirement

Government Code 2253.022 does not apply to a governmental entity when a surety company is complying with an obligation under a bond that had been issued for the benefit of the governmental entity. *Gov't Code 2253.022(e)*

Prevailing Wage on Public Works

A worker, such as a laborer or mechanic, employed on a public work, exclusive of maintenance work, by or on behalf of a political subdivision, including a college district, shall be paid not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed, and not less than the general prevailing rate of per diem wages for legal holiday and overtime work. A worker is employed on a public work if the worker is employed by a contractor or subcontractor in the execution of a contract for the public work with a political subdivision of the state or any officer or public body of a political subdivision of the state. *Gov't Code 2258.001, .021(3)*

For a contract for a public work awarded by a political subdivision of the state, the public body shall determine the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the political subdivision of the state in which the public work is to be performed or using the prevailing wage rate as determined by the U.S. Department of Labor.

The public body shall determine the general prevailing rate of per diem wages as a sum certain, expressed in dollars and cents. A public body shall specify in the call for bids for the contract and in the contract itself the calculated prevailing wage rates. The public body's determination of the general prevailing rates of per diem wages shall be final.

Gov't Code 2258.022

Enforcement

A public body awarding a contract, and an agent or officer of the public body, shall take cognizance of complaints of all violations of Government Code Chapter 2258, and withhold money forfeited or

required to be withheld under this chapter from the payments to the contractor under the contract, except that the public body may not withhold money from other than the final payment without a determination by the public body that there is good cause to believe that the contractor has violated Chapter 2258.

On receipt of information, including a complaint by a worker, concerning an alleged violation of Government Code 2258.023 by a contractor or subcontractor, a public body shall make an initial determination as to whether good cause exists to believe that the violation occurred. A public body must make its determination before the 31st day after the date the public body receives the information. A public body shall notify in writing the contractor or subcontractor and any affected worker of its initial determination.

Gov't Code 2258.051, .052(a)-(c)

**Retainage and
Reimbursement**

A public body shall retain any amount due under the contract pending a final determination of the violation. A public body shall use any amounts retained under Government Code Chapter 2258 to pay the worker the difference between the amount the worker received in wages for labor on the public work at the rate paid by the contractor or subcontractor and the amount the worker would have received at the general prevailing rate as provided in the arbitrator's award. The public body may adopt rules, orders, or ordinances relating to the manner in which the reimbursement is made. *Gov't Code 2258.052(d), .056*

**Penalty for
Noncompliance**

The contractor who is awarded a contract by a public body or a subcontractor of the contractor shall pay not less than the rates determined under Government Code 2258.022 to a worker employed in the execution of the contract. A contractor or subcontractor who fails to pay the specified rates as required shall pay to the political subdivision of the state on whose behalf the contract is made, \$60 for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rates specified in the contract. A public body awarding a contract shall specify this penalty in the contract. A contractor or subcontractor does not violate this section if a public body awarding a contract does not determine the prevailing wage rates and specify the rates in the contract as provided by Section 2258.022. The public body shall use any penalty money collected under this section to offset the costs incurred in the administration of Government Code Chapter 2258. *Gov't Code 2258.023*

**Required Workers'
Compensation
Coverage**

A governmental entity that enters into a building or construction contract on a project, which includes the provision of all services related to a building or construction contract for a governmental entity, shall:

1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverages described in 28 Administrative Code 110.110(c)(7). [See CM(EXHIBIT)]
2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities described in 28 Administrative Code 110.110(d). [See CM(EXHIBIT)]
3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person's beginning work on the project. "Person providing services on the project" includes but is not limited to all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracts directly with the contractor and regardless of whether that person has employees. This includes, but is not limited to, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on the contract. "Services" include, but are not limited to, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other services related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.
4. Obtain from the contractor a new certificate of coverage showing extension of coverage.
5. Before the end of the coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project.
6. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.
7. Retain certificates of coverage on file for the duration of the project and for three years thereafter.
8. Provide a copy of the certificate of coverage to the Texas Department of Insurance, Division of Workers' Compensation upon request and to any person entitled to a copy by law.
9. Use the prescribed language for bid specifications and contracts, without any additional words or changes, except those required to accommodate the specific document in which they

are contained or to impose stricter standards of documentation. [See CM(EXHIBIT) for prescribed language]

Labor Code 406.096; 28 TAC 110.110(a)(7)–(8), (c)

Exception

A sole proprietor, partner, or corporate executive officer of a business entity that elects to provide workers' compensation insurance coverage is entitled to benefits under that coverage as an employee unless the sole proprietor, partner, or corporate executive officer is specifically excluded from coverage through an endorsement to the insurance policy or certificate of authority to self-insure. *Labor Code 406.097; 28 TAC 110.110(i)*

Use of Student Fees in Construction

A junior college district facility constructed with student fees may be used only for junior college district purposes, as determined by the board. Student fees may not be used for construction, repair, or rehabilitation of a community center or junior college district auxiliary enterprise unless the enterprise serves as a student center or dormitory. *Education Code 130.124; Atty. Gen. Op. JM-139 (1984)*

Retainage

A governmental entity, including a college district, shall:

1. Include in each public works contract a provision that establishes the circumstances under which:
 - a. The public works project that is the subject of the contract is considered substantially complete; and
 - b. The governmental entity may release all or a portion of the retainage for substantially completed portions of the project or fully completed and accepted portions of the project;
2. Maintain an accurate record of accounting for:
 - a. The retainage withheld on periodic contract payments; and
 - b. The retainage released to the prime contractor for a public works contract; and
3. For a public works contract described by Government Code 2252.032(c), pay any remaining retainage described by paragraph 2a and the interest earned on the retainage to the prime contractor on completion of the work required to be performed under the contract.

A governmental entity may withhold retainage only as described by Government Code 2252.032. Section 2252.032 may not be construed as affecting a governmental entity's ability to retain certain

FACILITIES CONSTRUCTION

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amounts due under a contract as required by Government Code Chapter 2258.

Gov't Code 2252.032

Exception

This section does not apply to a public works contract in which the total contract price estimate at the time of execution of the contract is less than \$400,000. *Gov't Code 2252.033*

Impermissible Practices

Violation of Purchasing Laws

An officer, employee, or agent of a college district who knowingly or with criminal negligence violates the purchasing laws found in Education Code Chapter 44 as described at Education Code 44.032 is subject to criminal penalties. [See CF] *Education Code 44.032*

Prohibition on Collective Bargaining Agreements

A governmental entity, including a college district, awarding a public work contract funded with state money, including the issuance of debt guaranteed by this state, may not:

1. Prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or
2. Discriminate against a person described above based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

Gov't Code 2269.0541

Enforcement Actions

Government Code Chapter 2269 may be enforced through an action for declaratory or injunctive relief filed not later than the 15th calendar day after the date on which the contract is awarded. *Gov't Code 2269.452(a)*

Attorney Fees

A governmental contract may not provide for the award of attorney's fees to the governmental entity in a dispute in which the entity prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute. *Gov't Code 2252.904(b)*

Public and Private Facilities and Infrastructure Partnerships

A governmental entity, including a college district, may enter into a partnership with a private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation, and installation of education facilities, technology and other public infrastructure, and government facilities that serve a public need and purpose in accordance with the requirements of Government Code Chapter 2267. *Gov't Code Ch. 2267*

Information Security Oversight

The agency head of each state institution of higher education, including each college district, is ultimately responsible for the security of state information resources.

The agency head or the official's designated representative(s), shall:

1. Designate an Information Security Officer who has the explicit authority and the duty to administer the information security requirements of 1 Administrative Code Chapter 202 institution-wide;
2. Allocate resources for ongoing information security remediation, implementation, and compliance activities that reduce risk to a level acceptable to the institution head;
3. Ensure that senior institution of higher education officials and information-owners, in collaboration with the Information Resources Manager and Information Security Officer, support the provision of information security for the information systems that support the operations and assets under their direct or indirect (e.g., cloud computing or outsourced) control;
4. Ensure that the institution of higher education has trained personnel to assist the institution of higher education in complying with the requirements of Chapter 202 and related policies;
5. Ensure that senior institution of higher education officials support the institution of higher education's Information Security Officer in developing, at least annually, a report on the institution of higher education's information security program, as specified in 1 Administrative Code 202.71(b)(10) and 202.73(a);
6. Approve high residual risk management decisions as required by 1 Administrative Code 202.75(4);
7. Review and approve at least annually the institution of higher education's information security program required under 1 Administrative Code 202.74; and
8. Ensure that information security management processes are part of the institution of higher education's strategic planning and operational processes.

1 TAC 202.70

**Information Security
Officer**

Each institution of higher education, including each college district, shall have a designated Information Security Officer. The Information Security Officer shall report to executive level management, has explicit authority for information security for the entire agency, possesses training and experience required to perform the duties required by 1 Administrative Code Chapter 202, and to the extent feasible, has information security duties as that officer's primary duty.

The Information Security Officer shall be responsible for:

1. Developing and maintaining an institution-wide information security plan as required by Government Code 2054.133;
2. Developing and maintaining information security policies and procedures that address the requirements of this chapter and the institution's information security risks;
3. Working with the business and technical resources to ensure that controls are utilized to address all applicable requirements of this chapter and the institution's information security risks;
4. Providing for training and direction of personnel with significant responsibilities for information security with respect to such responsibilities;
5. Providing guidance and assistance to senior institution of higher education officials, information owners, information custodians, and end users concerning their responsibilities under 1 Administrative Code Chapter 202;
6. Ensuring that:
 - a. Risk assessments are performed by the information owners and supported by the information custodians at least biennially for systems containing confidential data and periodically for systems containing institution of higher education sensitive or public data; and
 - b. Security assessments are conducted biennially for systems containing confidential data and periodically for systems containing institution of higher education sensitive or public data;
7. Reviewing the institution's inventory of information systems and related ownership and responsibilities;
8. Recommending and collaborating to establish policies, procedures, and practices, in cooperation with the institution's Infor-

mation Resources Manager; information owners; and custodians, necessary to ensure the security of information and information resources against unauthorized or accidental modification, destruction, or disclosure;

9. Verifying that security requirements are identified and risk mitigation plans are developed and contractually agreed and obligated prior to the acquisition of new information systems and/or related services and applications;
10. Verifying that security requirements are identified and risk mitigation plans are developed and implemented prior to the deployment of internally-developed information systems and/or related applications or services;
11. Reporting, at least annually, to the agency head the status and effectiveness of the security program and its controls;
12. Informing any relevant parties in the event of noncompliance with this chapter and/or with the institution's information security policies; and
13. All other duties required by Government Code 2054.136.

The Information Security Officer, with the approval of the agency head, may issue exceptions to information security requirements or controls in 1 Administrative Code Chapter 202. Any such exceptions shall be justified, documented, and communicated.

Gov't Code 2054.136; 1 TAC 202.71

Information Security Program

Each institution of higher education, including each college district, shall develop, document, and implement an institution of higher education-wide information security program, approved by the agency head or delegate under 1 Administrative Code 202.70, that includes protections, based on risk, for all information and information resources owned, leased, or under the custodianship of any department, operating unit, or employee of the institution of higher education including outsourced resources to another institution of higher education, contractor, or other source (e.g., cloud computing). The program shall include:

1. Periodic assessments in alignment with minimum legal reporting requirements of the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information, information systems, and applications that support the operations and assets of the institution of higher education;
2. Policies, controls, standards, and procedures that:

- a. Are based on the risk assessments required by 1 Administrative Code 202.75;
 - b. Cost-effectively reduce information security risks to a level acceptable to the institution head;
 - c. Ensure that information security is addressed throughout the life cycle of institution of higher education information resources; and
 - d. Ensure compliance with the requirements of 1 Administrative Code Chapter 202, Subchapter C; minimally acceptable system configuration requirements, as determined by the institution of higher education; and the control catalog published by the Department of Information Resources (DIR).
3. Strategies to address risk to high-impact information resources;
 4. Plans for providing information security for networks, facilities, and systems or groups of information systems and applications, based on risk;
 5. A process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the institution of higher education; and
 6. A process to justify, grant, and document any exceptions to specific program requirements in accordance with requirements and processes defined in 1 Administrative Code Chapter 202.

State institutions of higher education are responsible for:

1. Defining all information classification categories except the confidential information category, which is defined in 1 Administrative Code Subchapter A, and establishing the controls for each;
2. Administering an ongoing information security awareness education program in compliance with the requirements of Government Code 2054.5191–.5192 for all users; and
3. Introducing information security awareness and informing new employees of information security policies and procedures during the onboarding process.

Gov't Code 2054.133; 1 TAC 202.74

**Staff
Responsibilities**

Information owners, custodians, and users of information resources shall, in consultation with the institution's Information Resources Manager and Information Security Officer, be identified, and their responsibilities defined and documented by the state institution of higher education, including a college district. The distinctions below among owner, custodian, and user responsibilities should guide determination of these roles. *1 TAC 202.72(a)*

Information Owner

The owner or the owner's designated representative(s) are responsible for:

1. Classifying information under their authority or responsibility, with the concurrence of the agency head or the official's designated representative(s), in accordance with the institution of higher education's established information classification categories;
2. Approving access to information resources and periodically reviewing access lists based on documented risk management decisions;
3. Formally assigning custody of information or an information resource;
4. Coordinating data security control requirements with the Information Security Officer;
5. Conveying data security control requirements to custodians.
6. Providing authority to custodians to implement security controls and procedures;
7. Justifying, documenting, and being accountable for exceptions to security controls issued by the Information Security Officer for the information for which the information owner is responsible;
8. Coordinating and obtaining approval for exceptions to security controls with the agency Information Security Officer; and
9. Performing risk assessments as provided under 1 Administrative Code 202.75.

Information owners, in coordination with the information custodian, shall ensure that information resources provide a clear and conspicuous prohibition against unauthorized access or use as detailed by Penal Code 33.02(b-1).

1 TAC 202.72(a)(1)

Information
Custodian

Custodians of information resources, including third-party entities providing outsourced information resources services to state institutions of higher education, shall:

1. Implement controls required to protect information and information resources required by 1 Administrative Code Chapter 202 based on the classification and risks specified by the information owner(s) or as specified by the policies, procedures, and standards defined by the institution of higher education information security program;
2. Provide owners with information to evaluate the cost-effectiveness of controls and monitoring;
3. Adhere to monitoring techniques and procedures, approved by the Information Security Officer, for detecting, reporting, and investigating incidents;
4. Supply any information and/or documents necessary to provide appropriate information security training to employees; and
5. Ensure information is recoverable in accordance with risk management decisions.

1 TAC 202.72(a)(2)

User

The user of information resources has the responsibility to:

1. Use the resource only for the purpose specified by the institution or information owner;
2. Comply with information security controls and institutional policies to prevent unauthorized or accidental disclosure, modification, or destruction of information and information resources; and
3. Formally acknowledge that they will comply with the security policies and procedures in a method determined by the institution head or the institution head's designated representative.

Institution information resources designated for use by the public shall be configured to enforce security policies and procedures without requiring user participation or intervention. Information resources must require the acceptance of a banner or notice prior to use.

1 TAC 202.72(a)(3), (b)

Security Controls

Mandatory Controls

Mandatory security controls shall be defined by DIR in a Control Standards document published on DIR's website. The controls shall include minimum information security requirements for all institution information, information systems, and applications, and standards to be used by all institutions of higher education, including all college districts, to provide levels of information security according to risk categorizations.

A review of the institution's information security program for compliance with these standards will be performed at least biennially, based on business risk management decisions, by individual(s) independent of the information security program and designated by the institution of higher education head or the official's designated representative(s).

1 TAC 202.76(a)-(c)

Optional Controls

The agency head may employ standards for the cost-effective information security of information, information resources, and applications within or under the supervision of that institution of higher education that are more stringent than the standards DIR prescribes if the more stringent standards:

1. Contain at least the applicable standards issued by the department; and/or
2. Are consistent with applicable federal law, policies, and guidelines issued under state rule, industry standards, best practices, or are deemed necessary to adequately protect the information held by the institution of higher education.

1 TAC 202.76(e)

Risk Management

At least once every two years, a risk assessment of the institution's information, information systems, and applications shall be performed and documented. Risks and impacts will be ranked, at a minimum, as either "High," "Moderate," or "Low."

The schedule of the future risk assessments will be documented. Risk assessment results, vulnerability reports, and similar information shall be documented and presented to the Information Security Officer or the Information Security Officer's designated representative(s).

Approval of the security risk acceptance, transference, or mitigation decisions shall be the responsibility of:

1. The Information Security Officer or the Information Security Officer's designee(s), in coordination with the information

owner, for systems identified with Low or Moderate residual risk.

2. The institution of higher education head for all systems identified with a High residual risk.

Gov't Code 2054.515; 1 TAC 202.75

Reporting

To the Institution

Each Information Security Officer shall directly report to the agency, including a college district head, at least annually, on the adequacy and effectiveness of information security policies, procedures, practices, compliance with the requirements of 1 Administrative Code Chapter 202 and:

1. Effectiveness of current information security program and status of key initiatives;
2. Residual risks identified by the institution of higher education risk management process; and
3. Institution of higher education information security requirements and requests.

1 TAC 202.73(a)

To DIR

*Urgent Incident
Report*

Each state institution of higher education shall assess the significance of a security incident based on the business impact on the affected resources and the current and potential technical effect of the incident (e.g., loss of revenue, productivity, access to services, reputation, unauthorized disclosure of confidential information, or propagation to other networks). Confirmed or suspected incidents shall be reported to immediate supervisors and the institution of higher education Information Security Officer. Confirmed or suspected security incidents shall be reported to DIR within 48 hours of discovery in the form and manner specified by DIR where the security incident is assessed to:

1. Propagate to other state systems;
2. Result in criminal violations that shall be reported to law enforcement in accordance with state or federal information security or privacy laws;
3. Involve the unauthorized disclosure or modification of confidential information, e.g., sensitive personal information as defined in Business and Commerce Code 521.002(a)(2) and other applicable laws that may require public notification; or
4. Be an unauthorized incident that compromises, destroys, or alters information systems, applications, or access to such systems or applications in any way.

If the security incident is assessed to involve suspected criminal activity (e.g., violations of Penal Code Chapters 33 or 33A), the institution of higher education shall contact law enforcement, as required, and the security incident shall be investigated, reported, and documented in accordance with the legal requirements for handling of evidence.

Depending on the nature of the incident, it will not always be feasible to gather all the information prior to reporting. In such cases, incident response teams shall continue to report information to the department as it is collected. DIR shall instruct state institutions of higher education as to the manner in which they shall report such information to DIR. Supporting vendors or other third parties that report security incident information to an institution of higher education shall submit such reports to the institution of higher education in the form and manner specified by DIR, unless otherwise directed by the institution of higher education. Institutions of higher education shall ensure that compliant reporting requirements are included in any contract where incident reporting may be necessary.

1 TAC 202.73(b)(1)

Monthly Incident Report

Summary reports of security-related events shall be sent to DIR on a monthly basis no later than nine calendar days after the end of the month. Institutions of higher education shall submit summary security incident reports in the form and manner specified by DIR. Supporting vendors or other third parties that report security incident information to an institution of higher education shall submit such reports to the institution of higher education in the form and manner specified by DIR, unless otherwise directed by the institution of higher education. *1 TAC 202.73(b)(2)*

Biennial Information Security Plan

Each state institution of higher education shall submit to the department a biennial Information Security plan not later than June 1 of each even-numbered year, in accordance with Government Code 2054.133.

Each information security plan is confidential and exempt from disclosure under Government Code Chapter 552.

Gov't Code 2054.133(c)-(d); 1 TAC 202.73(b)(3)

Risk and Authorization Management Program for Cloud Computing Services

An institution of higher education contracting for cloud computing services that store, process, or transmit data of the institution of higher education shall:

1. Confirm that vendors contracting with the institution of higher education to provide cloud computing services for the institution of higher education are certified through TX-RAMP prior

to entering or renewing a cloud computing services contract;
and

2. Require a vendor contracting with the institution of higher education to provide cloud computing services for the institution of higher education that are subject to the state risk and authorization management program to maintain program compliance and certification throughout the term of the contract.

Gov't Code 2054.0593; 1 TAC 202.77(e)

Mandatory Standards

Mandatory standards for Texas cloud computing services shall be defined by DIR in the program manual published on DIR's website. *Gov't Code 2054.0593(c); 1 TAC 202.77(a)*

Financial Information Security Program

A financial institution shall develop, implement, and maintain a comprehensive information security program that is written in one or more readily accessible parts and contains administrative, technical, and physical safeguards that are appropriate to the institution's size and complexity, the nature and scope of the institution's activities, and the sensitivity of any customer information at issue. Such safeguards shall include the elements set forth below and shall be reasonably designed to achieve the objectives set forth below. *15 U.S.C. 6801(b); 16 C.F.R. 314.3(a)*

Objectives

The objectives are to:

1. Ensure the security and confidentiality of customer information;
2. Protect against any anticipated threats or hazards to the security or integrity of such information; and
3. Protect against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any customer.

16 C.F.R. 314.3(b)

Elements

To develop, implement, and maintain the information security program, the financial institution shall:

1. Designate a qualified individual responsible for overseeing and implementing the institution's information security program and enforcing the institution's information security program. The qualified individual may be employed by the financial institution, an affiliate, or a service provider. To the extent the requirement in this paragraph is met using a service provider or an affiliate, the financial institution shall:

- a. Retain responsibility for compliance with 16 C.F.R. Part 314;
 - b. Designate a senior member of the institution's personnel responsible for direction and oversight of the qualified individual; and
 - c. Require the service provider or affiliate to maintain an information security program that protects the institution in accordance with the requirements of Part 314.
2. Base the institution's information security program on a risk assessment that identifies reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information that could result in the unauthorized disclosure, misuse, alteration, destruction or other compromise of such information, and assess the sufficiency of any safeguards in place to control these risks.
- a. The risk assessment shall be written and shall include:
 - (1) Criteria for the evaluation and categorization of identified security risks or threats the financial institution faces;
 - (2) Criteria for the assessment of the confidentiality, integrity, and availability of the institution's information systems and customer information, including the adequacy of the existing controls in the context of the identified risks or threats the financial institution faces; and
 - (3) Requirements describing how identified risks will be mitigated or accepted based on the risk assessment and how the information security program will address the risks.
 - b. The financial institution shall periodically perform additional risk assessments that reexamine the reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information that could result in the unauthorized disclosure, misuse, alteration, destruction, or other compromise of such information, and reassess the sufficiency of any safeguards in place to control these risks.
3. Design and implement information safeguards to control the risks the financial institution identifies through risk assessment, as described by 16 C.F.R. 314.4(c).

4. Regularly test or otherwise monitor the effectiveness of the safeguards' key controls, systems, and procedures, including those to detect actual and attempted attacks on, or intrusions into, information systems. For information systems, the monitoring and testing shall include continuous monitoring or periodic penetration testing and vulnerability assessments. Absent effective continuous monitoring or other systems to detect, on an ongoing basis, changes in information systems that may create vulnerabilities, the financial institution shall conduct:
 - a. Annual penetration testing of the institution's information systems determined each given year based on relevant identified risks in accordance with the risk assessment; and
 - b. Vulnerability assessments, including any systemic scans or reviews of information systems reasonably designed to identify publicly known security vulnerabilities in the institution's information systems based on the risk assessment, at least every six months; and whenever there are material changes to the institution's operations or business arrangements; and whenever there are circumstances the institution knows or has reason to know may have a material impact on the information security program.
5. Implement policies and procedures to ensure that personnel are able to enact the financial institution's information security program by:
 - a. Providing the institution's personnel with security awareness training that is updated as necessary to reflect risks identified by the risk assessment;
 - b. Utilizing qualified information security personnel employed by the institution or an affiliate or service provider sufficient to manage the institution's information security risks and to perform or oversee the information security program;
 - c. Providing information security personnel with security updates and training sufficient to address relevant security risks; and
 - d. Verifying that key information security personnel take steps to maintain current knowledge of changing information security threats and countermeasures;
6. Oversee service providers by:

- a. Taking reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the customer information at issue;
 - b. Requiring the financial institution's service providers by contract to implement and maintain such safeguards; and
 - c. Periodically assessing the institution's service providers based on the risk they present and the continued adequacy of their safeguards.
7. Evaluate and adjust the information security program in light of the results of testing and monitoring, any material changes to the institution's operations or business arrangements, the results of the additional risk assessments performed under item 2, or any other circumstances that the institution knows or has reason to know may have a material impact on the information security program.
8. Establish a written incident response plan designed to promptly respond to, and recover from, any security event materially affecting the confidentiality, integrity, or availability of customer information in the financial institution's control. Such incident response plan shall address the following areas:
 - a. The goals of the incident response plan;
 - b. The internal processes for responding to a security event;
 - c. The definition of clear roles, responsibilities, and levels of decision-making authority;
 - d. External and internal communications and information sharing;
 - e. Identification of requirements for the remediation of any identified weaknesses in information systems and associated controls;
 - f. Documentation and reporting regarding security events and related incident response activities; and
 - g. The evaluation and revision as necessary of the incident response plan following a security event.
9. Require the financial institution's qualified individual to report in writing, regularly and at least annually, to the financial institution's board of directors or equivalent governing body. If no

such board of directors or equivalent governing body exists, such report shall be timely presented to a senior officer responsible for the information security program. The report shall include the following information:

- a. The overall status of the information security program and the institution's compliance with this part; and
- b. Material matters related to the information security program, addressing issues such as risk assessment, risk management and control decisions, service provider arrangements, results of testing, security events or violations and management's responses thereto, and recommendations for changes in the information security program.

16 C.F.R. 314.4

Definitions

Consumer

"Consumer" means an individual who obtains or has obtained a financial product or service from a financial institution that is to be used primarily for personal, family, or household purposes, or that individual's legal representative. For example:

1. An individual who provides nonpublic personal information to the financial institution in order to obtain a determination about whether the individual may qualify for a loan to be used primarily for personal, family, or household purposes is a consumer of a financial service, regardless of whether the loan is extended.
2. An individual who provides nonpublic personal information to you in connection with obtaining or seeking to obtain financial, investment, or economic advisory services is a consumer, regardless of whether the institution establishes a continuing advisory relationship.
3. If the institution holds ownership or servicing rights to an individual's loan that is used primarily for personal, family, or household purposes, the individual is the institution's consumer, even if the institution holds those rights in conjunction with one or more other institutions. (The individual is also a consumer with respect to the other financial institutions involved.) An individual who has a loan in which the institution has ownership or servicing rights is the financial institution's consumer, even if the institution, or another institution with those rights, hires an agent to collect on the loan.
4. An individual who is a consumer of another financial institution is not the financial institution's consumer solely because

the financial institution acts as an agent for, or provides processing or other services to, that financial institution.

5. An individual is not the financial institution's consumer solely because the individual is a participant or a beneficiary of an employee benefit plan that the institution sponsors or for which the institution acts as a trustee or fiduciary.

16 C.F.R. 314.2(b)

Customer

"Customer" means a consumer who has a customer relationship with a financial institution. *16 C.F.R. 314.2(c)*

Customer Information

"Customer information" means any record containing nonpublic personal information, as defined below, about a customer of a financial institution, whether in paper, electronic, or other form, that is handled or maintained by or on behalf of the institution or its affiliates. *16 C.F.R. 314.2(d)*

Customer Relationship

"Customer relationship" means a continuing relationship between a consumer and a financial institution under which a financial institution provides one or more financial products or services to the consumer that are to be used primarily for personal, family, or household purposes. For example, a consumer has a continuing relationship with a financial institution if the consumer:

1. Obtains a loan from the institution;
2. Obtains career counseling while seeking employment with a financial institution or the finance, accounting, or audit department of any company (or while employed by such a financial institution or department of any company); or
3. Has a loan for which the institution owns the servicing rights.

16 C.F.R. 314.2(e)

Financial Institution

"Financial institution" means any institution the business of which is engaging in an activity that is financial in nature or incidental to such financial activities as described in Section 4(k) of the Bank Holding Company Act of 1956, 12 U.S.C. 1843(k). An institution that is significantly engaged in financial activities, or significantly engaged in activities incidental to such financial activities, is a financial institution. *12 U.S.C. 1843(k); 16 C.F.R. 314.2(h)*

Nonpublic Personal Information

"Nonpublic personal information" means:

1. Personally identifiable financial information, as defined by 16 C.F.R. 314.2(n); and

2. Any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available.

Nonpublic personal information does not include:

1. Publicly available information, as defined by 16 C.F.R. 314.2(o), except as included on a list described in item 2, above; or
2. Any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available.

For example:

1. Nonpublic personal information includes any list of individuals' names and street addresses that is derived in whole or in part using personally identifiable financial information (that is not publicly available), such as account numbers.
2. Nonpublic personal information does not include any list of individuals' names and addresses that contains only publicly available information, is not derived, in whole or in part, using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a consumer of a financial institution.

16 C.F.R. 314.2(l)

Service Provider

"Service provider" means any person or entity that receives, maintains, processes, or otherwise is permitted access to customer information through its provision of services directly to a financial institution that is subject to 16 C.F.R. Part 314. *16 C.F.R. 314.2(q)*

**Cybersecurity
Information Sharing
Act**

A non-federal entity, including a college district, may, for a cybersecurity purpose and consistent with the protection of classified information, share with, or receive from, any other non-federal entity or the federal government a cyber threat indicator or defensive measure. A non-federal entity receiving a cyber threat indicator or defensive measure from another non-federal entity or a federal entity shall comply with otherwise lawful restrictions placed on the sharing or use of such cyber threat indicator or defensive measure by the sharing non-federal or federal entity. *6 U.S.C. 1503(c)*

Protection and Use of Information	A non-federal entity monitoring an information system, operating a defensive measure, or providing or receiving a cyber threat indicator or defensive measure under 6 U.S.C. 1503 shall implement and utilize a security control to protect against unauthorized access to or acquisition of such indicator or measure. <i>6 U.S.C. 1503(d)(1)</i>
<i>Security</i>	
<i>Removal of Personal Information</i>	A non-federal entity sharing a cyber threat indicator pursuant to 6 U.S.C. Chapter 6, Subchapter I shall, prior to sharing: <ol style="list-style-type: none">1. Review such cyber threat indicator to assess whether such cyber threat indicator contains any information not directly related to a cybersecurity threat that the non-federal entity knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual and remove such information; or2. Implement and utilize a technical capability configured to remove any information not directly related to a cybersecurity threat that the non-federal entity knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual.
	<i>6 U.S.C. 1503(d)(2)</i>
<i>Use of Information</i>	A cyber threat indicator or defensive measure shared or received may, for cybersecurity purposes: <ol style="list-style-type: none">1. Be used by a non-federal entity to monitor or operate a defensive measure that is applied to an information system of the non-federal entity, or an information system of another non-federal entity or a federal entity upon written consent of that other non-federal entity or federal entity; and2. Be otherwise used, retained, and further shared by a non-federal entity subject to an otherwise lawful restriction placed by the sharing non-federal entity or federal entity on such cyber threat indicator or defensive measure, or an otherwise applicable provision of law.
	<i>6 U.S.C. 1503(d)(3)</i>
Exception	A cyber threat indicator or defensive measure shared with a state, tribal, or local government under 6 U.S.C. Chapter 6, Subchapter I shall not be used by any state, tribal, or local government to regulate, including an enforcement action, the lawful activity of any non-federal entity or any activity taken by a non-federal entity pursuant to mandatory standards, including an activity relating to monitoring, operating a defensive measure, or sharing of a cyber threat indicator. A cyber threat indicator or defensive measure shared as described in this provision may, consistent with a state, tribal, or local

government regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of a regulation relating to such information systems. 6 U.S.C. 1503(d)(4)(C)

Law Enforcement Use

A college district that receives a cyber threat indicator or defensive measure under 6 U.S.C. Chapter 6, Subchapter I, may use such indicator or measure for the purposes described in 6 U.S.C. 1504(d)(5)(A). [See CKE] 6 U.S.C. 1503(d)(4)(A)

Exemption from Public Disclosure

A cyber threat indicator or defensive measure shared by or with a state, tribal, or local government, including a component of a state, tribal, or local government that is a private entity, under 6 U.S.C. 1503 shall be deemed voluntarily shared information and exempt from disclosure under any provision of state, tribal, or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring disclosure of information or records. 6 U.S.C. 1503(d)(4)(B)

A cyber threat indicator or defensive measure shared with the federal government under 6 U.S.C. Chapter 6, Subchapter I, shall be:

1. Deemed voluntarily shared information and exempt from disclosure under 5 U.S.C. 552 and any state, tribal, or local provision of law requiring disclosure of information or records; and
2. Withheld, without discretion, from the public under 5 U.S.C. 552(b)(3)(B) and any state, tribal, or local provision of law requiring disclosure of information or records.

6 U.S.C. 1504(d)(3) [See GCA]

No Duty

Nothing in this section shall be construed to create a duty to share a cyber threat indicator or defensive measure or a duty to warn or act based on the receipt of a cyber threat indicator or defensive measure; or to undermine or limit the availability of otherwise applicable common law or statutory defenses. 6 U.S.C. 1505(c)

Definitions

Non-Federal Entity

“Non-federal entity” means any private entity, non-federal government agency or department, or state, tribal, or local government (including a political subdivision, department, or component thereof). 6 U.S.C. 1501(14)

Cybersecurity Purpose

“Cybersecurity purpose” means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability. 6 U.S.C. 1501(4)

*Cybersecurity
Threat*

“Cybersecurity threat” means an action, not protected by the First Amendment to the U.S. Constitution, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system. The term does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement. *6 U.S.C. 1501(5)*

*Cyber Threat
Indicator*

“Cyber threat indicator” means information that is necessary to describe or identify:

1. Malicious reconnaissance, as defined in 6 U.S.C. 1501(12), including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;
2. A method of defeating a security control or exploitation of a security vulnerability;
3. A security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;
4. A method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;
5. Malicious cyber command and control, as defined in 6 U.S.C. 1501(11);
6. The actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;
7. Any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or
8. Any combination thereof.

6 U.S.C. 1501(6)

*Defensive
Measure*

“Defensive measure” means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability. The term does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information sys-

tem or information stored on, processed by, or transiting such information system not owned by the private entity operating the measure or another entity or federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure. *6 U.S.C. 1501(7)*

Information System

“Information system” means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information; and includes industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers. *6 U.S.C. 1501(9); 44 U.S.C. 3502*

Security Control

“Security control” means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information. *6 U.S.C. 1501(16)*

Security Vulnerability

“Security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control. *6 U.S.C. 1501(17)*

Security Breach Notification

To Residents of Texas and Certain Other States

A person, including a college district, who conducts business in this state and owns or licenses computerized data that includes sensitive personal information shall disclose, in accordance with the notice provisions at Business and Commerce Code 521.053(e), any breach of system security, after discovering or receiving notification of the breach, to any individual whose sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made without unreasonable delay and in each case not later than the 60th day after the date on which the person determines that the breach occurred, except as provided at Criminal Investigation Exception, below, or as necessary to determine the scope of the breach and restore the reasonable integrity of the data system. *Business and Commerce Code 521.053(b)*

If the individual whose sensitive personal information was or is reasonably believed to have been acquired by an unauthorized person is a resident of a state that requires a person described by Business and Commerce Code 521.053(b) to provide notice of a breach of system security, the notice of the breach of system security required by Section 521.053(b) may be provided under that state's law or under Business and Commerce Code 521.053(b). *Business and Commerce Code 521.053(b-1); Local Gov't Code 205.010*

To the Owner or License Holder

A person who maintains computerized data that includes sensitive personal information not owned by the person shall notify the

owner or license holder, in accordance with Business and Commerce Code 521.053(e), of the information of any breach of system security immediately after discovering the breach, if the sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. *Business and Commerce Code 521.053(c); Local Gov't Code 205.010*

To the Attorney
General

A person who is required to disclose or provide notification of a breach of system security under Business and Commerce Code 521.053 shall notify the attorney general, in accordance with Business and Commerce Code 521.053(i), of that breach not later than the 60th day after the date on which the person determines that the breach occurred if the breach involves at least 250 residents of this state. *Business and Commerce Code 521.053(i)*

To a Consumer
Reporting Agency

If a person is required to notify at one time more than 10,000 persons of a breach of system security, the person shall also notify each consumer reporting agency, as defined by 15 U.S.C. 1681a, that maintains files on consumers on a nationwide basis, of the timing, distribution, and content of the notices. The person shall provide the notice without unreasonable delay. *Business and Commerce Code 521.053(h); Local Gov't Code 205.010*

Criminal
Investigation
Exception

A person may delay providing the required notice to state residents or the owner or license holder at the request of a law enforcement agency that determines that the notification will impede a criminal investigation. The notification shall be made as soon as the law enforcement agency determines that the notification will not compromise the investigation. *Business and Commerce Code 521.053(d); Local Gov't Code 205.010*

Information Security
Policy

A person who maintains the person's own notification procedures as part of an information security policy for the treatment of sensitive personal information that complies with the timing requirements for notice under Business and Commerce Code 521.053 if the person notifies affected persons in accordance with that policy. *Business and Commerce Code 521.053(g); Local Gov't Code 205.010*

Definitions

*Breach of System
Security*

"Breach of system security" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by a person, including data that is encrypted if the person accessing the data has the key required to decrypt the data. Good faith acquisition of sensitive personal information by an employee or agent of the person for the purposes of the person is not a breach of system security unless the person uses or discloses the sensitive personal information in an unauthorized manner. *Business and Commerce Code 521.053(a)*

*Sensitive
Personal
Information*

“Sensitive personal information” means:

1. An individual's first name or first initial and last name in combination with any one or more of the following items, if the name and the items are not encrypted:
 - a. Social security number;
 - b. Driver's license number or government-issued identification number; or
 - c. Account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account; or
2. Information that identifies an individual and relates to:
 - a. The physical or mental health or condition of the individual;
 - b. The provision of health care to the individual; or
 - c. Payment for the provision of health care to the individual.

“Sensitive personal information” does not include publicly available information that is lawfully made available to the public from the federal government or a state or local government.

Business and Commerce Code 521.002(a)(2), (b)

Note: For cybersecurity training, see BBD and DK. For vendor contracting requirements related to information security, see CF.

SOME POLICY TITLES ARE INCLUDED FOR FUTURE EXPANSION

SECTION D: PERSONNEL

DA	EMPLOYMENT OBJECTIVES
DAA	Equal Employment Opportunity
DAAA	Genetic Nondiscrimination
DAB	Objective Criteria for Personnel Decisions
DB	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
DBA	Credentials and Records
DBB	Medical Examinations and Communicable Diseases
DBC	Oath of Office
DBD	Conflict of Interest
DBE	Nepotism
DBF	Outside Employment
DC	EMPLOYMENT PRACTICES
DCA	Term Contracts
DCB	Tenure
DCC	At-Will Employment
DD	PERSONNEL POSITIONS
DDA	Qualifications and Duties
DDB	Substitute, Temporary, and Part-time Positions
DE	COMPENSATION AND BENEFITS
DEA	Salaries and Wages
DEB	Fringe Benefits
DEC	Leaves and Absences
DECA	Family and Medical Leave
DECB	Military Leave
DED	Holidays
DEE	Expense Reimbursement
DF	RETIREMENT PROGRAMS
DG	EMPLOYEE RIGHTS AND PRIVILEGES
DGA	Freedom of Association
DGB	Personnel-Management Relations
DGBA	Employee Grievances
DGC	Employee Expression and Use of College Facilities
DH	EMPLOYEE STANDARDS OF CONDUCT
DHA	Searches and Alcohol/Drug Testing
DHB	Child Abuse and Neglect Reporting
DHC	Employee Solicitations

SOME POLICY TITLES ARE INCLUDED FOR FUTURE EXPANSION

SECTION D: PERSONNEL

DI	EMPLOYEE WELFARE
DIA	Freedom from Discrimination, Harassment, and Retaliation
DIAA	Sex and Sexual Violence
DIAB	Other Protected Characteristics
DJ	ASSIGNMENT, WORK LOAD, AND SCHEDULES
DK	PROFESSIONAL DEVELOPMENT
DL	EMPLOYEE PERFORMANCE
DLA	Evaluation
DLB	Suspension
DLC	Promotion and Demotion
DLD	Employee Awards
DM	TERMINATION OF EMPLOYMENT
DMA	Term Contracts
DMAA	Termination Mid-Contract
DMAB	Nonrenewal
DMB	Tenure
DMC	Reduction in Force
DMD	Resignation

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**Former Board
Member Employment**

A public junior college may not employ or contract with an individual who was a member of the board of the junior college before the first anniversary of the date the individual ceased to be a member of the board of trustees. *Education Code 130.089*

**Employee
Information**

A person or entity, including a college district, that hires or recruits an individual for employment must ensure that the individual properly:

1. Completes section 1—"Employee Information and Verification"—on the Form I-9 at the time of hire and signs the attestation with a handwritten or electronic signature in accordance with 8 C.F.R. 274a.2(h), or if an individual is unable to complete the Form I-9 or needs it translated, someone may assist him or her in accordance with 8 C.F.R. 274a.2(b); and
2. Present to the employer or the recruiter or referrer for a fee documentation as set forth in 8 C.F.R. 274a.2(b)(1)(v) establishing the individual's identity and employment authorization within the time limits set forth in 8 C.F.R. 274a.2(b)(1)(ii) through (b)(1)(v).

8 C.F.R. 274a.2(b)(1)(i)

**Verification of
Employment
Eligibility**

An employer, the employer's agent, or anyone acting directly or indirectly in the interest thereof, must within three business days of the hire:

New Hire

1. Physically examine the documentation presented by the individual establishing identity and employment authorization as set forth in 8 C.F.R. 274a.2(b)(1)(v) and ensure that the documents presented appear to be genuine and to relate to the individual; and
2. Complete section 2 – "Employer Review and Verification" – on the Form I-9 within three business days of the hire and sign the attestation with a handwritten signature or electronic signature in accordance with 8 C.F.R. 274a.2(i).

8 C.F.R. 274a.2(b)(1)(ii)

An employer will not be deemed to have hired an individual for employment if the individual is continuing in the individual's employment and has a reasonable expectation of employment at all times as described by 8 C.F.R. 274a.2(b)(1)(viii). *8 C.F.R. 274a.2(b)(1)(viii)*

Exception

An employer who hires an individual for employment for a duration of less than three business days must comply with 8 C.F.R.

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- 274a.2(b)(1)(ii)(A) and (b)(1)(ii)(B) at the time of the hire. An employer may not accept a receipt, as described in 8 C.F.R. 274a.2(b)(1)(vi), in lieu of the required document if the employment is for less than three business days. 8 C.F.R. 274a.2(b)(1)(iii)
- Rehire When an employer hires an individual whom that person or entity has previously employed, if the employer has previously completed the Form I-9 and complied with the verification requirements set forth in 8 C.F.R. 274a.2(b) with regard to the individual, the employer may (in lieu of completing a new Form I-9) inspect the previously completed Form I-9 and, if upon inspection of the Form I-9, the employer determines that the Form I-9 relates to the individual and that the individual is still eligible to work, that previously executed Form I-9 is sufficient if the individual is hired within three years of the date of the initial execution of the Form I-9 and the employer updates the Form I-9 to reflect the date of rehire. 8 C.F.R. 274a.2(c)
- Existing Employee If an individual's employment authorization expires, the employer, recruiter, or referrer for a fee must reverify on the Form I-9 to reflect that the individual is still authorized to work in the United States; otherwise, the individual may no longer be employed, recruited, or referred. Reverification on the Form I-9 must occur not later than the date work authorization expires. If an Employment Authorization Document (Form I-766) was presented for completion of the Form I-9 in combination with a Notice of Action (Form I-797C), stating that the original Employment Authorization Document has been automatically extended for up to 180 days, reverification applies upon the expiration of the automatically extended validity period under 8 C.F.R. 274a.13(d) and not upon the expiration date indicated on the face of the individual's Employment Authorization Document.
- In order to reverify on the Form I-9, the employee or referred individual must present a document that either shows continuing employment eligibility or is a new grant of work authorization. The employer or the recruiter or referrer for a fee must review this document, and if it appears to be genuine and relate to the individual, reverify by noting the document's identification number and expiration date, if any, on the Form I-9 and signing the attestation by a handwritten signature or electronic signature in accordance with 8 C.F.R. 274a.2(i).
- 8 C.F.R. 274a.2(b)(1)(vii)
- E-Verify State agencies and institutions of higher education, including college districts, shall register and participate in the federal electronic verification of employment authorization program, E-Verify, for all newly hired employees.

The Texas Workforce Commission (TWC) shall provide notice, registration information, and online forms for the E-Verify program to state agencies and may provide technical assistance, upon request.

Gov't Code 673.002; 40 TAC 843.3

New Hire Reporting

"Newly hired employee" means an employee who has not been previously employed by the employer or was previously employed by the employer but has been separated from that employment for at least 60 consecutive days.

Each Texas employer, including each college district, shall furnish to the State Directory of New Hires (Texas Attorney General's Office) in the state in which a newly hired employee works a report of all new hires that contains the following seven required data elements: the employee name, the employee address, the employee social security number, the employee's date of hire, the employer name, the employer address, and the federal employer identification number (FEIN).

Employers, at their option may also provide the following additional information in the report: the employee's date of birth and the employee's expected salary or wages, and employer payroll addresses for mailing of notice to withhold child support.

All employers shall report new hire information on a Form W-4 or an equivalent form by first class mail, telephonically, or electronically as determined by the employer and in a format acceptable to the Title IV-D agency. The Title IV-D agency reserves the right to decline any type of form that it deems as illegible or inappropriate for new hire report processing and requests employers who elect to submit new hire reports via hard copy to adopt the prescribed Employer New Hire Reporting Form (Form 1856e and 1856s) that can be obtained from the Texas Attorney General's Child Support Division¹ website under Employer Portal.

42 U.S.C. 653a(b)-(c); Family Code 234.104; 1 TAC 55.303(a)-(c)

Deadline

Employer new hire reports are due:

1. Not later than 20 calendar days after the date the employer hires the employee; or
2. In the case of an employer transmitting reports electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

Employer new hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency.

1 TAC 55.303(d)

Penalties

An employer that knowingly violates the new hire provisions may be liable for a civil penalty, as set forth at Family Code 234.105. *42 U.S.C. 653a(d); Family Code 234.105*

**Social Security
Numbers**

It shall be unlawful for any federal, state or local government agency, including a college district, to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's social security number. *5 U.S.C. 552a Note; PL 93-579, 7(b), 88 Stat. 1896 (1974)*

Exceptions

The above provision shall not apply with respect to:

1. Any disclosure which is required by federal statute.
2. The disclosure of a social security number to a federal, state, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual.

5 U.S.C. 552a Note; PL 93-579, 7(b), 88 Stat. 1896 (1974)

It is the policy of the United States that any state (or political subdivision thereof) may, in the administration of any tax, general public assistance, driver's license, or motor vehicle registration law within its jurisdiction, utilize the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is or appears to be so affected to furnish to such state (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner of Social Security. *42 U.S.C. 405(c)(2)(C)*

Statement of Uses

A federal, state, or local agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it. *5 U.S.C. 552a Note; PL 93-579, 7(b), 88 Stat. 1896 (1974)*

**Criminal History
Records of Certain
Applicants**

Each institution of higher education, including each college district, is entitled to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a person who is an applicant for a security-sensitive position at the institution. The institution may deny employment to an applicant for a security-sensitive position who fails to provide a complete set of fingerprints upon request.

“Security-sensitive position” means an employment position held by an employee who:

1. Handles currency;
2. Has access to a computer terminal;
3. Has access to the personal information or identifying information of another person;
4. Has access to the financial information of the college district or another person;
5. Has access to a master key; or
6. Works in a location designated as a security-sensitive area.

A security-sensitive position shall be so identified in the job description and advertisement for the position.

The criminal history record information may be used only for the purpose of evaluating applicants for employment in security-sensitive positions.

The criminal history record information may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

All criminal history record information shall be destroyed by the chief of police of the institution of higher education as soon as practicable after the individual becomes employed in a security-sensitive position and after the expiration of any probationary term of employment or, if the individual is not hired for a security-sensitive position, after the information is used for its authorized purpose.

Gov't Code 411.094; Education Code 51.215

A person, agency, department, political subdivision, or other entity that is authorized by Government Code Chapter 411, Subchapter F or Subchapter E-1 to obtain from DPS criminal history record information maintained by DPS that relates to another person is authorized to:

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1. Obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to that person; or
2. Obtain from any other criminal justice agency in this state criminal history record information maintained by that criminal justice agency that relates to that person.

Gov't Code 411.087(a)

Participation in the
Criminal History
Clearinghouse

The purpose of the criminal history clearinghouse is to:

1. Provide authorized entities with the Texas and FBI fingerprint-based criminal history results.
2. Provide authorized entities with subscription and notification service to disseminate updated criminal history information.

Entities shall only submit requests for criminal history record information on a person who has authorized the access of their information. "Request for criminal history record information" is the processing and entry of a person's complete set of fingerprints in DPS's tenprint database and the comparison of those prints to DPS's latent print database and if authorized the entry into FBI's tenprint and comparison to the FBI's latent print database.

Entities may subscribe to a person in the clearinghouse, if the entity has the authority to view the record. Entities shall unsubscribe from a person when it no longer has authority to view a record.

Entities shall validate their subscriptions in accordance with DPS policies. "Validation" is a process whereby the subscriber reviews a subscription to determine whether they are still authorized to receive criminal history record information on that individual and updates the subscription accordingly. Validations are required on a yearly basis.

Entities shall maintain compliance with the FBI Criminal Justice Information Services Security Policy. Entities shall allow DPS and FBI to conduct audits of their clearinghouse accounts to prevent any unauthorized access, use, or dissemination of the information.

37 TAC 27.171, .172(4), (8), .174

**Drug and Alcohol
Clearinghouse Pre-
Employment Inquiry**

Employers must not employ a driver subject to controlled substances and alcohol testing under 49 C.F.R. Part 382 to perform a safety-sensitive function without first conducting a pre-employment query of the Drug and Alcohol Clearinghouse [see DHA] to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has

refused to submit to a test in violation of 49 C.F.R. 382.211; or that an employer has reported actual knowledge, as defined at 49 C.F.R. 382.107, that the driver used alcohol on duty in violation of 49 C.F.R. 382.205, used alcohol before duty in violation of 49 C.F.R. 382.207, used alcohol following an accident in violation of 49 C.F.R. 382.209, or used a controlled substance, in violation of 49 C.F.R. 382.213.

The employer must conduct a full query under this section, which releases information in the Clearinghouse to an employer and requires that the individual driver give specific consent.

49 C.F.R. 382.701(a)

**Pre-Employment
Inquiry for Peace
Officers and
Telecommunications
Officers**

Before a law enforcement agency may hire a person licensed under Occupations Code Chapter 1701, the agency must, on a form and in the manner prescribed by the Texas Commission on Law Enforcement (TCOLE):

1. Obtain the person's written consent for the agency to review the information required to be reviewed under this section;
2. Request from TCOLE and any other applicable person information required to be reviewed under this section; and
3. Submit to TCOLE confirmation that the agency, to the best of the agency's ability before hiring the person:
 - a. Contacted each entity or individual necessary to obtain the information required to be reviewed under this section; and
 - b. Except as provided by Occupations Code 1701.451(b), obtained and reviewed as related to the person, as applicable, the information described by Section 1701.451(a)(3)(B).

If an entity or individual contacted for information required to be reviewed under this section refused to provide the information or did not respond to the request for information, the confirmation submitted to TCOLE must document the manner of the request and the refusal or lack of response.

If TCOLE or a law enforcement agency receives from a law enforcement agency a request for information under this section and the person's consent on the forms and in the manner prescribed by TCOLE, TCOLE or the agency shall provide the information to the requesting agency.

The head of a law enforcement agency or the agency head's designee shall review and sign each confirmation form required under

this section before submission to TCOLE. The failure of an agency head or the agency head's designee to comply with this subsection constitutes grounds for suspension of the agency head's license under Occupations Code 1701.501.

The confirmation form submitted to TCOLE under this section is not confidential and is subject to disclosure under Government Code Chapter 552 (Public Information Act).

Occupations Code 1701.451

Retirees

An institution of higher education, including a college district, may employ a person who has retired under the Teacher Retirement System (Government Code Title 8, Subtitle C) or the optional retirement program (Government Code Chapter 830) if:

1. The governing board of the institution determines that the employment is in the best interests of the institution; and
2. The person has been retired for at least 30 days before the effective date of the employment, except that a person retired under the optional retirement program may be rehired after retirement without a break in service.

The governing board may pay a person employed an amount considered by the governing board to be appropriate, notwithstanding any other provision of law.

Education Code 51.964

Report

In accordance with the requirements of Government Code 824.6022 and 34 Administrative Code 31.2, an employer shall submit to the Teacher Retirement System (TRS) a monthly certified statement of employment for all retirees employed by the employer during each month of a school year. *Gov't Code 824.6022; 34 TAC 31.2*

Employment Preference for Veterans

The following definitions shall apply to employment preferences for veterans.

Veteran

"Veteran" has the meaning assigned by Government Code 2308.251. *Gov't Code 657.001(2)*

Veteran with a Disability

"Veteran with a disability" means a veteran who is classified as disabled by the U.S. Department of Veterans Affairs or its successor or the branch of the service in which the veteran served and whose disability is service connected. *Gov't Code 657.001(3)*

Eligibility

The following individuals qualify for a veteran's employment preference:

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1. A veteran, including a veteran with a disability;
2. A veteran's surviving spouse who has not remarried; and
3. An orphan of a veteran if the veteran was killed while on active duty.

Gov't Code 657.002

Application of the
Preference

An individual who qualifies for a veteran's employment preference is entitled to a preference in employment with or appointment to a state agency, including a college district, over other applicants for the same position who do not have a greater qualification.

A state agency shall provide to an individual entitled to a veteran's employment preference for employment or appointment over other applicants for the same position who do not have a greater qualification a veteran's employment preference, in the following order of priority:

1. A veteran with a disability;
2. A veteran;
3. A veteran's surviving spouse who has not remarried; and
4. An orphan of a veteran if the veteran was killed while on active duty.

If a state agency requires a competitive examination under a merit system or civil service plan for selecting or promoting employees, an individual entitled to a veteran's employment preference who otherwise is qualified for that position and who has received at least the minimum required score for the test is entitled to have a service credit of ten points added to the test score. A veteran with a disability is entitled to have a service credit of five additional points added to the individual's test score.

An individual entitled to a veteran's employment preference is not disqualified from holding a position with a state agency because of age or an established service-connected disability if the age or disability does not make the individual incompetent to perform the duties of the position.

Gov't Code 657.003

Veteran
Employment Goal

Each state agency shall establish a goal of hiring, in full-time positions at the agency, a number of veterans equal to at least 20 percent of the total number of employees of the state agency. A state agency may establish a veteran employment goal that is greater than the required percentage. *Gov't Code 657.004*

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Designation of
Open Position

A state agency may designate an open position as a veteran's position and only accept applications for that position from individuals who are entitled to a veteran's employment preference under Government Code 657.003. Notwithstanding any other law, a state agency may hire or appoint for an open position within the agency an individual entitled to a veteran's employment preference under Section 657.003 without announcing or advertising the position if the agency uses the automated labor exchange system administered by the TWC to identify an individual who qualifies for a veteran's employment preference and determines the individual meets the qualifications required for the position. *Gov't Code 657.0045*

Interviews

For each announced open position at a state agency, the state agency shall interview:

1. If the total number of individuals interviewed for the position is six or fewer, at least one individual qualified for a veteran's employment preference under Government Code 657.003; or
2. If the total number of individuals interviewed for the position is more than six, a number of individuals qualified for a veteran's employment preference under Section 657.003 equal to at least 20 percent of the total number interviewed.

A state agency that does not receive any applications from individuals who qualify for a veteran's employment preference under Section 657.003 is not required to comply.

Gov't Code 657.0047

Employment
Investigation

The individual whose duty is to appoint or employ an applicant for a position with a state agency or an officer or the chief administrator of the agency who receives an application for appointment or employment by an individual entitled to a veteran's employment preference, before appointing or employing any individual, shall investigate the qualifications of the applicant for the position. An applicant who is a veteran with a disability shall furnish the official records to the individual whose duty is to fill the position. *Gov't Code 657.005*

Federal Law and
Grants

To the extent that this chapter conflicts with federal law or a limitation provided by a federal grant to a state agency, Government Code Chapter 657 shall be construed to operate in harmony with the federal law or limitation of the federal grant. *Gov't Code 657.006*

Reporting

A state agency shall file quarterly with the comptroller a report that states:

1. The percentage of the total number of employees hired or appointed by the agency during the reporting period who are persons entitled to a preference under Government Code Chapter 657;
2. The percentage of the total number of the agency's employees who are persons entitled to a preference under Chapter 657; and
3. The number of complaints filed with the executive director of the agency under Government Code 657.010 during that quarter and the number of those complaints resolved by the executive director.

The comptroller shall make each quarterly report available to the public on the comptroller's internet website.

Gov't Code 657.008

Posting
Requirements

A public entity or public work shall provide information to the TWC regarding any open position subject to the veterans' preferences as specified in Government Code 657.009.

A public entity or public work shall provide information by one or more of the methods indicated in 40 Administrative Code 843.1(b)(1)–(3) relating to the employer postings of job openings and submit basic information regarding the opening to the TWC as soon as practical, including the following:

1. The name of the public entity;
2. The location where the job is to be performed including city and state;
3. A description of the job opening;
4. The minimum educational and work experience required for the position; and
5. Contact information regarding the opening.

TWC shall make available to the public the information provided by a state agency.

Gov't Code 657.009(a)–(b); 40 TAC 843.2

Complaint
Procedures

An individual entitled to a veteran's employment preference under Government Code Chapter 657 who is aggrieved by a decision of a state agency to which Chapter 657 applies relating to hiring or appointing the individual, or relating to retaining the individual if the state agency reduces its workforce, may appeal the decision by filing a written complaint with the executive director of the state

	<p>agency. The executive director of a state agency that receives a written complaint shall respond to the complaint not later than the 15th business day after the date the executive director receives the complaint. The executive director may render a different hiring or appointment decision than the decision that is the subject of the complaint if the executive director determines that the veteran's preference was not applied. <i>Gov't Code 657.010</i></p>
Employment Preference for Former Foster Children	<p>An individual who was under the permanent managing conservatorship of the Department of Family and Protective Services on the day preceding the individual's 18th birthday is entitled to preference in employment with a state agency, including a college district, over other applicants for the same position who does not have a greater qualification. An individual is entitled to an employment preference under Government Code Chapter 672 only if the individual is 25 years of age or younger. <i>Gov't Code 672.002(a), .005</i></p>
Exceptions	<p>This section does not apply to the position of private secretary or deputy of an official or department, or to an individual holding a strictly confidential relation to the employing officer. <i>Gov't Code 672.002(b)</i></p>
Conflict with Federal Law or Grant	<p>To the extent that this preference conflicts with federal law or a limitation provided by a federal grant to a state agency, this section shall be construed to operate in harmony with federal law or limitation of the federal grant. <i>Gov't Code 672.003</i></p>
Grievance Process	<p>An individual entitled to an employment preference under this section who is aggrieved by a decision of a state agency to which this section applies relating to hiring the individual, or relating to retaining the individual if the state agency reduces its workforce, may appeal the decision by filing a written complaint with the governing body of the state agency. The governing body of a state agency that receives a written complaint shall respond to the complaint not later than the 15th business day after the date the governing body receives the complaint. The governing body may render a different hiring decision than the decision that is the subject of the complaint if the governing body determines that the employment preference under this section was not applied. <i>Gov't Code 672.004</i></p>
Campus Programs for Minors	<p>A program operator may not employ an individual in a position involving contact with campers at a campus program for minors unless:</p> <ol style="list-style-type: none">1. The individual submits to the program operator or the campus program for minors has on file documentation that verifies the individual within the preceding two years successfully completed the training and examination program on sexual abuse and child molestation; or

2. The individual successfully completes the campus program for minors' training and the examination program on sexual abuse and child molestation, which must be approved by the department, during the individual's first five days of employment by the campus program for minors, and the campus program issues and files documentation verifying successful completion.

The requirement does not apply to an individual who is a student enrolled at the institution of higher education or a private or independent institution of higher education or at which the campus program is conducted and whose contact with campers is limited to a single class of short duration.

A program operator must:

1. Submit to the Department of State Health Services (DSHS), on the form and within the time prescribed by DSHS, verification that each employee of the campus program for minors has complied with the training and examination requirements and the fee assessed by DSHS; and
2. Retain in the operator's records a copy of the required documentation for each employee until the second anniversary of the examination date.

"Campus program for minors" means a program that:

1. Is operated by or on the campus of an institution of higher education or a private or independent institution of higher education;
2. Offers recreational, athletic, religious, or educational activities for at least 20 campers who are not enrolled at the institution; and attend or temporarily reside at the camp for all or part of at least four days; and
3. Is not a day camp or youth camp as defined by Health and Safety Code 141.002 or a facility or program required to be licensed by the Department of Family and Protective Services.

Education Code 51.976(a)(2), (b)-(d)

Consumer Credit Reports

Definitions

"Adverse action" includes a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee.

"Consumer report" includes any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of

living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for employment purposes.

"Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

"Employment purposes," when used in connection with a consumer report, means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment, or retention as an employee.

15 U.S.C. 1681a(d), (f), (h), (k)

Obtaining Reports

A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer, unless:

1. A clear and conspicuous disclosure has been made in writing to the consumer at any time before the report is procured or caused to be procured, in a document that consists solely of the disclosure, that a consumer report may be obtained for employment purposes; and
2. The consumer has authorized in writing (which authorization may be made on the document referred to in item 1) the procurement of the report by that person.

15 U.S.C. 1681b(b)(2)(A)

Exception

If a consumer described in 15 U.S.C. 1681b(2)(C) applies for employment by mail, telephone, computer, or other similar means, at any time before a consumer report is procured or caused to be procured in connection with that application the person who procures the consumer report on the consumer for employment purposes shall provide to the consumer, by oral, written, or electronic means, notice that a consumer report may be obtained for employment purposes, and a summary of the consumer's rights under 15 U.S.C. 1681m(a)(3); and the consumer shall have consented orally, in writing, or electronically to the procurement of the report by that person. *15 U.S.C. 1681b(b)(2)(B)*

Adverse Action

In using a consumer report for employment purposes, before taking any adverse action based in whole or in part on the report, the

person intending to take such adverse action shall provide the consumer to whom the report relates a copy of the report and a description in writing of the person's rights under the Fair Credit Reporting Act, as prescribed by the Federal Trade Commission. *15 U.S.C. 1681b(b)(3)*

Note: The following provisions apply to a college district that uses consumer reports.

Address
Discrepancies

"Notice of address discrepancy" means a notice sent to a user by a consumer reporting agency described in 15 U.S.C. 1681a(p) pursuant to 15 U.S.C. 1681c(h)(1) that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

A user, including a college district, must develop and implement reasonable policies and procedures designed to enable the user to form a reasonable belief that a consumer report relates to the consumer about whom it has requested the report, when the user receives a notice of address discrepancy.

A user must develop and implement reasonable policies and procedures for furnishing an address for the consumer that the user has reasonably confirmed is accurate to the consumer reporting agency from whom it received the notice of address discrepancy when the user can form a reasonable belief that the consumer report relates to the consumer about whom the user requested the report, establishes a continuing relationship with the consumer, and regularly and in the ordinary course of business furnishes information to the consumer reporting agency from which the notice of address discrepancy relating to the consumer was obtained.

16 C.F.R. 641.1(b), (c)(1), (d)(1)

Disposal of Records

Any person, including a college district, who maintains or otherwise possesses consumer information for a business purpose must properly dispose of such information by taking reasonable measures to protect against unauthorized access to or use of the information in connection with its disposal.

"Consumer information" means any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of such records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data.

“Dispose,” “disposing,” or “disposal” means discarding or abandoning of consumer information, or the sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored.

Reasonable measures to protect against unauthorized access to or use of consumer information in connection with its disposal include the following examples. These examples are illustrative only and are not exclusive or exhaustive methods for complying with the rule in 16 C.F.R. Part 682:

1. Implementing and monitoring compliance with policies and procedures that require the burning, pulverizing, or shredding of papers containing consumer information so the information cannot practicably be read or reconstructed;
2. Implementing and monitoring compliance with policies and procedures that require the destruction or erasure of electronic media containing a consumer report so that the information cannot practicably be read or reconstructed; or
3. After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with this rule.

16 C.F.R. 682.1(b)–(c), .3

¹ Texas Attorney General's Child Support Division: <https://www.texasattorneygeneral.gov/child-support>

Note: For additional legally referenced material relating to this subject matter, see DAA(LEGAL). For information on student expression on campus, see FLA. For information on community expression on campus, see GD.

First Amendment

A governmental entity, including a college district, shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the board for a redress of grievances. *U.S. Const. Amend. I, XIV*

College district employees do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

However, neither an employee nor anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for unlimited expressive purposes. When a public employee makes statements pursuant to the employee's official duties, the employee is not speaking as a citizen for First Amendment purposes, and the Constitution does not insulate the communications from employer discipline.

Garcetti v. Ceballos, 547 U.S. 410 (2006); *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969) [See also GD]

Academic Freedom Exception

Expression related to academic scholarship or classroom instruction implicates additional constitutional interests that are not fully accounted for by the U.S. Supreme Court's customary employee-speech jurisprudence. We need not, and for that reason do not, decide whether the analyses we conduct today would apply in the same manner to a case through speech related to scholarship or teaching. *Garcetti v. Ceballos*, 547 U.S. 410 (2006)

Protected Expression on Campus Under State Law

An institution of higher education, including a college district, shall:

1. Ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and
2. Permit any person to engage in expressive activities in those areas of the institution's campus freely, as long as the person's conduct is not unlawful, and does not materially and substantially disrupt the functioning of the institution.

Education Code 51.9315(c)

Education Code 51.9315(c) and (d) do not limit the right of student expression at other campus locations or prohibit faculty members

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	<p>from maintaining order in the classroom. <i>Education Code 51.9315(e)</i></p>
Time, Place, and Manner Restrictions	<p>An institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the institution's campus if those restrictions:</p> <ol style="list-style-type: none">1. Are narrowly tailored to serve a significant institutional interest;2. Employ clear, published, content-neutral, and viewpoint-neutral criteria;3. Provide for ample alternative means of expression; and4. Allow members of the university community to assemble or distribute written material without a permit or other permission from the institution.
Policy Required	<p><i>Education Code 51.9315(d)</i></p> <p>By August 1, 2020, each institution of higher education shall adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:</p> <ol style="list-style-type: none">1. Allow any person to, subject to reasonable restrictions adopted under Education Code 51.9315(d), engage in expressive activities on campus, including by responding to the expressive activities of others, and student organizations and faculty to, subject to Education Code 51.9315(h), invite speakers to speak on campus;2. Establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;3. Include a grievance procedure for addressing complaints of a violation of this section;4. Be approved by a majority vote of the institution's governing board before final adoption; and5. Be posted on the institution's internet website.
Approval of Speaker or Determination of Fee	<p><i>Education Code 51.9315(f)</i></p> <p>In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education:</p>

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1. May consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
 - a. The proposed venue and the expected size of the audience;
 - b. Any anticipated need for campus security;
 - c. Any necessary accommodations; and
 - d. Any relevant history of compliance or noncompliance by the requesting student organization or faculty member with the institution's policy adopted under Education Code 51.9315(f) and any other relevant policies; and
2. May not consider any anticipated controversy related to the event.

Education Code 51.9315(h)

Employee Awareness

Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section. *Education Code 51.9315(j)*

Publication

Each institution of higher education shall make the institution's policies adopted in accordance with this section available to students enrolled at and employees of the institution by including the policies in the institution's student handbook and personnel handbook, providing a copy of each policy to students during the institution's freshman or transfer student orientation, and posting the policies on the institution's internet website. *Education Code 51.9315(i)*

Report

Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section. *Education Code 51.9315(k)*

Religious Services

This state or a political subdivision of this state, including a college district, may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief. *Tex. Const. Art. 1, Sec. 6-a*

Places of Worship

A government agency, including a college district, or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state.

Alvin Community College
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“Place of worship” means a building or grounds where religious activities are conducted. *Civ. Prac. & Rem. Code 110.001(a), .0031*

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Note: For expression and use of College District facilities and grounds by students and registered student organizations, see FLA. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD. For use of the College District's internal mail system, see CHE.

Academic Freedom

Faculty members are entitled to academic freedom in the conduct of research and teaching and are tasked with the associated responsibilities. To this end, the College District endorses the academic freedom principles set forth in the [Statement of Principles on Academic Freedom and Tenure \(PDF\)](#)¹ published by the Association of American Colleges and Universities and the American Association of University Professors.

The Board shall address faculty academic freedom and the associated responsibilities in appropriate College District publications.

Complaints regarding alleged violations of the right to academic freedom shall be filed in accordance with DGBA(LOCAL).

Distribution of Literature

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any employee or employee organization, except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by an employee or employee organization.

Limitations on Content

Materials shall not be distributed by an employee or employee organization on College District property if:

1. The materials are obscene;
2. The materials contain defamatory statements about public figures or others;
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;
4. The materials are considered prohibited harassment [see DIA series and FFD series];
5. The materials constitute nonpermissible solicitation [see DHC]; or

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	<p>6. The materials infringe upon intellectual property rights of the College District [see CT].</p>
Time, Place, and Manner Restrictions	<p>Distribution of materials shall be conducted in a manner that:</p> <ol style="list-style-type: none">1. Is not disruptive to College District operations;2. Does not impede reasonable access to College District facilities;3. Does not result in damage to College District property;4. Does not interfere with the rights of others; and5. Does not violate local, state, or federal laws or College District policies and procedures. <p>The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover.</p> <p>The vice president, administrative services or designee shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by employees or employee organizations to employees or others in College District facilities and areas that are not considered common outdoor areas.</p>
Use of Facilities and Grounds	<p>The facilities and grounds of the College District shall be made available to employees or employee organizations when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting employees or employee organization shall pay all expenses incurred by their use of the facilities in accordance with a fee schedule developed by the Board.</p> <p>An "employee organization" is an organization composed only of College District faculty and staff or an employee professional organization.</p>
Requests	<p>To request permission to meet or host a speaker in College District facilities, interested employees or employee organizations shall file a written request with the vice president, administrative services or designee in accordance with administrative procedures.</p> <p>The employees or the employee organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.</p>
Approval	<p>The vice president, administrative services or designee shall approve or reject the request in accordance with provisions and deadlines set out in this policy and administrative procedures, with-</p>

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out regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the employees' or employee organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see DHC];
4. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;
5. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
6. The proposed activity would disrupt or disturb the regular academic program;
7. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property; or
8. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The vice president, administrative services or designee shall provide the applicant a written statement of the grounds for rejection if a request is denied.

*Common
Outdoor Area
Exception*

Common outdoor areas are traditional public forums and are not subject to the approval procedures. Employees and employee organizations may engage in expressive activities in common outdoor areas, unless:

1. The person's conduct is unlawful;
2. The use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;

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3. The use would materially or substantially disrupt or disturb the regular academic program; or
4. The use would result in damage to or defacement of property.

**Announcements
and Publicity**

In accordance with administrative procedures, all employees and employee organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Employees and employee organizations using College District facilities must provide identification when requested to do so by a College District representative.

Violations

Failure to comply with this policy and associated procedures shall result in appropriate administrative action, including but not limited to, suspension of an employee's or employee organization's use of College District facilities and/or other disciplinary action in accordance with the College District's policies and procedures and the employee handbook.

**Interference with
Expression**

Faculty, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures. [See DH, FM, and FMA]

Appeals

Decisions made by the administration under this policy may be appealed in accordance with DGBA(LOCAL) and FLD(LOCAL) as applicable.

Publication

This policy and associated procedures must be posted on the College District's website and distributed in the employee and student handbooks and other appropriate publications.

¹ 1940 Statement of Principles on Academic Freedom and Tenure (PDF):
<https://www.aaup.org/file/1940%20Statement.pdf>

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

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Searches—General Rule

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. *U.S. Const. Amend. IV; Tex. Const. Art. I, Sec. 9*

A governmental entity, including a college district, may search an employee or an employee's property if:

1. The governmental entity has reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct or that the search is necessary for a non-investigatory, work-related purpose; and
2. The search is reasonably related in scope to the circumstances that justified the interference in the first place.

City of Ontario, Cal. v. Quon, 560 U.S. 746 (2010); O'Connor v. Ortega, 480 U.S. 709 (1987)

Drug / Alcohol Testing

Blood, urine, and breath tests of public employees to determine drug use are searches under the Fourth Amendment of the U.S. Constitution. *Skinner v. Railway Labor Executives Ass'n, 489 U.S. 602 (1989)*

Random Drug Testing

A governmental entity may conduct drug tests, without a warrant and without individualized suspicion, when the test serves special governmental needs that outweigh the individual's privacy expectation. *Skinner v. Railway Labor Executives Ass'n, 489 U.S. 602 (1989); Nat'l Treasury Employees Union v. Von Raab, 489 U.S. 656 (1989)*

Safety-Sensitive Positions

Random alcohol and drug testing of employees in "safety-sensitive" positions may be permissible when the intrusiveness of the search is minimal and the governing board of a governmental entity is able to demonstrate that the drug-testing program furthers its interest in ensuring the physical safety of students. "Safety-sensitive" positions include those that involve the handling of potentially dangerous equipment or hazardous substances in an environment including a large number of children. *Aubrey v. School Board of LaFayette Parish, 148 F.3d 559 (5th Cir. 1998)*

Note: The following testing requirements apply to every employee who operates a commercial motor vehicle and is subject to commercial driver's license requirements in accordance with federal regulations.

Testing of Drivers

An employer, including a college district, shall conduct testing, in accordance with federal regulations, of commercial motor vehicle

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	<p>operators for use of alcohol or a controlled substance that violates law or federal regulation. <i>49 U.S.C. 31306; 49 C.F.R. Part 382</i></p>
Commercial Motor Vehicle	<p>A "commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:</p> <ol style="list-style-type: none">1. Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or2. Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or3. Is designed to transport 16 or more passengers, including the driver; or4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, 49 U.S.C. 5103(b), and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 C.F.R. Part 172, Subpart F. <p><i>49 C.F.R. 382.107</i></p>
Testing Procedures	<p>Each employer shall ensure that all alcohol or controlled substances testing conducted under 49 C.F.R. Part 382 complies with the procedures set forth in 49 C.F.R. Part 40. <i>49 C.F.R. 382.105</i></p>
Tests Required	<p>No driver shall refuse to submit to a preemployment controlled substance test required under 49 C.F.R. 382.301, a post-accident alcohol or controlled substances test required under 49 C.F.R. 382.303, a random alcohol or controlled substances test required under 49 C.F.R. 382.305, a reasonable suspicion alcohol or controlled substances test required under 49 C.F.R. 382.307, a return-to-duty alcohol or controlled substances test required under 49 C.F.R. 382.309, or follow-up alcohol or controlled substances test required under 49 C.F.R. 382.311. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. <i>49 C.F.R. 382.211</i></p>
Education and Treatment	<p>As an employer, a college district is not required to provide a substance abuse professional (SAP) evaluation or any subsequent recommended education or treatment for an employee who has violated a U.S. Department of Transportation (DOT) drug and alcohol regulation.</p>

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However, if a college district offers that employee an opportunity to return to a DOT safety-sensitive duty following a violation, the college district must, before the employee again performs that duty, ensure that the employee receives an evaluation by a SAP and that the employee successfully complies with the SAP's evaluation recommendations. Payment for SAP evaluations and services is left for employers and employees to decide and may be governed by existing management-labor agreements and health care benefits.

49 C.F.R. 40.289

Return-to-Duty
Testing

As the employer, if a college district decides that it wants to permit the employee to return to the performance of safety-sensitive functions, the college district must ensure that the employee takes a return-to-duty test. This test cannot occur until after the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties. *49 C.F.R. 40.305(a)*

As an employer, a college district must not return an employee to safety-sensitive duties until the employee meets the conditions of *49 C.F.R. 40.305(a)*. However, the college district is not required to return an employee to safety-sensitive duties because the employee has met these conditions. That is a personnel decision that the college district has the discretion to make, subject to legal requirements. *49 C.F.R. 40.305(b)*

Drug and Alcohol
Clearinghouse

The U.S. Secretary of Transportation shall establish, operate, and maintain a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators. The clearinghouse shall function as a repository for records relating to the positive test results and test refusals of commercial motor vehicle operators and violations by such operators of prohibitions set forth in *49 C.F.R. Part 382, Subpart B* or any subsequent corresponding regulations. *49 U.S.C. 31306a(a)(1), (3)*

Annual Query

In accordance with *49 C.F.R. 382.701(b)*, employers must conduct a query of the clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under *49 C.F.R. Part 382* to determine whether information exists in the clearinghouse about those employees. *49 C.F.R. 382.701(b)(1)*

Prohibition

Except as described by *49 C.F.R. 382.701(d)*, no employer may allow a driver the employer employs or intends to hire or use to perform any safety-sensitive function if the results of a clearinghouse

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query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of 49 C.F.R. 382.211; or that an employer has reported actual knowledge, as defined at 49 C.F.R. 382.107, that the driver used alcohol on duty in violation of 49 C.F.R. 382.205, used alcohol before duty in violation of 49 C.F.R. 382.207, used alcohol following an accident in violation of 49 C.F.R. 382.209, or used a controlled substance in violation of 49 C.F.R. 382.213. 49 C.F.R. 382.701(d)

Recordkeeping

Employers must retain for three years a record of each query and all information received in response to each query. As of January 6, 2023, an employer who maintains a valid registration fulfills this requirement. 49 C.F.R. 382.701(e)

Educational
Materials

Each employer shall provide educational materials that explain the requirements of 49 C.F.R. Part 382 and the employer's policies and procedures with respect to meeting these requirements. The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under Part 382 and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle. Each employer shall provide written notice to representatives of employee organizations of the availability of this information. The materials to be made available to drivers shall include detailed discussion of at least the items listed at 49 C.F.R. 382.601. Each employer shall ensure that each driver is required to sign a statement certifying that the driver has received a copy of these materials. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. 49 C.F.R. 382.601

Reports
Federal

Employers must report the following information about a driver to the clearinghouse by the close of the third business day following the date on which they obtained that information:

1. An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
2. A negative return-to-duty test result;
3. A refusal to take an alcohol test pursuant to 49 C.F.R. 40.261;
4. A refusal to test determination made in accordance with 49 C.F.R. 40.191(a)(1) through (4), (a)(6), (a)(8) through (11), or (d)(1), but in the case of a refusal to test under 49 C.F.R. 40.191(a)(11), the employer may report only those admissions made to the specimen collector; and

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5. A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with 49 C.F.R. 40.307, 40.309, and 40.311.

An employer must report the following violations by the close of the third business day following the date on which the employer obtains actual knowledge, as defined at 49 C.F.R. 382.107, of:

1. On-duty alcohol use pursuant to 49 C.F.R. 382.205;
2. Pre-duty alcohol use pursuant to 49 C.F.R. 382.207;
3. Alcohol use following an accident pursuant to 49 C.F.R. 382.209; and
4. Controlled substance use pursuant to 49 C.F.R. 382.213.

The reports must contain the information described by 49 C.F.R. 382.705(b).

Any employer may designate a consortium/third-party administrator (C/TPA) to perform the employer reporting requirements. Regardless of whether it uses a C/TPA to perform its requirements, the employer retains ultimate responsibility for compliance with the reporting requirements.

49 C.F.R. 382.107, .705(b)–(c)

State

An employer required to conduct alcohol and drug testing of an employee who holds a commercial driver's license under Transportation Code Chapter 522 under federal safety regulations as part of the employer's drug testing program or consortium, as defined by 49 C.F.R. Part 382, shall report the following information to the Department of Public Safety:

1. A valid positive result on an alcohol or drug test performed and whether the specimen producing the result was a dilute specimen. "Valid positive result" means an alcohol concentration of 0.04 or greater on an alcohol confirmation test, or a result at or above the cutoff concentration levels listed in 49 C.F.R. 40.87 on a confirmation drug test. "Dilute specimen" means a urine specimen with creatinine and specific gravity values that are lower than expected for human urine.
2. A refusal to provide a specimen for an alcohol or drug test.
3. An adulterated specimen or substituted specimen, as those terms are defined by 49 C.F.R. 40.3, on an alcohol or drug test performed.

For purposes of this requirement, "employee" means any person who is designated in a U.S. Department of Transportation (DOT)

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agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to preemployment testing.

Transp. Code 644.251-.252; 49 C.F.R. 40.3

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**Reasonable
Suspicion Searches**

The College District reserves the right to conduct searches when the College District has reasonable cause to believe that a search will uncover evidence of work-related misconduct. The College District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on College District premises or worksites or used in College District business. Searches that reveal a violation of the College District's standards of conduct may result in disciplinary action. [See DH]

**Reasonable
Suspicion Alcohol
and Drug Testing**

The College District may remove an employee from duty and require testing if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of College District policy. The determination of reasonable suspicion may be based on specific observations of the appearance, behavior, speech, or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity seems to be impaired while on duty or other relevant information. Any employee who is asked to submit to drug or alcohol screening shall be given the opportunity to provide relevant information about prescription or nonprescription medications that may affect the screening.

A College District employee who refuses to comply with a directive to submit to testing based upon reasonable suspicion shall be subject to disciplinary action, up to and including termination.

A College District employee confirmed to have violated the College District's policy pertaining to alcohol or drugs may be subject to disciplinary action. [See DM series and DH]

Note: The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

**Federally Required
DOT Testing
Program**

In accordance with DOT rules, the College District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The College President shall designate a College District official who shall be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

**Drug-related
Violations**

The following constitute drug-related violations under the DOT rules:

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1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or substituted specimen on an alcohol or controlled substances test.
3. Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.
4. Testing positive for controlled substances in a post-accident test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.
7. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.
8. Testing positive for controlled substances in a reasonable suspicion test.

An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above may be reinstated as a driver if he or she successfully completes a return-to-duty test. The employee may also be subject to follow-up tests.

Alcohol Results
Between 0.02 and
0.04

In accordance with DOT rules, a driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended from driving duties for at least 24 hours.

[In the event of a subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, see the disciplinary consequences at College District-Imposed Consequences, below.]

Reasonable
Suspicion DOT
Testing

Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the ob-

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College District-
Imposed
Consequences

served behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

In addition to the consequences established by federal law, a College District employee confirmed to have violated the College District's policy pertaining to alcohol or controlled substances, including a second or subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, shall be subject to College District-imposed discipline, as determined by his or her supervisor(s) and the College President. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment.

In cases where a driver is also employed in a nondriving capacity by the College District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up to and including termination of employment with the College District may be considered.



EMPLOYEE STANDARDS OF CONDUCT
CHILD ABUSE AND NEGLECT REPORTING

DHB
(LEGAL)

**Child Abuse
Reporting Policy and
Training**

Each institution of higher education shall adopt a policy governing the reporting of child abuse and neglect as required by Family Code Chapter 261 for the institution and its employees. The policy must require each employee of the institution to report child abuse and neglect in the manner required by Family Code Chapter 261.

Each institution of higher education shall provide training for employees who are professionals as defined by Family Code 261.101 in prevention techniques for and the recognition of symptoms of sexual abuse and other maltreatment of children and the responsibility and procedure of reporting suspected occurrences of sexual abuse and other maltreatment. The training must include:

1. Techniques for reducing a child's risk of sexual abuse or other maltreatment;
2. Factors indicating a child is at risk for sexual abuse or other maltreatment;
3. The warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms; and
4. The requirements and procedures for reporting suspected sexual abuse or other maltreatment as provided by Family Code Chapter 261.

Education Code 51.9761

**Reporting Abuse and
Neglect**

All Employees

A person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by Family Code Chapter 261, Subchapter B. *Family Code 261.101(a)*

A person or professional shall make a report in the manner required by Family Code 261.101(a) or (b), as applicable, if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of:

1. Another child; or
2. An elderly person or person with a disability as defined by Human Resources Code 48.002.

Family Code 261.101(b-1)

Professional
Employees

If a professional has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that

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a child is a victim of an offense under Penal Code 21.11 (indecent with a child), and the professional has reasonable cause to believe that the child has been abused as defined by Family Code 261.001, the professional shall make a report not later than the 48th hour after the hour the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is a victim of an offense under Penal Code 21.11 (indecent with a child). A professional may not delegate to or rely on another person to make the report.

"Professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and employees of a clinic or health care facility that provides reproductive services.

Family Code 261.101(b)

Appropriate Agency
to Receive Reports

A report shall be made to:

1. Any local or state law enforcement agency;
2. The Department of Family and Protective Services (DFPS); or
3. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

A report, other than a report under item 3, must be made to DFPS if the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child.

Family Code 261.103

**Adverse
Employment Action
Prohibited**

An employer may not suspend or terminate the employment of, discriminate against, or take any other adverse employment action against a person who is a professional and who in good faith:

1. Reports child abuse or neglect to:
 - a. The person's supervisor;
 - b. An administrator of the facility where the person is employed;
 - c. A state regulatory agency; or
 - d. A law enforcement agency; or

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2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

"Adverse employment action" means an action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect under Family Code 261.101.

Family Code 261.110(a)-(b)



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Reporting

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a responsibility under state law to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child has an additional legal obligation to submit a written or oral report within 48 hours after the professional first has reasonable cause to believe the abuse or neglect has occurred or may be occurring. A "professional" is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (DFPS) at (800) 252-5400 or the [Texas Abuse Hotline Website](#)¹;
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility.

An individual does not fulfill the person's responsibilities under the law by only reporting suspicion of abuse or neglect to the College President or another College District staff member. The College

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District shall not require an employee to first report the employee's suspicion to a College District or campus administrator.

Confidentiality

In accordance with state law, the identity of a person making a report of suspected child abuse or neglect shall be kept confidential and shall be disclosed only in accordance with the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failure to Report

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report; and
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

**Responsibilities
Regarding
Investigations**

In accordance with law, College District officials shall be prohibited from:

1. Denying an investigator's request to interview a child on campus in connection with an investigation of child abuse or neglect;
2. Requiring a parent or College District employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

College District personnel shall cooperate fully and without parental consent with an investigation of reported child abuse or neglect.

**Adverse
Employment Action
Prohibited**

The College District prohibits any adverse employment action, including termination or discrimination, against any employee who in good faith reports child abuse or neglect or participates in a related investigation.

Training

The College District shall provide training to employees as required by law. Training shall address reporting requirements and techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children.

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¹ Texas Abuse Hotline Website: <https://www.txabusehotline.org>

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EMPLOYEE SOLICITATIONS

DHC
(LEGAL)

Charitable Raffles

A qualified organization may conduct a raffle subject to the conditions imposed by Occupations Code Chapter 2002, Subchapter B. [See GE] *Occupations Code 2002.051*



EMPLOYEE STANDARDS OF CONDUCT
EMPLOYEE SOLICITATIONS

DHC
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**Employee
Solicitation**

“Employee solicitation” shall mean the sale or offer for sale of any property or service, whether for immediate or future delivery, and the receipt of or request for any gift or contribution by an employee or employee organization. The term does not include activities engaged in to conduct College District business.

**Permitted
Solicitation**

Employee solicitation shall be permitted in or on premises owned or controlled by the College District only if the solicitation does not violate a sole-source vendor contract clause and the solicitation is:

1. The sale or offer for sale of any publication, merchandise, food, or nonalcoholic beverages in an area designated for the conduct of such activity;
2. The collection of membership fees or dues by employee organizations at the organizations' meetings scheduled in accordance with this policy and associated procedures;
3. The collection of admission fees for the exhibition of movies, performances, or other programs that are sponsored by an employee or employee organization and scheduled in accordance with this policy and associated procedures;
4. The sale of raffle tickets by an employee organization that can present written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under 26 U.S.C. 501(c)(3);
5. The collection of donations by an employee organization; or
6. The sale of items by an employee organization to its members.

Any solicitations by an employee organization must be on behalf of or for the benefit of an employee organization or an organization granted an exemption from taxation under 26 U.S.C. 501(c)(3).

Employee solicitation must comply with law and College District policies and procedures, including procedures addressing time limits for employee solicitation. No solicitation shall be conducted on the grounds, sidewalks, or streets of any property either owned or controlled by the College District, except as approved by the vice president, administrative services or designee.

Time Limit

No employee or employee organization shall solicit under this policy for more than the time limit established by administrative regulations for each fiscal year.

Exception

EMPLOYEE STANDARDS OF CONDUCT
EMPLOYEE SOLICITATIONS

DHC
(LOCAL)

If approved by the vice president, administrative services or designee, solicitation intended to raise funds to respond to a declared disaster or emergency is not subject to the established time limit.

**Use of College
District Name**

Only authorized employees or authorized employee organizations shall be allowed to sponsor and engage in solicitation and/or fund-raising activities under the name of the College District. All such activities shall be compatible with the mission and objectives of the College District and shall be approved by the vice president, administrative services or designee in accordance with procedures developed for that purpose.

**Conduct During
Solicitation**

Solicitation made pursuant to the terms of this policy must be conducted according to the following:

1. The solicitation may not occur during the employee's work hours.
2. The solicitation shall not disrupt or disturb the regular academic or institutional programs being conducted in buildings or on property owned or controlled by the College District or the work of other employees.
3. The solicitation shall not interfere with the free or unimpeded flow of pedestrian and vehicular traffic on sidewalks and streets and at places of ingress and egress to and from buildings owned or controlled by the College District.
4. The solicitation shall not harass, threaten, or intimidate the person or persons being solicited.

Sanctions

If an employee or employee organization is alleged to have violated this policy, the employee or organization shall be subject to a reasonable investigation conducted by the vice president, administrative services or designee.

If the vice president, administrative services or designee determines that a solicitation is being conducted in a manner violating this policy, the vice president, administrative services or designee may prohibit the offending employee or employee organization from soliciting on the campus for such period or periods of time determined to be appropriate.

An employee determined to be in violation of this policy shall be subject to disciplinary measures as described in policy DH and the employee handbook.

ALTERNATE METHODS OF INSTRUCTION
OFF CAMPUS INSTRUCTION

EBB
(LEGAL)

An institution of higher education, including a college district, may offer off-campus courses for credit within the state or distance learning courses only with specific prior approval of the Coordinating Board. An institution must certify to the Coordinating Board that a course offered for credit outside the state meets the Coordinating Board's academic criteria. An institution shall include the certification in submitting any other reports required by the Coordinating Board. *Education Code 61.0512(g)*

Definitions

Clinical Course	A "clinical course" is an academic credit course that is a health-related, work-based learning experience that enables the student to apply specialized occupational theory, skills, and concepts. <i>19 TAC 4.272(4)</i>
Clinical Facility	A "clinical facility" is a health-care facility that provides learning experiences for students. <i>19 TAC 4.272(5)</i>
Continuing Education Course	A "continuing education course" is a non-credit higher education technical course offered for continuing education units (CEUs), has specific occupational and/or apprenticeship training objectives, and provides a quick and flexible response to business, industry, and student needs for intensive preparatory, supplemental, or upgrade training and education. <i>19 TAC 4.272(8)</i>
Non-Credit Course	A "non-credit course" is a course that results in the award of CEUs as specified by International Association for Continuing Education and Training (IACET) criteria. Only courses that result in the award of CEUs may be submitted for state funding. <i>19 TAC 4.272(17)</i>
Off-Campus Course	An "off-campus course" means a course in which a majority (more than 50 percent) of the instruction occurs when the students and instructor(s) are in the same physical location and off-campus locations are outside the service area. <i>19 TAC 4.272(18)</i>
Off-Campus Degree or Certificate Program	An "off-campus degree or certificate program" is a program in which a student may complete a majority (more than 50 percent) of the credit hours required for the program through off-campus courses. <i>19 TAC 4.272(19)</i>
Off-Campus Instruction	"Off-campus instruction" is the formal educational process in which a majority (more than 50 percent) of the instruction occurs when the students and instructor(s) are in the same physical location and off-campus locations are sites outside of the service area. <i>19 TAC 4.272(20)</i>
Out-of-State / Out-of-Country Courses and Programs	"Out-of-state/out-of-country courses and programs" are academic credit courses and programs delivered outside Texas/United States to individuals or groups who are not regularly enrolled on-campus students. Out-of-state and out-of-country courses do not receive formula funding. <i>19 TAC 4.272(21)</i>

ALTERNATE METHODS OF INSTRUCTION
OFF CAMPUS INSTRUCTION

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Regular On-Campus Student	A “regular on-campus student” is a student who is admitted to an institution, the majority of whose semester credit hours are reported for formula funding and more than 50 percent of coursework is primarily taken at an institution's main campus or on one or more of the campuses within a multi-campus community college system. <i>19 TAC 4.272(26)</i>
Self-Supporting Courses and Programs	“Self-supporting courses and programs” are academic credit courses and programs whose semester credit hours are not submitted for formula funding. <i>19 TAC 4.272(27)</i>
Study-in-America Courses	“Study-in-America courses” are off-campus, academic credit instruction, which is delivered outside Texas but in the United States primarily to regular on-campus students. <i>19 TAC 4.272(30)</i>
Study-Abroad Courses	“Study-abroad courses” are off-campus, academic credit instruction, which is delivered outside the United States primarily to regular on-campus students. <i>19 TAC 4.272(31)</i>
Workforce Continuing Education Course	“Workforce continuing education course” is a course offered for CEUs with an occupationally specific objective and supported by state funding. A career technical/workforce continuing education course differs from a community service course offered for recreational or avocational purposes which is not supported by state funding. <i>19 TAC 4.272(32)</i>
Applicability of Subchapter Q	Administrative Code Title 19, Chapter 4, Subchapter Q, governs the following types of instruction offered by institutions of higher education: academic credit courses, clinical courses, degree and certificate programs, and formula-funded workforce continuing education provided by a community college outside the boundaries of its service area through off-campus instruction; academic credit courses and programs offered by any public institution of higher education outside of Texas, including Study-Abroad, Study-in-America, out-of-state, and out-of-country courses; and self-supporting courses and programs that are offered through off-campus instruction. Administrative Code Title 19, Chapter 4, Subchapter Q, does not apply to continuing education, except for formula-funded workforce continuing education, provided by public two-year colleges. <i>19 TAC 4.273</i>
Standards and Criteria	The following provisions apply to all institutions, including college districts, covered under 19 Administrative Code Chapter 4, Subchapter Q, unless otherwise specified:
Generally	<ol style="list-style-type: none">1. Institutions shall comply with the standards and criteria of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

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2. For off-campus programs and self-supporting programs, the parent institution shall notify all potentially affected area institutions in accordance with Coordinating Board policy and procedures.
3. Institutions shall report enrollments, courses, and graduates associated with self-supporting offerings as required by the commissioner.
4. Institutions shall report fees received for self-supporting and out-of-state/country courses in accordance with general institutional accounting practices.
5. Students shall be provided academic support services appropriate for off-campus instruction such as academic advising, career counseling, library, and other learning resources.
6. Off-campus instruction sites shall be of sufficient quality for the delivery methods and courses offered.

19 TAC 4.274

Off-Campus
Programs

The following standards and criteria apply to programs offered under the provisions of 19 Administrative Code, Chapter 4, Subchapter Q:

1. Each program shall be within the role and mission of the institution responsible for offering the instruction and shall be on the inventory of approved programs.
2. Prior Coordinating Board approval may be required before an institution may offer programs in certain subject area disciplines or under other conditions specified by the Coordinating Board or the commissioner.
3. An institution offering an off-campus degree or certificate program shall comply with the standards and criteria of any specialized accrediting agency or professional certification board.
4. Each degree program offered off-campus shall be approved by the institution's governing board or the board's institutional designee. Certification of approval shall be submitted to the Coordinating Board upon request.
5. Institutions shall require that students (except for students in out-of-country programs) enrolled in a distance education degree program satisfy the same requirements for admission to the institution and the program as required of regular on-campus students. Students in degree programs to be offered collaboratively shall meet the admission standards of their home

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institution. Out-of-country students shall meet equivalent standards for admission into programs.

19 TAC 4.275

Off-Campus
Courses

The following standards and criteria apply to programs offered under the provisions of 19 Administrative Code, Chapter 4, Subchapter Q, unless otherwise specified:

1. Each course shall be within the role and mission of the institution responsible for offering the instruction and shall be on its inventory of approved courses.
2. Prior Coordinating Board approval may be required before an institution may offer courses in certain subject area disciplines or under other conditions specified by the Coordinating Board or the commissioner.
3. Study-in-America and Study-Abroad courses offered by institutions of higher education, or by an approved consortium composed of Texas public institutions, must be reported to the Coordinating Board in the manner prescribed by the commissioner in order for the semester credit hours or contact hours generated in those courses to receive formula funding.
4. All courses shall meet the quality standards applicable to on-campus courses.
5. Institutions shall report to the Coordinating Board and shall notify all potentially affected area institutions of all off-campus courses and programs in accordance with Coordinating Board policy and procedures.
6. Except for students in out-of-country courses, students shall satisfy the same requirements for enrollment in an academic credit course as required of on-campus students. Out-of-country students shall be assessed for academic guidance purposes.
7. The instructor of record shall bear responsibility for the delivery of instruction and for evaluation of student progress.

19 TAC 4.276

**Off-Campus Program
and Course Faculty**

The following standards and criteria apply to faculty teaching in programs offered under the provisions of 19 Administrative Code, Chapter 4, Subchapter Q:

1. Faculty shall be selected and evaluated by equivalent standards, review, and approval procedures used by the institution

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to select and evaluate faculty responsible for on-campus courses.

2. Institutions shall provide training and support to enhance the added skills required of the faculty teaching off-campus or self-supporting courses.
3. The supervising, monitoring, and evaluating processes for faculty shall be equivalent to those for on-campus courses.

19 TAC 4.277

Regional Councils

Public community colleges shall submit for the appropriate regional council's review all off-campus lower-division courses proposed for delivery to sites outside their service areas. All institutions of higher education, including community colleges, shall provide notice to the Higher Education Regional Councils when planning to offer requested off-campus and/or electronic to groups dual credit courses in the council's service area. *19 TAC 4.278(f), (k)*

With the exception of 19 Administrative Code 4.278(e), (i), and (j), regional councils in each of the ten uniform state service regions shall make recommendations to the commissioner and shall resolve disputes regarding plans for lower-division courses and programs proposed by public institutions. *19 TAC 4.278(b)*

Each regional council shall make recommendations to the commissioner regarding off-campus courses and programs proposed for delivery within its uniform state service region in accordance with the consensus views of council members, except for courses and programs proposed to be offered by public community colleges in their designated service areas and courses and programs governed by the provisions of 19 Administrative Code 4.278(e), (i), and (j). *19 TAC 4.278(d)*

A public community college may enter into an agreement to offer dual credit courses with a high school located in the service area of another public community college without additional regional council approval. [For more information on dual credit, see GH] *19 TAC 4.278(e)*

Clinical Courses

Public community and technical colleges may offer clinical courses at clinical facilities without regional council approval if each of the following criteria is met:

1. The student(s) enrolled in the clinical course is already employed by the clinical facility;

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2. The institution receives written verification from the clinical facility that there will be no reduction in the number of clinical opportunities available for use by area institutions; and
3. The institution of higher education notifies the appropriate regional council(s) of the clinical course and provides the regional council(s) with written verification from the clinical facility that the course will not reduce the number of clinical opportunities available for use by area institutions.

19 TAC 4.278(h)

Workforce
Education or
Programs
Requested by
Employers

An institution of higher education may enter into an agreement with an employer to provide a credit or noncredit off-campus workforce education or lower-division program to the institution's students at a site requested by the employer without the approval of a higher education regional council, regardless of whether the site at which the program would be offered is located within the institution's uniform state service region or, if the institution is a public junior college, within the junior college district's service area, if:

1. The employer has solicited an agreement to offer the program at that site with another institution of higher education that offers the same or substantially equivalent coursework as that requested by the employer;
2. The proposed site for the off-campus program is located within the uniform state service region in which the institution described by item 1 is located or, if the institution is a public junior college, within the junior college district's service area; and
3. The institution of higher education described by item 1 does not finalize an offer to enter into an agreement with the employer that meets the employer's specifications for the off-campus program within six weeks after the employer's initial written solicitation requesting the institution to offer the program.

Education Code 51.981; 19 TAC 4.278(i)

Formula Funding

Institutions, including college districts, shall report off-campus courses submitted for formula funding in accordance with the Coordinating Board's uniform reporting system and the provision of 19 Administrative Code Chapter 4, Subchapter Q.

Institutions shall not submit for formula-funding courses in out-of-state or out-of-country programs, nor shall they submit self-supporting courses for formula funding.

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Institutions shall not submit non-state-funded, lower-division credit courses to regional councils.

Institutions shall not jeopardize or diminish the status of formula-funded, on-campus courses and programs in order to offer self-supporting courses. Self-supporting courses shall not be a substitute for offering a sufficient number of formula-funded on-campus courses.

For courses not submitted for formula funding, institutions shall charge fees that are equal to or greater than Texas resident tuition and applicable fees and that are sufficient to cover the total cost of instruction and overhead, including administrative costs, benefits, computers and equipment, and other related costs.

Fee Reports

Institutions shall report fees received for self-supporting and out-of-state/country courses in accordance with general institutional accounting practices.

19 TAC 4.279



Limit on Enrollment	<p>To ensure the quality of student learning, institutions, including college districts, should not allow students to carry more courses in any term (that is, regular or shortened semester), that would allow them to earn more than one semester credit hour per week over the course of the term. Institutions should have a formal written policy for addressing any exceptions to this paragraph. <i>19 TAC 4.6 (b)–(c)</i></p>
Adding / Dropping Courses	<p>Courses at public community colleges may be added by students up to and including the official census date. A student may not enroll in a course after that date.</p> <p>Courses at public community colleges may be dropped and a student entitled to a refund of tuition and fees as outlined under 19 Administrative Code 21.5 [see FD].</p> <p><i>Education Code 130.009; 19 TAC 9.31</i></p>
Limitation on the Number of Dropped Courses	<p>This section applies only to an undergraduate student who drops a course at an institution of higher education, including a college district, and only if:</p> <ol style="list-style-type: none">1. The student was able to drop the course without receiving a grade or incurring an academic penalty;2. The student's transcript indicates or will indicate that the student was enrolled in the course; and3. The student is not dropping the course in order to withdraw from the institution. <p>An institution of higher education may not permit a student to drop more than six courses, including any course a transfer student has dropped at another institution of higher education, under the circumstances described above.</p> <p>The governing board of an institution of higher education may adopt a policy under which the maximum number of courses a student is permitted to drop under circumstances described above is less than six courses.</p> <p><i>Education Code 51.907(b)–(d), 19 TAC 4.3(11), .9(a)</i></p>
Exceptions <i>Good Cause</i>	<p>An institution of higher education shall permit an undergraduate student to drop more courses than the six courses permitted to be dropped under Education Code 51.907(c) or the courses permitted to be dropped under a board policy adopted under Section 51.907(d) if good cause exists for dropping more than that number, including:</p> <ol style="list-style-type: none">1. The student's showing of:

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- a. A severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;
 - b. The student's responsibility for the care of a sick, injured, or needy person if the provision of care affects the student's ability to satisfactorily complete a course;
 - c. The death of a person who is either considered to be a member of the student's family or is otherwise considered to have a sufficiently close relationship to the student, as defined below, that the person's death is considered to be a showing of good cause;
 - d. The active duty service as a member of the Texas National Guard or the Armed Forces of the United States of either the student or a person who is considered to be a member of the student's family or a person who is otherwise considered to have a sufficiently close relationship to the student, as described below;
 - e. The change of the student's work schedule that is beyond the control of the student, and that affects the student's ability to satisfactorily complete the course; or
 - f. Other good cause as determined by the institution of higher education; or
2. A disaster declared by the governor under Government Code 418.014 resulting in cessation or limitation of in-person course attendance by students at the institution of a duration determined by the institution to significantly affect the student's ability to participate in coursework with consideration of the length of time of the cessation or limitation of in-person course attendance, the type of courses, and the personal circumstances of students affected by the disaster.

Notwithstanding any other provision in Section 51.907, an institution of higher education may not count toward the number of courses permitted to be dropped under Section 51.907(c) or a policy adopted under Section 51.907(d) a course dropped by a student during the 2020 spring semester or summer term or the 2020–2021 academic year because of a bar or limit on in-person course attendance at the institution during the applicable semester or term due to the coronavirus disease (COVID-19) pandemic.

Education Code 51.907(e), (e-2); 19 TAC 4.9(a)

Definitions

For purposes of this exception, a "member of the student's family" is defined to be the student's spouse, child, grandchild, father,

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mother, brother, sister, grandmother, grandfather, aunt, uncle, nephew, niece, first cousin, stepparent, stepchild, or stepsibling.

A "person who is otherwise considered to have a sufficiently close relationship to the student" is defined to include any other relative within the third degree of consanguinity, plus close friends, including but not limited to roommates, housemates, classmates, or other persons identified by the student for approval by the institution, on a case-by-case basis.

19 TAC 4.9(b)

Policy for
Determining
Good Cause
Required

Each institution of higher education shall adopt a policy and procedure for determining a showing of good cause as described above and shall provide a copy of the policy to the Coordinating Board.

Each institution of higher education shall publish the policy adopted in its catalogue and other print and internet-based publications as appropriate for timely notification of students.

19 TAC 4.9(d)–(e)

*Reenrolled
Students*

An institution of higher education shall permit an undergraduate student a total of more than six dropped courses if the enrollment is for a student who qualifies for a seventh course enrollment, who:

1. Has reenrolled at the institution following a break in enrollment from the institution or another institution of higher education covering at least the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment; and
2. Successfully completed at least 50 semester credit hours of coursework at an institution of higher education that are not exempt from the limitation on formula funding set out in 19 Administrative Code 13.104(1)–(6) before that break in enrollment.

Education Code 51.907(e-1); 19 TAC 4.9(a)

Determining
Number of Courses
Dropped

In determining the number of courses dropped by a student for purposes of this section, a course, such as a laboratory or discussion course, in which a student is enrolled concurrently with a lecture course is not considered to be a course separate from the lecture course if:

1. Concurrent enrollment in both courses is required; and
2. In dropping the lecture course, the student would be required to drop the laboratory, discussion, or other course in which the student is concurrently enrolled.

Education Code 51.907(f)



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Course Load

The normal course load for the fall or spring semester is considered to be 15 semester hours. Course loads in excess of 18 semester hours shall require approval by the vice president, instruction or designee.

The normal course load for the summer session shall be seven semester hours for each six-week term or 14 semester hours for a full summer semester. Course loads in excess of seven semester hours per term or 14 semester hours per summer semester shall require approval by the vice president, instruction or designee.

**Limitation on
Number of Dropped
Courses**

A College District student shall not be permitted to drop more than six courses taken while enrolled at the College District or another public institution of higher education. For the limit to apply:

1. The student must be permitted to drop the course without receiving a grade or being penalized academically;
2. The student's transcript must indicate or will indicate the student was enrolled in the course; and
3. The student must not have dropped the course to withdraw from the College District.

**Exceptions for
Good Cause**

A student shall be permitted to exceed the limit on the number of dropped courses for any of the following reasons:

1. A severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;
2. The care of a sick, injured, or needy person if providing that care affects the student's ability to satisfactorily complete a course;
3. The death of a member of the student's family as defined by law;
4. The death of a person who has a sufficiently close relationship to the student as defined by law;
5. The student's active military duty service;
6. The active military service of a member of the student's family or a person who has a sufficiently close relationship to the student;
7. A change in the student's work schedule that is beyond the student's control and affects the student's ability to satisfactorily complete the course; or

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8. A disaster declared by the governor that prevents or limits in-person course attendance for a period determined by the College District, in accordance with law, to significantly affect the student's ability to participate in coursework.

Exception for
Reenrolled
Students

A qualifying reenrolled student may drop a seventh course in accordance with law.

Exception for
COVID-19
Pandemic

A course dropped by a student during the 2020 spring or summer semester or the 2020–21 academic year because of a bar or limit on in-person course attendance due to the COVID-19 pandemic may not be counted toward the limit on the number of dropped courses.

Procedures

The College President shall develop procedures to implement this policy and shall publish the procedures in the College District catalog.

**Course Material
Information**

State Law

"Course material" means a textbook, supplemental material, or open educational resource. *Education Code 51.4521(a)*

Not later than the 30th day before the first day that classes are conducted for each semester or academic term, each institution of higher education, including each college district, shall:

1. With respect to each course, include with the course schedule [see EFA], or provide in a prominent location in the schedule a link to an internet website, such as the internet website of a college bookstore, that contains a list of the required and recommended textbooks that specifies, to the extent practicable, the following information for each course material, as applicable:
 - a. The retail price;
 - b. The author;
 - c. The publisher or provider;
 - d. The most recent copyright date;
 - e. The International Standard Book Number (ISBN) assigned, if any;
 - f. Whether the course material is an open educational resource; and
 - g. Any associated fee or charge, such as a technology cost, library use cost, or printing or publication fee;
2. In a prominent location in the schedule, state or provide an internet website link to:
 - a. The full amount of any fee or charge for course materials assessed by the institution or another entity under an agreement with the institution, including a statement regarding whether the fee or charge is included in the cost of tuition;
 - b. If a course material is in a primarily electronic format, the terms under which the publisher or provider collects and uses student data obtained through a student's use of the course material; and
 - c. Any provision that allows the student to opt out of a fee or charge described by paragraph 2a; and
3. Make information regarding the cost of course materials on the course materials list under item 1 available to college

bookstores and other providers of course materials that serve the students of the institution.

Education Code 51.4521(b)

*Low-Cost Course
Material
Designation*

If an institution of higher education designates in the institution's course schedule certain courses or sections of courses as having low course material costs or a similar designation, the institution shall, in a prominent location in the schedule, state or provide an internet website link to the criteria for that designation. *Education Code 51.4521(h)*

Revisions

As soon as practicable after the information becomes available, each institution of higher education shall make available specific information regarding any revisions to the institution's course schedule and course materials list. *Education Code 51.4521(c)*

*Website with
Search Function*

If an institution of higher education or a college bookstore publishes a course materials list with a course schedule on an internet website that provides a search function, the institution or bookstore must:

1. Ensure that the search function permits a search based on whether a course or section of a course requires or recommends only open educational resources; or
2. Provide a searchable list of courses and sections of courses that require or recommend only open educational resources.

Education Code 51.4521(g)

*Itemization on
Student Bills*

An institution of higher education shall itemize a fee or charge for course materials assessed by the institution or another entity under an agreement with the institution separately from any other fees or charges assessed for a course or course section in the institution's billing to the student. This subsection may not be construed to prohibit an institution of higher education from including the cost of course materials as part of the institution's tuition. *Education Code 51.4521(d)*

*Faculty
Submission*

To allow for timely placement of course material orders by students, each institution of higher education shall establish a deadline by which faculty members must submit information to be included in the course schedule and course materials list.

Education Code 51.4521 may not be construed to affect any authority granted to a faculty member by an institution of higher education to select course materials for courses taught by the faculty member.

Education Code 51.4521(f), (i)

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*Agreements with
Third Parties*

Any agreement between an institution of higher education and an entity under which the institution agrees to assess or allows the entity to assess a fee or charge for course materials to students enrolled at the institution is public information under Government Code Chapter 552. *Education Code 51.4521(e)*

Federal Law

*Provision of ISBN
College Textbook
Information in
Course
Schedules*

To the maximum extent practicable, each institution of higher education, including each college district, receiving federal financial assistance shall:

1. Disclose, on the institution's internet course schedule and in the manner of the institution's choosing, the ISBN and retail price information of required and recommended college textbooks and supplemental materials for each course listed in the institution's course schedule used for preregistration and registration purposes. If the ISBN is not available for such college textbook or supplemental material, then the institution shall include in the internet course schedule the author, title, publisher, and copyright date for such college textbook or supplemental material. If the institution determines that the disclosure of the information described above is not practicable for a college textbook or supplemental material, then the institution shall so indicate by placing the designation "To Be Determined" in lieu of the information required under this subsection; and
2. If applicable, include on the institution's written course schedule a notice that textbook information is available on the institution's internet course schedule, and the internet address for such schedule.

20 U.S.C. 1015b(d)

*Availability of
Information for
College
Bookstores*

The institution shall make available to a college bookstore that is operated by, or in a contractual relationship or otherwise affiliated with, the institution, as soon as practicable upon the request of such college bookstore, the most accurate information available regarding:

1. The institution's course schedule for the subsequent academic period; and
2. For each course or class offered by the institution for the subsequent academic period, the information required by 20 U.S.C. 1015b(d)(1), above, for each college textbook or supplemental material required or recommended for such course or class, the number of students enrolled in such course or class, and the maximum student enrollment for such course or class.

20 U.S.C. 1015b(e)

Textbook Availability Each institution of higher education, including each college district, shall provide to each student enrolled at the institution written notice regarding the availability of required or recommended textbooks through university-affiliated bookstores and through retailers other than university-affiliated bookstores.

The institution shall provide written notice regarding the availability of textbooks to:

1. Each student of the institution during the week preceding each fall and spring semester;
2. Each student enrolled at the institution in a semester or summer term during the first three weeks of the semester or the first week of the summer term, as applicable; and
3. Students or prospective students of the institution attending an orientation conducted by or for the institution.

The notice shall be provided in a hard-copy or electronic format in a manner that ensures that the notice is reasonably likely to come to the attention of a student receiving the notice. For current students of an institution, an email sent to a student's designated email address, or institutional email account if another is not designated, shall be sufficient, as shall a hard copy mailed to the student's physical address. For students or prospective students attending an orientation, either an email to their designated email address or a hard copy provided directly to the students shall be sufficient.

The notice must contain the following statement: "A student of this institution is not under any obligation to purchase a textbook from a university-affiliated bookstore. The same textbook may also be available from an independent retailer, including an online retailer."

Education Code 51.9705; 19 TAC 4.216(1), .217-.218

**University-Affiliated
Bookstore**

A "university-affiliated bookstore" means a bookstore that sells textbooks for courses offered by an institution of higher education, regardless of whether the bookstore is located on the campus of the institution and is operated by or with the approval of the institution through ownership, a management agreement, a lease or rental agreement, or otherwise. *Education Code 51.9705(a)(2); 19 TAC 4.216(2)(c)*

Textbook Assistance
State Law

To the extent practicable, an institution of higher education, including a college district, shall make reasonable efforts to disseminate to its students information regarding:

1. Available institutional programs for renting textbooks or for purchasing used textbooks;

2. Available institutional guaranteed textbook buy-back programs;
3. Available institutional programs for alternative delivery of textbook content;
4. The availability of courses and sections of courses that require or recommend only open educational resources; and
5. Other available institutional textbook cost-savings strategies.

Education Code 51.453

Federal Law

An institution disclosing the information required by 20 U.S.C. 1015b(d)(1), above, is encouraged to disseminate to students information regarding:

1. Available institutional programs for renting textbooks or for purchasing used textbooks;
2. Available institutional guaranteed textbook buy-back programs;
3. Available institutional alternative content delivery programs; or
4. Other available institutional cost-saving strategies.

20 U.S.C. 1015b(f)

**Instructional Material
for Certain Students
with Disabilities**

This section applies only to instructional material that is written and published primarily for postsecondary instruction of students; and required or essential for a student's success in a course at an institution of higher education, as identified by the instructor of the course for which the instructional material will be used, in consultation with the person at the institution with primary responsibility for services for students with disabilities and in accordance with the rules below. *Education Code 51.970(b); 19 TAC 4.204*

Materials that are considered required or essential for a course or program requirement are those materials that are:

1. Identified in writing by an academic department or instructor as being essential for the student to complete a course and/or program requirements;
2. Listed on a course syllabus or other written format used to describe course; or
3. Identified by agreement between instructor and student as essential for completing a program requirement not part of a specific course, such as an independent research project.

19 TAC 4.205(a)

Request for
Materials

Students who qualify to receive instructional materials under this provision will submit their request to the publisher or manufacturer through their institution. To assist the institution in producing special instructional material, a publisher or manufacturer of instructional material assigned by an institution of higher education for use by students in connection with a course at the institution shall provide to the institution, on the institution's request in accordance with this section, a copy in an electronic format of the instructional material. The publisher or manufacturer, as applicable, shall provide the electronic copy not later than the 15th business day after the date of receipt of the request or 15th business day after publication of the material, whichever comes later.

A request made by an institution of higher education must:

1. Certify that for each blind or visually impaired student or student with dyslexia who will use specialized instructional material based on the requested copy of the material in an electronic format for a course in which the student is enrolled at the institution, either the institution or the student has purchased a printed copy of the instructional material;
2. Be signed by the person at the institution with primary responsibility for services for students with disabilities; and
3. Include all available identifying information related to the material, to include but not be limited to ISBN number.

Education Code 51.970(c)–(d); 19 TAC 4.206(a)–(b)

A publisher or manufacturer may require that a request made by an institution of higher education include from each student for whom the institution is making the request a signed statement described in 19 Administrative Code 4.206(c). *Education Code 51.970(e); 19 TAC 4.206(c)*

In order to facilitate students getting their materials in a timely manner, instructors and academic departments shall comply with their institution's procedures for turning in materials and reading lists by the established deadlines. *19 TAC 4.205(b)*

Electronic Copies

Each electronic copy of instructional material must:

1. Be in a format that contains all of the information that is in the instructional material, including any text, sidebar, table of contents, chapter headings, chapter subheadings, footnotes, index, glossary, and bibliography, and is approved by the publisher or manufacturer, as applicable, and the institution of higher education as a format that will contain that material; and is compatible with commonly used Braille translation and speech synthesis software; and

2. Include any correction or revision available at the time the electronic copy is provided.

If the publisher or manufacturer and the institution of higher education are not able to agree on a format, the publisher or manufacturer, as applicable, shall provide the electronic copy of the instructional material in a format that can be read by a word processing application and that contains as much of the material specified by that subsection as is practicable.

Education Code 51.970(f)–(g); 19 TAC 4.206(d)

Repository of
Electronic Formats

The manufacturer or publisher has the sole discretion to allow an institution to maintain a repository of electronic formats of previously requested instructional materials for re-use in order to comply with this section. An institution that is authorized to re-use previously requested instructional materials must comply with provisions in 19 Administrative Code 4.206(b) and (c) related to requesting instructional material and all other provisions outlined in this section.
19 TAC 4.206(g)



Alvin Community College
020501

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

EDA
(LOCAL)

**Selection of Course
Materials**

The College President shall establish procedures for adopting, reviewing, and changing course materials, including textbooks. The procedures shall incorporate faculty participation.



Annual List of Courses

Each governing board, including each college district governing board, shall submit to the Coordinating Board once each year on dates designated by the Coordinating Board a comprehensive list by department, division, and school of all courses, together with a description of the content, scope, and prerequisites of all those courses, that will be offered by each institution under the supervision of the governing board during the following academic year. The list for each institution must also specifically identify any course included in the common course numbering system under Education Code 61.832 that has been added to or removed from the institution's list for the current academic year, and the board shall distribute that information as necessary to accomplish the purposes of Section 61.832. Each governing board must certify at the time of submission that the institution does not:

1. Prohibit the acceptance of transfer credit based solely on the accreditation of the sending institution; or
2. Include language in any materials published by the institution, whether in printed or electronic form, suggesting that such a prohibition exists.

After the comprehensive list of courses is submitted by a governing board, the governing board shall submit on dates designated by the Coordinating Board any changes in the comprehensive list of courses to be offered, including any changes relating to offering a course included in the common course numbering system. The Coordinating Board may order the deletion or consolidation of any courses so submitted after giving due notice with reasons for that action and after providing a hearing if one is requested by the governing board involved.

Education Code 61.052

Course Schedule

Not later than the 30th day before the first day that classes are conducted for each semester or academic term, each institution of higher education, including each college district, shall compile a course schedule indicating each course offered by the institution for the semester or term to postsecondary students. Course material information must be included with the course schedule as described by Education Code 51.4521 [see EDA]. *Education Code 51.4521(b)*

Online Posting Requirement

Each institution of higher education, including each college district but excluding each medical and dental unit, shall make available to the public on the institution's internet website the following information for each undergraduate classroom course offered for credit by the institution:

1. A syllabus that satisfies any standards adopted by the institution; provides a brief description of each major course requirement, including each major assignment and examination; includes the measurable learning outcomes for the course, as defined in 19 Administrative Code 4.104; lists any required or recommended reading; and provides a general description of the subject matter of each lecture or discussion. If multiple sections of a course use an identical syllabus with identical assignments and readings, only one syllabus shall be posted.
2. A curriculum vitae of each regular instructor, including each instructor of record for each section of the course, that lists at least all institutions of higher education attended, with the degree(s) earned; all previous teaching positions, including the names of the institutions, the position, beginning and ending dates; and a list of significant professional publications relevant to the academic positions held, including full citation data for each entry. The curriculum vitae may include the instructor's professional contact information, such as office telephone number, work address, and institutional email address. The curriculum vitae may not include any personal information, including the instructor's home address or home telephone number.
3. The departmental budget report. If a course is offered through a unit other than a department — such as a program, college, or institute — substitute the budget for that unit as appropriate. If the institution posts general budget data on its website in which the information required by statute is reported, it may substitute a hyperlink to that data in place of a separate departmental budget report. The budget report shall include detail for the most recent academic year for which data are available; income from all sources; and a summary by functional categories such as salaries and wages, travel, and the like (as defined by the National Association of College and University Business Officers).

Education Code 51.974(a)-(a-1); 19 TAC 4.227(a)(2)-(3), (9), .228(a)-(b)

Definitions

*Instructor(s) of
Record*

The "instructor(s) of record" is the primary instructor or co-instructors of a course who are responsible for the course content and the assignment of final grades. This includes tenured and tenure-track faculty, lecturers, adjuncts, and graduate assistants who are not working under the supervision of an instructor of record. It does not include guest lecturers or others who may be brought in to teach less than 50 percent of the class sessions. *19 TAC 4.227(5)*

<i>Undergraduate Classroom Course</i>	An "undergraduate classroom course" is any lower- or upper-division credit course offered to five or more students. This includes on-campus, off-campus, distance education, and dual credit courses (including those taught on high school campuses). It excludes courses with highly variable subject content that are tailored specifically to individual students, such as Independent Study and Directed Reading courses. It excludes laboratory, practicum, or discussion sections that are intrinsic and required parts of larger lecture courses and are directly supervised by the same instructor(s) of record for those large courses. <i>19 TAC 4.227(10)</i>
Accessibility	This course information must be accessible from the institution's internet website home page by use of not more than three links. The information must be searchable by keywords and phrases and accessible to the public without requiring registration or use of a username, a password, or another user identification. <i>Education Code 51.974(b); 19 TAC 4.228(c)</i>
Time Frame for Posting	The institution shall make the online course information available not later than the seventh day after the first day of classes for the semester or other academic term during which the course is offered. The institution shall continue to make the information available on the institution's internet website until at least the second anniversary of the date on which the institution initially posted the information. <i>Education Code 51.974(c); 19 TAC 4.228(c)</i>
Updating Information	The institution shall update the online course information as soon as practicable after the information changes at least once for every semester in which the course is offered. <i>Education Code 51.974(d); 19 TAC 4.228(c)</i>
Designation of Responsible Administrator	The governing body of the institution shall designate an administrator to be responsible for ensuring the implementation of the posting requirement. The administrator may assign duties under this section to one or more administrative employees. <i>Education Code 51.974(e); 19 TAC 4.228(f)</i>
Report Required	Not later than January 1 of each odd-numbered year, each institution of higher education shall submit a written report regarding the institution's compliance with the posting requirement to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over higher education. <i>Education Code 51.974(f); 19 TAC 4.228(f)</i>
Minimum Length of Courses	Traditionally delivered three-semester-credit-hour courses should contain 15 weeks of instruction (45 contact hours) plus a week for final examinations so that such a course contains 45 to 48 contact hours depending on whether there is a final exam.

Courses delivered in shortened semesters are expected to have the same number of contact hours and the same requirement for out-of-class learning as courses taught in a normal semester.

Institutions of higher education, including college districts, may offer a course in a nontraditional way, for example, over the internet or through a shortened, intensive format, that does not meet these contact hour requirements, if the course has been reviewed and approved through a formal, institutional faculty review process that evaluates the course and its learning outcomes and determines that the course does, in fact, have equivalent learning outcomes to an equivalent, traditionally delivered course.

19 TAC 4.6(a), (d)–(e)

**Texas Common
Course Numbering
System**

Each institution, including each college district, shall include the applicable course numbers from the Texas Common Course Numbering System (TCCNS) in its printed and electronic catalogs, course listings, and any other appropriate informational resources, and in the application of the provisions of 19 Administrative Code Chapter 4, Subchapter B. Institutions that do not use the TCCNS taxonomy as their sole means of course numbering shall publish the following information in their printed and electronic catalogs, course listings, and any other appropriate informational resources:

1. The TCCNS prefix and number must be displayed immediately adjacent to the institutional course prefix and number [e.g., ENG 101 (ENGL 1301)] at the beginning of each course description; and
2. The printed and electronic catalogs shall include a chart, table, or matrix, alphabetized by common course prefix, listing all common courses taught at the institution by both the common and local course number. For printed catalogs, the chart, table, or matrix should be referenced in a table of contents and/or a subject index.

Each institutional catalog shall include an explanation of the TCCNS and the significance of TCCNS courses for transfer purposes.

For good cause, the commissioner may approve an exemption from the requirements of this section.

19 TAC 4.37

Learning Outcomes

To foster a transparent student learning environment at institutions of higher education and to facilitate the universal articulation of undergraduate courses that are transferable for credit among all insti-

tutions of higher education, each institution of higher education, including each college district, shall identify, adopt, and make available for public inspection measurable learning outcomes for each undergraduate course, as defined in 19 Administrative Code 4.103(3), offered by the institution other than:

1. A course with a highly variable subject content that is tailored specifically to an individual student, such as an independent study or directed reading course; or
2. A laboratory, practicum, or discussion section that is an intrinsic and required component of a lecture course.

An institution of higher education may adopt learning outcomes for a course that are the same as or based on those identified for that course by the institution's recognized accrediting agency.

Statements of the measurable learning outcomes shall be kept on file for at least two years after the course is taught and made available for public inspection upon request to the provost's office of each institution.

If the institution is in compliance with 19 Administrative Code 4.225–4.228 (relating to Public Access to Course Information), then the institution is also in compliance with this section since learning outcomes are required to be a part of each course syllabus posted on the institution's website.

Education Code 51.96851(b)–(c); 19 TAC 4.104(b)–(c)

Measurable
Learning Outcomes

"Measurable learning outcomes" are defined as the knowledge and skills a student is expected to acquire or achieve upon completion of a course. Measurement may be quantitative or qualitative, depending upon the subject matter of the course. *19 TAC 4.103(2)*

State-Funded
Courses

State funding shall be provided for lower-division academic courses at public community colleges, public technical colleges, or public state colleges if such courses:

1. Are approved for inclusion in the Lower-Division Academic Course Guide Manual (ACGM);
2. Have been reviewed and approved by Coordinating Board staff in accordance with the criteria for unique need courses [see 19 Administrative Code 9.74]; and
3. Are consistent with the TCCNS.

19 TAC 9.73(a)

Course Report

Not later than March 1 of each year and in the form prescribed by the Coordinating Board, each public junior college shall provide to

the Coordinating Board and the Legislature a report on courses taken by students who, during the preceding academic year, transferred to a general academic teaching institution or earned an associate degree at the college.

A report required by this section must include the total number of:

1. Courses attempted and completed at the college, including the total number of semester credit hours for those courses, disaggregated by whether the course is in the Workforce Education Course Manual or its successor adopted by the Coordinating Board or the Lower-Division Academic Course Guide Manual or its successor adopted by the Coordinating Board;
2. Courses attempted and completed at the college that are not in the recommended core curriculum developed by the Coordinating Board under Education Code 61.822; and
3. Dual credit courses, including courses for joint high school and junior college credit under Education Code 130.008, attempted and completed at the college.

Education Code 51.4034

Notice of Licensing Requirements

An entity that provides an educational program to prepare an individual for issuance of an initial occupational license shall notify each applicant to and enrollee in the educational program of:

1. The potential ineligibility of an individual who has been convicted of an offense for issuance of an occupational license on completion of the educational program;
2. The current guidelines issued under Occupations Code 53.025 by any licensing authority that may issue an occupational license to an individual who completes the educational program;
3. Any other state or local restriction or guideline used by a licensing authority to determine the eligibility of an individual who has been convicted of an offense for an occupational license issued by the licensing authority; and
4. The right to request a criminal history evaluation letter under Occupations Code 53.102.

The entity shall provide the required notice to each applicant and enrollee regardless of whether the applicant or enrollee has been convicted of an offense.

A licensing authority that determines that an entity regulated by the licensing authority has failed to provide the required notice to an individual entitled to receive the notice and that the individual's application for an occupational license for which the entity's educational program prepares the individual was denied because the individual has been convicted of an offense shall order the entity to:

1. Refund the amount of any tuition paid by the individual to the entity; and
2. Pay to the individual an amount equal to the total of the following, as applicable:
 - a. The amount of any application fees paid by the individual to the licensing authority; and
 - b. The amount of any examination fees paid by the individual to the licensing authority or an examination provider approved by the licensing authority.

Occupations Code 53.152-.153



The Coordinating Board may authorize public junior colleges to offer baccalaureate degree programs as provided by Education Chapter 130, Subchapter L. Offering a baccalaureate degree program under Subchapter L does not otherwise alter the role and mission of a public junior college.

All baccalaureate degree programs offered at public junior colleges must comply with the provisions of 19 Administrative Code Chapter 9, Subchapter N. A public junior college offering a baccalaureate degree program under Subchapter N must meet all applicable accreditation requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) of a Level II institution.

Degree programs offered under Education Code Chapter 130, Subchapter L and 19 Administrative Code Chapter 9, Subchapter N are subject to the continuing approval of the Coordinating Board.

Education Code 130.302, .306(c); 19 TAC 9.673(a)–(b), (e)–(f)

Definitions

Baccalaureate
Degree Programs

“Baccalaureate degree programs” means any grouping of subject matter courses consisting of at least 120 semester credit hours which, when satisfactorily completed by a student, will entitle that student to a degree from a public junior college, public senior college or university, or a medical or dental unit. *19 TAC 9.672(1)*

Bachelor of Applied
Arts and Science

A “Bachelor of Applied Arts and Science (BAAS)” builds on an Associate of Applied Science (AAS) degree, as defined in 19 Administrative Code 9.1 [see EFBA], combined with enough additional core curriculum courses and upper-level college courses to meet the minimum semester credit hour requirements for a bachelor's degree. The degree program is designed to grow professional management skills of the learner and meet the demand for leadership of highly technical professionals in the workplace. May also be called a Bachelor of Applied Technology (BAT) or Bachelor of Applied Science (BAS). *19 TAC 9.672(2)*

Pilot Project

“Pilot project” refers to a public junior college authorized by the Coordinating Board to offer a baccalaureate degree before January 1, 2017. *19 TAC 9.672(10)*

Positive
Assessment of the
Overall Financial
Health of a District

“Positive assessment of the overall financial health of a district” means a score of 2.0 or higher on the composite financial index as produced by the Coordinating Board in the annual Community College Financial Condition Report. (As required by the General Appropriations Act, 85th Texas Legislature, Article III, Public Community/Junior Colleges, Rider 12 and any successor(s) thereto). *19 TAC 9.672(11)*

**Former Pilot
Program Participants**

The Coordinating Board shall authorize baccalaureate degree programs in the fields of applied science, applied technology, and nursing at each public junior college that previously participated in a pilot project to offer baccalaureate degree programs. *Education Code 130.303(a)*

Applied Science

The Coordinating Board may authorize baccalaureate degree programs at one or more public junior colleges that offer a degree program in the field of applied science, including a degree program in the field of applied science with an emphasis in early childhood education, applied technology, or nursing and have demonstrated a workforce need. *Education Code 130.303(b)*

Dental Hygiene

The Coordinating Board shall authorize baccalaureate degree programs in the field of dental hygiene at a public junior college that offers a degree program in that field, has a main campus located in the county seat of a county with a population greater than 200,000, and includes territory in at least six public school districts located in two counties. *Education Code 130.304*

**Financial
Requirements**

A public junior college may be approved to offer a baccalaureate degree program only if its junior college district:

1. Has a taxable property valuation of not less than \$6 billion based on the preceding year's calculations as determined by the county's appraisal district. This valuation shall include the valuation of the taxing district as well as any branch campus maintenance tax valuations; and
2. Has received a positive assessment of the overall financial health, as defined in 19 Administrative Code 9.672, on the most recent Community College Financial Condition Report. If changes to financial reporting, mandated by external financial governing bodies as defined in Section 9.672 directing financial reporting processes, or other extraordinary factors have a short-term impact to the assessment of the financial health of the institution, the Coordinating Board may, at the commissioner's discretion:
 - a. Use the most recent report not impacted by the mandated changes; or
 - b. Calculate the financial health correcting for the mandated changes or extraordinary factors.

Education Code 130.307(b); 19 TAC 9.673(d)

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EFBB
(LEGAL)

- Navarro College
- The requirement of item 1, above, does not apply to baccalaureate degree programs in nursing if the public junior college district:
1. Has a taxable property valuation of not less than \$4 billion on the preceding year's calculations as determined by the county's appraisal district; and
 2. Does not have a four-year institution of higher education located in county(ies) of the public junior college district.

Education Code 130.307(b-1); 19 TAC 9.673(e)

Criteria

All Programs

In determining whether a public junior college may offer baccalaureate degree programs and what degree programs may be offered, the Coordinating Board shall:

1. Apply the same criteria and standards the Coordinating Board uses to approve baccalaureate degree programs at general academic teaching institutions and medical and dental units; and
2. Consider the following factors:
 - a. Whether those degree programs would unnecessarily duplicate the degree programs offered by other institutions of higher education; and
 - b. The ability of the junior college to support the degree programs with student enrollment and the adequacy of the junior college's facilities, faculty, administration, libraries, and other resources.

Before a baccalaureate degree program can be offered at a public junior college, these additional requirements must be met:

1. Workforce need for the degree program must be documented in the region served by the junior college;
2. How the degree program would complement the other programs and course offerings of the junior college; and
3. Documentation of program success for the underlying associate degree, such as licensure pass rates, employment placement rates, and completion rates.

The Coordinating Board may not authorize a public junior college to offer a baccalaureate degree in a field if articulation agreements with general academic teaching institutions or medical and dental units are sufficient to meet the needs of that field.

Education Code 130.307(a), (d); 19 TAC 9.674(a)-(b), .675(b)

Nursing Programs

Before a public junior college may offer a baccalaureate degree program in nursing, the institution shall:

1. Provide evidence to the Coordinating Board and the Texas Board of Nursing that the public junior college has secured adequate long-term clinical space and documentation from each clinical site provider indicating that the clinical site has not refused a similar request from a general academic teaching institution or medical and dental unit;
2. Establish that the corresponding associate degree nursing program offered by the public junior college has been successful as indicated by job placement rates and licensing exam scores for the previous three years;
3. Be a bachelor of science degree program that meets the standards and criteria the Texas Board of Nursing uses to approve pre-licensure degree programs at general academic teaching institutions and medical and dental units regardless of whether the program is a pre-licensure or post-licensure program; and
4. Be accredited or seeking accreditation by a national nursing accrediting body recognized by the United States Department of Education.

Education Code 130.308; 19 TAC 9.676

Application

Before a public junior college may be authorized to offer a baccalaureate degree program, the public junior college must submit a report to the Coordinating Board that includes:

1. A long-term financial plan for receiving accreditation from the SACSCOC;
2. A long-term plan for faculty recruitment that:
 - a. Indicates recruitment strategies and the ability to pay the increased salaries of doctoral faculty; and
 - b. Ensures the program would not draw faculty employed by a neighboring institution offering a similar program; and
3. Detailed information on the manner of program and course delivery.

Before a public junior college may offer a baccalaureate degree program, the institution must provide at least three articulation agreements with general academic teaching institutions or medical and dental units that:

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BACCALAUREATE DEGREES

EFBB
(LEGAL)

1. Provide detailed information regarding existing course transfer and dual enrollment pathways, detailing the maximum number of students that can be served by the agreements; and
2. Explain why existing facilities and resources cannot be expanded to meet workforce need; and
3. Documentation that the established articulation agreements are at capacity; or
4. The reasons why no articulation agreements have been established.

Education Code 130.307(c); 19 TAC 9.674(c), .675(a)

Limitations

A public junior college offering a baccalaureate degree program may not offer more than five baccalaureate degree programs at any time unless the institution previously participated in a pilot project to offer baccalaureate degrees notwithstanding if accredited as a single institution or as separate institutions within a college district. *Education Code 130.306(a); 19 TAC 9.673(c)*

Articulation Agreement

Each public junior college that offers a baccalaureate degree program must enter into a teach-out agreement for the first five years of the program with one or more general academic teaching institutions or medical and dental units to ensure that students enrolled in the degree program have an opportunity to complete the degree if the public junior college ceases to offer the degree program.

The Coordinating Board may require a general academic teaching institution or medical and dental unit that offers a comparable baccalaureate degree program to enter into an articulation agreement with the public junior college.

Each public junior college that offers a baccalaureate program must inform all students who enroll in the program covered by the articulation agreement about the opportunity to complete the degree at a general academic teaching institution or medical and dental unit.

Education Code 130.309; 19 TAC 9.675(c)–(e)

Funding

A baccalaureate degree program may be funded solely by a public junior college's proportionate share of state appropriations under Education Code 130.003, local funds, and private sources. This provision does not require the legislature to appropriate state funds to support a baccalaureate degree program.

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The Coordinating Board shall weigh contact hours attributable to students enrolled in a junior-level or senior-level course offered under Education Chapter 130, Subchapter L used to determine a public junior college's proportionate share of state appropriations under Section 130.003 in the same manner as a lower division course in a corresponding field unless the college participated in a pilot project to offer baccalaureate degree programs.

In its recommendations to the legislature relating to state funding for public junior colleges, the Coordinating Board shall recommend that a public junior college that participated in a pilot project to offer baccalaureate degree programs receive substantially the same state support for junior-level and senior-level courses in the fields of applied science, applied technology, dental hygiene, and nursing offered under this subchapter as that provided to a general academic teaching institution for substantially similar courses.

Education Code 130.310(a); 19 TAC 9.677(a)–(d)

Tuition and Fees

A public junior college may not charge a student enrolled in a baccalaureate degree program tuition and fees in an amount that exceeds the amount of tuition and fees charged by the junior college to a similarly situated student who is enrolled in an associate degree program in a corresponding field. This provision does not apply to tuition and fees charged for a baccalaureate degree program in the field of applied science or applied technology previously offered as part of a pilot project to offer baccalaureate degree programs. *Education Code 130.310(c); 19 TAC 9.677(f)*

Report

Each public junior college offering a baccalaureate degree program shall conduct a review of each baccalaureate degree program offered and prepare a biennial report on the operation, quality, and effectiveness of the baccalaureate degree programs in a format specified by the Coordinating Board. A copy of the report shall be delivered to the Coordinating Board by January 1 of each odd-numbered year. *Education Code 130.011; 19 TAC 9.678*

SOME POLICY TITLES ARE INCLUDED FOR FUTURE EXPANSION

SECTION F: STUDENTS

FA	EQUAL EDUCATIONAL OPPORTUNITY
FAA	Service Animals
FB	ADMISSIONS
FBA	Transfers
FC	ATTENDANCE
FCA	Withdrawal
FD	TUITION AND FEES
FDA	Residency
FE	FINANCING EDUCATION
FEA	Financial Aid and Scholarships
FEB	Work Study
FF	STUDENT WELFARE
FFA	Wellness and Health Services
FFAA	Immunizations
FFAC	Communicable Diseases
FFB	Student Insurance
FFC	Student-Support Services
FFCA	Student Assistance Programs/Counseling
FFD	Freedom from Discrimination, Harassment, and Retaliation
FFDA	Sex and Sexual Violence
FFDB	Other Protected Characteristics
FFE	Freedom from Bullying
FG	STUDENT HOUSING
FH	STUDENT AWARDS
FI	STUDENT SOLICITATIONS
FJ	STUDENT RECORDS
FK	STUDENT ACTIVITIES
FKA	College-Sponsored Publications
FKB	Activity Funds Management
FKC	Registered Student Organizations
FKD	Commencement
FL	STUDENT RIGHTS AND RESPONSIBILITIES
FLA	Student Expression and Use of College Facilities
FLB	Student Conduct

SOME POLICY TITLES ARE INCLUDED FOR FUTURE EXPANSION

SECTION F: STUDENTS

FLBA	Student Dress
FLBC	Prohibited Organizations and Hazing
FLBD	Tobacco Use
FLBE	Alcohol and Drug Use
FLC	Interrogations and Searches
FLD	Student Complaints
FLDB	Course Grade Complaints
FLE	Involvement in Decision Making
FM	DISCIPLINE AND PENALTIES
FMA	Discipline Procedure

Excused Absences Each institution of higher education, including each college district, shall develop and include in its official bulletins, catalogs, and other appropriate publications a statement regarding its policies and procedures for all excused absences. *19 TAC 4.4(b)*

Religious Holy Days A "religious holy day" means a holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20.

An institution of higher education, including a college district, shall excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. A student whose absence is excused under this section may not be penalized for that absence and shall be allowed to take an examination or complete an assignment within a reasonable time after the absence.

Policies and procedures for absences due to religious holy days shall be consistent with (or no more arduous than) the institution's policies and procedures relating to other excused absences.

If a student and an instructor disagree about the nature of the absence being for the observance of a religious holy day as defined above, or if there is a similar disagreement about whether the student has been given a reasonable time to complete any missed assignments or examinations, either the student or the instructor may request a ruling from the chief executive officer of the institution or his or her designee. The student and the instructor shall abide by the decision of the chief executive officer or his or her designee.

A student who is excused under this section may not be penalized for the absence, but the instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination.

Education Code 51.911; 19 TAC 4.4, 9.24

Military Service This section applies only if a student enrolled in an institution of higher education, including a college district, fails to attend classes or engage in other required activities because the student is called to required military service that is of a reasonably brief duration, as determined by rule adopted by the Coordinating Board, and the student chooses not to withdraw as authorized by Education Code 54.006(f). [See EGA(LEGAL)] *Education Code 51.9111(b)*

Required Military Service "Required military service" includes required service in the Armed Forces of the United States or in the National Guard or the Texas State Guard. *Education Code 51.9111(a)(2); 19 TAC 4.3(1)*

ATTENDANCE

FC
(LEGAL)

Excused Absence
for Required Military
Service

Upon notice from a student required to participate in required military service, an institution of higher education shall excuse a student from attending classes or engaging in other required activities, including examinations, in order for the student to participate in required military service to which the student is called, including travel associated with the service. A student whose absence is excused may not be penalized for that absence and shall be allowed to complete an assignment or take an examination from which the student is excused within a reasonable time after the absence. An instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination within a reasonable time after the absence. *Education Code 51.9111(c); 19 TAC 4.8(a)–(b)*

Policies and
Procedures

Each institution shall adopt a policy which includes:

1. The retention of a student's coursework completed during the portion of the course prior to the student being called to required military service;
2. The course syllabus or other instructional plan, so that the student will be able to complete the course without prejudice and under the same course requirements that were in effect when the student enrolled in the course;
3. A definition of a reasonable time after the absence for the completion of assignments and examinations;
4. Procedures for failure of a student to satisfactorily complete the assignment or examination within a reasonable time after the absence; and
5. A dispute resolution process regarding the policy.

Institutions are directed to develop and publish policies and procedures to ensure that students enrolled in distance learning, self-paced, correspondence, and other asynchronous courses receive equivalent consideration for the purposes of determining acceptable duration of excused absences and time limits for the completion of coursework following an excused absence under this section.

19 TAC 4.8(c), (e)

Maximum

The maximum period for which a student may be excused under this section shall be no more than 25 percent of the total number of class meetings or the contact hour equivalent, not including the final examination period, for the specific course or courses in which the student is currently enrolled at the beginning of the period of required military service. *Education Code 51.9111(d); 19 TAC 4.8(d)*

Notification to SEVIS A public institution of higher education, including a college district, that is certified by the U.S. Secretary of Homeland Security to enroll a foreign student admitted into the United States under a nonimmigrant F or M visa shall promptly notify the federal Student and Exchange Visitor Information System (SEVIS) or a successor program if:

1. A student enrolled under an F or M visa withdraws from the institution or withdraws from all courses in which the student is enrolled; or
2. The institution dismisses a student enrolled under an F or M visa for nonattendance or takes any other official administrative action in regard to the student as a result of the student's nonattendance.

Education Code 51.9091



Note: For additional legally referenced material relating to this subject matter, see FA(LEGAL). For information on employee expression on campus, see DGC. For information on community expression on campus, see GD. For use of the college district's mail system, see CHE.

First Amendment

A governmental entity, including a college district, shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the board for a redress of grievances. *U.S. Const. Amend. I, XIV*

Forum Analysis

Traditional Public Forum

A "traditional public forum" includes locations, such as sidewalks and parks, where members of the public have historically been permitted to gather and speak on any topic. *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788 (1985). An institution's property is not a traditional public forum, with the exception of sidewalks, streets, and parks that are indistinguishable from surrounding city property. *Widmar v. Vincent*, 454 U.S. 263 (1981); *Brister v. Faulkner*, 214 F.3d 675 (2000)

If an institution's property is deemed a traditional public forum, the entity may exclude particular content if that entity can assert a compelling governmental interest that is narrowly tailored to address that interest, a standard referred to as the "strict scrutiny" standard. The institution can also enforce viewpoint-neutral time, place, and manner restrictions to meet a compelling governmental interest if a sufficient number of alternative communication channels are available. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983)

Designated Public Forum

A "designated public forum" is a forum that a college or university intentionally opens to the general public to discuss matters of public concern. *Cornelius v. NAACP Legal Def. and Educ. Fund, Inc.*, 473 U.S. 788 (1985). Once designated, an institution may enforce reasonable time, place, and manner restrictions. *Widmar v. Vincent*, 454 U.S. 263 (1981). Any content limitations are subject to the strict scrutiny standard described above. *Chiu v. Plano Indep. School Dist.*, 260 F.3d 330 (5th Cir. 2001)

Limited Public Forum

A "limited public forum" is a forum that an institution opens to a particular group of speakers or for discussion regarding a particular topic. *Christian Legal Society v. Martinez*, 130 S.Ct. 2971 (2010); *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819 (1995). Within a limited public forum, limits on expression must be

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viewpoint-neutral and reasonable in light of the purpose of the forum. The government may impose reasonable time, place, and manner restrictions, as long as these restrictions do not relate to the content of the expression. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

To distinguish between a designated public forum and a limited public forum, courts consider two factors: (1) the intent of the institution regarding the forum, and (2) the forum's nature and compatibility with particular speech. Justice for All v. Faulkner, 410 F.3d 760 (5th Cir. 2005); Chiu v. Plano Indep. School Dist., 260 F.3d 330 (5th Cir. 2001)

Nonpublic Forum

If an institution has not opened a public forum, it remains a "non-public forum." Although limits on expression must be reasonable and viewpoint neutral even within a nonpublic forum, an institution will have greater discretion to control the content of speech within such a forum. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

Time, Place, and
Manner Restrictions

The mere dissemination of ideas on the campus of an institution of higher education may not be restricted on the basis of conventions of decency, regardless of how offensive those ideas are to good taste. However, an institution has the authority to enforce reasonable regulations as to the time, place, and manner of speech and its dissemination. Papish v. Bd. of Curators, 410 U.S. 667 (1973); Healy v. James, 408 U.S. 169 (1972)

**Protected
Expression on
Campus Under State
Law**

An institution of higher education, including a college district, shall:

1. Ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and
2. Permit any person to engage in expressive activities in those areas of the institution's campus freely, as long as the person's conduct is not unlawful, and does not materially and substantially disrupt the functioning of the institution.

Education Code 51.9315(c)

Education Code 51.9315(c) and (d) do not limit the right of student expression at other campus locations or prohibit faculty members from maintaining order in the classroom. *Education Code 51.9315(e)*

Time, Place, and
Manner Restrictions

An institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the institution's campus if those restrictions:

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1. Are narrowly tailored to serve a significant institutional interest;
2. Employ clear, published, content-neutral, and viewpoint-neutral criteria;
3. Provide for ample alternative means of expression; and
4. Allow members of the university community to assemble or distribute written material without a permit or other permission from the institution.

Education Code 51.9315(d)

Policy Required

By August 1, 2020, each institution of higher education shall adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

1. Allow any person to, subject to reasonable restrictions adopted under Education Code 51.9315(d), engage in expressive activities on campus, including by responding to the expressive activities of others, and student organizations and faculty to, subject to Education Code 51.9315(h), invite speakers to speak on campus;
2. Establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;
3. Include a grievance procedure for addressing complaints of a violation of this section;
4. Be approved by a majority vote of the institution's governing board before final adoption; and
5. Be posted on the institution's internet website.

Education Code 51.9315(f)

Discrimination
Prohibited

An institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization. *Education Code 51.9315(g)*

Approval of
Speaker or
Determination of
Fee

In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education:

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1. May consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
 - a. The proposed venue and the expected size of the audience;
 - b. Any anticipated need for campus security;
 - c. Any necessary accommodations; and
 - d. Any relevant history of compliance or noncompliance by the requesting student organization or faculty member with the institution's policy adopted under Education Code 51.9315(f) and any other relevant policies; and
2. May not consider any anticipated controversy related to the event.

Education Code 51.9315(h)

Employee Awareness

Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section. *Education Code 51.9315(j)*

Publication

Each institution of higher education shall make the institution's policies adopted in accordance with this section, available to students enrolled at and employees of the institution by including the policies in the institution's student handbook and personnel handbook, providing a copy of each policy to students during the institution's freshman or transfer student orientation, and posting the policies on the institution's internet website. *Education Code 51.9315(i)*

Report

Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section. *Education Code 51.9315(k)*

Religious Services

This state or a political subdivision of this state, including a college district, may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief. *Tex. Const. Art. 1, Sec. 6-a*

Places of Worship

A government agency, including a college district, or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state.

Alvin Community College
020501

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"Place of worship" means a building or grounds where religious activities are conducted. *Civ. Prac. & Rem. Code 110.001(a), .0031*



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**Section I: Public
Information
Generally**

It is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees.

Access to public information is addressed by the Public Information Act (PIA), Government Code Chapter 552. This chapter shall be liberally construed in favor of granting a request for information.

Gov't Code 552.001

Definitions

*Public
Information*

"Public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

1. By a governmental body, including a college district board of trustees;
2. For a governmental body and the governmental body:
 - a. Owns the information;
 - b. Has a right of access to the information; or
 - c. Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
3. By an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

The definition of "public information" applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

Information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

Gov't Code 552.002(a)-(a-2)

Official Business

"Official business" means any matter over which a governmental body has any authority, administrative duties, or advisory duties.
Gov't Code 552.003(2-a)

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Availability of Public Information	Public information is available to the public at a minimum during the normal business hours of the governmental body. <i>Gov't Code 552.021</i>
Information That Must Be Disclosed Unless Confidential Under Law	<p>Without limiting the amount or kind of information that is public information under the PIA, the following categories of information are public information and not excepted from required disclosure unless made confidential under the PIA or other law:</p> <ol style="list-style-type: none">1. A completed report, audit, evaluation, or investigation made of, for, or by the governmental body, except by provided in Government Code 552.108.2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body.3. Information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body.4. The name of each official and the final record of voting on all proceedings of the board.5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by a governmental body, on completion of the estimate.6. The name, place of business, and the name of the municipality to which local sales and use taxes are credited, if any, for the named person, of a person reporting or paying sales and use taxes under Tax Code Chapter 151.7. A description of an agency's central and field organizations, including the established places at which the public may obtain information, submit information or requests, and obtain decisions; the employees from whom the public may obtain information, submit information or requests, or obtain decisions; and the methods by which the public may obtain information, submit information or requests, or obtain decisions.8. A statement of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.9. A rule of procedure, description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.

10. A substantive rule of general applicability adopted or issued by an agency as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by an agency.
11. Each amendment, revision, or repeal of information described in items 7–10.
12. Final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases.
13. A policy statement or interpretation that has been adopted or issued by an agency.
14. Administrative staff manuals and instructions to staff that affect a member of the public.
15. Information regarded as open to the public under an agency's policies.
16. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege.
17. Information that is also contained in a public court record.
18. A settlement agreement to which a governmental body is a party.

Gov't Code 552.022

*Contracts for
Lobbying
Services*

Information related to contracts for lobbying services required to be displayed on a political subdivision's internet website under Government Code 2254.030 is public information subject to disclosure under the PIA. *Gov't Code 2254.030(c)*

*Contracting
Information*

Contracting information is public and must be released unless excepted from disclosure under the PIA.

"Contracting information" means the following information maintained by a governmental body or sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor:

1. Information in a voucher or contract relating to the receipt or expenditure of public funds by a governmental body;
2. Solicitation or bid documents relating to a contract with a governmental body;
3. Communications sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor during the solicitation, evaluation, or negotiation of a contract;

4. Documents, including bid tabulations, showing the criteria by which a governmental body evaluates each vendor, contractor, potential vendor, or potential contractor responding to a solicitation and, if applicable an explanation of why the vendor or contractor was selected; and
5. Communications and other information sent between a governmental body and a vendor or contractor related to the performance of a final contract with the governmental body or work performed on behalf of the governmental body.

Gov't Code 552.0222(a), .003(1-a) [See CM for construction contract evaluation document disclosures]

Investment Information

The categories of information held by a governmental body relating to its investments, as specified by Government Code 552.0225(b), are public information and not excepted from disclosure under the PIA. *Gov't Code 552.0225(b)*

Expenditures for a Security System

Financial information in the possession of a governmental entity that relates to the expenditure of funds by a governmental entity for a security system is public information that is not excepted from required disclosure under the PIA. *Gov't Code 418.182(b)*

Security Cameras in Private Offices

Information in the possession of a governmental entity that relates to the location of a security camera in a private office at a state agency, including an institution of higher education, is public information and is not excepted from required disclosure under the PIA unless the security camera is located in an individual personal residence for which the state provides security or is in use for surveillance in an active criminal investigation. *Gov't Code 418.182(c)*

Body-Worn Cameras

Information recorded by a body-worn camera that is or could be used as evidence in a criminal prosecution is subject to disclosure under the PIA. Information recorded by a body-worn camera and held by a law enforcement agency under Occupations Code Chapter 1701, Subchapter N, is not subject to disclosure under the PIA. A recording is confidential and excepted from the requirements of Government Code Chapter 552 if the recording:

1. Was not required to be made under Occupations Code Chapter 1701, Subchapter N, or another law or under a policy adopted by the appropriate law enforcement agency; and
2. Does not relate to a law enforcement purpose.

A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization

from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

Occupations Code 1701.661(c)–(d), (f), (h)

Permitted
Viewing

A permitted viewing of a recording under Occupations Code 1701.660(a-1) is not considered to be a release of public information for purposes of the PIA. *Occupations Code 1701.660(a-1)*

*Communications
with Voting
Systems Vendors*

A written letter, email, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor is not confidential, is public information for purposes of the PIA, and is not subject to an exception to disclosure provided by the PIA other than Government Code Sections 552.110 and 552.1101. *Election Code 121.004(a)*

Exception

A written letter, email, or other communication between a public official and a voting systems vendor is excepted from disclosure under Government Code Chapter 552 if the communication discloses information, data, or records relating to the security of elections critical infrastructure. *Election Code 121.004(b)*

*Agreements to
Assess Course
Material Fees
and Charges*

Any agreement between an institution of higher education and an entity under which the institution agrees to assess or allows the entity to assess a fee or charge for course materials to students enrolled at the institution is public information under Government Code Chapter 552. *Education Code 51.4521(e)*

**Section II:
Information that is
Confidential**

The certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued under Government Code 551.104(b)(3). *Gov't Code 551.104(c)*

Certified Agenda or
Recording of a
Closed Meeting

"Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov't Code 551.001(7)*

Personal
Information

*Employees and
Officials*

Each employee, with the exception of a current or honorably retired peace officer, security officer, or elected public officer to whom Government Code 552.1175 applies, or official of a governmental body and each former employee or official of a governmental body shall choose whether to allow public access to information in the custody of the governmental body that relates to the person's home address, home telephone number, emergency contact information, or social security number, or that reveals whether the person has family members.

Each employee and official and each former employee and official shall state that person's choice to the main personnel officer of the

governmental body in a signed writing not later than the 14th day after the date on which the employee begins employment with the governmental body, the official is elected or appointed, or the former employee or official ends service with the governmental body. If the employee or official or former employee or official chooses not to allow public access to the information the information is protected under Government Code Chapter 552, Subchapter C and the governmental body may redact the information from any information the governmental body discloses under the PIA without the necessity of requesting a decision from the attorney general. If an employee or official or a former employee or official fails to state the person's choice within the 14-day period, the information is subject to public access.

An employee or official or former employee or official of a governmental body who wishes to close or open public access to the information may request in writing that the main personnel officer of the governmental body close or open access.

A governmental body that redacts or withholds information under this section shall provide the following information to the requestor on a form prescribed by the attorney general:

1. A description of the redacted or withheld information;
2. A citation to Government Code 552.024; and
3. Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.024; Att'y Gen. ORD-530 (1989)

*Elected Public
Officers and
Peace Officers /
Security Officers*

Information that relates to the home address, home telephone number, emergency contact information, date of birth, or social security number of any elected public officer, current or honorably retired peace officer as defined by Code of Criminal Procedure article 2.12, commissioned security officer as defined by Occupations Code 1702.002, or other individual to whom Government Code 552.1175 applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under Government Code Chapter 552 if the individual to whom the information relates:

1. Chooses to restrict public access to the information; and

2. Notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

The choice remains valid until rescinded in writing by the individual.

A governmental body that redacts or withholds information under this section shall provide the following information to the requestor on a form prescribed by the attorney general:

1. A description of the redacted or withheld information;
2. A citation to Government Code 552.024; and
3. Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.1175 [For officer information excepted under Government Code 552.117, see Section III: Information Excepted from Public Disclosure]

*Disaster Fund
Recovery
Recipients*

Information maintained by a governmental body is confidential and may not be disclosed to the public under the PIA if it relates to:

1. The name, social security number, house number, street name, and telephone number of an individual or household that applies for state or federal disaster recovery funds;
2. The name, tax identification number, address, and telephone number of a business entity or an owner of a business entity that applies for state or federal disaster recovery funds; and
3. Any other information the disclosure of which would identify or tend to identify a person or household that applies for state or federal disaster recovery funds.

The street name and census block group of and the amount of disaster recovery funds awarded to a person or household are not confidential after the date on which disaster recovery funds are awarded to the person or household.

Gov't Code 552.160

Student Records

Information is confidential and excepted from the requirements of the PIA if it is a student record at an educational institution funded

wholly or partly by state revenue. The record shall be made available on the request of the educational institution personnel, the student involved, or the student's parent, guardian, or spouse or a person conducting a child abuse investigation required by Family Code Chapter 261, Subchapter D.

The PIA does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g. This section does not prohibit the disclosure or provision of information included in an education record if the disclosure or provision is authorized by FERPA or other federal law. [See FL]

Gov't Code 552.114(b)-(c), .026

Redaction

An educational institution may redact information covered under Government Code 552.114(b) from information disclosed under the PIA without requesting a decision from the attorney general. *Gov't Code 552.114(d)*

Exception

If an applicant for admission to an educational institution described by Section 552.114(b), above, or a parent or legal guardian of a minor applicant to an educational institution described by Section 552.114(b), above, requests information in the record of the applicant, the educational institution shall disclose any information that is related to the applicant's application for admission and was provided to the educational institution by the applicant. *Gov't Code 552.114(e)*

Student Record

"Student record" means:

1. Information that constitutes education records as that term is defined by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g(a)(4)); or
2. Information in a record of an applicant for admission to an educational institution, including a transfer applicant.

Gov't Code 552.114(a)

Protected Health Information

Protected health information as defined by Health and Safety Code 181.006 is not public information and is not subject to disclosure under the PIA. *Gov't Code 552.002*

Out-of-State Health-Care Information

Information obtained by a governmental body that was provided by an out-of-state health-care provider in connection with a quality management, peer review, or best practices program that the out-of-state health-care provider pays for is confidential and excepted from the requirements of the PIA. *Gov't Code 552.162*

Credit Card, Debit
Card, Charge Card,
and Access Device
Numbers

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.

"Access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or
2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

A governmental body may redact information that must be withheld as described above from any information the governmental body discloses without the necessity of requesting a decision from the attorney general.

A governmental body that redacts or withholds information under this section shall provide the following information to the requestor on a form prescribed by the attorney general:

1. A description of the redacted or withheld information;
2. A citation to Government Code 552.024; and
3. Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.136

Confidential
Investment
Information

All information prepared or provided by a private investment fund and held by a governmental body that is not listed in Government Code 552.0225(b) is confidential and excepted from the requirements of the PIA.

Unless the information has been publicly released, pre-investment and post-investment diligence information, including reviews and analyses, prepared or maintained by a governmental body or a private investment fund is confidential and excepted from the requirements of the PIA, except to the extent it is subject to disclosure under the following provision.

All information regarding a governmental body's direct purchase, holding, or disposal of restricted securities that is not listed in Section 552.0225(b)(2)–(9), (11), or (13)–(16) is confidential and excepted from the requirements of the PIA. This provision does not apply to a governmental body's purchase, holding, or disposal of restricted securities for the purpose of reinvestment nor does it apply to a private investment fund's investment in restricted securities. This provision applies to information regarding a direct purchase, holding, or disposal of restricted securities by the Texas growth fund, created under Texas Constitution Article XVI, Section 70, that is not listed in Government Code 552.0225(b).

Gov't Code 552.143(a)–(c)

Email Addresses
Confidential

An email address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under the PIA. Confidential information described by this section that relates to a member of the public may be disclosed if the member of the public affirmatively consents to its release. *Gov't Code 552.137(a)–(b)*

Exceptions

This section does not apply to an email address:

1. Provided to a governmental body by a person who has a contractual relationship with the governmental body or by the contractor's agent;
2. Provided to a governmental body by a vendor who seeks to contract with the governmental body or by the vendor's agent;
3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to the governmental body in the course of negotiating the terms of a contract or potential contract;
4. Provided to the governmental body on a letterhead, coversheet, printed document, or other document made available to the public; or
5. Provided to a governmental body for the purpose of providing public comment on or receiving notices related to an application for a license or receiving orders or decisions from a governmental body. "License" includes the whole or part of a state agency permit, certificate, approval, registration, or similar form of permission required by law.

This section does not prohibit a governmental body from disclosing an email address for any reason to another governmental body or to a federal agency.

Gov't Code 552.137(c)–(d), 2001.003(2)

Participant in
Address
Confidentiality
Program

Information relating to a participant in the Address Confidentiality Program to assist a victim of family violence, sexual assault or abuse, stalking, or trafficking of persons under Code of Criminal Procedure Chapter 58, Subchapter B, is confidential, except as provided by Code of Criminal Procedure 58.061, and may not be disclosed under the PIA. *Code of Criminal Procedure 58.060*

Crime Victim
Information

Pseudonym Form

A completed and returned pseudonym form as provided by Code of Criminal Procedure Chapter 58 is confidential and may not be disclosed to any person except as provided by Chapter 58. *Code of Criminal Procedure Chapter 58*

*Certain
Identifying
Information*

Information is confidential and excepted from the requirements of the PIA if the information identifies an individual as:

1. A victim of:
 - a. An offense under Penal Code 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 43.05, or 43.25; or
 - b. An offense that is part of the same criminal episode, as defined by Penal Code 3.01 as an offense described by paragraph 1a; or
2. A victim of any criminal offense, if the victim was younger than 18 years of age when any element of the offense was committed.

Gov't Code 552.1315(a)

Exception

Information under this provision may be disclosed:

1. To any victim identified by the information, or to the parent or guardian of a victim described by item 2, above, who is identified by the information;
2. To a law enforcement agency for investigative purposes; or
3. In accordance with a court order requiring the disclosure.

Gov't Code 552.1315(b)

*Employees Who
Are Victims of
Certain Crimes*

An employee of a governmental body who is also a victim under Code of Criminal Procedure Chapter 56B, regardless of whether the employee has filed an application for compensation under that chapter, may elect whether to allow public access to information held by the attorney general's office or governmental body that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. The election must be made in writing on a form developed by the governmental body, be signed by the employee, and be filed with the governmental body

before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the governmental body develops the form and provides it to employees.

If the employee fails to make the election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

Gov't Code 552.132(d)-(e)

*Victim Impact
Statement*

The following information that is held by a governmental body or filed with a court and that is contained in a victim impact statement or was submitted for purposes of preparing a victim impact statement is confidential:

1. The name, social security number, address, and telephone number of a crime victim; and
2. Any other information the disclosure of which would identify or tend to identify the crime victim.

"Crime victim" means a person who is a victim as defined by Code of Criminal Procedure 56B.003.

"Victim impact statement" means a victim impact statement under Code of Criminal Procedure Chapter 56A, Subchapter D.

Gov't Code 552.1325

*Child Victim
Information*

A public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim, as described by Code of Criminal Procedure 58.101, 58.155, or 58.201, younger than 17 years of age or of a victim, as described by Code of Criminal Procedure 58.251, younger than 18 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. *Code of Criminal Procedure 58.105, .155, .205, .255*

Library Records

A record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained, or used a library material or service is excepted from the requirements of the PIA, unless the records are disclosed:

1. Because the library or library system determines that disclosure is reasonably necessary for the operation of the library or library system and the record is not confidential under other state or federal law;
2. Under Government Code 552.023; or
3. To a law enforcement agency or prosecutor under a court order or subpoena obtained after a showing to a district court that disclosure of the record is necessary to protect the public safety or the record is evidence of an offense or constitutes evidence that a particular person committed an offense.

A record of a library or library system that is excepted from required disclosure under this section is confidential.

Gov't Code 552.124

Certain Products,
Devices, and
Processes

In order to protect the actual or potential value, the following information is confidential and is not subject to disclosure under the PIA, or otherwise:

1. All information relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information (including computer programs) developed in whole or in part at a state institution of higher education, including a college district, regardless of whether patentable or capable of being registered under copyright or trademark laws, that have a potential for being sold, traded, or licensed for a fee.
2. Any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a person, partnership, corporation, or federal agency that has been disclosed to an institution of higher education solely for the purposes of a written research contract or grant that contains a provision prohibiting the institution of higher education from disclosing such proprietary information to third persons or parties.

Education Code 51.914(a)

Research

Information maintained by or for an institution of higher education that would reveal the institution's plans or negotiations for commercialization or a proposed research agreement, contract, or grant, or that consists of unpublished research or data that may be commercialized, is not subject to the PIA, unless the information has been

	<p>published, is patented, or is otherwise subject to an executed license, sponsored research agreement, or research contract or grant. <i>Education Code 51.914(b)</i></p>
Research and Development Facility	<p>The plans, specifications, blueprints, and designs, including related proprietary information, of a scientific research and development facility that is jointly financed by the federal government and a local government or state agency, including an institution of higher education, is confidential and is not subject to disclosure under the PIA if the facility is designed and built for the purposes of promoting scientific research and development and increasing the economic development and diversification of this state. <i>Education Code 51.914(a)</i></p>
Compliance Investigations	<p>The following are confidential:</p> <ol style="list-style-type: none">1. Information that directly or indirectly reveals the identity of an individual who made a report to the compliance program office of an institution of higher education, sought guidance from the office, or participated in an investigation conducted under the compliance program; and2. Information that directly or indirectly reveals the identity of an individual as a person who is alleged to have or may have planned, initiated, or participated in activities that are the subject of a report made to the compliance program office of an institution of higher education if, after completing an investigation, the office determines the report to be unsubstantiated or without merit. <p>Information is excepted from disclosure under the PIA if it is collected or produced in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation.</p> <p><i>Education Code 51.971(c), (e)</i></p>
Exceptions	<p>Education Code 51.971(c) does not apply to information related to an individual who consents to disclosure of the information.</p> <p>Information made confidential or excepted from public disclosure by this section may be made available to the following on request in compliance with applicable law and procedure:</p> <ol style="list-style-type: none">1. A law enforcement agency or prosecutor;2. A governmental agency responsible for investigating the matter that is the subject of a compliance report, including the Texas Workforce Commission civil rights division or the federal Equal Employment Opportunity Commission; or

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3. An officer or employee of an institution of higher education or compliance officer who is responsible under institutional policy for a compliance program investigation or for reviewing a compliance program investigation.

A disclosure to an individual listed above is not a voluntary disclosure for purposes of Government Code 552.007. [See AF]

Education Code 51.971(d), (f)–(g)

Computer Network
Security

Information is excepted from the requirements of the PIA if it is information that relates to computer network security, to network security information that is restricted under Government Code 2059.055, or to the design, operation, or defense of a computer network. The following information is confidential:

1. A computer network vulnerability report;
2. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, system interface, or software of a governmental body or of a contractor of a governmental body is vulnerable to unauthorized access or harm, including an assessment of the extent to which the governmental body's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure or inappropriate use;
3. A photocopy or other copy of an identification badge issued to an official or employee of a governmental body; and
4. Information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log.

Item 4 does not affect the notification requirements related to a breach of system security as defined by Business and Commerce Code 521.053.

Information may be disclosed to a bidder if the governmental body determines that providing the information is necessary for the bidder to provide an accurate bid. Such a disclosure is not a voluntary disclosure for purposes of Government Code 552.007 (requiring disclosure to any person).

Gov't Code 552.139

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Security System Specifications, Operations, and Locations	Except as provided by Government Code 418.182(b) and (c), information, including access codes and passwords, in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential. <i>Gov't Code 418.182(a)</i>
Emergency Alert System	The personal identifying information obtained from an individual for the purpose of the emergency alert system of a college district, including an email address or telephone number, is confidential and not subject to disclosure under the PIA. [See CGC] <i>Education Code 51.218(e)</i>
Sensitive Crime Scene Image	A sensitive crime scene image, as defined by Government Code 552.1085(a)(6), in the custody of a governmental body, including a college district, is confidential and excepted from the requirements of Government Code 552.021, and a governmental body may not permit a person to view or copy the image except as provided by Government Code 552.1085. <i>Gov't Code 552.1085(c)</i>
Military Discharge Records	A military veteran's Department of Defense Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of a governmental body on or after September 1, 2003, is confidential for the 75 years following the date it is recorded with or otherwise comes into the possession of the governmental body in accordance with Government Code Section 552.140 or in accordance with a court order. A governmental body that obtains information from the record shall limit the governmental body's use and disclosure of the information to the purpose for which the information was obtained. <i>Gov't Code 552.140</i>
Retirement System Information	Records of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from a retirement system under a retirement plan or program administered by the retirement system that are in the custody of another governmental agency acting in cooperation with or on behalf of the retirement system are confidential and not subject to public disclosure. <i>Gov't Code 552.0038</i>
Election Judge or Clerk Information	An email address or personal phone number of an election judge or clerk collected or maintained by the authority conducting the election is confidential and does not constitute public information for purposes of the PIA. <i>Election Code 32.076(a)</i>
<i>Exception</i>	An email address or phone number described by Election Code 32.076(a), above, shall be made available on request to: <ol style="list-style-type: none">1. Any entity eligible to submit lists of election judges or clerks for that election; or

2. The state executive committee of a political party with a county chair eligible to submit lists of election judges or clerks for that election.

Election Code 32.076(b)

**Section III:
Information
Excepted from
Public Disclosure**

The PIA does not prohibit a governmental body or its officer for public information voluntarily making part or all of its information available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. *Gov't Code 552.007*

Except for social security numbers as provided by Government Code 552.147, the confidentiality provisions of Government Code Chapter 552, or other law, information that is not confidential, but is excepted from required disclosure under the PIA, is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the governmental body. This paragraph does not limit the authority of a governmental body to establish retention periods for records under applicable law. *Gov't Code 552.0215*

**Confidential
Information**

Information is excepted from the requirements of the PIA if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*

Personnel File

Information is excepted from the requirements of the PIA if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, except that all information in the personnel file of an employee of a governmental body is to be made available to that employee or the employee's designated representative as public information is made available under the PIA. *Gov't Code 552.102*

**Substantial Threat
of Physical Harm**

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of the PIA if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.152*

Litigation

Information is excepted from the requirements of the PIA if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or political subdivision, as a consequence of the person's office or employment, is or may be a party. The state or a political subdivision is considered to be a party to litigation of a criminal nature until the applicable statute of limitations has expired or until the defendant has exhausted all appellate and postconviction remedies in state and federal court. Information

	<p>relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under the PIA only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information. <i>Gov't Code 552.103</i></p>
Competition or Bidding	<p>Information is excepted from the requirements of the PIA if a governmental body demonstrates that release of the information would harm its interest by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the governmental body establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future. Except as provided below, the requirement of Government Code 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under the PIA unless expressly confidential under law does not apply to information that is excepted from required disclosure under this provision. <i>Gov't Code 552.104(a)–(b)</i></p>
<i>Exception for Entertainment Events</i>	<p>The exception to disclosure for information related to competition or bidding under Government Code 552.104(b) does not apply to information described by Government Code 552.022 relating to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event paid for in whole or part with public funds. A person, including a governmental body, may not include a provision in a contract related to an event described by this provision that prohibits or would otherwise prevent the disclosure of information described by this subsection. A contract provision that violates this provision is void. <i>Gov't Code 552.104(c)</i></p>
Location or Price of Property	<p>Information is excepted from the requirements of the PIA if it is information relating to the location of real or personal property for a public purpose prior to public announcement of the project, or appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. <i>Gov't Code 552.105</i></p>
Drafts and Working Papers	<p>A draft or working paper involved in the preparation of proposed legislation is excepted from the requirements of the PIA. <i>Gov't Code 552.106</i></p>
Legal Matters	<p>Information is excepted from the requirements of the PIA if it is information the attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct</p>

or a court by order has prohibited disclosure of the information.
Gov't Code 552.107

Law Enforcement
Information

Information held by a law enforcement agency that deals with detection, investigation, or prosecution of crime is excepted from the requirements of the PIA if:

1. Release of the information would interfere with the detection, investigation, or prosecution of crime;
2. It is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or
3. It is information relating to a threat against a peace officer collected or disseminated under Government Code 411.048.

An internal record or notation of a law enforcement agency that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of the PIA if:

1. Release of the internal record or notation would interfere with law enforcement or prosecution; or
2. The internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication.

This section does not except from the requirements of the PIA information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code 552.108

Private
Correspondence
and
Communications

Private correspondence or communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy are excepted from the requirements of the PIA. *Gov't Code 552.109*

Contracting
Information

Trade Secrets

Information is excepted from public disclosure if it is demonstrated based on specific factual evidence that the information is a trade secret, as defined by Government Code 552.110(a). *Gov't Code 552.110(b)*

*Proprietary
Information*

Information submitted to a governmental body by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is excepted from public disclosure if the vendor, contractor, potential vendor, or potential contractor that the information relates to demonstrates based on specific factual evidence that the information is proprietary information under Government Code 552.1101. *Gov't Code 552.1101*

*Commercial or
Financial
Information*

Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained are excepted from the requirements of the PIA. *Gov't Code 552.110(b)*

Exceptions

The exceptions to disclosure provided by Government Code 552.110 and 552.1101 do not apply to the following types of contracting information:

1. A contract described by Government Code 2261.253(a), excluding any information that was properly redacted under Section 2261.253(e);
2. A contract described by Government Code 322.020(c), excluding any information that was properly redacted under Section 322.020(d);
3. The following contract or offer terms or their functional equivalent:
 - a. Any term describing the overall or total price the governmental body will or could potentially pay, including overall or total value, maximum liability, and final price;
 - b. A description of the items or services to be delivered with the total price for each if a total price is identified for the item or service in the contract;
 - c. The delivery and service deadlines;
 - d. The remedies for breach of contract;
 - e. The identity of all parties to the contract;
 - f. The identity of all subcontractors in a contract;
 - g. The affiliate overall or total pricing for a vendor, contractor, potential vendor, or potential contractor;
 - h. The execution dates;
 - i. The effective dates; and
 - j. The contract duration terms, including any extension options; or
4. Information indicating whether a vendor, contractor, potential vendor, or potential contractor performed its duties under a contract, including information regarding a breach of contract, a contract variance or exception, a remedial action, an amendment to a contract, any assessed or paid liquidated

damages, a key measures report, a progress report, and a final payment checklist.

Gov't Code 552.0222(6)

- Agency Memoranda** An interagency or intraagency memorandum or letters that would not be available by law to a party in litigation with the agency is excepted from the requirements of the PIA. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000) (concluding that the deliberative process privilege, incorporated into the exception found at Government Code 552.111, exempts communications related to a governmental agency's policymaking)*
- Audit Working Paper** An audit working paper of an audit of the state auditor or the auditor of an institution of higher education is excepted from the requirements of the PIA. If information in an audit working paper is also maintained in another record, that other record is not excepted from the requirements of the PIA.
- "Audit working paper" includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including intra-agency and interagency communications and drafts of the audit report or portions of those drafts.
- Gov't Code 552.116*
- Contact Information** Information is excepted from the requirements of the PIA if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following persons, or that reveals whether the person has family members:
1. A current or former official or employee of a governmental body, except as otherwise provided by Government Code 552.024.
 2. A current or honorably retired peace officer as defined by Code of Criminal Procedure 2.12, regardless of whether the officer complies with Government Code 552.024 or 552.1175, as applicable.
 3. A commissioned security officer as defined by Occupations Code 1702.002, regardless of whether the officer complies with Sections 552.024 or 552.1175, as applicable.
 4. An elected public officer, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable.
 5. Other officials listed under Government Code 552.117.

Gov't Code 552.117 [For officer information that is confidential under Government Code 552.1175, see Section II: Information that is Confidential]

Photographs of
Peace Officers

A photograph that depicts a peace officer, as defined by Code of Criminal Procedure 2.12, the release of which would endanger the life or physical safety of the officer is excepted from the requirements of the PIA, unless:

1. The officer is under indictment or charged with an offense by information;
2. The officer is a party in a civil service hearing or a case in arbitration; or
3. The photograph is introduced as evidence in a judicial proceeding.

A photograph excepted from disclosure as described above may be made public only if the peace officer gives written consent to the disclosure.

Gov't Code 552.119

Test Items

Test items developed by a state-funded educational institution. A test item developed by a licensing agency or governmental body is excepted from the requirements of the PIA. *Gov't Code 552.122*

Rare Books and
Original
Manuscripts

A rare book or original manuscript that was not created or maintained in the conduct of official business of a governmental body and that is held by a private or public archival and manuscript repository for the purpose of historical research is excepted from the requirements of the PIA. *Gov't Code 552.120*

Documents Held for
Historical Research

An oral history interview, personal paper, unpublished letter, or organizational record of a nongovernmental entity that was not created or maintained in the conduct of official business of a governmental body and that is held by a private or public archival and manuscript repository for the purpose of historical research is excepted from the requirements of the PIA to the extent that the archival and manuscript repository and the donor of the interview, paper, letter, or record agree to limit disclosure of the item. *Gov't Code 552.121*

Chief Executive
Officer Applicants

The name of an applicant for the position of chief executive officer of an institution of higher education, and other information that would tend to identify the applicant, is excepted from the requirements of the PIA except that the governing board of the institution must give public notice of the name or names of the finalists being considered for the position at least 21 days before the date of the

meeting at which final action or a vote is to be taken on the employment of the person. *Gov't Code 552.123*

Motor Vehicle
Record Information

Information is excepted from the requirements of the PIA if the information relates to:

1. A motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;
2. A motor vehicle title or registration issued by an agency of this state or another state or country; or
3. A personal identification document issued by an agency of this state, or another state or country or a local agency authorized to issue an identification document.

Information described above may be released only if, and in the manner, authorized by Transportation Code Chapter 730 (the Motor Vehicle Records Disclosure Act).

Subject to Chapter 730, a governmental body may redact information described above from any information the governmental body discloses without the necessity of requesting a decision from the attorney general under Government Code Chapter 552, Subchapter G. If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

A governmental body that redacts or withholds information as described above shall provide the following information to the requestor on a form prescribed by the attorney general: a description of the redacted or withheld information; a citation to Government Code 552.130; and instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

Gov't Code 552.130

Commercial Book
or Publication

A governmental body is not required under the PIA to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the governmental body for research purposes if the book or publication is commercially available to the public. Although information in a book or publication may be made available to the public as a resource material, such as a library book, a governmental body is not required to make a copy of the information in response to a request for public

information. A governmental body shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the governmental body.
Gov't Code 552.027

Social Security
Numbers

The social security number of a living person is excepted from the requirements of the PIA, but is not confidential under Government Code 552.147 and this section does not make the social security number of a living person confidential under the PIA or other law. A governmental body may redact the social security number of a living person from any information the governmental body discloses under the PIA without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147(a)-(b)*

Donor Information

The name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education or to another person with the intent that the money or property be transferred to an institution of higher education is excepted from the requirements of the PIA. This provision does not except from required disclosure other information relating to the described gifts, grants, and donations, including the amount or value of an individual gift, grant, or donation. *Gov't Code 552.1235*

Safety and Security
Audit

Any document or information collected, developed, or produced during a safety and security audit conducted under Education Code 37.108(b) is not subject to disclosure under the PIA [see CG].

*Multihazard
Emergency
Operations Plan
Exception*

A document relating to a public junior college district's multihazard emergency operations plan [see CGC] is subject to disclosure if the document enables a person to:

1. Verify that the district has established a plan and determine the agencies involved in the development of the plan and the agencies coordinating with the district to respond to an emergency, including the Texas Department of State Health Services, local emergency services agencies, law enforcement agencies, health departments, and fire departments;
2. Verify that the district's plan was reviewed within the last 12 months and determine the specific review dates;
3. Verify that the plan addresses the five phases of emergency management under Education Code 37.108(a);
4. Verify that district employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;

5. Verify that each campus in the district has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;
6. Verify that the district has completed a safety and security audit under Education Code 37.108(b) and determine the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the district's board of trustees; and
7. Verify that the district has addressed any recommendations by the board for improvement of the plan and determine the district's progress within the last 12 months.

Education Code 37.108(c-1)–(c-2)

*Cybersecurity
Information*

A cyber threat indicator or defensive measure shared by or with a state, tribal, or local government under 6 U.S.C. 1503 shall be deemed voluntarily shared information and exempt from disclosure under any state or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring disclosure of information or records. 6 U.S.C. 1503(d)(4)(B)

A cyber threat indicator or defensive measure shared with the federal government under Title 6, United States Code, shall be:

1. Deemed voluntarily shared information and exempt from disclosure under federal public information law and any state or local provision of law requiring disclosure of information or records; and
2. Withheld, without discretion, from the public under federal public information law and any state or local provision of law requiring disclosure of information or records.

6 U.S.C. 1504(d)(3) [See CS]



Note: For additional legally referenced material relating to this subject matter, see GA(LEGAL). For information on employee expression on campus, see DGC. For information on student expression on campus, see FLA. For use of the college district's mail system, see CHE.

Prohibited Acts

An officer or employee of the state or of a political subdivision of the state, including a college district, who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the state or of a political subdivision of the state;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the state or of a political subdivision of the state;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

Civ. Prac. & Rem. Code 106.001(a)

First Amendment

A governmental entity, including a college district, shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the board for a redress of grievances. *U.S. Const. Amend. I, XIV*

Forum Analysis

Traditional Public Forum

A "traditional public forum" includes locations, such as sidewalks and parks, where members of the public have historically been permitted to gather and speak on any topic. *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788 (1985) An institution's property is not a traditional public forum, with the exception of sidewalks, streets, and parks that are indistinguishable from surrounding city property. *Widmar v. Vincent*, 454 U.S. 263 (1981); *Brister v. Faulkner*, 214 F.3d 675 (2000)

If an institution's property is deemed a traditional public forum, the entity may exclude particular content if that entity can assert a compelling governmental interest that is narrowly tailored to address that interest, a standard referred to as the "strict scrutiny" standard. The institution can also enforce viewpoint-neutral time, place, and manner restrictions to meet a compelling governmental

interest if a sufficient number of alternative communication channels are available. Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983)

Designated Public Forum

A "designated public forum" is a forum that a college or university intentionally opens to the general public to discuss matters of public concern. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985). Once designated, an institution may enforce reasonable time, place, and manner restrictions. Widmar v. Vincent, 454 U.S. 263 (1981). Any content limitations are subject to the strict scrutiny standard described above. Chiu v. Plano Indep. School Dist., 260 F.3d 330 (5th Cir. 2001)

Limited Public Forum

A "limited public forum" is a forum that an institution opens to a particular group of speakers or for discussion regarding a particular topic. Christian Legal Society v. Martinez, 130 S.Ct. 2971 (2010); Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819 (1995). Within a limited public forum, limits on expression must be viewpoint-neutral and reasonable in light of the purpose of the forum. The government may impose reasonable time, place, and manner restrictions, as long as these restrictions do not relate to the content of the expression. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

To distinguish between a designated public forum and a limited public forum, courts consider two factors: (1) the intent of the institution regarding the forum, and (2) the forum's nature and compatibility with particular speech. Justice for All v. Faulkner, 410 F.3d 760 (5th Cir. 2005); Chiu v. Plano Indep. School Dist., 260 F.3d 330 (5th Cir. 2001)

Nonpublic Forum

If an institution has not opened a public forum, it remains a "nonpublic forum." Although limits on expression must be reasonable and viewpoint neutral even within a nonpublic forum, an institution will have greater discretion to control the content of speech within such a forum. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

Time, Place, and Manner Restrictions

The mere dissemination of ideas on the campus of an institution of higher education may not be restricted on the basis of conventions of decency, regardless of how offensive those ideas are to good taste. However, an institution has the authority to enforce reasonable regulations as to the time, place, and manner of speech and its dissemination. Papish v. Bd. of Curators, 410 U.S. 667 (1973); Healy v. James, 408 U.S. 169 (1972)

**Protected
Expression on
Campus Under State
Law**

An institution of higher education, including a college district, shall:

1. Ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and
2. Permit any person to engage in expressive activities in those areas of the institution's campus freely, as long as the person's conduct is not unlawful, and does not materially and substantially disrupt the functioning of the institution.

Education Code 51.9315(c)

Education Code 51.9315(c) and (d) do not limit the right of student expression at other campus locations or prohibit faculty members from maintaining order in the classroom. *Education Code 51.9315(e)*

**Time, Place, and
Manner Restrictions**

An institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the institution's campus if those restrictions:

1. Are narrowly tailored to serve a significant institutional interest;
2. Employ clear, published, content-neutral, and viewpoint-neutral criteria;
3. Provide for ample alternative means of expression; and
4. Allow members of the university community to assemble or distribute written material without a permit or other permission from the institution.

Education Code 51.9315(d)

Policy Required

By August 1, 2020, each institution of higher education shall adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

1. Allow any person to, subject to reasonable restrictions adopted under Education Code 51.9315(d), engage in expressive activities on campus, including by responding to the expressive activities of others; and student organizations and faculty to, subject to Education Code 51.9315(h), invite speakers to speak on campus;
2. Establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;

3. Include a grievance procedure for addressing complaints of a violation of this section;
4. Be approved by a majority vote of the institution's governing board before final adoption; and
5. Be posted on the institution's internet website.

Education Code 51.9315(f)

Discrimination
Prohibited

An institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization. *Education Code 51.9315(g)*

Approval of
Speaker or
Determination of
Fee

In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education:

1. May consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
 - a. The proposed venue and the expected size of the audience;
 - b. Any anticipated need for campus security;
 - c. Any necessary accommodations; and
 - d. Any relevant history of compliance or noncompliance by the requesting student organization or faculty member with the institution's policy adopted under Education Code 51.9315(f) and any other relevant policies; and
2. May not consider any anticipated controversy related to the event.

Education Code 51.9315(h)

Employee
Awareness

Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section. *Education Code 51.9315(j)*

Publication

Each institution of higher education shall make the institution's policies adopted in accordance with this section available to students enrolled at and employees of the institution by including the policies in the institution's student handbook and personnel handbook,

	<p>providing a copy of each policy to students during the institution's freshman or transfer student orientation, and posting the policies on the institution's internet website. <i>Education Code 51.9315(i)</i></p>
Report	<p>Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section. <i>Education Code 51.9315(k)</i></p>
Fees for Use	<p>The governing board of each junior college district shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, use, or availability of all or any of its property, buildings, structures, activities, operations, or facilities, in such amounts and in such manner as may be determined by such board. <i>Education Code 130.123(c)</i></p>
Facilities as Polling Places	<p>The entity, including a college district, that owns or controls a public building shall make the building available for use as a polling place in any election that covers territory in which the building is located. If more than one authority requests the use of the building for the same day and simultaneous use is impractical, the entity that owns or controls the building shall determine which authority may use the building. <i>Election Code 43.031(c)</i></p> <p>No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, may be made for the use of a public building for a polling place if the day of the election is a day on which the building is normally open for business. If the day of an election is a day on which the building is not normally open for business, a charge may be made only for reimbursement of the actual expenses resulting from use of the building in the election. <i>Election Code 43.033(a)</i></p>
Electioneering	<p>"Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Election Code 172.1114. <i>Election Code 61.003(b)(1), 85.036(f)(2)</i></p>
During the Regular Voting Period	<p>A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.</p> <p>The entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit</p>

electioneering on the building's premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

Election Code 61.003(a)–(a-1)

*During Early
Voting*

During the time an early voting polling place is open for the conduct of early voting, a person may not electioneer for or against any candidate, measure, or political party in or within 100 feet of an outside door through which a voter may enter the building or structure in which the early voting polling place is located. A person commits an offense if the person electioneers in violation of this provision.

The entity that owns or controls a public building being used as an early voting polling place may not, at any time during the early voting period, prohibit electioneering on the building's premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

Election Code 85.036(a)–(b), (d)

**Political Party
Conventions**

No charge may be made for the use of a public building for a precinct, county, or senatorial district convention except for reimbursement for the actual expenses resulting from use of the building for the convention. The reimbursing authority is entitled to an itemized statement of expenses before making remittance. A person commits an offense if the person assesses a charge for the use of a public building for a precinct, county, or senatorial district convention in violation of this provision. *Election Code 174.0631*

Religious Services

This state or a political subdivision of this state, including a college district, may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief. *Tex. Const. Art. I, Sec. 6-a*

Places of Worship

A government agency, including a college district, or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state. "Place of worship" means a building or grounds where religious activities are conducted. *Civ. Prac. & Rem. Code 110.001(a), .0031*

**Search and Rescue
Dogs**

"Search and rescue dogs" mean canines that are trained or being trained to assist a nationally recognized search and rescue agency in search and rescue activities. *Health and Safety Code 785.001(4)*

Public Facility

The owner, manager, or operator of a public facility, or an employee or other agent of the owner, manager, or operator, may not deny a search and rescue dog admittance to the facility. The owner, manager, or operator of a public facility, or an employee or other agent of the owner, manager, or operator, may not deny a search and rescue dog's handler admittance to the facility because of the presence of the handler's search and rescue dog. The discrimination prohibited by this section includes:

1. Refusing to allow a search and rescue dog or the dog's handler to use or be admitted to a public facility;
2. A ruse or subterfuge calculated to prevent or discourage a search and rescue dog or the dog's handler from using or being admitted to a public facility; and
3. Failing to make a reasonable accommodation in a policy, practice, or procedure to allow a search and rescue dog or the dog's handler to be admitted to a public facility.

Health and Safety Code 785.002(a)–(b), (d)

Transportation

The owner, manager, or operator of a common carrier, airplane, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation operating within this state, or an employee or other agent of the owner, manager, or operator, may not:

1. Refuse to accept as a passenger a search and rescue dog or the dog's handler; or
2. Require the dog's handler to pay an additional fare because of the search and rescue dog.

Health and Safety Code 785.002(c)

Housing

A search and rescue dog's handler is entitled to full and equal access, in the same manner as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to any condition or limitation established by law that applies to all persons, except that the handler may not be required to pay an extra fee or charge or security deposit for the search and rescue dog. *Health and Safety Code 785.002(f)*

Handler

"Handler" means a person who handles a search and rescue dog and who is certified by the National Association for Search and Rescue or another state or nationally recognized search and rescue agency. *Health and Safety Code 785.001(1)*

Credentials

A person may ask a search and rescue dog handler to display proof that the handler is a person with a certification issued by the

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	<p>National Association for Search and Rescue or another state or nationally recognized search and rescue agency. <i>Health and Safety Code 785.005</i></p>
<i>Responsibilities</i>	<p>A handler who accompanies a search and rescue dog shall keep the dog properly harnessed or leashed. A person may maintain a cause of action against a dog's handler for personal injury, property damage, or death resulting from the failure of the dog's handler to properly harness or leash the dog under the same law applicable to other causes brought for the redress of injuries caused by animals. The handler of a search and rescue dog is liable for any property damage caused by the search and rescue dog to a public facility or to housing accommodations. <i>Health and Safety Code 785.004(a)–(b)</i></p>
Policy	<p>A policy relating to the use of a public facility by a designated class of persons from the general public may not prohibit the use of the particular public facility by a search and rescue dog or the dog's handler. <i>Health and Safety Code 785.002(e)</i></p>
Penalty	<p>A person who violates Health and Safety Code 785.002 commits an offense. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$300 or more than \$1,000. It is a defense to prosecution that the actor requested the search and rescue dog handler's credentials under Health and Safety Code 785.005 and the handler failed to provide the actor with the credentials. <i>Health and Safety Code 785.003</i></p>

Note: For information regarding required cybersecurity training for contractors, see GG.

Facilities

Dual Usage
Educational
Complex

The board of trustees of a junior college district may establish and operate a dual usage educational complex to provide a shared facility for the educational activities of the district and other participating entities.

The board of trustees may enter into a cooperative agreement governing the operation and use of the complex with the governing bodies of one or more of the following entities: a county, municipality, or school district located in whole or in part in the service area of the junior college district; or another institution of higher education with a campus or other educational facility located in the same state uniform service region as adopted by the Coordinating Board.

The junior college district shall coordinate and supervise the operation of the complex. The use and the costs associated with the establishment and operation of the complex shall be shared by the district and the other participating entities under the terms of the cooperative agreement.

Education Code 130.0103

Design or
Construction of an
Instructional or
Athletic Facility

An independent school district and an institution of higher education, including a college district, located wholly or partially in the boundaries of the county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design or construction of an instructional facility or a stadium or other athletic facilities owned by or under the control of the institution of higher education. A district may contribute district resources only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility.

One or more independent school districts and an institution of higher education may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility owned by or under the control of the institution of higher education. A district may contribute district resources only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility, including authorizing the enrollment of the district's students in courses offered at that facility.

Education Code 45.109(a-1)–(a-2)

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Use of Athletic
Facilities

Any independent school district, acting by and through its board of trustees, may contract with any institution of higher education located wholly or partially within its boundaries, for the use of any stadium and other athletic facilities owned by or under the control of the institution of higher education. The contract may be for any period not exceeding 75 years and may contain terms agreed on by the parties. *Education Code 45.109(a)*

College Courses in
School District
Facilities

The trustees of an independent school district located in a county contiguous to, but not a part of, a community college district and the governing board of the community college district may enter into a contract providing for the community college to hold college courses in the school district's facilities. The contract must be approved by resolution of the governing boards of the community college district and the school district.

For purposes of state funding, a course held in the school district facilities is considered to be a course held in the community college district if the course:

1. Has been approved by a regional higher education council recognized by rule of the Coordinating Board and in which the district has been designated a member by the Coordinating Board; and
2. Is approved by the Coordinating Board as an out-of-district course for the community college district.

Any statutory or regulatory requirement of local support of a community college program is satisfied by the school district providing its facilities without charge to the community college if the total community college enrollment in the school district does not exceed 1,000 full-time students, or the equivalent.

Either party may terminate a contract under this section by giving the other party at least one year's written notice.

Education Code 130.006

School District
Courses on College
District Campus

The board of trustees of a school district may operate a school or program or hold a class on the campus of an institution of higher education in this state, including a college district, if the board obtains written consent from the president or other chief executive officer of the institution.

The president or other chief executive officer of an institution of higher education may provide written consent to a board of trustees of a school district regardless of whether the institution is located within the boundaries of the school district.

Education Code 11.166

Reports of Academic Achievement

Each public two-year college shall report student performance as prescribed below to the high school or public two-year college last attended during the first year a student is enrolled after graduation from high school.

A student performance report includes initial assessment student test scores, as prescribed under 19 Administrative Code Chapter 4, Subchapter C (relating to the Texas Success Initiative (TSI)), descriptions of developmental education courses required, and individual student grade point averages.

Appropriate safeguards shall be implemented to ensure student privacy in these reports.

Education Code 51.403(e); 19 TAC 9.23

College Credit Program

Each school district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. On request, a public institution of higher education in this state, including a college district, shall assist the school district in developing and implementing a program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses described above.

A program implemented under the college credit program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree; and is approved by the Coordinating Board; and
2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

Education Code 28.009(a)-(a-1)

Dual Credit Course Limitations

A dual credit course offered under this section must be:

1. In the core curriculum of the public institution of higher education providing college credit;
2. A career and technical education course; or

3. A foreign language course.

This requirement does not apply to a dual credit course offered as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

Education Code 28.009(a-4)–(a-5)

Payment of Costs

A school district is not required to pay a student's tuition or other associated costs for taking a course under this section. *Education Code 28.009(a-2)*

Instructional Partnerships with Public Secondary Schools

Types of instructional partnerships between a public two-year college and a school district include:

1. Partnerships for award of high school credit only [see High School Credit-Only Courses, below].
2. Partnerships for award of concurrent course credit [see Dual Credit Programs, below].
3. Partnerships for tech-prep programs [see Tech-Prep Programs, below].
4. Partnerships for remedial or development instruction for high school graduates [see Remedial Programs, below].
5. Partnerships to develop and provide college preparatory courses for high school students [see College Prep Courses, below].

19 TAC 9.143

Agreements Required

Generally

For any instructional partnership between a secondary school and a public two-year college, an agreement must be approved by the governing boards of both the public school district or private secondary school and the public two-year college prior to the offering of courses. Any partnership agreement must address the following elements:

1. Student eligibility requirements;
2. Faculty qualifications;
3. Location and student composition of classes;
4. Provision of student learning and support services;
5. Eligible courses;
6. Grading criteria;

7. Transcribing of credit; and

8. Funding provisions.

19 TAC 9.144

*Dual Credit
Agreements*

For any dual credit partnership between a secondary school and a public college, an agreement must be approved by the governing boards or designated authorities (e.g., principal and chief academic officer) of both the public school district or private secondary school and the public college prior to the offering of such courses.

Any agreement entered into or renewed between a public institution of higher education and public school district on or after September 1, 2021, including a memorandum of understanding or articulation agreement, must:

1. Include specific program goals aligned with the statewide goals developed under Education Code 28.009(b-1);
2. Establish common advising strategies and terminology related to dual credit and college readiness;
3. Provide for the alignment of endorsements described by Education Code 28.025(c-1) offered by the school district, and dual credit courses offered under the agreement that apply towards those endorsements, with postsecondary pathways and credentials at the institution and industry certifications;
4. Identify tools, including tools developed by the Texas Education Agency (TEA), the Coordinating Board, or the Texas Workforce Commission (TWC), to assist counselors, students, and families in selecting endorsements offered by the district and dual credit courses offered under the agreement;
5. Establish, or provide a procedure for establishing, the course credits that may be earned under the agreement, including developing a course equivalency crosswalk or other method for equating high school courses with college courses and identifying the number of credits that may be earned for each course completed through the program;
6. Describe the academic supports and, if applicable, guidance that will be provided to students participating in the program;
7. Establish the institution of higher education's and the school district's respective roles and responsibilities in providing the program and ensuring the quality and instructional rigor of the program;

8. State the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees or textbooks for students participating in the program;
9. Require the school district and the institution to consider the use of free or low-cost open educational resources in courses offered under the program;
10. Designate at least one employee of the school district or institution as responsible for providing academic advising to a student who enrolls in a dual credit course under the program before the student begins the course; and
11. Be posted each year on the institution of higher education's and the school district's respective internet websites.

Any dual credit partnership must address the following elements:

1. Eligible courses;
2. Student eligibility;
3. Location of class;
4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and grading;
7. Academic policies and student support services;
8. Transcribing of credit;
9. Funding; and
10. Defined sequences of courses, where applicable.

Education Code 28.009(b-2); 19 TAC 4.84

High School Credit-
Only Courses

Public two-year colleges may contract to provide instruction for public secondary schools. An agreement between the public two-year college and the public secondary school must be approved by both governing boards.

Provision of instruction for public secondary schools by public two-year colleges must be in accordance with rules and guidelines established by the State Board of Education. Instruction provided under a contractual agreement may include only coursework necessary for students to complete high school. It does not apply to early admission programs for high school students entering college.

19 TAC 9.125(a), (b)(2), .143(a)

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<i>Instructors</i>	Instructors in contract programs with public secondary schools must meet qualifications required by the public two-year college as well as the minimum guidelines approved by the State Board of Education. <i>19 TAC 9.125(b)(1)</i>
<i>Funding</i>	Funding for this type of instruction must flow to the public secondary school as the contracting agency. An agreed cost for instruction must be negotiated between the public two-year college and the public secondary school. <i>19 TAC 9.125(b)(3)</i>
Dual Credit Programs	<p>Under an agreement with a school district or, in the case of a private high school, with the organization or other person that operates the high school, a public junior college may offer a course in which a student attending a high school operated in this state by the school district, organization, or other person may enroll and for which the student may simultaneously receive both:</p> <ol style="list-style-type: none">1. Course credit toward the student's high school academic requirements; and2. Course credit as a student of the junior college, if the student has been admitted to the college district or becomes eligible to enroll in and is subsequently admitted to the junior college. <p>A public junior college may enter into an agreement with a school district, organization, or other person that operates a high school to offer a course as provided by this section regardless of whether the high school is located within the service area of the junior college district. A public junior college with a service area located wholly or partly in a county with a population of more than three million shall enter into an agreement with each school district located wholly or partly in a county with a population of more than three million to offer one or more courses as provided by Education Code 130.008. A student enrolled in a school district to which this provision applies may enroll in a course at any junior college that has entered into an agreement with the district to offer the course under this provision.</p> <p><i>Education Code 130.008(a), (d), (g-1)</i></p>
<i>Student Eligibility Requirements</i>	In admitting or enrolling high school students in a course offered for joint high school and junior college credit, a public junior college must apply the same criteria and conditions to each student wishing to enroll in the course without regard to whether the student attends a public school or a private or parochial school, including a home school. For purposes of this section, a student who attends a school that is not formally organized as a high school and is at least 16 years of age is considered to be attending a high school.

To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college's regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

A high school student is eligible to enroll in academic dual credit courses if the student:

1. Demonstrates college readiness by achieving the minimum passing standards under the provisions of the TSI [see EI] on relevant section(s) of an assessment instrument approved by the Coordinating Board; or
2. Demonstrates that he or she is exempt under the provisions of the TSI.

A high school student is also eligible to enroll in academic dual credit courses that require demonstration of TSI college readiness in reading, writing, and/or mathematics under any of the following conditions:

1. Courses that require demonstration of TSI college readiness in reading and/or writing:
 - a. If the student achieves a Level 2 final recommended score, as defined by TEA, on the English II State of Texas Assessment of Academic Readiness End of Course (STAAR EOC); or
 - b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the reading test on a PSAT/NMSQT exam administered prior to October 15, 2015; or
 - (2) A score of 460 on the evidence-based reading and writing (EBRW) test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
 - c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in English or an English score of 435 on the ACT-Aspire.
2. Courses that require demonstration of TSI college readiness in mathematics:

- a. If the student achieves a minimum score of 4000, on the Algebra I STAAR EOC and passing grade in the Algebra II course; or
- b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the mathematics test on a PSAT/NMSQT exam administered prior to October 15, 2015; or
 - (2) A score of 510 on the mathematics test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
- c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics or a mathematics score of 431 on the ACT-Aspire.

Education Code 130.008(e); 19 TAC 4.85(b)(1)–(2), (5)–(6)

Workforce
Education Level
1 Certificate
Program or Less

A high school student is eligible to enroll in workforce education dual credit courses contained in a postsecondary Level 1 certificate program, or a program leading to a credential of less than a Level 1 certificate, at a public junior college or public technical institute and shall not be required to provide demonstration of college readiness or dual credit enrollment eligibility. *19 TAC 4.85(b)(3)*

Workforce
Education Level
2 Certificate or
Applied
Associate
Degree Program

A high school student is eligible to enroll in workforce education dual credit courses contained in a postsecondary Level 2 certificate or applied associate degree program under the following conditions:

1. Courses that require demonstration of TSI college readiness in reading and/or writing:
 - a. If the student achieves a minimum score of 4000 on the English II STAAR EOC; or
 - b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the reading test on a PSAT/NMSQT exam administered prior to October 15, 2015; or

- (2) A score of 460 on the evidence-based reading and writing (EBRW) test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
 - c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in English or an English score of 435 on the ACT-Aspire.
2. Courses that require demonstration of TSI college readiness in mathematics:
 - a. If the student achieves a minimum score of 4000 on the Algebra I STAAR EOC and passing grade in the Algebra II course; or
 - b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the mathematics test on a PSAT/NMSQT exam administered prior to October 15, 2015; or
 - (2) A score of 510 on the mathematics test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
 - c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics or a mathematics score of 431 on the ACT-Aspire.

A student who is exempt from taking STAAR EOC assessments may be otherwise evaluated by an institution to determine eligibility for enrolling in workforce education dual credit courses.

19 TAC 4.85(b)(4)

**Additional
Eligibility
Requirements**

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with 19 Administrative Code 4.85. *19 TAC 4.85(b)(7)*

**Faculty
Qualifications**

The college shall select instructors of dual credit courses. A course offered for joint high school and junior college credit under this section must be taught by a qualified instructor approved or selected by the public junior college. An instructor is qualified if the instructor holds:

1. A doctoral or master's degree in the discipline that is the subject of the course;

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2. A master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course; or
3. For a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:
 - a. A degree described by item 1 or 2 above;
 - b. A baccalaureate degree in the discipline that is the subject of the course; or
 - c. An associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the Coordinating Board.

These instructors must meet the same standards, including minimal requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), and approval procedures used by the college to select faculty responsible for teaching the same courses at the main campus of the college.

Education Code 130.008(g); 19 TAC 4.85(e)(1)

*Application
Approval*

Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed by the school district, organization, or other person that operates the high school with which the junior college entered into an agreement under this section to offer the course. *Education Code 130.008(h)*

*Supervision and
Evaluation of
Faculty*

The college shall supervise and evaluate instructors of dual credit courses using the same or comparable procedures used for faculty at the main campus of the college. *19 TAC 4.85(e)(2)*

*Location and
Course
Composition*

Dual credit courses may be taught on the college campus or on the high school campus. For dual credit courses taught exclusively to high school students on the high school campus and for dual credit courses taught electronically, public colleges shall comply with applicable rules and procedures for offering courses at a distance in 19 Administrative Code Chapter 4, Subchapters P and Q of this chapter (relating to Approval of Distance Education Courses and Programs for Public Institutions and Approval of Off-Campus and Self-Supporting Courses and Programs for Public Institutions). In addition, dual credit courses taught electronically shall comply with the board's adopted Principles of Good Practice for Courses Offered Electronically. [See EBA and EBB] *19 TAC 4.85(c); 19 TAC 4.255-.264, .270-.279*

Dual credit courses may be composed of dual credit students only or of dual and college credit students. Notwithstanding the requirements of 19 Administrative Code 4.85(e), exceptions for a mixed class that combines college credit and high school credit-only students, may be allowed only when the creation of a high school credit-only class is not financially viable for the high school and only under one of the following conditions:

1. If the course involved is required for completion under the State Board of Education high school program graduation requirements, and the high school involved is otherwise unable to offer such a course;
2. If the high school credit-only students are College Board Advanced Placement or International Baccalaureate students; or
3. If the course is a career and technical/college workforce education course and the high school credit-only students are eligible to earn articulated college credit. "Articulated College Credit" is credit earned through a high school-level course that fulfills specific requirements of an identified college-level course and provides a pathway for high school students to earn credit toward a technical certificate or technical degree at a partnering institution of higher education.

19 TAC 4.83(1), .85(d)

Student Services

Students in dual credit courses must be eligible to utilize the same or comparable support services that are afforded college students on the main campus. The college is responsible for ensuring timely and efficient access to such services (e.g., academic advising and counseling), to learning materials (e.g., library resources), and to other benefits for which the student may be eligible. 19 TAC 4.85(g)(2)

Eligible Courses

A college course offered for dual credit must be:

1. In the core curriculum of the public institution of higher education providing the credit;
2. A career and technical education course; or
3. A foreign language course.

This provision does not apply to a college course for dual credit offered as part of an approved early college education program established under Education Code 29.908 or an early college program as defined in 19 Administrative Code Chapter 4, Subchapter D. Any college course for dual credit offered as part of an early col-

lege program must be a core curriculum course of the public institution of higher education providing the credit, a career and technical education course, a foreign language course, or a course that satisfies specific degree plan requirements leading to the completion of a board-approved certificate, AA, AS, AAS degree program, Field of Study Curriculum (FOSC), or Program of Study Curriculum (POSC).

Courses offered for dual credit by public two-year associate degree granting institutions must be identified as college-level academic courses in the current edition of the Lower Division Academic Course Guide Manual adopted by the Coordinating Board or as college-level workforce education courses in the current edition of the Workforce Education Course Manual adopted by the Coordinating Board.

Public colleges may not offer remedial and developmental courses for dual credit.

The college shall ensure that a dual credit course and the corresponding course offered at the main campus of the college are equivalent with respect to the curriculum, materials, instruction, and method/rigor of student evaluation. These standards must be upheld regardless of the student composition of the class.

Education Code 130.008(a-1)-(a-2); 19 TAC 4.85(a)(1), (3)-(4), (f)

Academic
Policies and
Transcripts

Regular academic policies applicable to courses taught at the college's main campus must also apply to dual credit courses. These policies could include the appeal process for disputed grades, drop policy, the communication of grading policy to students, when the syllabus must be distributed, etc.

For dual credit courses, high school as well as college credit should be transcribed immediately upon a student's completion of the performance required in the course.

19 TAC 4.85(g)(1), (h)

Tuition and State
Funding

The junior college may waive all or part of the tuition and fees for a high school student enrolled in a course for which the student may receive joint credit.

The contact hours attributable to the enrollment of a high school student in a course offered for joint high school and junior college credit, excluding a course for which the student attending high school may receive course credit toward the physical education curriculum requirement under Education Code 28.002(a)(2)(C), shall be included in the contact hours used to determine the junior college's proportionate share of the state money appropriated and

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distributed to public junior colleges under Education Code 130.003 and 130.0031, even if the junior college waives all or part of the tuition or fees for the student. The college may only claim funding for students earning college credit in core curriculum, field of study curriculum, career and technical education, and foreign language dual credit courses.

The funding provisions of 19 Administrative Code 4.85(i) do not apply to students enrolled in approved early college high school programs under Education Code 29.908.

Education Code 130.008(b)-(c); 19 TAC 4.85(i)

No Requirement

An institution is not required, under the provisions of 19 Administrative Code 4.85, to offer dual credit courses for high school students. *19 TAC 4.85(b)(8)*

Tech-Prep
Programs

Public two-year colleges may partner with school districts to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit to be awarded upon enrollment of the students in the two-year college in an associate degree or certificate program. *19 TAC 9.143(c)*

Remedial Programs

As outlined in 19 Administrative Code 9.125 [see High School Credit-Only Courses, above], the governing board of a junior college district may contract with the governing board of an independent school district in the junior college district's service area for the junior college to provide remedial programs for students enrolled in secondary schools in the independent school district in preparation for graduation from secondary school and entrance into college. The governing board of a junior college district located wholly or partly in a county with a population of more than three million may contract to provide remedial programs described above with the governing board of any independent school district located wholly or partly in a county with a population of more than three million.

High school students who have passed all sections of the STAAR EOC assessments with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a college at the college discretion if a need for such coursework is indicated by student performance on an assessment instrument approved by the Coordinating Board.

Remedial and developmental courses may not be offered for dual credit.

Education Code 130.090(a)-(a-1); 19 TAC 9.143(d), .146(a)-(c)

*Tuition and
Funding*

The governing board of a junior college district may exempt from tuition a student enrolled in a remedial program.

Remedial courses provided for students enrolled in public secondary schools in preparation for graduation from high school are not eligible for state appropriations.

Education Code 130.090(b)–(d); 19 TAC 9.146(d)

College Prep
Courses

Each school district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the 12th grade level whose performance on:
 - a. An end-of-course assessment instrument required under Section 39.023(c) does not meet college readiness standards; or
 - b. Coursework, a college entrance examination, or an assessment instrument designated under Section 51.3062(c) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

College preparatory courses are not developmental education courses contained in the Lower Division Academic Course Guide Manual (ACGM). College preparatory courses are locally developed through a memorandum of understanding created between school districts and public two-year colleges.

Education Code 28.014(a); 19 TAC 9.147(a)–(b)

Course Location

A course developed under this section must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the school district partners. *Education Code 28.014(b)*

*Course
Development*

Appropriate faculty of each high school offering courses under this section and appropriate faculty of each institution of higher education with which the school district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

Each school district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course developed under this

RELATIONS WITH SCHOOLS AND DISTRICTS

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(LEGAL)

section consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

Education Code 28.014(c), (g)

*Credit May Be
Awarded*

A course provided under this section may be offered for dual credit at the discretion of the institution of higher education with which a school district partners. *Education Code 28.014(f)*

Funding

College preparatory courses are not eligible for state appropriations through two-year college formula funding. *19 TAC 9.147(c)*

**Workforce
Continuing
Education**

A public junior college may offer, or may enter into an agreement with a school district, organization, or other person that operates a high school to offer, workforce continuing education courses other than learning framework courses, basic employability courses, and basic learning skills courses to a person who:

1. Is enrolled in high school on the completion of the person's sophomore year;
2. Is enrolled in a school that is not formally organized as a high school and is at least 16 years of age; or
3. Is attending high school while incarcerated, is at least 16 years of age, and is not eligible for release from incarceration before the person's 18th birthday.

This section does not prohibit a public junior college from offering community interest continuing education courses using local funds.

Education Code 130.303; 19 TAC 9.114(c) [See EFAB for general workforce continuing education]

Funding

Notwithstanding Education Code 130.003 or any other law, contact hours attributable to the enrollment of a student in a workforce continuing education course offered by a public junior college shall be included in the contact hours used to determine the college's proportionate share of state money appropriated and distributed to public junior colleges under Education Code 130.003 and 130.0031, regardless of whether the college waives all or part of the tuition or fees for the course under Education Code 130.304. *Education Code 130.302*

*Waiver of Tuition
and Fees*

A public junior college may waive all or part of the tuition or fees charged to a student for a workforce continuing education course only if:

1. The student:

- a. Is enrolled in high school or in a school that is not formally organized as a high school;
 - b. Is 16 years of age or older, who has had the disabilities of minority removed, and is not enrolled in secondary education; or
 - c. Is under the age of 18 and is incarcerated; or
2. The institution:
- a. Determines all or a significant portion of the college's costs for facilities, instructor salaries, equipment, and other expenses for the course are covered by business, industry, or other local public or private entities; or
 - b. Offers the course in a federal correctional facility and the facilities, equipment, supplies, and other expenses for the course are funded by the federal government.

Education Code 130.304; 19 TAC 9.116

Definitions

Adult

"Adult" means a person who:

1. Has completed the person's sophomore year of high school;
2. Is 17 years of age and has been awarded a high school diploma or its equivalent; or
3. Is 18 years of age or older, regardless of the person's previous educational experience.

Education Code 130.301(1); 19 TAC 9.113(1)

Avocational Course

"Avocational course" means a course of study in a subject or activity that is usually engaged in by a person in addition to the person's regular work or profession for recreation or in relation to a hobby. The term includes a community interest course. *Education Code 130.301(2); 19 TAC 9.113(2)*

Workforce Continuing Education

"Workforce continuing education" means a program of instruction that is designed primarily for adults and is intended, on completion by a participant, to prepare the participant to qualify to apply for and accept an employment offer or a job upgrade within a specific occupational category or to bring the participant's knowledge or skills up to date on new developments in a particular occupation or profession. *Education Code 130.301(4); 19 TAC 9.113(8)*

Workforce Continuing Education Course

"Workforce continuing education course" means a course of instruction in workforce continuing education that is approved by the Coordinating Board. The term does not include an avocational course. *Education Code 130.301(1); 19 TAC 9.113(9)*

**Dropout Recovery
Partnership
Programs**

A public junior college may enter into an articulation agreement to partner with one or more school districts located in the public junior college district to provide on the campus of the public junior college a dropout recovery program for eligible students to successfully complete and receive a diploma from a high school of the appropriate partnering school district in accordance with Education Code 29.402. A public junior college with a service area located wholly or partly in a county with a population of more than three million may enter into an articulation agreement described by Section 29.402(a) with any school district located wholly or partly in a county with a population of more than three million.

A public junior college under this section may partner with a public technical institute, as defined by Education Code 61.003, to provide, as part of the dropout recovery program curriculum, career and technology education courses that lead to industry or career certification.

Education Code 29.402(a)-(a-1), (c-1)

Financing

A public junior college may receive from each partnering school district for each student from that school district enrolled in a dropout recovery program under this section an amount negotiated between the junior college and that partnering district not to exceed the total average per student funding amount in that school district during the preceding school year for maintenance and operations, including state and local funding, but excluding money from the available school fund.

A public technical institute may receive from a partnering public junior college for each student enrolled in a career and technology education course as provided by Education Code 29.402(c-1), above, an amount negotiated between the public technical institute and the partnering public junior college.

To the extent consistent with the General Appropriations Act, a public junior college is eligible to receive dropout prevention and intervention program funds appropriated to the agency.

A public junior college may receive gifts, grants, and donations to use for the purposes of this section.

Education Code 29.403-.404

**Higher Education
Assistance Plans**

The institution of higher education, including a college district, in closest geographic proximity to a public high school in this state identified by the Coordinating Board for purposes of this section as substantially below the state average in the number of graduates who enroll in higher education institutions shall enter into an agree-

ment with that high school to develop a plan to increase the number of students from that high school enrolling in higher education institutions. Under the plan, the institution shall:

1. Collaborate with the high school to:
 - a. Provide to prospective students information related to enrollment in an institution of higher education or a private or independent institution of higher education, including admissions, testing, and financial aid information;
 - b. Assist those prospective students in completing applications and testing related to enrollment in those institutions, including admissions and financial aid applications, and fulfilling testing requirements; and
 - c. Target efforts to increase the number of Hispanic students and African-American male students enrolled in higher education institutions; and
2. Actively engage with local school districts to provide access to rigorous, high-quality dual credit opportunities for qualified high school students as needed.

An institution of higher education must include a plan developed by the institution under this section and the results of that plan in its annual report to the Coordinating Board under Education Code 51.4032.

Education Code 51.810(b)–(c)

**Early College High
Schools**

The commissioner of education shall establish and administer an early college education program for students who are at risk of dropping out of school or who wish to accelerate completion of the high school program. The program must:

1. Provide for a course of study that enables a participating student to combine high school courses and college-level courses during grade levels 9 through 12;
2. Allow a participating student to complete high school and, on or before the fifth anniversary of the date of the student's first day of high school, receive a high school diploma and either an associate degree or at least 60 semester credit hours toward a baccalaureate degree;
3. Include articulation agreements with colleges, universities, and technical schools in this state to provide a participating student access to postsecondary educational and training opportunities at a college, university or technical school; and

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4. Provide a participating student flexibility in class scheduling and academic mentoring.

Education Code 29.908; 19 TAC 4.151, 102.1095

P-TECH Programs

The commissioner of education shall establish and administer, in accordance with Education Code Chapter 29, Subchapter N, a Pathways in Technology Early College High School (P-TECH) program for students who wish to participate in a work-based education program. The P-TECH program must:

1. Be open enrollment;
2. Provide for a course of study that enables a participating student in grade levels 9 through 12 to combine high school courses and postsecondary courses;
3. Allow a participating student to complete high school and, on or before the sixth anniversary of the date of the student's first day of high school receive a high school diploma and an associate degree, a two-year postsecondary certificate, or industry certification; and complete work-based training through an internship, apprenticeship, or other job training program;
4. Include:
 - a. Articulation agreements with institutions of higher education in this state to provide a participating student access to postsecondary educational and training opportunities at an institution of higher education; and
 - b. Memoranda of understanding with regional industry or business partners in this state to provide a participating student access to work-based training and education; and
5. Provide a participating student flexibility in class scheduling and academic mentoring.

Education Code 29.553(a)–(b); 19 TAC 102.1095

13. **Consider Approval of Additional Contracts 2022-2023**



Robert J. Exley, PhD
President

Your College **Right Now**

MEMORANDUM NO: 105-2022

TO: Board of Regents
FROM: Robert J. Exley, PhD *RJE*
DATE: July 1, 2022
SUBJECT: Additional Contract Recommendations 2022-23

ANNUAL FACULTY CONTRACTS

Listed below are two additional faculty members currently employed in an annual contractual position, but not submitted for approval at the May meeting. These appointments may be impacted by the need to reduce financial expenditures if the College faces a situation of financial exigency. (Board of Regents Policy Manual, Section 13.14)

1 Kenneth Leroy Brigman Welding

2 Kevin Rogers Law Enforcement

It is recommended that the faculty contracts be approved by the Board of Regents to receive an annual appointment for the 2022-23 academic year.

RJE:tg

14. **Consider Approval of Upward Bound Grant**



Robert J. Exley, PhD
President

Your College  Right Now

MEMORANDUM NO: 93-2022

TO: Board of Regents
FROM: Robert J. Exley, PhD 
DATE: June 7, 2022
SUBJECT: Grant – Upward Bound Program Grant

ACC was awarded a 5-year renewal of the Upward Bound Program grant by the U.S. Department of Education.

This award begins on September 1, 2022 and ends on August 31, 2027.

The federal allocation is \$1,562,400.00 for the entire 5-year grant period (\$312,480.00 annually).

Upward Bound serves Alvin High School students who are most at need of support to help them complete High School and enroll in post-secondary education.

It is recommended the Board of Regents approve acceptance of the Upward Bound Grant for the period of September 1, 2022 through August 31, 2027.

RJE:tg



**US Department of Education
Washington, D.C. 20202**

P047A220229

GRANT AWARD NOTIFICATION

1 RECIPIENT NAME Alvin Community College Student Services 3110 Mustang Road Alvin, TX 77511	2 AWARD INFORMATION PR/AWARD NUMBER P047A220229 ACTION NUMBER 1 ACTION TYPE New AWARD TYPE Discretionary															
3 PROJECT STAFF RECIPIENT PROJECT DIRECTOR Yolanda Warren (281) 756-3604 ywarren@alvincollege.edu EDUCATION PROGRAM CONTACT Tara Lawrence (202) 260-1475 Tara.Lawrence@ed.gov EDUCATION PAYMENT HOTLINE G5 PAYEE HELPDESK 888-336-8930 obsessed@servicenowservices.com	4 PROJECT TITLE 84.047A Alvin Community College Upward Bound Project															
5 KEY PERSONNEL <table border="0"> <thead> <tr> <th><u>NAME</u></th> <th><u>TITLE</u></th> <th><u>LEVEL OF EFFORT</u></th> </tr> </thead> <tbody> <tr> <td>Yolanda Warren</td> <td>Project Director</td> <td>0 %</td> </tr> </tbody> </table>		<u>NAME</u>	<u>TITLE</u>	<u>LEVEL OF EFFORT</u>	Yolanda Warren	Project Director	0 %									
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6 AWARD PERIODS BUDGET PERIOD 09/01/2022 - 08/31/2023 PERFORMANCE PERIOD 09/01/2022 - 08/31/2027 FUTURE BUDGET PERIODS <table border="0"> <thead> <tr> <th><u>BUDGET PERIOD</u></th> <th><u>DATE</u></th> <th><u>AMOUNT</u></th> </tr> </thead> <tbody> <tr> <td>2</td> <td>09/01/2023 - 08/31/2024</td> <td>\$312,480.00</td> </tr> <tr> <td>3</td> <td>09/01/2024 - 08/31/2025</td> <td>\$312,480.00</td> </tr> <tr> <td>4</td> <td>09/01/2025 - 08/31/2026</td> <td>\$312,480.00</td> </tr> <tr> <td>5</td> <td>09/01/2026 - 08/31/2027</td> <td>\$312,480.00</td> </tr> </tbody> </table>		<u>BUDGET PERIOD</u>	<u>DATE</u>	<u>AMOUNT</u>	2	09/01/2023 - 08/31/2024	\$312,480.00	3	09/01/2024 - 08/31/2025	\$312,480.00	4	09/01/2025 - 08/31/2026	\$312,480.00	5	09/01/2026 - 08/31/2027	\$312,480.00
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7 AUTHORIZED FUNDING <table border="0"> <tbody> <tr> <td> THIS ACTION</td> <td>\$312,480.00</td> </tr> <tr> <td> BUDGET PERIOD</td> <td>\$312,480.00</td> </tr> <tr> <td> PERFORMANCE PERIOD</td> <td>\$312,480.00</td> </tr> </tbody> </table>		THIS ACTION	\$312,480.00	BUDGET PERIOD	\$312,480.00	PERFORMANCE PERIOD	\$312,480.00									
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8 ADMINISTRATIVE INFORMATION UEI/SSN X8J2BXH5SEZ3 REGULATIONS CFR PART 645 EDGAR AS APPLICABLE 2 CFR AS APPLICABLE ATTACHMENTS 2 , 3 , 6 , 8 , 9 , 11 , 12 , 13 , 14 , B OPE-3 , GE1 , GE2 , GE3 , GE4 , GE5																
9 LEGISLATIVE AND FISCAL DATA AUTHORITY: PL 102-325 IV HIGHER EDUCATION ACT OF 1965, AS AMENDED PROGRAM TITLE: TRIO - UPWARD BOUND CFDA/SUBPROGRAM NO: 84.047A																



**US Department of Education
Washington, D.C. 20202**

P047A220229

GRANT AWARD NOTIFICATION

FUND CODE	FUNDING YEAR	AWARD YEAR	ORG. CODE	CATEGORY	LIMITATION	ACTIVITY	CFDA	OBJECT CLASS	AMOUNT
0201A	2022	2022	EP000000	B	J07	000	047	4101C	\$312,480.00

10

PR/AWARD NUMBER: P047A220229
 RECIPIENT NAME: Alvin Community College
 Student Services
 PARTICIPANT NUMBER: 0
 GRANTEE NAME: ALVIN COMMUNITY COLLEGE
 3110 MUSTANG RD,
 ALVIN, TX 77511 - 4807
 PROGRAM INDIRECT COST TYPE: Training
 PROJECT INDIRECT COST RATE: 8%

TERMS AND CONDITIONS

(1) THE FOLLOWING ITEMS ARE INCORPORATED IN THE GRANT AGREEMENT:

- 1) THE RECIPIENT'S APPLICATION (BLOCK 2);
- 2) THE APPLICABLE EDUCATION DEPARTMENT REGULATIONS: 2 CFR PART 180; NONPROCUREMENT DEBARMENT AND SUSPENSION AS ADOPTED AT 2 CFR PART 3485; 2 CFR PART 200 AS ADOPTED AT 2 CFR 3474 (BLOCK 8), AND 34 CFR PARTS 75, 77, 79, 81, 82, 84, 86, 97, 98, 99; AND THE PROGRAM REGULATIONS SPECIFIED IN BLOCK 8; AND
- 3) THE SPECIAL TERMS AND CONDITIONS SHOWN AS ATTACHMENTS IN BLOCK 8 ON THE INITIAL AWARD APPLY UNTIL CHANGED.

THIS AWARD SUPPORTS ONLY THE BUDGET PERIOD SHOWN IN BLOCK 6. IN ACCORDANCE WITH 34 CFR 75.253, THE SECRETARY CONSIDERS, AMONG OTHER THINGS, CONTINUED FUNDING IF:

- 1) CONGRESS HAS APPROPRIATED SUFFICIENT FUNDS UNDER THE PROGRAM;
- 2) THE DEPARTMENT DETERMINES THAT CONTINUING THE PROJECT WOULD BE IN THE BEST INTEREST OF THE GOVERNMENT;
- 3) THE GRANTEE HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THE GOALS AND OBJECTIVES OF THE PROJECT;
- 4) THE SECRETARY ESTABLISHED PERFORMANCE MEASUREMENT REQUIREMENTS FOR THE GRANT IN THE APPLICATION NOTICE, THE PERFORMANCE TARGETS IN THE GRANTEE'S APPROVED APPLICATION;
- 5) THE RECIPIENT HAS SUBMITTED REPORTS OF PROJECT PERFORMANCE AND BUDGET EXPENDITURES THAT MEET THE REPORTING REQUIREMENTS FOUND AT 34 CFR 75.118, 2 CFR 200.328 AND 200.329, AND ANY OTHER REPORTING REQUIREMENTS ESTABLISHED BY THE SECRETARY; AND
- 6) THE GRANTEE HAS MAINTAINED FINANCIAL AND ADMINISTRATIVE MANAGEMENT SYSTEMS THAT MEET THE REQUIREMENTS IN 2 CFR 200.302, FINANCIAL MANAGEMENT, AND 2 CFR 200.303, INTERNAL CONTROLS.

IN ACCORDANCE WITH 2 CFR 200.308(c)(2) CHANGES TO KEY PERSONNEL IDENTIFIED IN BLOCK 5 MUST RECEIVE PRIOR APPROVAL FROM THE DEPARTMENT.

THE SECRETARY ANTICIPATES FUTURE FUNDING FOR THIS AWARD ACCORDING TO THE SCHEDULE IDENTIFIED IN BLOCK 6. THESE FIGURES ARE ESTIMATES ONLY AND DO NOT BIND THE SECRETARY TO FUNDING THE AWARD FOR THESE PERIODS OR FOR THE SPECIFIC AMOUNTS SHOWN. THE RECIPIENT WILL BE NOTIFIED OF SPECIFIC FUTURE FUNDING ACTIONS THAT THE SECRETARY TAKES FOR THIS AWARD.



US Department of Education
Washington, D.C. 20202

P047A220229

GRANT AWARD NOTIFICATION

- (2) The Office of Management and Budget requires all Federal agencies to assign a Federal Award Identifying Number (FAIN) to each of their financial assistance awards. The PR/AWARD NUMBER identified in Block 2 is your FAIN. If subawards are permitted under this grant, and you choose to make subawards, you must document the assigned PR/AWARD NUMBER (FAIN) identified in Block 2 of this Grant Award Notification on each subaward made under this grant. The term subaward means:
1. A legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient. (See 2 CFR 200.331(a))
 2. The term does not include your procurement of property and services needed to carry out the project or program (The payments received for goods or services provided as a contractor are not Federal awards, see 2 CFR 200.501(f) of the OMB Uniform Guidance: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards").
 3. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract. (See 2 CFR 200.1)
- (3) Unless this grant solely funds research, you must comply with new regulations regarding awards to faith-based organizations (FBOs) that provide beneficiary services under this grant or under a contract you award to provide beneficiary services under this grant. These new regulations clarify the rights of FBOs and impose certain duties on FBOs regarding the referral of beneficiaries they serve. See 34 CFR 75.52, 75.712-75.714, appendix A to part 75, and 2 CFR 3474.15. The Department has established a web page that provides guidance on the new regulations, including FAQs and other implementation tools, which is available at <http://www2.ed.gov/policy/fund/reg/fbci-reg.html>. If you have any questions about these regulations, please contact the Education Program Contact identified in Block 3 of this GAN.
- (4) Reimbursement of indirect costs is subject to the availability of funds and statutory and regulatory restrictions. The negotiated indirect cost rate agreement authorizes a non-Federal entity to draw down indirect costs from the grant awards. The following conditions apply to the below entities.

A. All entities (other than institutions of higher education (IHE))

The GAN for this grant award shows the indirect cost rate that applies on the date of the initial grant for this project. However, after the initial grant date, when a new indirect cost rate agreement is negotiated, the newly approved indirect cost rate supersedes the indirect cost rate shown on the GAN for the initial grant. This new indirect cost rate should be applied according to the period specified in the indirect cost rate agreement, unless expressly limited under EDGAR or program regulations. Any grant award with an approved budget can amend the budget to account for a change in the indirect cost rate. However, for a discretionary grant award any material changes to the budget which may impact the scope or objectives of the grant must be discussed with the program officer at the Department. See 34 CFR 75.560 (d)(3) (ii) (part 75 of EDGAR).

B. Institutions of higher education (IHE)

Under 2 CFR part 200, Appendix III, Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs), the Department must apply the negotiated indirect cost rate in effect on the date of the initial grant award to every budget period of the project, including all continuation grants made for this project. See 2 CFR Part 200, Appendix III, paragraph C.7. Therefore, the GAN for each continuation grant will show the original indirect cost rate and it applies to the entire period of performance of this project. If the indirect cost rate agreement that is applicable to this grant does not extend to the end of the grant's project period, the indirect cost rate set at the start of the project period must still be applied to the end of project period regardless of the fact that the rate has otherwise expired.

- (5) In order for a grantee to receive a non-competing continuation award, a project must demonstrate substantial progress. For an Upward Bound project to meet the criterion for substantial progress, the project must serve the statutory requirement of two-thirds of participants being low-income, potential first-generation college students; and must serve 85% of the number of participants the project was funded to serve during each budget period.



**US Department of Education
Washington, D.C. 20202**

P047A220229

GRANT AWARD NOTIFICATION

Signature Not Verified

Digitally signed by LAVELLE WRIGHT

Date: Mon May 23 15:20:06 EDT 2022



AUTHORIZING OFFICIAL

DATE

15. **Consider Approval of Reclassifications and Promotions**



Your College > **Right Now**

Robert J. Exley, PhD
President

MEMORANDUM NO: 110-2022

TO: Board of Regents
FROM: Robert J. Exley, PhD *RJE*
DATE: June 14, 2022
SUBJECT: Reclassifications and Promotions

We continue to carefully review and analyze college operations with a goal of increasing efficiency and determine the most productive use of personnel resources. To this end, I am requesting board approval for a number of position reclassifications and promotions. Details for each action are included in separate memos for review.

It is recommended the Board of Regents approve the proposed reclassifications and promotions.

RJE:tg

Summary of Minimum to Maximum Budget Impact

The minimum impact scenario includes the total minimum increase minus the total maximum decrease.
 The maximum impact scenario includes the total maximum increase minus the total minimum decrease.

Financial Impact of Reclassifications and Promotions		
Position	Budget Impact	
Faculty, Law Enforcement / Firing Range Coordinator (currently vacant position)	\$ 15,770.35 Minimum Increase	\$34,345.37 Maximum Increase
Sr. HR Generalist (currently vacant position)	\$14,406.41 Minimum Increase	\$23,476.89 Maximum Increase
Director HR	\$15,555.35 Increase	NA
Director, Institutional Effectiveness	\$ 1,371.74 Increase	NA
Total Potential Increase	\$47,103.85 Minimum	\$74,749.35 Maximum
Faculty, Digital Communication	\$33,868.66 Maximum Decrease	\$19,935.85 Minimum Decrease
Total Potential Decrease	(\$33,868.66) Maximum	(\$19,935.85) Minimum
Total Combined Impact	\$13,235.19	\$54,813.50

MEMORANDUM NO: 95-2022

TO: Board of Regents

FROM: Robert J. Exley, PhD 

DATE: June 7, 2022

SUBJECT: Budget Amendment Request – Reclassification/Promotion, Lilly Garcia

Dr. Stacy Ebert, Interim Vice President, Instruction and Nichole Eslinger, Vice President, Human Resources are requesting the following reclassification and promotion that will result in a contract-eligible position with a budget increase of \$4,302.51:

- Reclassify and promote Lilly Garcia from Coordinator, Grants to Director, Grants effective July 1, 2022.
- Based on market research, this reclassification would more accurately reflect her current role and duties.
- Coordinator, Grants is on professional salary grade 207; her current salary is \$70,599.00.
- Director, Grants is on professional salary grade 210; minimum starting salary is \$70,001.41.
- Director, Grants requires 3 years work experience with grants; Lilly has 7 years.
- Based on Lilly's qualifications, the recommended salary is 7% over minimum, \$74,901.51.
- This is a budget increase of \$4,302.51.

I recommend the Board approve this budget amendment for the reclassification and promotion of Lilly Garcia effective July 1, 2022.

RJE:tg

ACC ALVIN COMMUNITY COLLEGE

JOB DESCRIPTION

Job Title:	Director, Grants	
Department:	Institutional Effectiveness & Research	FLSA Status: Exempt
Reports to:	Dean/Executive Director, Institutional Effectiveness & Research	Grade Level: 210
Safety Sensitive:	Yes	Job Category: Professional
HR approved:	Human Resources/LH	Date: 06/02/2022
Last updated by:	Dr. P. Shefman/Dr. Stacy Ebert	Date: 05/31/2022

SUMMARY

This position involves the responsibilities related to the successful research, acquisition, and implementation of grants. The ability to supervise grant staff and work with a range of internal and external professionals is required. Provides students with current workforce information to assist in making informed career decisions. Manages the maintenance of accessibility of students to local workforce training scholarships under the Workforce Innovation and Opportunity Act (WIOA).

ESSENTIAL DUTIES AND RESPONSIBILITIES include, but not limited the following.

- Oversight for all active grant projects, plans, budgets, and reports includes the careful and critical review, analysis, monitoring, and evaluation of current and future grants.
- Maintains communication with private partners during the planning and implementation of grants projects.
- Responsible for the accessibility of scholarships for courses approved for WIOA funding.
- Maintains and accurately meets the reporting requirements for the Dean/Executive Director of OIER, VPI, President, ACC Board of Regents and ACC Business Office.
- Works independently on a variety of assignments with responsibility for all departmental workflow planning.
- Works closely with representatives of business and industry to develop partnerships for grant initiatives.
- Researches available funding opportunities for the college's need for resources and training opportunities.
- Leads grant proposal teams in the development of grant applications to acquire funding for targeted projects.
- Serves on committees of public and private organizations for support of training and resources valuable to the college's efforts to train students effectively.
- Coordinate with the college's foundation in the acquisition and development of grant initiatives benefiting student and faculty success.
- Manage and/or participate in standing committees of the college which can include strategic planning, institutional management and facilities policy.
- Train college personnel in the processes required to acquire and develop grant projects.
- Supervise the Grants Compliance Specialist and PT Grant Manager.
- Promote and maintain an inclusive environment where diverse perspectives are recognized and respected to build an equitable campus community.
- Other duties as assigned.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform the essential duties and responsibilities listed above. The qualifications listed below are representative of the education, experience, knowledge, skills, and/or abilities required.

EDUCATION

- Minimum of a Bachelor's Degree in Psychology, Student Personnel, Social Services or a related field from a regionally accredited college or university

EXPERIENCE

- Three (3) years of work experience with grants inside or outside the educational environment.

KNOWLEDGE, SKILLS, AND ABILITIES

- Understanding of state and federal grant compliance policies on fiscal and programmatic areas.
- Knowledge of and proficiency with a variety of computer software applications including Microsoft Word, Excel, Access, PowerPoint, and Outlook.
- Ability to work in a fast-paced, team-oriented environment while juggling and coordinating multiple projects and deadlines.
- Demonstrated attention to detail.
- Experience in working with diverse populations.
- Excellent organizational and communication (oral and written) skills.
- Experiences and skills that enhance one's value to the institution.
- Experience in developmental /management of grant funded projects.
-

WORK ENVIRONMENT

The employee typically works in an office environment and uses a computer, telephone and other office equipment as needed to perform duties. The noise level in the work environment is typical of that of an office. Employee may encounter frequent interruptions throughout the work day.

PHYSICAL DEMANDS

The employee is regularly required to sit, talk, or hear; frequently required to use repetitive hand motion, handle or feel, and to stand, walk, reach, bend or lift up to twenty (20) pounds.

This job description in no way states or implies that these are the only duties to be performed by the employee occupying this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by their supervisor.

This job description may be revised upon development of other duties and changes in responsibilities.

X

EMPLOYEE PRINTED NAME

X

SUPERVISORS PRINTED NAME

X

EMPLOYEE SIGNATURE AND DATE

X

SUPERVISOR SIGNATURE AND DATE

Sign and return to HR for placement into employee personnel file.

TO: Board of Regents
FROM: Robert J. Exley, PhD *RJE*
DATE: June 7, 2022
SUBJECT: Budget Amendment Request – Reclassification/Promotion, Lindsey Hindman

Nichole Eslinger, Vice President, Human Resources, is requesting the following reclassification and promotion that will result in a contract-eligible position with a budget increase of \$16,555.35:

- Reclassify and promote Lindsey Hindman from Sr. HR Generalist to Director, HR effective July 1, 2022.
- Based on market research, this reclassification would more accurately reflect her current role and duties.
- Lindsey served as the HR Team Lead April 2021-August 2021.
- For the past 10 months she has continued to consistently demonstrate her director-level skills and leadership. She provides management and oversight for HR projects; guidance and direction to other HR staff; and assists the VP in day-to-day operations, employee relations, compensation, and HR information systems (HRIS).
- In addition, she possesses the work ethic, commitment, initiative, sound judgment, analytical ability, effective decision making, and overall HR knowledge needed in the Director role.
- While she has earned this promotion through hard work and demonstrated leadership, the Director, HR is also needed to better serve the HR team and the ACC campus community.
- Sr. HR Generalist is on professional salary grade 207; minimum starting salary is \$60,469.85; her current salary is \$65,251.79.
- Director, HR is on professional salary grade 212; minimum starting salary is \$77,176.55.
- Director, HR requires 8 years of progressively responsible HR experience; Lindsey has over 13½ years.
- Based on Lindsey's qualifications, the recommended salary is 6% over minimum, \$81,807.14.
- This is a budget increase of \$16,555.35.

I recommend the Board approve this budget amendment for the reclassification and promotion of Lindsey Hindman effective July 1, 2022.

RJE:tg

JOB DESCRIPTION

Job Title:	Director, Human Resources		
Department:	Human Resources	FLSA Status:	Exempt
Reports to:	Vice President, HR	Grade Level:	212
Safety Sensitive:	Yes	Job Category:	Professional
HR approved:	Human Resources/NE	Date:	6/2/2022
Last updated by:	Click here to enter text.	Date:	Click to enter a date.

SUMMARY

The Director, Human Resources provides leadership for human resources functions to include benefits, compensation, talent acquisition, HRIS data management, and employee relations in accordance with the mission, vision, and strategic goals of Alvin Community College. The Director, HR works closely with the Vice President, Human Resources to make decisions and manage the operations of the Human Resources department. Provides oversight of all HR functions and is the delegated authority in the absence of the Vice President, Human Resources.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties of Director, Human Resources reflect a general overview of responsibilities, which may change based on the individual filling the role, the talents they possess, and the needs of Human Resources and ACC.

- In collaboration the Vice President, HR, provides overall leadership to the HR team in all aspects of human resources.
- Cultivates collaborative, professional relationships with faculty, staff, and leadership.
- Ensures compliance with all federal and state laws and regulations related to human resources.
- Assists with employee relations to aid in the resolution of issues, complaints, and grievances.
- Manages the unemployment benefit program, responding to requests from TWC and participating in hearings.
- Manages compensation functions to include job descriptions, salary audits, salary research, reclassifications, and placement of new hires.
- Provides guidance and makes recommendations regarding compensation practices and salaries.
- Completes a variety of salary surveys and reports, such as IPEDS, TASB, TCCTA, etc.
- Manages the annual process of salary changes in Colleague/Ellician.
- Oversees requests for HR data and responses to Public Information Requests.
- Serves as the coordinator for HR records retention guidelines and schedules.
- Leads the development of and ensures the accuracy of monthly personnel reports to ACC's Board of Regents.
- Assists with benefits, talent acquisition, and training.
- Supervises HR Associate position.
- Executes special projects as determined and assigned by the Vice President, HR.
- Serves as delegated authority in the absence of the Vice President, HR.
- Performs other related duties as assigned.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform the essential duties and responsibilities listed above. The qualifications listed below are representative of the education, experience, knowledge, skills, and/or abilities required.

EDUCATION

- Required: Bachelor's degree in human resources, business, or another related field.
- Preferred: HR credential such as PHR (HRCI-Professional in Human Resources) or SHRM-CP (Society for Human Resource Management-Certified Professional).

EXPERIENCE

- Required: 8 years of professional, progressively responsible work experience in multiple areas of human resources to include experience in at least more than one of the following: employee relations, compensation, benefits, staffing, unemployment, and HRIS data management.
- Preferred: Experience working in a college, university, or other educational setting.

KNOWLEDGE, SKILLS, AND ABILITIES

- Works with discretion and maintains confidentiality.
- Possesses a service-oriented, proactive approach with initiative and self-motivation.
- Ability to plan, direct, motivate, and provide guidance to the HR team.
- Respectfully, cooperatively and collaboratively works with the HR team, ACC campus community, and external communities and partners.
- Must be able to adapt to change, learn quickly, and coordinate multiple projects.
- Demonstrated knowledge of and ability to work effectively in HRIS, such as Colleague/Ellucian.
- Excellent communication and interpersonal skills.
- Excellent time management and attention to detail.
- Ability to develop and write clear, effective policies and procedures.

WORK ENVIRONMENT

The incumbent typically works in an office environment and uses a computer, telephone and other office equipment as needed to perform duties. The noise level in the work environment is typical of that of an office. Incumbent may encounter frequent interruptions throughout the work day.

PHYSICAL DEMANDS

The employee is regularly required to sit, talk, or hear; frequently required to use repetitive hand motion, handle or feel, and to stand, walk, reach, bend or lift up to twenty (20) pounds.

Security Sensitive Position-Requires a Criminal History Check.

This job description in no way states or implies that these are the only duties to be performed by the employee occupying this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by their supervisor.

This job description may be revised upon development of other duties and changes in responsibilities.

X

EMPLOYEE PRINTED NAME

X

SUPERVISORS PRINTED NAME

X

EMPLOYEE SIGNATURE AND DATE

X

SUPERVISOR SIGNATURE AND DATE

Sign and return to HR for placement into employee personnel file.

MEMORANDUM NO: 97-2022

TO: Board of Regents

FROM: Robert J. Exley, PhD 

DATE: June 7, 2022

SUBJECT: Budget Amendment Request – Reclassification/Promotion, Tammy Braswell

Dr. Stacy Ebert, Interim Vice President, Instruction and Nichole Eslinger, Vice President, Human Resources are requesting the following reclassification and promotion that will result in a contract-eligible position with a budget increase of \$1,377.74:

- Reclassify and promote Tammy Braswell from Research Associate to Director, Institutional Effectiveness (IE) effective July 1, 2022.
- Based on market research, this reclassification would more accurately reflect her current role and duties.
- Research Associate is on professional salary grade 206; minimum starting salary is \$57,590.33; her current salary is \$84,435.23.
- Director, IE is on professional salary grade 211; minimum starting salary is \$73,501.48.
- Director, IE requires 5 years of higher education IE experience; Tammy has 15 years.
- Based on Tammy's qualifications and current salary, the recommended salary is 1st Quartile, \$85,812.97.
- This is a budget increase of \$1,377.74.

I recommend the Board approve this budget amendment for the reclassification and promotion of Tammy Braswell effective July 1, 2022.

RJE:tg

JOB DESCRIPTION

Job Title:	Director of Institutional Effectiveness	
Department:	Institutional Effectiveness and Research	FLSA Status: Exempt
Reports to:	Dean/Executive Director, Institutional Effectiveness and Research	Grade Level: 211
Safety Sensitive:	Yes	Job Category: Professional
HR approved:	Human Resources/LH	Date: 06.02.2022
Last updated by:	Dr. P. Shefman/Dr. Stacy Ebert	Date: 05.31.2022

SUMMARY

The Director of Institutional Effectiveness will lead the assessment work of the Office of Institutional Effectiveness and Research and work in partnership with the dean/executive director on activities such as SACSCOC reporting, planning, and program evaluation. The director will guide, support and assist with college processes to evaluate and improve the quality of student learning, educational programs, academic and student support services, and the administrative units across the college.

ESSENTIAL DUTIES AND RESPONSIBILITIES include, but not limited to the following.

- Collaborates with academic and administrative units to support the use of relevant data in decision-making throughout the college. Communicate conclusions and recommendations across an organization's leadership structure in a manner to "tell the story" behind the data.
- Conduct and coordinate a comprehensive program review for the purpose of institutional improvements in accordance with accreditation requirements and in support of institutional effectiveness. Handles pre/post analysis for academic and service departments and assists departments in their data collection, analysis, and survey efforts.
- Plans, organizes, and coordinates the development, implementation, analysis, and reporting of student learning outcomes, co-curricular outcomes, and related activities to support planning and institutional effectiveness.
- Research, identify, communicate, and implement assessment tools. Evaluate effectiveness and continually refine tools and methodologies used in these activities.
- Collaborates with faculty and administrators to develop effective strategies for the academic assessment of student learning outcomes at the general education and program levels.
- Provides ongoing support for institutional assessment activities; supports and consultations individual departments in designing and implementing assessment plans and assist with the analysis of assessment methods and reports results to both internal and external stakeholders.
- Conducts quantitative and qualitative analysis of data; interpret assessment findings, and assists in the preparation of reports based on those data to be used across campus during activities such as Comprehensive Program Review, Annual Review, Unit Assessment, general education assessment, and accreditation processes.
- Reviews regularly the effectiveness processes and practices to ensure best practices are maintained.
- Assists in the coordination of the assessment of the strategic plan.

- Partners with the ACC Academic Assessment Faculty Liaison on measuring educational effectiveness and training faculty on effectiveness processes and practices.
- Other duties as assigned.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform the essential duties and responsibilities listed above. The qualifications listed below are representative of the education, experience, knowledge, skills, and/or abilities required.

EDUCATION

- Requires a Master's degree

EXPERIENCE

- Five (5) years of higher education institutional effectiveness experience.
- Experience in higher education, institutional research, institutional planning and effectiveness, program evaluation, campus planning, or a demonstrated record of comparable professional experience.

KNOWLEDGE, SKILLS, AND ABILITIES

- Strong attention to detail.
- Knowledge of assessment methods including an understanding of student learning outcomes, objectives, measures and targets in addition to promoting action plans developed from annual assessments.
- Experience using nationally accepted qualitative and quantitative analysis tools in assessing education outcomes, aligning course, program and institutional outcomes to college mission and accreditation criteria.
- Proficiency with a variety of computer software tools used in higher education and instructional assessment, evaluation, and improvement, Adobe Acrobat and Microsoft Office.
- Previous experience and proficiency in mathematics, statistics, and report writing.
- Ability to solve problems as they arise.
- Excellent written and oral communications skills required.
- Strong analytical and critical thinking skills required.
- Ability to communicate (oral and written) in a clear and professional manner, including presentation of data.

WORK ENVIRONMENT

The incumbent typically works in an office environment and uses a computer, telephone and other office equipment as needed to perform duties. The noise level in the work environment is typical of that of an office. Incumbent may encounter frequent interruptions throughout the work day.

PHYSICAL DEMANDS

The employee is regularly required to sit, talk, or hear; frequently required to use repetitive hand motion, handle or feel, and to stand, walk, reach, bend or lift up to twenty (20) pounds.

This job description in no way states or implies that these are the only duties to be performed by the employee occupying this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by their supervisor.

This job description may be revised upon development of other duties and changes in responsibilities.

X

EMPLOYEE PRINTED NAME

X

SUPERVISORS PRINTED NAME

X

EMPLOYEE SIGNATURE AND DATE

X

SUPERVISOR SIGNATURE AND DATE

Sign and return to HR for placement into employee personnel file.

MEMORANDUM NO: 98-2022

TO: Board of Regents
FROM: Robert J. Exley, PhD 
DATE: June 7, 2022
SUBJECT: Budget Amendment Request – Vacant Position Reclassification - Senior HR Generalist

Nichole Eslinger, Vice President, Human Resources, is requesting the following reclassification of a vacant position that will result in a budget increase of \$14,406.41-\$23,476.89:

- Reclassify and upgrade vacant HR Associate position to Sr. HR Generalist effective June 24, 2022 to post and hire as soon as possible.
- This position became vacant when the previous incumbent resigned April 23, 2022.
- After assessing HR over the past 10 months, it has been determined that a higher-level, professional HR position is needed to move functions and services forward for ACC. Currently HR has one filled HR Associate position and this is sufficient for HR operations.
- HR Associate is on TSCM salary grade 113; minimum starting salary is \$38,979.40.
- The previous incumbent's salary was \$46,063.44.
- Sr. HR Generalist is on professional salary grade 207; hiring range is \$60,469.85 Minimum, \$70,598.55 1st Quartile, \$80,727.25 Midpoint.
- A new hire into Sr. HR Generalist is an estimated budget increase of \$14,406.41-\$23,476.89. This range represents the difference between the previous incumbent's salary (\$46,063.44) and the minimum for Sr. HR Generalist (\$60,469.85) up to 15% over minimum (\$69,540.33).

I recommend the Board approve this budget amendment and reclassification effective June 24, 2022.

RJE:tg

ACC ALVIN COMMUNITY COLLEGE

JOB DESCRIPTION

Job Title:	Sr. HR Associate/ Sr. HR Generalist		
Department:	Human Resources	FLSA Status:	Exempt
Reports to:	VP President Human Resources	Grade Level:	207
Safety Sensitive:	Yes	Job Category:	Professional
HR approved:	Human Resources/KC	Date:	12/14/2020
Last updated by:	Human Resources/KC	Date:	12/14/2020

SUMMARY

The Sr. HR Associate/Sr. HR Generalist performs human resources related duties at the professional level and will carry out responsibilities in the following areas but not limited to: benefits, leave administration, compensation, talent acquisition, development and implementation of policies and procedures in accordance with the mission and vision of Alvin Community College.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following.

- Assists in the development and implementation of personnel procedures.
- Responsible for overseeing web content (internet/intranet) assigned to the Office of Human Resources to ensure that it is continually current.
- Participates in developing department goals, objectives, processes and systems.
- Assists with program reviews and/or development.
- Works to assure full compliance with all applicable state and federal laws and regulations related to employment, employee relations, compensation and all other aspects of human resources.
- Reviews and creates reports.
- Maintains employee records in the Human Resources Information System (Colleague/Ellucian).
- Responsible for tracking and reporting on the completion of the employees' annual performance evaluation process.
- Recommends new approaches, policies and procedures to effect continual improvements in efficiency of department and services performed.
- Facilitates and serves as a resource to all screening committees.
- Acts as trainer and liaison with NEOGOV Insight Online Recruiting.
- Prepare, distribute, receive, record and maintain files of job applications in the final stage of interview process. Ensure complete screening packet and HR meeting area is ready for screening committee meetings.
- Oversees an annual audit of I-9 forms to confirm compliance with applicable federal and state laws.
- Plans and conducts new employee orientation (NEO).
- Completes all activities related to on and off boarding employees.
- Assists with data requests, research for reports and surveys, such as IPEDS, CUPA, etc.
- Updates salary tables in Colleague/Ellucian and updates employees' salaries in the HR/Payroll system.

- Cross trains on all benefit setups and employee enrollment.
- Oversees the reporting of all employee training originating from the Office of Human Resources (i.e. Preventing Workplace Harassment, Preventing Employment Discrimination, FERPA, etc.).
- Prepares and distributes employment contracts as directed by the Vice President, Human Resources.
- Serve as the leave administrator by processing and tracking employees on FMLA, Military, Wellness, Worker's Compensation, and etc.
- Ensures maintenance of employee records and applicant records.
- Serves as the coordinator for the HR records retention guidelines and schedules.
- Manage specific projects as determined by the Vice President, Human Resources.
- Executes other duties or tasks as assigned by the Vice President, Human Resources.
- Performs other duties as assigned.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform the essential duties and responsibilities listed above. The qualifications listed below are representative of the education, experience, knowledge, skills, and/or abilities required.

EDUCATION

- Bachelor's degree in Business, Human Resource Management, Management, or related field required.

EXPERIENCE

- A minimum of 7 years human resources experience in human resources as a generalist or HR manager. Preference for candidates with at least 5 years of experience working public education or higher education. At least 3 years working with an ERP system, specifically Ellucian/Colleague preferred.

KNOWLEDGE, SKILLS, AND ABILITIES

- Ability to work confidentially with discretion.
- Ability to work cooperatively as part of a team.
- Ability to establish and maintain effective and efficient working relationships with employees at all levels of the organization.
- Ability to prepare and maintain accurate employee records and reports.
- Ability to complete assignments within specified deadlines accurately and efficiently.
- Ability to communicate effectively and respectfully with individuals at all levels, both to internal Alvin Community College District populations and external customers.

WORK ENVIRONMENT

The incumbent typically works in an office environment and uses a computer, telephone and other office equipment as needed to perform duties. The noise level in the work environment is typical of that of an office. Incumbent may encounter frequent interruptions throughout the work day.

PHYSICAL DEMANDS

The employee is regularly required to sit, talk, or hear; frequently required to use repetitive hand motion, handle or feel, and to stand, walk, reach, bend or lift up to twenty (20) pounds.

This job description in no way states or implies that these are the only duties to be performed by the employee occupying this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by their supervisor.

This job description may be revised upon development of other duties and changes in responsibilities.

X

EMPLOYEE PRINTED NAME

X

SUPERVISORS PRINTED NAME

X

EMPLOYEE SIGNATURE AND DATE

X

SUPERVISOR SIGNATURE AND DATE

Sign and return to HR for placement into employee personnel file.

MEMORANDUM NO: 99-2022

TO: Board of Regents

FROM: Robert J. Exley, PhD *RJE*

DATE: June 7, 2022

SUBJECT: Budget Amendment Request – Vacant Position Reclassification Faculty, Digital Communication Tech

Dr. Stacy Ebert, Interim Vice President, Instruction and Nichole Eslinger, Vice President, Human Resources are requesting the following reclassification of a vacant position that will result in a contract-eligible position with a budget decrease of \$33,868.66-\$19,935.85.

- Reclassify and upgrade vacant staff position Radio Station Manager (12 month) to Faculty, Digital Communication Technology (9 month) effective June 24, 2022 to post and hire for fall 2022.
- This position became vacant when the previous incumbent retired January 31, 2020.
- This reclassification would best meet the needs of Instruction.
- The Radio Station Manager position is no longer needed because the program director and faculty manage the radio station as part of instruction.
- A 9-month faculty position is needed for the updated Digital Communication Technology program to support enrollment and have a freshman and sophomore cohort each year.
- Radio Station Manager (12 month) was on a professional salary grade under the previous salary structure, grade 4, Step 15; minimum starting salary was \$73,524.00.
- The previous incumbent's 12-month salary was \$79,578.00.
- Faculty, Digital Communication Technology is on a 9-month faculty salary schedule with a hiring range of \$45,709.34 TECH Step 1 to \$59,642.15 TECH Step 10.
- This is a budget decrease of \$33,868.66-\$19,935.85. This range represents the difference between the previous incumbent's 12-month salary (\$79,578) and the 9-month salary minimum (\$45,709.34) to maximum (\$59,642.15) hiring range for Faculty, Digital Communication Technology.

I recommend the Board approve this budget amendment and reclassification effective June 24, 2022.

RJE:tg

ACC ALVIN COMMUNITY COLLEGE

JOB DESCRIPTION

Job Title:	Faculty, Digital Communication Technology		
Department:	Communications	FLSA Status:	Exempt
Reports to:	Dean, Professional Technical and Human Performance	Salary Step:	Based on Contract Length / Degree
Safety Sensitive:	Yes	Job Category:	Full-Time Faculty
HR approved:	Human Resources	Date:	6/6/2022
Last updated by:	Dr. Stacy Ebert	Date:	5/16/2022

SUMMARY

This position is for a nine (9) month full-time faculty position in communications. For this position, a demonstrable knowledge of broadcast production is necessary. Such knowledge includes video and audio fundamentals, broadcast lighting techniques, design and construct live video production systems, design, and create live audio production systems, and non-linear editing of video and audio software utilization.

ESSENTIAL DUTIES AND RESPONSIBILITIES include but are not limited to the following:

- Instruct and supervise a diverse population of students in the classroom at various times and locations.
- Possess a commitment to student engagement, student success, and instructional excellence.
- Demonstrate effective communication skills, both written and oral.
- Prepare and utilize a course syllabus and assessments for each course using guidelines established by the institution.
- Maintain current knowledge of effective teaching methodologies and utilizes a variety of instructional delivery methods, classroom media, and educational resources.
- Assist in the recruitment and retention of students.
- Advise students in academic matters or refers students to appropriate resources.
- Assess students' performance through a range of measurement activities and keeps them informed of their progress in a timely manner.
- Engage students through posted office hours and electronic communication.
- Utilize technology to facilitate learning and to access data, maintain records, generate reports, and communicate with others.
- Assist in the development, distribution and collection of assessments for courses and program objectives.
- Build positive and professional relationship with students, colleagues, college administration, and the community.
- Submit timely college reports and forms to the appropriate divisions and departments.
- Provide recommendations to the Instructional Dean, Department Chair, and appropriate college committees regarding curriculum, instruction and division operations.
- Exhibit a commitment to lifelong learning through participation in professional development activities.
- Adhere to Alvin Community College's policies and procedures.

- Attend institutional meetings as required.
- Other duties as assigned.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform the essential duties and responsibilities listed above. The qualifications listed below are representative of the education, experience, knowledge, skills, and/or abilities required.

EDUCATION

- Associate's degree in radio-television-film or related field required.
- Bachelor's degree in communications, media production, mass communication or related field preferred.

EXPERIENCE

- Three (3) years of industry work experience in a live media production or related field.

KNOWLEDGE, SKILLS, AND ABILITIES

- Adobe Creative Suite (Premiere Pro and Audition)
- Avid Media Composer
- Audio Mixing
- Video Control Room Operations
- Setup and Strike Live Video Production
- Studio Lighting Operation
- Video and Audio Field Production

WORK ENVIRONMENT

The incumbent typically works in a classroom environment and uses a computer, telephone and other office equipment as needed to perform duties. The noise level in the work environment is typical of that of a classroom. Incumbent may encounter frequent interruptions throughout the work day.

PHYSICAL DEMANDS

The employee is regularly required to sit, talk, or hear; frequently required to use repetitive hand motion, handle or feel, and to stand, walk, reach, bend or lift up to twenty (20) pounds.

This job description in no way states or implies that these are the only duties to be performed by the employee occupying this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by their supervisor.

This job description may be revised upon development of other duties and changes in responsibilities.

X

EMPLOYEE PRINTED NAME

X

SUPERVISORS PRINTED NAME

X

EMPLOYEE SIGNATURE AND DATE

X

SUPERVISOR SIGNATURE AND DATE

Sign and return to HR for placement into employee personnel file.

MEMORANDUM NO: 100-2022

TO: Board of Regents

FROM: Robert J. Exley, PhD *RJE*

DATE: June 7, 2022

SUBJECT: Budget Amendment Request – Vacant Position Reclassification - Faculty, Law Enforcement/Firing Range Coordinator

Dr. Stacy Ebert, Interim Vice President, Instruction and Nichole Eslinger, Vice President, Human Resources are requesting the following reclassification of a vacant position that will result in a contract-eligible position with a budget increase of \$15,770.35-\$34,345.37:

- Reclassify and upgrade Law Enforcement Academy vacant staff position Range Master to Faculty, Law Enforcement/Firing Range Coordinator (12 month) effective June 24, 2022 to post and hire for fall 2022.
- This position became vacant when the previous incumbent was promoted to faculty September 1, 2021.
- This reclassification would best meet the needs of Instruction.
- Due to the increase in TCOLE required instructional hours and the anticipation of increased enrollment, another full-time credentialed faculty member is needed to instruct courses in the Law Enforcement Academy and provide in-service training for local police departments.
- Range Master is on TSCM salary grade 113; minimum starting salary is \$38,979.40.
- The previous incumbent's salary was \$45,177.84.
- Faculty, Law Enforcement/Firing Range Coordinator is on a 12-month faculty salary schedule with a hiring range of \$60,948.19 TECH Step 1 to \$79,523.21 TECH Step 10.
- This is a budget increase of \$15,770.35-\$34,345.37. This range represents the difference between the previous incumbent's salary (\$45,177.84) and the minimum (\$60,948.19) to maximum (\$79,523.21) hiring range for Faculty, Law Enforcement/Firing Range Coordinator.

I recommend the Board approve this budget amendment and reclassification effective June 24, 2022.

RJE:tg

ACC ALVIN COMMUNITY COLLEGE

JOB DESCRIPTION

Job Title:	Faculty, Law Enforcement/Firing Range Coordinator		
Department:	Criminal Justice	FLSA Status:	Exempt
Reports to:	Program Director, Law Enforcement Academy	Salary Step:	Based on Contract Length / Degree
Safety Sensitive:	Yes	Job Category:	Full-Time Faculty
HR approved:	Human Resources/LH	Date:	6/1/2022
Last updated by:	Stacy Ebert	Date:	6/1/2022

SUMMARY

This position is for a twelve (12) month full-time Faculty, Law Enforcement/Firing Range Coordinator that will oversee the maintenance, improvement and utilization of the ACC Firing Range and Public Safety Training Facilities. This position will teach a variety of courses within the Criminal Justice Department and serve as the primary proctor for LEA and TCOLE testing.

ESSENTIAL DUTIES AND RESPONSIBILITIES include but are not limited to the following:

Teaching Duties:

- Teach select topics in the Law Enforcement Academy.
- Instruct and supervise a diverse population of students in the classroom at various times and locations.
- Possess a commitment to student engagement, student success, and instructional excellence.
- Demonstrate effective communication skills, both written and oral.
- Prepare and utilize a course syllabus and assessments for each course using guidelines established by the institution and by the Texas Commission On Law Enforcement.
- Maintain current knowledge of effective teaching methodologies and utilizes a variety of instructional delivery methods, classroom media, and educational resources.
- Maintain current knowledge of the Texas Commission On Law Enforcement Rules and Regulations.
- Assist in the recruitment and retention of students.
- Advise students in academic matters or refers students to appropriate resources.
- Assess students' performance through a range of measurement activities and keeps them informed of their progress in a timely manner.
- Engage students through posted office hours and electronic communication.
- Utilize technology to facilitate learning and to access data, maintain records, generate reports, and communicate with others.
- Assist in the development, distribution and collection of assessments for courses and program objectives.
- Build positive and professional relationship with students, colleagues, college administration, and the community.
- Submit timely college reports and forms to the appropriate divisions and departments.

- Submit appropriate forms and reports to the Texas Commission On Law Enforcement as required by the Commission.
- Exhibit a commitment to lifelong learning through participation in professional development activities.
- Adhere to Alvin Community College's policies and procedures.
- Attend institutional meetings as required.
- Other duties as assigned.

Firing Range Coordinator duties:

- Coordinates Firing Range/Criminal Justice Lab training in all areas of firearms technology for the ACC Criminal Justice and Law Enforcement Training Academy Programs.
- Assures timely maintenance of the ACC Criminal Justice Lab/Firing Range including target systems, bullet traps and general physical facilities; also performs routine maintenance on the Firing Range facilities.
- Maintains the college inventory of Range supplies including firearms, ammunition, targets, target backers and other instructional supplies as needed.
- Instructs all levels of firearms classes.
- Coordinates special firearms related seminars for criminal justice personnel as well as the general public.
- Coordinates work schedule with the Law Enforcement Academy Program Director.
- Coordinates License to Carry training classes.
- Coordinates and conducts all Phases of specialized Law Enforcement training classes for the Criminal Justice Department.
- Operates & develops training programs for computerized firearms training scenarios.
- Be responsible for the administration and conduct of each course, including those conducted at auxiliary sites and specifically as related to specialized Law Enforcement and firearm training courses.
- Maintain course schedules and course files.
- Secure and maintain all facilities necessary to meet the inspection standards of this section.
- Enforce all admission, attendance, retention, and other standards set by the commission or the college.
- Distribute learning objectives to all students at the beginning of each course that may result in the issuance of a license, and ensuring that all learning objectives are taught, that all training is completed per TCOLE rules.
- Attend training sessions to maintain proficiency in the assigned area of discipline.
- Perform other duties as assigned.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform the essential duties and responsibilities listed above. The qualifications listed below are representative of the education, experience, knowledge, skills, and/or abilities required.

EDUCATION

- High school diploma or equivalent required.
- Law enforcement certificate from a regionally accredited institution or TCOLE licensed basic academy.
- Requires Basic Texas Commission on Law Enforcement Peace Officer's license.
- Requires Basic Texas Commission on Law Enforcement Instructor's certificate.
- Requires Texas Commission on Law Enforcement Firearms Instructor's certificate.

- Associate's degree or higher in Criminal Justice/Law Enforcement preferred.

EXPERIENCE

- A minimum of five (5) years of experience in law enforcement required.
- Supervision and management experience preferred.
- Work experience in an academic environment preferred.
- Experience with scheduling and coordinating preferred.

KNOWLEDGE, SKILLS, AND ABILITIES

- Knowledge of handgun repair (revolvers and semi-automatic).
- Requires judgment and decision-making based on specific expertise in the area of firearms and firearms training and general law enforcement training.
- Must be detail oriented, proactive, and able to follow-up during planning and coordinating activities.
- Able to maintain safety standards while engaged in firearms related activities.

WORK ENVIRONMENT

The incumbent will spend a significant portion of the day working in and around a live firearms firing range. The incumbent will utilize appropriate PPE and safety protocols to minimize exposure to Lead particulates. Incumbent will perform daily inspections and maintenance of the firing range mechanical systems and LEA facilities. A significant portion of the daily duties will involve interacting with Lead and other hazardous materials. The incumbent will be also regularly be exposed to noise levels in excess of 130db.

PHYSICAL DEMANDS

The employee is regularly required to sit, talk, or hear; frequently required to use repetitive hand motion, handle or feel, and to stand, walk, reach, bend or lift up to 40 pounds.

This job description in no way states or implies that these are the only duties to be performed by the employee occupying this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by their supervisor.

This job description may be revised upon development of other duties and changes in responsibilities.

X

EMPLOYEE PRINTED NAME

X

SUPERVISORS PRINTED NAME

X

EMPLOYEE SIGNATURE AND DATE

X

SUPERVISOR SIGNATURE AND DATE

Sign and return to HR for placement into employee personnel file.

16. **Consider Approval of In-district Tuition Rates for Nine Galveston Police Department Sponsored Law Enforcement Academy Students**



Your College > Right Now

Robert J. Exley, PhD
President

MEMORANDUM NO: 111-2022

TO: Board of Regents
FROM: Robert J. Exley, PhD *RJE*
DATE: June 14, 2022
SUBJECT: In-district Tuition Rates for Galveston Police Department-Sponsored Law Enforcement Academy Students

A critical component of our mission is to educate and train first responders. As we are aware, there exists a significant shortage of trained law enforcement officers. The Galveston Police Department contacted our Program Director for the Law Enforcement Academy Mr. Kevin Rogers with a request to have ACC provide the education and training for a cohort of nine (9) students through our Law Enforcement Academy. The Galveston Police Department is requesting that the College provide this education and training at our in-district tuition rate per credit hour plus all normal and customary fees. If approved, this would result in nine students beginning in July 2022.

The program of study includes a total of 25 credit hours. The in-district tuition rate is \$47/credit hour for a total tuition of \$1,175 per student. The out-of-district tuition rate is \$94/credit hour for a total of \$2,350 per student. The total tuition revenue for nine (9) students at the in-district rate will be \$10,575. The fee revenue will be \$10,890. The total Galveston Police Department sponsored revenue (tuition and fees) produced by these nine students is \$21,465. Perhaps more importantly will be partnering with Galveston PD to produce nine, much needed, new law enforcement officers to serve our neighboring community.

It is recommended the Board of Regents approve the waiver of out-of-district tuition rates for 9 Galveston Police Department-sponsored Law Enforcement Academy students.

RJE:tg

17. **Consider Approval of Strategic Plan 2022-2025 - Mission, Vision and Values**



Robert J. Exley, PhD
President

Your College **Right Now**

MEMORANDUM NO: 109-2022

TO: Board of Regents
FROM: Robert J. Exley, PhD *RJE*
DATE: June 14, 2022
SUBJECT: Strategic Plan 2022-2025 – Mission, Vision and Values

One additional component for the Alvin Community College Strategic Plan – 2022-2025 is the review and approval of our Mission and Vision Statements as well as our College Values Statement. This action fulfills our ongoing SACSCOC requirement for regular board review and approval of such statement.

The Strategic Planning Steering Committee and the Executive Leadership Team offer the following minor edits for the Board’s consideration.

Mission Statement

Currently Approved

Alvin Community College exists to improve the lives of its constituents by providing affordable, accessible, high quality and innovative academic, technical and cultural educational opportunities for the diverse communities it serves.

Recommended Revision

Alvin Community College exists to improve the lives of its **students and community** by providing affordable, accessible, **inclusive**, high-quality and innovative academic, technical, and cultural educational opportunities for the diverse communities it serves.

Vision Statement

Currently Approved

As a premier college that provides high-quality academic, technical and cultural programs, Alvin Community College’s focus will be to promote student success, enhance quality of life and support economic development.

Recommended Revision

Alvin Community College will provide high-quality academic, technical, and cultural **educational opportunities that** promote student success, enhance quality of life, and support economic development.

Core Values

Community Asset

Alvin Community College is a strong community asset.

Accountable

Alvin Community College is accountable to all its stakeholders.

Responsive

Alvin Community College is responsive to the needs of students and the diverse population of the region.

Excellence

Alvin Community College strives for educational excellence in programs and services.

Student-centered

Alvin Community College prides itself on being student-centered.

It is recommended that the Board approve and adopt the ACC Strategic Plan 2022-2025 Mission Statement, Vision Statement, and Values Statement as recommended.

RJE:tg

18. **Consider Approval of the Strategic Plan Goals and Objectives for 2022-2025**



Your College > Right Now

Robert J. Exley, PhD
President

MEMORANDUM NO: 107-2022

TO: Board of Regents
FROM: Robert J. Exley, PhD *AE*
DATE: June 14, 2022
SUBJECT: Strategic Plan 2022-2025 – Goals and Objectives

The Alvin Community College Strategic Plan – 2022-2025 continues to move towards completion. The following proposed Goals and Objectives were presented and discussed during the June 13th Board Workshop.

Goal 1: Strengthen student success

Objectives

- 1.1 Improve retention by addressing academic and non-academic barriers.
- 1.2 Close equity gaps in access, retention, progression, and completion.
- 1.3 Innovate educational options for all student populations and program types.
- 1.4 Cultivate broad student engagement opportunities.

Goal 2: Cultivate a culture of inclusion, flexibility, innovation, and resiliency

Objectives

- 2.1 Ensure Diversity, Equity, Inclusion, and Belonging be woven into the fabric of ACC's programs, curriculum, services, and staffing.
- 2.2 Create strong employee acquisition and retention.
- 2.3 Innovate professional development, organizational processes, and support structures to improve efficiency, flexibility, and adaptability.

Goal 3: Enhance ACC's engagement within the community

Objectives

- 3.1 Pursue community outreach to underserved and new development areas within the community.
- 3.2 Expand partnerships with business, industry, and educational providers across the community.
- 3.3 Build opportunities that bolster a reputation as a resource within the community.

Goal 4: Respond to growth within the region

Objectives

- 4.1 Expand student access across the service region.
- 4.2 Develop new and existing programs to align with student, community, and industry needs.
- 4.3 Secure and maintain sustainable fiscal, physical, and technology resources.

It is recommended that the Board approve and adopt the ACC Strategic Plan 2022-2025 Strategic Goals and Objectives as presented.

RJE:tg

RJE:tg

19. **Second Presentation of the 2022-23 Budget**



Robert J. Exley, PhD
President

Your College > Right Now

MEMORANDUM NO: 101-2022

TO: Board of Regents

FROM: Robert J. Exley, PhD

A handwritten signature in blue ink, appearing to read 'RJE', is written over the printed name 'Robert J. Exley, PhD'.

DATE: June 8, 2022

SUBJECT: Second Presentation of the Fiscal Analysis and Proposed 2022-23 Budget

Mr. Karl Stager presented the initial draft of the Fiscal Analysis and Proposed 2022-2023 Budget, along with highlights of changes, at the June 13, 2022 Board Workshop. The leadership team continues to review the budget. The Board will have additional opportunities to review the budget prior to a vote being taken at the August 11, 2022 Board meeting.

This item is for information and discussion only.

RJE:tg

20. **Financial Report**

ALVIN COMMUNITY COLLEGE FOUNDATION
Investment Schedule

Below is a list of Alvin Community College Foundation's investments for the period March 1, 2022 through May 31, 2022. All securities have been purchased according to the investment policy approved by the ACC Foundation Board of Directors at the February 17, 2015 board meeting.

BEGINNING INVESTMENTS 03/01/22	\$	4,263,331
Deposits		35,129
Sales Proceeds/Redemptions		-
Dividends		15,231
Interest		3
Capital Gains		6,106
Fees		(9,713)
Cash Withdrawals		-
Change in value of priced securities		<u>(238,061)</u>
ENDING INVESTMENTS 05/31/22	\$	<u>4,072,026</u>

Alvin Community College
Consolidated Statements of Net Assets

	May 31, 2022	May 31, 2021	Variance	Explanations/Descriptions
Current Assets				
Cash and cash equivalents	6,056,348	4,150,893	1,905,455	
Short-term investments	22,990,600	26,105,305	(3,114,705)	
Accounts receivable, net	2,073,663	1,977,107	96,556	Installment Plans outstanding, billing outstanding to sponsors and third parties, grant billings, and CE billings
Inventories	150,077	189,796	(39,719)	
Prepays	84,128	439,762	(355,634)	Travel advances and prepaid expenses
Total Current Assets	31,354,816	32,862,863	(1,508,047)	
Noncurrent assets				
Long-term investments	1,000,000	1,000,000	-	
Capital assets, net	45,576,905	30,953,322	14,623,583	
Total Assets	77,931,721	64,816,185	13,115,536	
Deferred Outflows of Resources				
Deferred outflows - pensions	3,651,781	4,339,605	(687,824)	TRS pension
Deferred outflows - OPEB	9,755,156	5,951,439	3,803,717	OPEB
Total Deferred Outflows of Resources	13,406,937	10,291,044	3,115,893	
Liabilities				
Accounts payable & accrued liabilities	81,076	(29,346)	110,422	
Net pension liability	9,854,249	9,596,705	257,544	
Net OPEB liability	28,599,258	26,895,555	1,703,703	
Funds held for others	48,743	47,915	828	Agency funds - groups, clubs, etc on campus
Deferred revenues	830,079	646,019	184,060	Grants paid in advance and full registrations
Compensated absences	465,914	528,706	(62,792)	Entry made annually for change in liability
Bonds payable, net of premiums	4,752,264	6,562,444	(1,810,181)	Annual payment
Tax note payable, net of premiums	19,640,000	20,420,000	(780,000)	Annual payment
Total Liabilities	64,271,582	64,667,998	(396,416)	
Deferred Inflows of Resources				
Deferred inflows - pensions	1,499,947	1,911,006	(411,059)	TRS pension
Deferred inflow - OPEB	7,280,493	6,709,983	570,510	OPEB
Deferred inflow - premium on tax note	2,698,303	2,461,286	237,217	OPEB
Total Deferred Inflows of Resources	11,478,944	11,082,275	396,669	
Net Assets				
Fund Balance - Equity	15,588,132	(643,044)	16,231,176	
Total Net Assets	15,588,132	(643,044)	16,231,176	

Alvin Community College
Consolidated Statements of Revenue and Expense
 May 31, 2022 and May 31, 2021

	Year-To-Date					Prior Year-To-Date				
	All Other Funds Actual	M&O Actual	M&O Budget	Remaining Budget	% of Budget	All Other Funds Actual	M&O Actual	Amended M&O Budget	Remaining Budget	% of Budget
Revenues										
Operating revenues										
Tuition and fees	1,776,457	6,869,427	6,688,719	180,708	102.70%	2,019,254	6,656,693	6,052,116	604,577	109.99%
Federal grants and contracts	10,430,050	-	245,993	(245,993)	0.00%	7,862,499	-	1,138,749	(1,138,749)	0.00%
State grants	396,416	-	-	-	0.00%	437,377	-	-	-	0.00%
Local grants	245,430	-	-	-	0.00%	265,882	-	-	-	0.00%
Auxiliary enterprises	1,525,147	-	-	-	0.00%	1,435,773	-	-	-	0.00%
Other operating revenues	334,131	46,160	75,000	(28,840)	61.55%	217,140	51,825	52,500	(675)	98.71%
Total operating revenues	14,707,631	6,915,587	7,009,712	(94,125)	98.66%	12,257,925	6,708,518	7,243,365	(534,847)	92.62%
Expenses										
Operating expenses										
Administrative	-	5,342,996	7,869,087	2,526,091	67.90%	-	4,670,301	6,891,734	2,221,433	67.77%
Institutional	-	5,819,936	7,576,546	1,756,610	76.82%	-	4,931,004	6,854,512	1,923,508	71.94%
Designated for Institutional Reserve	-	-	-	-	0.00%	-	-	1,477,340	1,477,340	0.00%
Occupational Technical Instruction	-	4,019,633	6,341,151	2,321,518	63.39%	-	3,806,814	6,017,287	2,210,473	63.26%
University Parallel Instruction	-	5,600,647	8,296,763	2,696,116	67.50%	-	5,128,164	7,484,982	2,356,818	68.51%
Student Services	-	3,103,469	5,043,330	1,939,861	61.54%	-	2,936,607	4,736,104	1,799,497	62.16%
Physical Plant	-	2,015,811	3,301,962	1,286,151	61.03%	-	1,756,048	3,203,462	1,447,414	54.82%
Unbudgeted Unrestricted (Fund 12)	799,741	-	-	-	0.00%	965,118	-	-	-	0.00%
Continuing Education	633,521	-	-	-	0.00%	933,213	-	-	-	0.00%
Auxiliary Enterprises	1,825,321	-	-	-	0.00%	1,247,980	-	-	-	0.00%
Local Grants	16,058	-	-	-	0.00%	77,923	-	-	-	0.00%
TPEG	206,206	-	-	-	0.00%	240,039	-	-	-	0.00%
Institutional Scholarships	111,610	-	-	-	0.00%	154,278	-	-	-	0.00%
State Grants	391,446	-	-	-	0.00%	437,377	-	-	-	0.00%
Federal Grants	10,431,189	-	-	-	0.00%	7,862,499	-	-	-	0.00%
Donor Scholarships	277,706	-	-	-	0.00%	299,013	-	-	-	0.00%
Unexpended Plant Fund	940,803	-	-	-	0.00%	480,815	-	-	-	0.00%
Depreciation	-	-	-	-	0.00%	-	-	-	-	0.00%
Debt Retirement	156,101	-	-	-	0.00%	157,019	-	-	-	0.00%
Gain on Sale of Property	-	-	-	-	0.00%	-	-	-	-	0.00%
Tax maintenance Note	2,270,759	-	-	-	0.00%	10,754,486	-	-	-	0.00%
Total operating expenses	18,060,460	25,902,492	38,428,839	12,526,347	67.40%	23,609,761	23,248,940	36,685,421	13,436,481	63.37%
Operating Gain/(Loss)	(3,352,829)	(18,986,905)	(31,419,127)	(12,620,472)		(11,351,836)	(16,540,422)	(29,442,056)	(13,971,328)	
Nonoperating revenues										
State appropriations*	-	5,610,164	7,587,622	1,977,458	73.94%	-	5,564,358	7,772,636	2,208,278	71.59%
Property tax revenue - Current	1,512,440	21,933,476	23,612,061	1,678,585	92.89%	1,516,734	18,674,862	20,117,080	1,482,218	92.63%
Property tax revenue - Institutional Reserve	-	144,444	144,444	-	-	-	1,477,340	1,477,340	-	-
Property tax revenue - Delinquent	9,567	117,150	-	117,150	0.00%	12,803	139,676	-	139,676	0.00%
Property tax revenue - Interest & Penalties	6,661	87,770	-	87,770	0.00%	8,489	119,771	-	119,771	0.00%
Investment income	2,385	58,670	75,000	(16,330)	78.23%	7,573	51,305	75,000	(23,695)	68.41%
Other non-operating revenues	257,429	12,225	-	12,225	0.00%	283,300	5,430	-	5,430	0.00%
Total nonoperating revenues	1,788,482	27,963,899	31,419,127	(3,453,228)	89.00%	1,828,898	25,992,742	29,442,056	(3,449,314)	88.28%
Provided by the State										
Revenue for Insurance and Retirement	-	1,640,833	-	1,640,833	0.00%	-	1,650,222	-	1,650,222	0.00%
State Insurance Match	-	(708,741)	-	(708,741)	0.00%	-	(728,616)	-	(728,616)	0.00%
State Retirement Match	-	(543,667)	-	(543,667)	0.00%	-	(499,246)	-	(499,246)	0.00%
State Retiree Insurance	-	(388,425)	-	(388,425)	0.00%	-	(422,360)	-	(422,360)	0.00%
Increase/(decrease) in net assets	(1,564,347)	8,976,994	-	(16,075,700)		(9,522,939)	9,432,320	-	(17,420,642)	

* State Approp portion generated by CE = 144,742

151,351

* Institutional Reserve 10,868,668

9,347,000

Alvin Community College
Consolidated Statements of Revenue and Expense
 May 31, 2022 and May 31, 2021

	Year-To-Date					Prior Year-To-Date				
	All Other Funds Actual	M&O Actual	Amended M&O Budget	Remaining Budget	% of Budget	All Other Funds Actual	M&O Actual	Amended M&O Budget	Remaining Budget	% of Budget
Revenues										
Operating revenues										
Total operating revenues	14,707,631	6,915,587	7,009,712	(94,125)	98.66%	12,257,925	6,708,518	7,243,365	(534,847)	92.62%
Nonoperating revenues										
Total nonoperating revenues	1,788,482	27,963,899	31,419,127	(3,455,228)	89.00%	1,828,898	25,992,742	29,442,056	(3,449,314)	88.28%
Less Expenses										
Operating expenses										
Total operating expenses	(18,060,460)	(25,902,492)	(38,428,839)	(12,526,347)	67.40%	(23,609,761)	(23,248,940)	(36,685,421)	(13,436,481)	63.37%
Increase/(decrease) in net assets	(1,564,347)	8,976,994	-	(16,073,700)		(9,522,939)	9,452,120	-	(17,420,642)	

- State Approp portion generated by CE = 144,742 151,351
- Institutional Reserve 10,868,668 9,347,000

Alvin Community College
Consolidated Detail Expense by Type
 May 31, 2022 and May 31, 2021

	Year-To-Date					Prior Year-To-Date				
	All Other Funds Actual	M&O Actual	M&O Budget	Remaining Budget	% of Budget Expended	All Other Funds Actual	M&O Actual	M&O Budget	Remaining Budget	% of Budget Expended
Administrative Sal	60,402	1,289,075	1,755,274	466,199	73.44%	34,018	1,206,855	1,664,975	458,120	72.48%
Professional Sal	454,364	3,532,564	5,490,048	1,957,484	64.34%	813,438	3,324,620	4,838,733	1,514,113	68.71%
Tech/Clerical Sal	545,291	3,420,316	5,135,350	1,715,034	66.60%	662,442	3,191,448	4,876,131	1,684,673	65.43%
Faculty Sal	226,618	8,238,263	12,289,001	4,050,738	67.04%	319,608	7,684,849	11,394,578	3,709,729	67.44%
Misc Sal	43,919	111,388	144,855	33,467	76.90%	48,791	60,735	64,980	4,245	93.47%
Reg Students Sal	25,528	27,310	161,279	133,969	16.93%	8,439	45,421	169,454	124,033	26.80%
Work Study Students Sal	40,496	-	-	-	0.00%	30,156	-	-	-	0.00%
Staff Benefits	201,573	2,801,525	4,305,770	1,504,245	65.06%	270,473	2,811,682	4,000,775	1,189,093	70.28%
Subtotal	1,598,191	19,420,442	29,281,577	9,861,135	66.32%	2,207,365	18,325,610	27,009,616	8,684,006	67.85%
Equipment	44,245	36,576	-	(36,576)	0.00%	80,056	17,297	43,400	26,103	39.86%
Computer Hardware	-	5,307	-	(5,307)	0.00%	272,103	37,678	93,050	55,372	40.49%
Capital Improvements	39,680	-	-	-	0.00%	-	-	-	-	0.00%
Designated for Instit Reserve	-	-	144,444	144,444	0.00%	-	-	1,477,340	1,477,340	0.00%
Travel/Prof Development	59,060	164,447	213,374	48,927	77.07%	50,728	79,169	440,524	361,355	17.97%
Supplies & Exp	1,358,554	4,496,287	6,574,244	2,077,957	68.39%	1,917,686	3,351,238	5,413,866	2,062,628	61.90%
Institutional Scholarships	111,610	138,600	333,700	195,100	41.53%	154,278	163,823	323,000	159,177	50.72%
Financial Aid	10,381,733	-	-	-	0.00%	6,765,635	-	-	-	0.00%
Donor Scholarships	277,706	-	-	-	0.00%	299,013	-	-	-	0.00%
Purchases (Store/Concession)	822,018	-	-	-	0.00%	470,576	-	-	-	0.00%
Contingency Expense	-	-	100,000	100,000	0.00%	-	-	100,000	100,000	0.00%
Depreciation	-	-	-	-	0.00%	-	-	-	-	0.00%
Debt Retirement (Int & Amort)	156,101	-	-	-	0.00%	157,019	-	-	-	0.00%
Tax Maintenance Note	2,270,759	-	1,781,500	1,781,500	0.00%	10,754,486	1,274,125	1,784,625	510,500	71.39%
Unexpended Plant	940,803	-	-	-	0.00%	480,815	-	-	-	0.00%
	18,060,460	\$ 24,261,659	\$ 38,428,839	\$ 14,167,180	63.13%	\$ 23,609,761	\$ 23,248,940	\$ 36,685,421	\$ 13,436,481	63.37%
State Insurance Match	-	708,741	-	(708,741)	0.00%	-	728,616	-	(728,616)	0.00%
State Retirement Match	-	543,667	-	(543,667)	0.00%	-	499,246	-	(499,246)	0.00%
State Retiree Insurance	-	388,425	-	(388,425)	0.00%	-	422,360	-	(422,360)	0.00%

Alvin Community College
Continuing Education Statement of Revenue and Expense
May 31, 2022

	Year-To-Date					
	Actual Revenue	TPEG	Exemptions	Net Revenue	Actual Expense	Net Margin
Administration	144,742	278	(4,639)	140,381	292,096	(151,715)
GED	1,862	-		1,862	464	1,398
Law Enforcement	-	-		-		-
Real Estate	817	-		817		817
Dental Assistant	45,085	(2,692)		42,393	51,703	(9,310)
Phlebotomy	40,240	(2,414)		37,826	10,283	27,543
Health and Medical	600	(36)		564		564
Certified Nursing / Medication Aide	46,695	(2,802)		43,893	8,945	34,948
Welding	91,227	(5,218)	(3,697)	82,312	77,613	4,699
Truck Driving	195,064	(9,639)		185,424	101,994	83,430
Center for Professional Workforce Dev	11,268	-		11,268		11,268
Education to Go	4,489	-		4,489		4,489
Concealed Handguns	-	-		-		-
Occupational Health & Safety	3,787	-		3,787	349	3,438
Community Programs	800	-		800	140	660
Clinical Medical Assistant	73,870	(4,432)		69,438	13,318	56,120
Vet Assistant	2,328	(83)		2,245	1,247	998
Yoga	2,405	-		2,405	700	1,705
Human Resource Program	-	-		-		-
Activity Director Program	2,070	(124)		1,946		1,946
Machinist Program	-	-		-	4,072	(4,072)
TWC Pipefitter Program	-	-		-	-	-
STRIVE	102,775	(5,408)	(6,254)	91,113	50,211	40,902
TWC INEOS/TEAM	-	-		-		-
TWC Ascend	22,950	(137)		22,813	15,550	7,263
Industrial Maintenance	-	-		-		-
TWC Building Construction Trades	-	-		-	4,836	(4,836)
Total	793,074	(32,707)	(14,590)	745,777	633,521	112,256

*2.58% of the state appropriation for FY21/22 is attributed to CE hours. This funding is used to offset administrative costs.

Departments highlighted generate the CE hours that contribute to the calculation of ACC's state appropriations.

Alvin Community College
Auxiliary Profit(Loss) Statement Year-To-Date Through May 31, 2022 and May 31, 2021

	Parking	Student Activities	Bookstore	Vending	Childcare	Fitness Center	Total	Prior Year-To-Date
Revenue								
Sales & services	227,785		827,782	2,339	236,159	4,383	1,298,448	1,208,177
Student Fees		226,700					226,700	227,596
	227,785	226,700	827,782	2,339	236,159	4,383	1,525,147	1,435,773
Expenses								
Purchases & Returns			822,018	296			822,314	470,575
Salaries	77,352	72,186	145,845		208,534	12,926	516,843	461,770
Staff Benefits	23,222	13,240	37,199		69,341	439	142,441	144,187
Supplies & Other Operating Expenses	146,976	74,446	21,374	4,578	18,783	262	266,519	167,688
Equipment	39,680		14,788			10,150	64,618	-
Building Repairs							-	-
Bank Charges			5,778		2,890	17	8,685	7,760
Contingency							-	-
Scholarships		3,900					3,900	-
	286,230	163,772	1,047,103	4,875	299,548	23,793	1,825,321	1,247,980
Excess revenue over expenses	(58,445)	62,927	(219,321)	(2,536)	(63,389)	(19,410)	(300,173)	187,793
Assets:								
Cash & Petty Cash			2,713				2,713	2,513
Accounts Receivable			27,755				27,755	-
Interfund Receivables	234,113	480,447	414,714	753	(19,143)	57,130	1,168,015	1,163,777
Prepaid Expenses							-	-
Inventory			150,077				150,077	189,796
Total Assets	234,113	480,447	595,859	753	(19,143)	57,130	1,348,360	1,356,086
Liabilities:								
Accounts Payable/Gift Certificates	6,063	638	39,523		7,459	84	53,767	56,842
Deferred Revenue	24,240	24,240				420	48,900	44,850
Deposits							-	-
Total Liabilities	30,303	24,878	39,523	-	7,459	504	102,667	101,692
Restricted Fund Balance (includes inventories)			150,077				150,077	189,796
Unrestricted Fund Balance	203,809	455,569	405,459	753	(26,602)	56,626	1,095,613	1,064,598
Total Liabilities & Fund Balance	234,113	480,447	595,859	753	(19,143)	57,130	1,348,360	1,356,086

Alvin Community College
Auxiliary Profit/(Loss) Statement - Year-To Date Through May 31, 2021

	Parking	Student Activities	Bookstore	Vending	Childcare	Fitness Center	Total
Revenue							
Sales & Services	226,021		787,590	1,195	190,638	2,733	1,208,177
Student Fees		227,596					227,596
	226,021	227,596	787,590	1,195	190,638	2,733	1,435,773
Expenses							
Purchases & Returns			470,575				470,575
Salaries	71,800	59,969	152,800		177,201		461,770
Staff Benefits	21,621	16,750	42,014		63,802		144,187
Supplies & Other Operating Expenses	90,866	29,519	22,799	3,926	16,578		163,688
Equipment							-
Building Repairs							-
Bank Charges			6,005		1,755		7,760
Contingency							-
Scholarships							-
	184,287	106,238	694,193	3,926	259,336	-	1,247,980
Excess revenue over expenses	41,734	121,358	93,397	(2,731)	(68,698)	2,733	187,793
Assets:							
Cash & Petty Cash			2,513				2,513
Accounts Receivable							-
Interfund Receivables	263,375	408,893	461,835	2,974	25,278	49,978	1,163,777
Prepaid Expenses							-
Inventory			189,481	315			189,796
Total Assets	263,375	408,893	655,829	3,289	(25,278)	49,978	1,356,086
Liabilities:							
Accounts Payable/Gift Certificates	4,523	885	39,246		12,188		56,842
Deferred Revenue	22,320	22,320				210	44,850
Deposits							-
Total Liabilities	26,843	23,205	39,246	-	12,188	210	101,692
Restricted Fund Balance (includes inventories)			189,481	315			189,796
Unrestricted Fund Balance	236,532	385,688	427,102	2,974	(37,466)	49,768	1,064,598
Total Liabilities & Fund Balance	263,375	408,893	655,829	3,289	(25,278)	49,978	1,356,086

TO: Board of Regents
 FROM: Elizabeth (Beth) Nelson
 DATE: June 23, 2022
 SUBJECT: Investment Transactions Report

Investment Position:

As of May 31, 2022, Alvin Community College had \$ 22,550,000 invested in twenty one certificates of deposit purchased through First National Bank-Alvin, one certificate of deposit purchased through Texas Advantage Bank, one certificate of deposit purchased through the CDARS program using Texas Advantage Bank and one purchased from Amoco Federal Credit Union.

Summary:

Beginning market value		3/1/2022	\$	9,150,000
Additions/changes to the market value:				
	a.	Sale of CDs		(5,600,000)
	b.	Purchase of CDs		19,000,000
	c.	TexSTAR		1,440,600
Ending market value		5/31/2022	\$	23,990,600
Fully accrued interest			\$	26,780
Interest earned on Bond Note funds			\$	2,076

Pooled Funds:

The \$ 23,990,600 currently invested was taken from the following major fund groups:

\$	22,550,000	General Fund	11
\$	1,440,600	2018 Maintenance Tax Note	66

We certify that the investments made during this reporting period are in compliance with Alvin Community College's Investment Policy and the Texas Government Code.


 Karl Stager


 Elizabeth Nelson


 Laurel Joseph

Alvin Community College
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 Alvin, TX 77511
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ALVIN COMMUNITY COLLEGE
Investment Schedule

Below is a list of Alvin Community College's investments for the period March 1, 2022 through May 31, 2022. All securities have been purchased according to the investment policy approved by the Board of Regents at the August 12, 2021 board meeting.

CD No	Purchase Date	Due Date	Interest Rate	Term	Days Held	Principal	Interest Earned	Accrued Interest	Total
BEGINNING INVESTMENTS:									
520890	02/21/20	02/21/23	1.700%	1096	92	250,000			250,000 a
1016372516	02/23/20	02/23/23	1.700%	1096	92	250,000			250,000 b
1861710	01/10/22	01/10/25	1.050%	1096	92	250,000			250,000 c
200000512	02/06/20	02/05/23	1.500%	1095	92	1,000,000			1,000,000
200000398	11/02/21	03/03/22	0.153%	121	3	500,000			500,000
200000599	11/16/21	03/24/22	0.156%	128	24	1,800,000			1,800,000
200000600	12/01/21	04/05/22	0.171%	125	36	500,000			500,000
200000603	01/10/22	05/05/22	0.232%	115	66	500,000			500,000
200000604	01/19/22	04/22/22	0.267%	93	53	1,800,000			1,800,000
200000606	02/10/22	05/23/22	0.284%	101	83	500,000			500,000
200000607	02/22/22	06/23/22	0.580%	121	92	8,800,000			1,800,000
Subtotal for CD Investments for Beginning of the Period						\$ 9,150,000	\$ -	\$ -	\$ 9,150,000

SALES:									
200000398	11/02/21	03/03/22	0.153%	121	3	500,000			500,000
200000599	11/16/21	03/24/22	0.156%	128	24	1,800,000			1,800,000
200000600	12/01/21	04/05/22	0.171%	125	36	500,000			500,000
200000603	01/10/22	05/05/22	0.232%	115	66	500,000			500,000
200000604	01/19/22	04/22/22	0.267%	93	53	1,800,000			1,800,000
200000606	02/10/22	05/23/22	0.284%	101	83	500,000			500,000
Total Sales						5,600,000	-	-	5,600,000

PURCHASES:									
200000608	03/03/22	06/07/22	0.453%	96	90	500,000			500,000
200000610	03/23/22	07/11/22	0.763%	118	68	1,800,000			1,800,000
200000611	03/23/22	07/15/22	0.763%	122	68	1,000,000			1,000,000
200000612	03/23/22	08/25/22	0.967%	153	68	1,000,000			1,000,000
200000613	03/23/22	09/25/22	1.034%	184	68	1,000,000			1,000,000
200000614	03/23/22	10/25/22	1.009%	214	68	1,000,000			1,000,000
200000616	04/05/22	08/03/22	0.893%	120	57	500,000			500,000
200000622	04/25/22	11/18/22	1.427%	207	37	1,800,000			1,800,000
200000624	05/05/22	09/07/22	1.242%	125	27	500,000			500,000
200000625	05/16/22	06/30/22	0.846%	45	16	1,000,000			1,000,000
200000626	05/16/22	07/13/22	0.884%	58	16	1,000,000			1,000,000
200000627	05/16/22	08/16/22	1.070%	92	16	1,000,000			1,000,000
200000628	05/19/22	08/10/22	0.943%	83	13	1,000,000			1,000,000
200000629	05/19/22	09/01/22	1.216%	105	13	1,000,000			1,000,000
200000630	05/19/22	09/22/22	1.273%	126	13	1,000,000			1,000,000
200000631	05/23/22	10/07/22	1.034%	137	9	500,000			500,000
200000632	05/24/22	08/25/22	1.167%	93	8	800,000			800,000
200000633	05/24/22	10/25/22	1.417%	154	8	800,000			800,000
200000634	05/24/22	12/12/22	1.589%	202	8	1,800,000			1,800,000
Total Purchases						19,000,000	-	-	19,000,000

ENDING INVESTMENTS:									
520890	02/21/20	02/21/23	1.700%	1096	92	250,000	1,071		251,071 a
1016372516	02/23/20	02/23/23	1.700%	1096	92	250,000	1,071		251,071 b
1861710	01/10/22	01/10/25	1.050%	1096	92	250,000	662		250,662 c
200000512	02/06/20	02/05/23	1.500%	1095	92	1,000,000	3,781		1,003,781
200000607	02/22/22	06/23/22	0.580%	121	92	1,800,000	2,631		1,802,631
200000608	03/03/22	06/07/22	0.453%	96	90	500,000	358		500,358
200000610	03/23/22	07/11/22	0.763%	118	68	1,800,000	2,559		1,802,559
200000611	03/23/22	07/15/22	0.763%	122	68	1,000,000	1,421		1,001,421
200000612	03/23/22	08/25/22	0.967%	153	68	1,000,000	1,802		1,001,802
200000613	03/23/22	09/25/22	1.034%	184	68	1,000,000	1,926		1,001,926
200000614	03/23/22	10/25/22	1.009%	214	68	1,000,000	1,880		1,001,880
200000616	04/05/22	08/03/22	0.893%	120	57	500,000	697		500,697
200000622	04/25/22	11/18/22	1.427%	207	37	1,800,000	2,604		1,802,604
200000624	05/05/22	09/07/22	1.242%	125	27	500,000	459		500,459
200000625	05/16/22	06/30/22	0.846%	45	16	1,000,000	371		1,000,371
200000626	05/16/22	07/13/22	0.884%	58	16	1,000,000	388		1,000,388
200000627	05/16/22	08/16/22	1.070%	92	16	1,000,000	469		1,000,469
200000628	05/19/22	08/10/22	0.943%	83	13	1,000,000	336		1,000,336
200000629	05/19/22	09/01/22	1.216%	105	13	1,000,000	433		1,000,433
200000630	05/19/22	09/22/22	1.273%	126	13	1,000,000	452		1,000,452
200000631	05/23/22	10/07/22	1.034%	137	9	500,000	128		500,128
200000632	05/24/22	08/25/22	1.167%	93	8	800,000	205		800,205
200000633	05/24/22	10/25/22	1.417%	154	8	800,000	248		800,248
200000634	05/24/22	12/12/22	1.589%	202	8	1,800,000	627		1,800,627
Total for End of Period for CD Investments						\$ 22,530,000	\$ -	\$ 26,780	\$ 22,556,780

INVESTMENT POOL									
TexasSTAR						\$ 1,438,324	\$ 2,076	\$ -	\$ 1,440,400

a Texas Advantage Bank
b Texas Advantage CDARS (First National Bank of Michigan and Mutual of Omaha Bank)
c Amoco Federal Credit Union

21. **Adjournment**