I. Call to Order

II. Pledge of Allegiance

III. Certification of the Posting of the Notice of the Meeting

IV. Administration of the Oath of Office for Trustee Districts 5, 6 and 7

V. Reorganization of the Board of Trustees (ACTION ITEM 1)

VI. Introductions, Special Guests, Recognitions

VII. Workshop

VIII. Closed Session

The Board of Trustees, in accordance with Section 551.001, et seq. of the Texas Government Code will move into Closed Session under one or more of the following provision(s) of the ACT:

- Section 551.071 – Consultation with Attorney
  - Status of Pending Litigation
  - On any item on the Agenda
- Section 551.072 – Deliberation Regarding Real Property
  - LSC-University Park, LSC-CyFair, LSC-North Harris, LSC-Tomball, LSC–Montgomery, LSC-Kingwood, LSC-SO-University Park
- Section 551.074 - Personnel Matters

IX. Reconvene Regular Meeting

X. Approval of the Minutes of the November 3, 2016 Workshop and Regular Meeting of the Board of Trustees and the Minutes of the November 17, 2016 Special Meeting

XI. Special Reports and Announcements
1. Chancellor – Reports and comments from the Chancellor regarding meetings and conferences attended, campus visits, community and district activities, education programs, current affairs related to higher education

2. Presidents – Rebecca Riley, Pathways

3. Vice Chancellors – Rand Key, Police Department Update

4. Faculty Senate Presidents – Anthony Carreras

5. Board Members
   - Reports and comments from Board chair and Board members regarding meetings and conferences attended, campus visits, community and district activities, education programs, current affairs related to higher education
   - Board Committee Reports

XII. Citizen Participation

XIII. Consideration of the Consent Agenda

(The purpose of the consent agenda is to allow the Board to identify and approve action items which require no additional information or discussion and for which there is unanimous approval. Trustees receive agenda materials one week in advance of the meeting to prepare for the business to be conducted.)

XIV. Policy Report and Considerations

1. Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.A. Appropriations and Revenue Sources (FIRST READING)

2. Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.B. Budgeting, Accounting, and Reporting (FIRST READING)

3. Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.C. Cash Management (FIRST READING)

4. Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.D. Purchasing and Acquisitions (FIRST READING)
5. Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.E. Facilities (FIRST READING)

6. Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.F. Fixed Assets (FIRST READING)

7. Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.G. Auxiliary Enterprises (FIRST READING)

8. Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.H. Auditing (FIRST READING)


12. Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section V. Instruction (FIRST READING)

13. Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section I. Governance (ACTION ITEM 2)

14. Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.A. Public Information Program, Section II.B. Public Complaints and Hearings, and Section II.C. Relationships with Community Organizations (ACTION ITEM 3)

15. Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.D. Student and Community Use of System Facilities (ACTION ITEM 4)

16. Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.E. Conduct on System Premises (ACTION ITEM 5)
17. Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.H. Relationships with Governmental Agencies and Authorities (ACTION ITEM 6)

18. Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.I. Relationships with Other Entities (ACTION ITEM 7)

19. Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.J. Access to Programs, Services and Activities (ACTION ITEM 8)

20. Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.K. Media Relations and Communications (ACTION ITEM 9)

21. Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.L.1. Approval of Advertising (ACTION ITEM 10)

XV. Curriculum Reports and Considerations

1. Consideration of Approval for Sterile Processing Level I Non-Credit Certificate at Lone Star College-Tomball (ACTION ITEM 11)

XVI. Financial Reports and Considerations

1. The financial statements for the month ended October 31, 2016 are presented for Board review

2. Consideration of Approval of Resolution and Ordinance Authorizing the Chancellor or Designee to Open New Operating Bank Accounts for Lone Star College (the “College”) with the New Bank Depository Services Provider, JP Morgan Chase Bank, N.A. (Chase Bank) (ACTION ITEM 12)


4. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute an Interlocal Agreement with the University of Texas at Austin (UT) Petroleum Extension (PETEX) to Develop and Implement Program Curricula (ACTION ITEM 14)
5. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute an Interlocal Agreement Between The University of Texas Health Science Center and the College for Employee Assistance Program Benefits (ACTION ITEM 15)

6. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Contract to Purchase Dry Van Trailers for the Truck Driving Program to be Located in the New LSC-North Harris Transportation & Global Logistics Training Center (ACTION ITEM 16)

7. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Contract to Purchase New Trucks for the Truck Driving Program to be Located in the New LSC-North Harris Transportation & Global Logistics Training Center (ACTION ITEM 17)

8. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Contract to Purchase and Install Furnishings for LSC-University Park Center for Science & Innovation (ACTION ITEM 18)

9. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Contract to Purchase and Install Furnishings at LSC-CyFair Center for Academic and Student Engagement (ACTION ITEM 19)

10. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Contract to Purchase Fume Hoods for LSC-University Park Center for Science & Innovation (ACTION ITEM 20)

11. Consideration of Approval to Authorize the Chancellor or Designee to Amend the Contract with Phonoscope Inc. for Additional Design, Construction, and Maintenance Services of Dark Fiber Wide Area Network (WAN) Infrastructure (ACTION ITEM 21)

12. Consideration of Approval to Authorize the Chancellor or Designee to Amend the Guaranteed Maximum Price (GMP) Contract with the LSC-Kingwood Construction Manager at Risk (CMAR) Firm for Construction Services Related to the Chilled Water Line Extension (ACTION ITEM 22)

13. Consideration of Approval to Authorize the Chancellor or Designee to Amend the Guaranteed Maximum Price (GMP) Contract with the LSC-North Harris Construction Manager at Risk (CMAR) Firm for Construction Services Related to the Central Plant Addition (ACTION ITEM 23)
14. Consideration of Approval to Authorize the Chancellor or Designee to Amend the Guaranteed Maximum Price (GMP) Contract with the LSC-CyFair Construction Manager at Risk (CMAR) Firm for Construction Services Related to the Westway Park Technology Center (ACTION ITEM 24)

15. Consideration of Approval to Authorize the Chancellor or Designee to Amend the Contract with the Security Design and Consulting Firm for Additional Services Related to the Design of Emergency Call Stations (ACTION ITEM 25)

16. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Utility Development Agreement for Construction Services Related to the LSC-University Park Center For Science and Innovation Water and Sewer Infrastructure (ACTION ITEM 26)

17. Consideration of Approval to Modify the Language in the Previously Approved August 1, 2013 Agenda Item for the Purchase of Audio Visual Equipment, Installation and Integration Services, and Maintenance and Repair Services (ACTION ITEM 27)

18. Consideration of Approval to Authorize the Chancellor or Designee to Amend the Contract with Civitas Learning, Inc. for the FY 2017 Next Generation Leadership Academy (ACTION ITEM 28)

19. Consideration of Approval to Authorize the Chancellor or Designee to Amend the Contract with D2L Ltd to Utilize the Learning Management System (LMS) for an Additional Year (ACTION ITEM 29)

20. Consideration of Approval of the Separation Incentive Plan (SIP), administered by Public Agency Retirement Services (PARS), and to Authorize the Chancellor or Designee to Negotiate and Execute the Agreement for Administrative Services (ACTION ITEM 30)

21. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute two Contracts to Purchase Real Estate for the LSC-North Harris Transportation Institute and Necessary Agreements, Lease Assignments and Easements related to the Property (ACTION ITEM 31)

22. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Contract to Retain RBC Capital Markets, LLC (“RBC CM”) as Financial Advisor for the College (ACTION ITEM 32)
XVII. Personnel Report and Considerations

1. Consideration of Ratification of Appointments (ACTION ITEM 33)

2. Consideration of Acceptance of Resignations (ACTION ITEM 34)

XVIII. Buildings and Grounds Report

Construction Projects Update

XIX. Suggested Future Agenda Items

XX. Adjournment

If during the course of the meeting covered by this notice, the Board should determine that a closed session of the Board should be held or is required in relation to an item noticed in this meeting, then such closed session as authorized by Section 551.001 et seq. of the Texas Government Code (the Open Meetings Act) will be held by the Board concerning any and all subjects and for any and all purposes permitted by Section 551.071-551.089, inclusive, of the Open Meetings Act, including, but not limited to:

Section 551.071 - Consultation with Attorney
Section 551.072 - Deliberation Regarding Real Property
Section 551.073 - Deliberation Regarding Prospective Gift
Section 551.074 - Personnel Matters
Section 551.076 - Deliberation Regarding Security Devices
Section 551.082 - Student Discipline
Section 551.0821 - Personally Identifiable Information About Student
Section 551.084 - Exclusion of Witness
Section 551.087 - Economic Development Negotiations
I, Stephen C. Head, Chancellor of the Lone Star College System, do hereby certify that a notice of this meeting was posted on Monday the 28th day of November, 2016 in a place convenient to the public at LSC-System Office The Woodlands, The Woodlands Leadership Building, on all college campuses and on the system website as required by Section 551.002 et seq., Texas Government Code. Special notice of the meeting was provided to the news media as required by Section 551.001 et seq., Texas Government Code.

Given under my hand this the 28th day of November, 2016.
Board Policy I.D 1.01 requires that the “Officers of the Board shall be elected at the first regular meeting of the Board following the regular election of Board members in odd-numbered years or at any time thereafter in order to fill a vacancy. The Nominating Committee of Kyle Scott (Chair), Art Murillo and Dave Holsey will recommend a slate of candidates for the following offices:

Chair
Vice Chair
Secretary
Assistant Secretary
PRESENT: Ms. Linda Good, Chair  
Dr. Kyle Scott, Vice-Chair  
Dr. Ron Trowbridge, Secretary  
Dr. Alton Smith, Assistant Secretary  
Mr. David Vogt  
Mr. Ken E. Lloyd  
Mr. Art Murillo  
Mr. Dave Holsey

ABSENT: Mr. Bob Wolfe

WORKSHOP AND REGULAR MEETING

I. CALL TO ORDER: Chair Good called the workshop and regular meeting of the Board of Trustees to order at 6:00 p.m. after determining that a quorum was present.

II. PLEDGE OF ALLEGIANCE: Mr. Murillo led the Board and guests in reciting the Pledge of Allegiance.

III. CERTIFICATION OF THE POSTING OF THE NOTICE OF THE MEETING: Chancellor Head confirmed that the Notice for the meeting had been properly posted. No action was required. A copy is attached as Exhibit “A”.

IV. INTRODUCTIONS, SPECIAL GUESTS AND RECOGNITIONS: Dr. Head introduced faculty that were representing the campuses while the faculty senate presidents were at a meeting in Austin; LSC-Tomball Van Piercy, LSC-NH Brandi Ford and LSC-Kingwood Stephanie Kelly.

Ms. Helen Clougherty, vice chancellor and chief of staff introduced Dr. Wendi Prater, associate vice chancellor of LSC-Online and Lakisha McDowell-Bates, program manager of LSC-Online. Dr. Prater gave a presentation on Prior Learning Assessment, an alternative credit pathway that assesses knowledge and skills acquired through real-world experiences and training. PLA helps to eliminate duplicate learning, student retention and accelerates degree completion. PLA students are more likely to earn a degree or certificate and saves an average of $1422 in tuition and fees. Lone Star College received one of four 2016 PLA Best Practices awarded to institutions throughout the state of Texas. LSC was
acknowledged for having an innovative and effective program model that is scalable at other institutions.

Ms. Helen Clougherty, vice chancellor and chief of staff introduced the 2016 Inaugural Cohort LSC-LEAP Graduates: LSC-CyFair, LaToya Crear, Cynthia Hoffart-Watson, Sherrie Johnson, Paolo Martinez, Rachael Pollard; LSC-Montgomery, Lauren Cash, Tramikia Davis, Debbie Hernandez, Melissa Vasquez; LSC-North Harris, Tream Charvis, Tammy Edmonds, Wyshunda Evans, Deidre Taylor, Roxanne Weaver, Shawné Wilson, Malinda Yanock; LSC-Tomball, Donna Fitzpatrick, Jeffrey Peno; LSC-SO, The Woodlands, Theresa Holloway, Brittany Lang, Sandra Martinez, Luis Orozco; LSC-SO UP, Joy Aman, Lisa Lyle, Robert Tate, Alene Williams. LSC-LEAP is Lone Star College’s premier leadership development program for non-exempt staff. The LSC-LEAP graduates have spent the last year learning about the Five Core Strategies of Appreciative Leadership, exploring various careers at Lone Star College, completing a personal SOAR analysis and learning more about professional skills. The cohort also participated in developing their own Personal Strategic Career Development Plan and collaborated on a group project and presentation.

Mr. Vogt entered the meeting at 6:16 p.m.

V. **WORKSHOP:** Mr. Clarence Grier, Managing Director of RBC Capital Markets, LLC presented a Review of Outstanding Debt and Early Retirement of Debt for Lone Star College.

VI. **CLOSED SESSION:** At 6:35 p.m. Chair Good convened the Board in closed session, in accordance with Section 551.001 et seq. of the Texas Government Code under one or more of the following provision(s) of the Act:

- Section 551.071 – Consultation with Attorney
  - Status of Pending Litigation
  - On any item on the Agenda
- Section 551.072 – Deliberation Regarding Real Property
  - LSC-University Park, LSC-CyFair, LSC-North Harris, LSC-Tomball, LSC-Montgomery, LSC-Tomball, LSC-SO-University Park
- Section 551.074 - Personnel Matters

VII. **RECONVENE REGULAR MEETING:** Ms. Good reconvened the open meeting at 7:51 p.m.

VIII. **APPROVAL OF THE MINUTES OF THE OCTOBER 3, 2016 WORKSHOP AND REGULAR MEETING OF THE BOARD OF TRUSTEES AND THE OCTOBER 18, 2016 SPECIAL MEETING:** upon a motion made by Dr. Smith and a second by Mr. Murillo the board approved the minutes of the October 3, 2016 Workshop and Regular Meeting. Dr. Holsey abstained. Upon a motion by Dr. Smith and a second by Dr. Scott the board approved the minutes of the October 18, 2016 Special Meeting with the following
corrections: Mr. Bob Wolfe to be listed as absent only and Mr. Ken Lloyd listed as present. Dr. Holsey Abstained.

IX. SPECIAL REPORTS AND ANNOUNCEMENTS:

1. **Chancellor:** Dr. Head introduced Ms. Beth Marshall with Community Impact. Dr. Head acknowledged the nursing scores for LSC-Tomball and LSC-Kingwood scoring between 93-95.

2. **College Presidents:** Dr. Gerald Napoles, president of LSC-North Harris gave an overview of the leadership programs available at Lone Star College; *The Academy* 10th anniversary – a college-wide leadership program for full-time, exempt faculty and staff, *LSC-Lead*, a college-wide leadership development program for potential administrative leaders, *LSC-Leap*, a college-wide leadership and development program for full-time, non-exempt employees, *Deans and Chairs Institute*, a college-wide instructional leadership program for current deans, chairs, lead faculty and program directors (workforce), *Next Generation Leadership Academy*, a college-wide leadership development program for advance leadership positions.

**Vice Chancellors:** Mr. Amos McDonald, vice chancellor of external affairs and Jed Young, interim associate vice chancellor of communications and marketing gave a presentation on the NCMPR (National Council for Marketing and Public Relations) Medallion Awards that Lone Star College received: Bronze Winners, Academic Catalog and LSC online credit schedule; Silver Winners, Notes, Card and Invitations for Star Gala, Gold Winner, Logo Design for Star Gala; Fundraising Campaign for Star Gala, Microsite- LSC-Online, Social Media or Online Marketing Campaign for LSC-Online, Print Ad – VYPE, College Promotional Brand Video – Healthcare.

3. **Faculty Senate Presidents:** None.

4. **Board Members:** No reports from the board committees.

Chair Good recognized Trustee Bob Wolfe for his years of service from May 2008 through 2016. Mr. Wolfe did not run for reelection and the November meeting was the last meeting he would attend.

Dr. Trowbridge praised Dr. Head and general counsel Mario Castillo on the Title IX sexual assault policy and public speech policies.

Chair Good reminded the Nominating Committee that after the November 8, 2016 election they will need to meet to prepare a new slate of officers for recommendation at the December board meeting.

The Audit and Finance Committee of Dave Vogt, Robert Wolfe and Ken Lloyd will receive a copy of the Audit Report and prepare and make a recommendation to the board at the December board meeting.
X. **CITIZENS DESIRING TO ADDRESS THE BOARD:** Mr. John Burghduff representing the AFT spoke about the grievance policy.

XI. **CONSIDERATION OF THE CONSENT AGENDA:** Items 7 and 17 were pulled from the agenda to be considered separately. Ms. Good proceeded with the Consent Agenda. Dr. Trowbridge made a motion to approve items 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15 and 16. Dr. Holsey seconded the motion and the Board unanimously passed the Consent Agenda. A copy is attached as Exhibit “B”.

XII. **POLICY REPORT AND CONSIDERATIONS:**
1. Consideration of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.A. Public Information Program, Section II.B. Public Complaints and Hearings, and Section II.C. Relationships with Community Organizations (FIRST READING): the Board of Trustees considered revisions to the College’s Board Policy Manual Section II.A. Public Information Program, Section II.B. Public Complaints and Hearings, and Section II.C. Relationships with Community Organizations, amending Section verbiage and organization for added clarity and transparency. A copy is attached as Exhibit “C”.

2. Consideration of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.D. Student and Community Use of System Facilities (FIRST READING): the Board of Trustees considered revision to the College’s Board Policy Manual Section II.D. Student and Community Use of System Facilities which covers College policies related to facility use and minors on campus and amend the title to Section II.D. Community Use of College Premises. A copy is attached as Exhibit “D”.

3. Consideration of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.E. Conduct on System Premises (FIRST READING): the Board of Trustees considered revision to the College’s Board Policy Manual Section II.E. Conduct on System Premises which covers College policies related to community speech and prohibited conduct on College premises and amend the title to Section II.E. Speech and Conduct on College Premises. A copy is attached as Exhibit “E”.

4. Consideration of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.H. Relationships with Governmental Agencies and Authorities (FIRST READING): the Board of Trustees considered revision to the College’s Board Policy Manual Section II.H. Relationships with Governmental Agencies and Authorities which covers College policies related to Texas’s Interlocal Cooperation Act and federal cooperation contracts. A copy is attached as Exhibit “F”.

5. Consideration of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.I. Relationships with Other Entities (FIRST READING): the Board of Trustees considered revision to the College’s Board Policy Manual Section II.I. Relationships with Other Entities which covers College policies related to affiliations with school districts, other colleges, and accreditation with the Southern
Association of Colleges and Schools Commission on Colleges and amend the title to Section II.I. Relationships with Educational Entities. A copy is attached as Exhibit “G”.

6. Consideration of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.J. Access to Programs, Services and Activities (FIRST READING): the Board of Trustees consider revision to the College’s Board Policy Manual Section II.J. Access to Programs, Services and Activities which covers College policies related to community members and disability services on College premises and amend the title to Section II.J. Community Accessibility. A copy is attached as Exhibit “H”.

7. Consideration of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.K. Media Relations and Communications (FIRST READING): the Board of Trustees considered revision to the College’s Board Policy Manual Section II.K. Media Relations and Communications which covers College policies related to media communications by College personnel. A copy is attached as Exhibit “I”.

8. Consideration of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.L.1. Approval of Advertising (FIRST READING): the Board of Trustees consider revision to the College’s Board Policy Manual Section II.L.1. Approval of Advertising which covers College policies related to advertising and amend the title to Section II.L.1. Advertising Approval. A copy is attached as Exhibit “J”.

9. Consideration and Approval of the Recommended Resolution regarding the College’s Policy Manual Section III.C.2. Investment Management, which includes the College’s Investment Policy and Strategies (ACTION ITEM 1): the Board of Trustees reviewed and approved the College’s Policy Manual Section III.C.2. Investment Management, which includes the College’s investment policy and strategies. Also, that the Board adopted a resolution stating that it has reviewed the investment policy and strategies and is not making any changes to them at this time. This item was passed in the Consent Agenda. A copy is attached as Exhibit “K”.

10. Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section VI.D.1. Non-Academic Student Travel (ACTION ITEM 2): the Board of Trustees approved revision to the College’s Board Policy Section VI.D.1. Non-Academic Student Travel, clarifying the definition of Non-Academic Student Travel. This item was passed in the Consent Agenda. A copy is attached as Exhibit “L”.

11. Consideration and Approval of the Recommended Addition of the Lone Star College System Board Policy Manual Section VI.D.14. Student Organizations (ACTION ITEM 3): the Board of Trustees approved addition of the College’s Board Policy Section VI.D.14. Student Organizations, clarifying student organizations. This item was passed in the Consent Agenda. A copy is attached as Exhibit “M”.

5
12. Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section VI.F.1.3. Title IX Harassment and Sexual Violence General Procedures (ACTION ITEM 4): The Board of Trustees approved revision to the College’s Board Policy Section VI.F.1.3. Title IX Harassment and Sexual Violence General Procedures clarifying the College employees who may receive and process a sexual violence report. This item was passed in the Consent Agenda. A copy is attached as Exhibit “N”.

13. Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section VI.H. Student Records (ACTION ITEM 5): The Board of Trustees approved revision to the College’s Board Policy Section VI.H. Student Records, clarifying that the Chancellor or a designee may share certain student records with select partner institutions. This item was passed in the Consent Agenda. A copy is attached as Exhibit “O”.

XIII. CURRICULUM REPORT AND CONSIDERATIONS:

14. Consideration and Approval of the expansion of the Computer Programming Specialist Associate of Applied Science (AAS) degree and certificates to Lone Star College-University Park (ACTION ITEM 6): The Board of Trustees approved the expansion of the Computer Programming Specialist AAS degree and certificates to Lone Star College-University Park. This item was passed in the Consent Agenda. A copy is attached as Exhibit “P”.

XIV. FINANCIAL REPORT AND CONSIDERATIONS:

1. Monthly Financial Statements: Ms. Carin Hutchins, acting CFO for administration and finance, presented the monthly financial statements for the month ended September 30, 2016. A copy is attached as Exhibit “Q”.

2. Consideration of Approval of a Tuition Exemption for Senior Citizens, 65 Years of Age or Older, for Formula Funded Courses (ACTION ITEM 7): Upon a motion by Dr. Holsey and a second by Dr. Scott the Board of Trustees approved a tuition exemption for senior citizens, 65 years of age or older, for formula funded courses. This exemption will not apply to fees charged for the courses. The maximum award is tuition for up to 6 credit hours per semester. A copy is attached as Exhibit “R”.

3. Consideration of Removal of Health Education Systems Incorporated (HESI) Fees Associated with Nursing Courses (ACTION ITEM 8): The Board of Trustees approved removal of HESI fees associated with nursing courses. This item was passed in the Consent Agenda. A copy is attached as Exhibit “S”.

4. Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Contract for Managing Bacterial Meningitis Vaccine Student Medical Records (ACTION ITEM 9): The Board of Trustees approved authorizing the Chancellor or designee to negotiate and execute a contract with Magnus Health
consideration of approval to authorize the chancellor or designee to negotiate and execute a contract to purchase financial aid file review and verification services (action item 10): the board of trustees approved authorizing the chancellor or designee to negotiate and execute a contract with global financial aid services (global), 12268 intraplex parkway, gulfport, ms 39502, to purchase financial aid file review and verification services for a sum not exceeding $270,000. the contract term will be for one year and global has agreed to continue the current fee structure and honor the terms and conditions as stated in the original contract award. this item was passed in the consent agenda. a copy is attached as exhibit “u”.

6. consideration of approval to authorize the chancellor or designee to negotiate and execute a contract for the purchase and installation of furnishings at lsc-tomball health science building (action item 11): the board of trustees approved authorizing the chancellor or designee to negotiate and execute a contract with j. tyler services, inc., 5920 milwee, houston, texas 77092, for the purchase and installation of furnishings in a sum not exceeding $138,998. the chancellor recommends that the firm with the highest evaluation score be awarded the contract. this item was passed in the consent agenda. a copy is attached as exhibit “v”.

7. consideration of approval to authorize the chancellor or designee to negotiate and execute a contract to purchase a controlled environmental room for lsc-university park’s center for science and innovation (action item 12): the board of trustees approved authorizing the chancellor or designee to negotiate and execute a contract with solid construction solutions, llc, 1490 belvoir street, channelview, texas 77530, for a controlled environmental room for lsc-university park’s center for science and innovation in a sum not exceeding $138,406. the chancellor recommends that the firm with the highest evaluation score be awarded the contract. this item was passed in the consent agenda. a copy is attached as exhibit “w”.

8. consideration of approval to authorize the chancellor or designee to amend the contract with the lsc-north harris construction manager at risk (cmar) for construction services related to the electrical underground project (action item 13): the board of trustees approved authorizing the chancellor or designee to amend the contract with tellepsen builders, l.p. (tellepsen), 777 benmar drive, suite 400, houston, texas, 77060, for construction services related to the electrical underground
Project in the sum of $1,100,000, for a total revised contract sum of $14,575,959. This item was passed in the Consent Agenda. A copy is attached as Exhibit "X".

9. **Consideration of Approval to Authorize the Chancellor or Designee to Amend the Contract with the Lawn Maintenance Services Firm for Additional Services (ACTION ITEM 9):** the Board of Trustees approved authorizing the Chancellor or designee to execute a contract amendment with Western Horticultural Services, 11335 Charles Road, Houston, TX 77041, for additional lawn maintenance services in the sum of $400,000 for a total revised contract sum of $1,700,000. The term of the contract is March 8, 2013 through March 8, 2018. This item was passed in the Consent Agenda. A copy is attached as Exhibit "Y".

10. **Consideration of Approval to Authorize the Chancellor or Designee to Amend the LSC-University Park Contracts for Architectural and Construction Manager at Risk (CMAR) Services Related to the Design and Construction of the Geology Rock Wall at LSC-University Park’s Center for Science and Innovation (ACTION ITEM 14):** the Board of Trustees approved authorizing the Chancellor or designee to amend the contracts for architectural and CMAR services related to the design and construction of the Geology Rock Wall (Wall) at LSC-University Park’s Center for Science and Innovation for a sum not exceeding $250,000 as follows: Kirksey Architects, Inc. (Kirksey), 6909 Portwest Drive, Houston, Texas, 77024, in the sum of $25,000, for a total revised contract sum of $1,031,719; and E.E. Reed Construction, L.P. (E.E. Reed), 333 Commerce Green Blvd., Sugarland, Texas 77478, in the sum of $225,000, for a total revised contract sum of $17,441,108. This item was passed in the Consent Agenda. A copy is attached as Exhibit "Z".

**XV. PERSONNEL REPORTS AND CONSIDERATIONS:**

1. **Consideration of Ratification of Appointments (ACTION ITEM 16):** the Board unanimously ratified the appointments as presented. This item was passed in the Consent Agenda. A copy is attached as Exhibit “aa”.

2. **Consideration of Acceptance of Resignations (ACTION ITEM 17):** upon a motion by Mr. Murillo and a second by Dr. Holsey the Board unanimously accepted the resignations presented with the following corrections: Meredith O’Hara, Associate Professor of Biology. A copy is attached as Exhibit “bb”.

**XVI. BUILDING AND GROUNDS REPORTS:**

Construction Projects Update: the Board reviewed the report as presented. A copy is attached as Exhibit “aa”.

**XVII. SUGGESTED FUTURE AGENDA ITEMS:** None.

**XVIII. ADJOURNMENT:** There being no further business, the meeting was adjourned at 8:35 p.m.
ATTEST:

______________________________  ______________________________
Board of Trustees, Chair    Board of Trustees, Secretary
MINUTES OF THE
SPECIAL MEETING OF THE BOARD OF TRUSTEES
LONE STAR COLLEGE SYSTEM
CENTRAL SERVICES AND TRAINING CENTER
TRAINING AND DEVELOPMENT CENTER BOARD ROOM
5000 RESEARCH FOREST DRIVE
THE WOODLANDS, TEXAS 77381
November 17, 2016
5:00 p.m.

PRESENT: Ms. Linda Good, Chair
Dr. Kyle Scott, Vice Chair
Dr. Ron Trowbridge, Secretary
Dr. Alton Smith, Assistant Secretary
Dr. David Holsey
Mr. Ken E. Lloyd
Mr. David Vogt

ABSENT: Mr. Art Murillo
Mr. Bob Wolfe

I. CALL TO ORDER: Ms. Good called the meeting to order at 5:01 p.m.

II. CERTIFICATION OF THE POSTING OF THE NOTICE OF THE MEETING:
Helen Clougherty, Vice Chancellor Chief of Staff and Election Administrator confirmed that the Notice for the meeting had been properly posted. No action was required. A copy is attached as Exhibit “A.”

III. CANVASSING OF THE NOVEMBER 8, 2016 TRUSTEES ELECTION RESULTS (ACTION ITEM 1): Ms. Clougherty presented the trustee election results, which showed the following candidates elected: Ms. Linda Good, District 5; and Mr. David Vogt, District 7. Dr. Smith made a motion to accept the results as presented. Dr. Scott seconded the motion and the motion passed unanimously. A copy is attached as Exhibit “B.”

VI. ADJOURNMENT: At 5:04 p.m. Ms. Good adjourned the meeting.

ATTEST:

_________________________________  ___________________________________
Board of Trustees, Chair                  Board of Trustees, Secretary
Consideration of Consent Agenda

Consent Agenda: A roll call of individual action items will determine the consent agenda. If a trustee has a question or plans to cast a negative vote regarding a specific recommendation, then the trustee/trustees need to acknowledge their intention to the Chair by show of hand during the roll call: this action item will be considered in the regular order of business as an individual action item.

Those action items that the trustees plan to approve without further question or discussion will be placed on the consent agenda during roll call of individual action items. Upon the creation of the consent agenda, a motion, a second to the motion, and unanimous approval of the Board of Trustees is needed to approve the action items. Upon approval of the consent agenda, the Board of Trustees will proceed with the remainder of the agenda.

Rationale: The consent agenda format is an organization process for meetings that allows the governing board to focus their time and attention on action items that require more elaboration, information, and/or discussion. The intent of the consent agenda is to support efficiency and effectiveness of the meeting.

Tally of Action Items:

<table>
<thead>
<tr>
<th>Action Item Description</th>
<th>Consent Agenda</th>
<th>Chancellor Recommended Separate Action</th>
<th>Board Separate Action</th>
</tr>
</thead>
<tbody>
<tr>
<td># 1 – Approve Reorganization of the Board</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># 2 - Approve Rev to Policy Sec I - Governance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># 3 – Approve Rev to Policy Sec II A, II.B. and II.C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># 4 – Approve Rev to Policy Sec II.D. – Use System Facilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># 5 – Approve Rev to Policy Sec II.E. – Conduct on Premises</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># 6 – Approve Rev to Policy Sec II.H. – Rel/Govt Agencies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># 7 – Approve Rev to Policy Sec II.I. – Rel/Other Agencies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># 8 – Approve Rev to Policy Sec II.J. – Access Prog/Svcs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># 9 – Approve Rev to Policy Sec II.K. – Media Relations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#10 – Approve Rev to Policy Sec II.L.1 – Approve Advert</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#11 – Approve Sterile Process NonCreditCert/LSC-Tomball</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#12 – Approve Res Open New Bank Acct JP MorganChase</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#13 – Approve CAFR and Independent Auditors’ Report</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#14 – Auth/Chan/Exec/Interlocal/Agreement/UT - PETEX</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#15 – Auth/Chan/Exec/Interlocal/Agree/UTHS/EAP Benefits</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#16 – Auth/Chan/Exec/Purch/Dry Van Trlers/LSC-NH</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#17 – Auth/Chan/Exec/Purch/New Trucks/LSC-NH</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#18 – Auth/Chan/Exec/Purch/Furnishing/LSC-UP Ctr/Science</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#19 – Auth/Chan/Exec/Purch/Furnishing/LSC-CyFair Ctr</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Tally of Action Items:

<table>
<thead>
<tr>
<th>#20 – Auth/Chan/Exec/Purch/Fume Hoods/LSC-UP</th>
<th>Consent Agenda</th>
<th>Chancellor Recommended Separate Action</th>
<th>Board Separate Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>#21 – Auth/Chan/Amend/Cont/Phonoscope/WAN/Infrastruct</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
<tr>
<td>#22 – Auth/Chan/Amend/GMP/Cont/LSC-K/CMAR/Chill</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
<tr>
<td>#23 – Auth/Chan/Amend/GMP/LSC-NH/CMAR/Centl/Plant</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
<tr>
<td>#24 – Auth/Chan/Amend/GMP/LSC-CyFair/CMAR/Westway</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
<tr>
<td>#25 – Auth/Chan/Amend/Contr/Security Design/Emerg/Call</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
<tr>
<td>#26 – Auth/Chan/Exec/Utility/Dev/Agree/LSC-UP/Sci/Innov</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
<tr>
<td>#27 – Approve/Modify/Purch/AV/Equip/Install/Svcs/Repair</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
<tr>
<td>#28 – Auth/Chan/Amend/CivitasLearn/Next/Gen/Lead/Acad</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
<tr>
<td>#29 – Auth/Chan/Amend/D2L/Contr/Utilize/LMS/Add’l/Year</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
<tr>
<td>#30 – Approve SIP/Admin/PARS/Exec/Agree/Admin/Svcs</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
<tr>
<td>#31 – Approve/Chan/Exec/Contr/Real Estate LSC-NH</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
<tr>
<td>#32 – Approve/Chan/Exec/Contr/RBC Capital Markets</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
<tr>
<td>#33 – Ratify Appointments</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
<tr>
<td>#34 – Accept Resignations</td>
<td>______</td>
<td>______</td>
<td>______</td>
</tr>
</tbody>
</table>
Request: Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.A. Appropriations and Revenue Sources (FIRST READING)

Chancellor’s Recommendation: That the Board of Trustees consider and review revision of the College’s Board Policy Manual Section III.A. Appropriations and Revenue Sources which covers College policies related to resource development and the College’s Foundation.

Rationale: It has been several years since Section III.A. Appropriations and Revenue Sources was revised, and several policy matters needed to be revisited and, as necessary, revised or reaffirmed. During the revision process, it became apparent that the current version of Section III.A. Appropriations and Revenue Sources contained outdated language regarding how the College manages donations and grants. Section III.A. Appropriations and Revenue Sources was also reorganized for clarity. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Rand Key 281-655-3701
Amos McDonald 832-813-6621
Mario K. Castillo 832-813-6655
III.A. APPROPRIATIONS AND REVENUE SOURCES

III.A.1. Fiscal Philosophy

III.A.1.1. Policy
The Texas Higher Education Coordinating Board is responsible for appropriating funds, including local funds, to properly support, maintain, operate, and improve the College. Local funds supporting the College include ad valorem taxes, student tuition and fees, investment and interest income, contributions, grants, and revenue from auxiliary activities. The College operates fiscally within the requirements of the current General Appropriations Act, other federal and state laws, Board policies, and the College administration.

III.A.2. Resource Development

III.A.2.1. Policy
The Office of Resource Development and Administration (“RDA”) facilitates, coordinates, and assists the College to seek and secure external funds from federal, state, and local agencies. RDA is responsible for post-award maintenance including contract execution, post-award agreements preparation and routing, formal application for amendments, and internal checks to ensure grant programs adhere to grant responsibilities.

III.A.2.2. External Funding
Applications and requests for funding from external sources support educational program needs that cannot be met through operational funds; advance the College’s mission, vision, goals and priorities; and must be approved in advance by the college President or appropriate Vice Chancellor.

III.A.2.3. Grant Proposals and Applications
All grant proposals and applications must comply with this Policy Manual and the Chancellor’s procedures, meet one or more College’s identified needs, and support the College’s institutional goals and strategic plan.

All grant applications designate RDA as the point of contact for grant documents, negotiations, and correspondence. Applications also designate the applicable College contact for project operations.

After the General Counsel’s review and approval of the form of the document, the Chancellor or designee signs all grant applications, supporting documentation, and grant contracts on the Board of Trustees’ behalf.

III.A.3. The Lone Star College Foundation

---

2 The current General Appropriations Act and related appropriations bills are available at http://www.lrl.state.tx.us/legis/approBills.cfm.
III.A.3.1. Policy
The Lone Star College Foundation (“Foundation”) exclusively supports the College’s philanthropic income and investments. The Foundation is a Texas nonprofit corporation and 501(c)(3) organization exempt from federal income tax. The Foundation is fiscally and organizationally independent from the College and is governed by its own Board of Directors whose members are business, corporate, and community leaders residing or conducting professional endeavors within the College’s service area.

III.A.3.2. Donations
All donations for the College’s benefit are accepted by the Foundation, which has sole authority to accept gifts for the College. Donated money or other property, and income therefrom, is spent in any legally authorized manner. If a donor restricts how his or her donation may be used, the Foundation will either honor the restriction or reject the donation. Donors should communicate any restrictions on donated funds or other property before the Foundation accepts the donation.

The Foundation’s criteria for philanthropic gifts require that the donor: (a) Intend to make a charitable contribution; (b) Transfer the gift irrevocably; (c) Not receive any goods or services in exchange for the gift; and (d) Not discriminate against any person on the basis of race, color, sex, age, sexual orientation, religion, ethnic or national origin, disability, veteran status, or any other protected status.

Monetary donations from private sources are processed through the Foundation and follow the Foundation’s applicable processes.

III.A.3.3. Relationship between Foundation and College
The Chancellor or designee adopts rules to govern the relationship between the Foundation and the College including the:

(a) Administration and investment of funds the Foundation receives for the College’s benefit;

(b) Foundation’s use of College employees or property;

(c) Service by a College officer or employee as an officer or director of the Foundation; and

(d) Monetary enrichment of a College officer or employee by the Foundation.3

The Chancellor or designee reports gifts and donations quarterly to the Board, including the corresponding donors, values, forms, and restrictions.

3 Tex. Gov’t Code § 2255.001(b)(1-4).
Request: Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.B. Budgeting, Accounting, and Reporting (FIRST READING)

Chancellor’s Recommendation: That the Board of Trustees consider and review revision of the College’s Board Policy Manual Section III.B. Budgeting, Accounting, and Reporting which covers College policies related to the annual budget and indirect costs.

Rationale: It has been several years since Section III.B. Budgeting, Accounting, and Reporting was revised, and several policy matters needed to be revisited and, as necessary, revised or reaffirmed. During the revision process, it became apparent that the current version of Section III.B. Budgeting, Accounting, and Reporting contained outdated language regarding the annual budget adoption. Section III.B. Budgeting, Accounting, and Reporting was reorganized for clarity and the section addressing indirect costs was added. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Carin Hutchins 832-813-6737
Mario K. Castillo 832-813-6655
III.B. BUDGETING, ACCOUNTING, AND REPORTING

III.B.1. Annual Operating Budget

III.B.1.1. Policy
The College constructs, adopts, and administers its annual budget following all legal requirements. The budget adheres to requirements of the Texas Higher Education Coordinating Board and the Southern Association of Colleges and Schools Commission on Colleges.

III.B.1.2. Definitions

(a) Fiscal Year means September 1 through August 31.

(b) THECB means the Texas Higher Education Coordinating Board.

III.B.1.3. Budget Planning
Budget planning ensures that the College’s budget effectively reflects its goals, programs, and activities, and that the College has sufficient resources to implement and support them.

III.B.1.4. Budget Schedule
The Chancellor or designee supervises the budget calendar development and the specific budget preparation plan, ensuring appropriate input from all College locations and levels of operation.

III.B.1.5. Budget Adoption
On or before September 1, the Board shall approve an itemized budget covering College operations for the fiscal year beginning September 1 of each year.2

The adopted budget provides authority to expend funds for the purposes indicated and in accordance with state law, Board policy, and the College’s adopted purchasing procedures. The budget shall:

(a) Include general revenue, local funds, and estimated institutional funds;

(b) Include detail by department for current and prior year;

(c) Include a summary by functional categories for current and prior year;

(d) Include a summary of the instructional budget by college for the current and preceding year;

(e) Include a summary by amount and method of finance for each listed informational item in the General Appropriation Act; and

---

1 Texas Higher Education Coordinating Board Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges available at http://www.theeb.state.tx.us/reports/PDF/7003.PDF
(f) Be prepared within the limits of revenue available.\(^3\)

The Chancellor or designee ensures that funds are expended in accordance with the adopted budget.

**III.B.1.6. Public Hearing**

The annual public hearing on the proposed budget follows the law, and has the following parameters under this policy:

(a) Before the hearing, the Board may establish time limits for speakers and may determine the number of speakers for group presentations;

(b) The Board Chair shall request at the beginning of the hearing that all persons desiring to speak should register in advance;

(c) Speakers shall confine their remarks to the appropriation of funds as contained in the proposed budget; and

(d) No officer or employee of the College shall be required to respond to questions from speakers at the hearing.

**III.B.1.7. Budget Amendment by the Board**

The Board may amend the adopted budget at any time during the fiscal year.

**III.B.1.8. Budget Availability**

After the proposed budget is presented to the Board, and before its adoption, a copy of the proposed budget will be available for inspection at the College’s administrative offices during regular business hours.

Copies of the budget shall be furnished to the THECB and Legislative Budget Board, with five additional copies retained for distribution to legislators upon request, and a copy shall be maintained in the College’s libraries.\(^4\)

**III.B.1.9. Financial Reports and Statements**

The Chancellor or designee will submit periodic financial and budget reports to the Board outlining budget progress at least at every regularly scheduled board meeting and the status of all College funds and accounts. These financial and budget progress reports indicate revenues and their sources, and expenditures and their classification for the period.

**III.B.2. Indirect Costs**

**III.B.2.1 Policy**

The College renews and maintains a federal indirect cost rate in conformance with federal law.

---

\(^3\) 19 T.A.C. § 13.45

III.B.2.2. Definition

(a) **Indirect costs** means the expenses of doing business not readily identified with a particular grant, contract, project function, or activity, but necessary for the organization’s operations and activities. Examples of indirect costs are: (i) maintenance of shared facilities; (ii) depreciation of shared buildings and equipment; (iii) accounting services; (iv) human resources; (v) financial and accounting services; (vi) library and computing services; and (vii) utilities of shared facilities.\(^5\)

III.B.2.3. Charging Indirect Costs on Grants and Contracts

College personnel must seek the maximum indirect cost allowed by the funder for all grants and contracts. The Chancellor must approve any exception in writing.

---

\(^5\) 2 C.F.R. §200.414
Request: Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.C. Cash Management (FIRST READING)

Chancellor’s Recommendation: That the Board of Trustees consider and review revision of the College’s Board Policy Manual Section III.C. Cash Management which covers College policies related to management of College debt, investments, and depository accounts.

Rationale: It has been several years since Section III.C. Cash Management has been substantially revised, and several policy matters needed to be revisited and, as necessary, revised or reaffirmed. Section III.C. was also reorganized for clarity, and the Board Policy Review Committee recommends that the Board adopt this proposed revised section.

Fiscal Impact: None

Resource: Carin Hutchins 832-813-6737
Mario K. Castillo 832-813-6655
III.C. CASH MANAGEMENT

III.C.1. Debt Management

III.C.1.1. Policy
The College follows clear guidelines for issuing new debt and managing outstanding debt to obtain the lowest available borrowing costs and greatest management flexibility.

III.C.1.2. Definitions
(a) **Debt Instruments** means bonds or notes issued by the College, including general obligation bonds, maintenance tax notes, revenue bonds, and lease revenue bonds.

(b) **Debt Management Procedures** means College procedures that clearly lay out acceptable and unacceptable practices for the College to issue new debt and manage outstanding debt.

(c) **Reserves** means College funds set aside to meet unexpected costs.

III.C.1.3. Approval
The Board approves all debt instruments in advance. Voters must also approve general obligation bonds in advance. Other debt instruments do not require voter approval, but lease revenue bonds are subject to annual appropriations. The Chancellor must adopt, and the College must adhere to, debt management procedures.

III.C.1.4. Alternative Structures
The College does not use alternative financial management products, such as interest rate swaps or derivatives, in connection with its debt instruments.

III.C.1.5. Maturity
No College debt instrument’s repayment term may exceed 30 years. The College maintains its weighted average debt instrument maturity at or below 25 years.

III.C.1.6. Reserves
The College maintains reserves to weather any unexpected cash flow variations or financial emergencies. At least annually, the Board sets the College’s minimum level of reserves. To preserve the College’s favorable credit ratings, the Board considers reserve fund guidelines used by credit rating agencies. The Chancellor and Board must approve any expenditures that reduce reserves below levels set by the Board.

III.C.2. Investment Management

III.C.2.1. Policy
The College invests available funds after evaluating the College’s anticipated cash flow requirements and giving due consideration to investment safety and risk. The College’s investment portfolio is prudently designed and managed to obtain reasonable revenue without compromising the College’s cash flow needs, to maintain public trust, and to comply with legal
requirements and limitations. This policy applies to all investment assets under the College’s direct control.

The College invests with the following objectives in priority order: (1) safety and principal preservation; (2) liquidity; (3) diversification; (4) public trust; and (5) yield.

III.C.2.2. Definitions
(a) Act means Texas Government Code Chapter 2256, the Public Funds Investment Act.

(b) Board means the Board of Trustees with ultimate legal authority to govern the College.

(c) Investment Officers means the College’s Vice Chancellor for Administration and Finance, Associate CFO, the Associate Vice Chancellor for Administration and Finance, including an employee temporarily holding one of those positions in an acting or interim role.

(d) Repurchase Agreement means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date certain authorized investments for a market value not less than the principal amount of funds disbursed.

(e) SEC means the United States Securities and Exchange Commission.

III.C.2.3. Purpose and Strategy
The Act requires the College to adopt a written investment policy regarding investment of its funds and funds under its control, including a separate written investment strategy for each of the funds or group of funds under its control. At least annually, the Board reviews this investment policy and investment strategies and adopts a written instrument stating that this review has taken place and listing any changes to the investment policy or strategies. This investment policy addresses the methods and practices the College uses to ensure prudent fund management.

The College’s overall investment strategy is to properly safeguard College financial assets, provide sufficient liquidity and diversification, and produce a reasonable rate of return while enabling the College to react to changes in economic and market conditions. All investments this policy authorizes are suitable.

The longer an investment’s maturity, the greater its price volatility. Therefore, the College primarily invests in short- and intermediate-term investments to limit risk caused by interest rate changes. The College attempts to match its investments with its anticipated cash flow requirements. Cash flow requirements generally divide the portfolio into four major parts: liquidity needs, short-term needs, intermediate-term needs, and longer term, core investment. The College does not purchase investments maturing more than three years from the purchase date.
The College’s investment portfolio is designed to obtain a reasonable return throughout budgetary and economic cycles commensurate with investment risk constraints and cash flow needs. “Weighted Average Yield to Maturity” is used to calculate the portfolio’s rate of return.

The College commingles its operating, reserve, trust, and agency funds into one investment portfolio for investment efficiency, accurate distribution of earnings, and maximum investment opportunity. Nevertheless, the College recognizes each fund’s unique characteristics and needs and manages its portfolio accordingly. The maximum dollar weighted average maturity of the entire commingled portfolio reflecting cash flow needs will be no greater than one year, and the corresponding benchmark for the commingled portfolio will be the comparable one-year U.S. Treasury security.

Capital projects are managed separately in accordance with their anticipated expenditure schedules and bond document requirements.

III.C.2.4. College Fund Investment Strategies

(a) **General Fund** includes all College operating funds including, but not limited to, the general fund, payroll fund, technology fund, student activity fee fund, repair and replacement fund, and the auxiliary fund. This fund’s primary investment objectives are (1) to preserve and safeguard principal; and (2) to match anticipated cash flows with adequate investment liquidity. These objectives are accomplished by purchasing high credit quality, short- to intermediate-term investments matching cash flow requirements. Funds not needed for short-term cash flow requirements are invested in diversified instruments with diversified maturities readily marketable in the secondary market or, if certificates of deposit, redeemable with or without penalty. Yield may be enhanced by using maturity extensions available within the confines of accurate cash flow projections and market cycle timing. This fund’s maximum weighted average maturity is one year, and the maximum stated maturity for any one investment is three years.

(b) **Restricted Fund** includes local, state, and federal grant funds and funds from other sources restricted for instructional use. This fund’s primary investment objectives are (1) to preserve and safeguard principal; (2) to maintain liquidity sufficient to meet anticipated cash flow requirements; and (3) to optimize yield. These objectives are accomplished by purchasing high credit quality, short-term investments, diversified by instrument and maturity, and matching the investments’ maturity with anticipated liabilities. Funds not needed for short-term cash flow requirements are invested in diversified instruments with diversified maturities readily marketable in the secondary market or, if certificates of deposit, redeemable with or without penalty. A ladder of short-term investments with sufficient liquidity from cash equivalent investments may be used to maintain a maximum weighted average maturity of one year, and the maximum stated maturity for any one investment is two years or less.
(c) **Capital Projects Fund.** The Capital Projects Fund’s primary investment objectives are to (1) preserve and safeguard principal; (2) match cash flows from maturities and earnings of diversified investments to anticipated needs; and (3) obtain a reasonable market yield. Considering appropriate risk constraints, investment choices attempt to attain a return equal to or above the arbitrage yield to avoid negative arbitrage. These objectives are accomplished by purchasing high credit quality, short- and intermediate-term investments with maturities closely matching projected cash flow schedules. Funds not needed for short-term cash flow requirements are invested in diversified instruments with diversified maturities readily marketable in the secondary market or, if certificates of deposit, redeemable with or without penalty. An individual security’s maximum maturity will not exceed the shorter of the funds’ planned expenditure span or the maximum length—currently three years—allowed under this policy.

(d) **Debt Service Fund.** The Debt Service Fund’s primary investment objectives are to (1) preserve and safeguard capital; and (2) optimize yield to fund debt service payments in accordance with bond documents. Funds not required for immediate liquidity are invested in diversified instruments. Each successive debt service payment is fully funded before extensions are made. This fund’s maximum weighted average maturity is one year.

(e) **Trust and Agency Fund** includes local scholarship funds, club funds, and other funds for which the College acts as fiduciary and which have short average lives and high liquidity needs. This fund’s primary investment objectives are to ensure safety, liquidity, diversification, and yield. These objectives are accomplished by purchasing high credit quality, short-term investments and cash equivalents for liquidity. An individual security’s maximum maturity is one year and the fund’s maximum weighted average maturity is six months.

**III.C.2.5. Prudent Person Rule**
When investing for the College, investment officers consider prevailing internal and market circumstances which persons of prudence, discretion, and intelligence would exercise when managing their own affairs—not for speculation, but for investment. Investment officers consider the probable safety of capital as well as probable income from an investment decision.

When determining if an investment officer exercised prudence in an investment decision, reviewers consider the investment of all funds rather than a single investment and whether the investment decision was consistent with this investment policy.

**III.C.2.6. Credit Rating Downgrades**
At least quarterly, investment officers obtain from a reliable source the current credit rating for each College investment for which the Act requires a minimum rating. Investment officers meet to discuss any investment which has been downgraded or placed on credit-watch to evaluate and take any necessary and prudent measures to assure the safety of College funds.
As quickly as prudently possible, the College liquidates any investment that becomes unauthorized or loses its required credit rating.

**III.C.2.7. Authority and Delegation**
The Act authorizes the College to manage College investments and to delegate such management.

**III.C.2.8. Investment Officers**
The Board designates the College’s investment officers and delegates to them responsibility to manage the College’s investment program under the Chancellor’s supervision. The Board retains ultimate fiduciary responsibility for College investments.

Investment officers are responsible for all investment transactions, and they establish and maintain controls to regulate subordinates’ activities. No person may engage in an investment transaction for the College except as set forth in this policy and relevant Chancellor’s procedures. Investment officers acting in good faith under relevant policies and procedures are not personally liable for investment results.

Investment officers report to the Board quarterly on investment results and annually on counterparties. No later than the 180th day after the 1st day of each regular session of the Texas Legislature, investment officers prepare and deliver a report to the Board on the Act.

**III.C.2.9. Investment Training**
The College provides access to periodic investment training for trustees, investment officers, and other investment personnel through courses and seminars offered by professional organizations, associations, and other independent sources in compliance with the Act.

Within six months after taking office or assuming duties, trustees and investment officers must acquire at least the minimum investment training required by the Texas Higher Education Coordinating Board. Training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Act.

In addition, the College’s Administration and Finance staff directly involved with day-to-day investment operations will attend training about the Act not less than once each state fiscal biennium. Investment officers also complete at least the minimum required hours of training not less than once each state fiscal biennium. An independent source approved by the Board provides all such training. The following are Board-approved training providers:

1. American Institute of Certified Public Accountants
2. Arbitrage Compliance Group
3. Association of Governmental Accountants
4. City Managers’ Association
III.C.2.10. Ethics and Disclosure of Conflicts of Interest
Investment officers and other College employees involved in the investment process refrain from personal business activity that could (1) conflict with properly executing the investment program or (2) impair their ability to make impartial investment decisions. Investment officers disclose potential conflicts of interest annually and as conditions change. Investment officers file a disclosure statement with the Texas Ethics Commission and the Board if:

(a) The investment officer has a personal business relationship with a business organization offering to engage in an investment transaction with the College; or

(b) The investment officer is related within the second degree by affinity or consanguinity, as determined under Texas Government Code Chapter 573, to an individual seeking to transact investment business with the College.

III.C.2.11. Investment Providers
Investment officers obtain and maintain information on all financial institutions and brokers/dealers authorized to engage in investment transactions with the College, including the following information, as applicable:

(a) Audited annual financial statements;

(b) Proof of Financial Industry Regulatory Authority membership and CRD number;

(c) Proof of registration with the Texas State Securities Board; and

(d) Completed College questionnaire.

All investment providers (including but not limited to financial institutions, broker/dealers, investment pools, mutual funds, and investment advisors) must certify in writing that the entity’s authorized representative has received and thoroughly reviewed the College’s current investment policy and that the entity has reasonable procedures and controls to preclude
transactions conducted with the College not authorized by its investment policy except to the extent that authorization depends on analyzing the College’s entire portfolio or requires interpretation of subjective investment standards. Whenever the Board adopts material changes to the College’s investment policy, investment providers must re-certify their adherence to this policy.

The Board annually adopts a list of qualified brokers/dealers authorized to engage in investment transactions with the College. The Board considers service, market involvement, and creditworthiness when selecting brokers/dealers to provide brokerage services. Selected firms may include primary dealers and regional dealers qualifying under the SEC’s uniform net capital rule.

Each year, investment officers review and evaluate firms authorized to enter into investment transactions with the College. Their review and evaluation may include the following criteria:

(a) Number of transactions competitively won/attempted;

(b) Prompt and accurate confirmation of transactions;

(c) Efficiency of transaction settlement;

(d) Accuracy of market information; and

(e) Account servicing.

After their review and evaluation, investment officers recommend to the Board a list of firms to authorize to enter into investment transactions with the College for the following year.

III.C.2.13. Authorized and Unauthorized Investments
The College may invest in the following:

(a) Obligations of the United States of America or its agencies and instrumentalities, excluding mortgage-backed securities;

(b) Certificates of deposit, and other forms of deposit, issued by a depository institution with its main office or a branch office in Texas and guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or secured by obligations in a manner consistent with state law (including Texas Government Code Chapter 2257, the Public Funds Collateral Act) and this investment policy;

(c) Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States government or its
agencies and instrumentalities, including obligations fully guaranteed or insured by the Federal Deposit Insurance Corporation, but excluding mortgage-backed securities;

(d) Direct obligations of the State of Texas or its agencies and instrumentalities;

(e) Obligations of states, agencies, counties, cities, and other political subdivisions of any U.S. state rated as to investment quality by a nationally recognized rating firm and having a current rating of not less than “A” or its equivalent;

(f) Fully collateralized repurchase agreements with a defined termination date secured by a combination of cash and obligations of the United States government or its agencies and instrumentalities, including mortgage-backed securities. Underlying securities are held in the College’s name, deposited at the time the College makes the investment, and held by an independent custodian approved by the College. Repurchase agreements must be purchased through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas. A mutually acceptable master repurchase agreement must be executed prior to the transaction. Underlying securities must have a continuous market value greater than or equal to 102 percent. The transaction must have a maximum maturity of 120 days, except flexible repurchase agreements used for bond proceeds. A flexible repurchase agreement’s maximum maturity is matched to cash flow projections and the requirements of the governing bond ordinance;

(g) SEC-registered money market mutual funds continuously rated AAA or an equivalent rating by at least one nationally recognized rating firm and in compliance with the Act;

(h) Local government investment pools in Texas which (1) meet the Act’s requirements; (2) are rated no lower than AAA or an equivalent rating by at least one nationally recognized rating firm; and (3) are authorized by Board resolution; and

(i) Commercial paper with a maximum maturity of 180 days, rated A1/P1 or an equivalent by at least two nationally recognized rating firms.

Other investments which may be authorized by statute are not authorized College investments unless and until the Board amends this investment policy.

The College may not invest in the following:

(a) Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no interest.

(b) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and pays no interest.
(c) Collateralized mortgage obligations with a stated final maturity greater than 10 years.

(d) Collateralized mortgage obligations with an interest rate determined by an index that adjusts opposite to the changes in a market index.

III.C.2.14. Securities Held by Custodians
All securities owned by the College are held by independent third party custodians approved by the College. The delivery shall be made under normal and recognized practices in the securities and banking industries, including the book entry procedure of the Federal Reserve Bank.

III.C.2.15. Delivery versus Payment
Except for investment pool funds and mutual funds, the College settles all security transactions on a delivery versus payment basis.

III.C.2.16. Competition
College investment activities occur in a competitive environment. Competitive elements include, but are not limited to, analyzing strategies, reviewing investment alternatives, monitoring market conditions, requesting solicitations from multiple investment providers, adhering to applicable “bona fide solicitation” rules, and overall performance evaluations.

The College may compare and evaluate, but does not require formal bidding, before investing in financial institution deposits, money market mutual funds, or local government investment pools. Bids or offers may be solicited orally, in writing, or electronically for securities and certificates of deposit. The College maintains records of all prices and levels bid, offered, or accepted.

III.C.2.17. Diversification
The College recognizes investment risks from issuer defaults, market price changes, or complications leading to temporary illiquidity. The College manages market risks by diversifying its portfolio within the following general guidelines:

(a) Avoid over-concentration in investments from a specific issuer or business sector;

(b) Limit investments with higher credit risk (such as commercial paper);

(c) Invest in instruments with varying maturities to meet the College’s cash flow projections;

(d) Continuously invest part of the portfolio in readily available funds (such as local government investment pools, financial institution deposits, money market funds, or overnight repurchase agreements) to maintain sufficient liquidity for ongoing obligations.
(e) Adhere to the following maximum limits (at time of purchase) by instrument for the College’s total portfolio:

1. US Treasury Obligations.............................................................. 90%
2. US Agencies and Instrumentalities............................................ 90%
3. Certificates of Deposit ............................................................... 90%
4. Repurchase Agreements (excluding bond proceeds)................. 50%
5. Flexible Repurchase Agreements (bond proceeds).................... 100%
6. Investment Pools...................................................................... 100%
7. Municipal Securities................................................................. 30%
8. Commercial Paper................................................................. 25%
9. Commercial Paper by issuer ..................................................... 5%

III.C.2.18. Internal Controls
Internal controls provide reasonable assurance that College funds are protected from loss, theft, or misuse. The concept of reasonable assurance recognizes that a control’s cost should not significantly exceed the benefits likely to be derived therefrom and that valuing costs and benefits requires estimates and judgments by management.

Internal controls for cash management and investment address at least the following points:

(a) Complete documentation of all transactions;

(b) Collusion control;

(c) Accounting and recordkeeping separation;

(d) Custodial safekeeping;

(e) Clear delegation of authority to subordinate staff members;

(f) Written confirmation for all transactions;

(g) Timely reconciliation of transactions; and

(h) Assurance of “delivery versus payment” settlement and competitive bidding.

III.C.2.19. Compliance Audit
At least once every two years, an external auditor independently reviews the College’s investment practices for compliance with College policies and procedures. The Executive Director for Internal Audit coordinates this independent review. Not later than January 1 of each even-numbered year, the College reports the most recent audit’s results to the Texas State Auditor’s Office.
III.C.2.20. Quarterly Reporting
Each quarter, investment officers prepare, sign, and present to the Chancellor and to the Board an investment report for the most recent quarter summarizing investment strategies employed and detailing the portfolio’s investment and earnings.

Each quarterly investment report includes a summary statement of investment activity. Quarterly reports allow the reader to ascertain whether investment activities during the reporting period adhered to the College’s investment policy. Each report includes at least the following:

(a) A detailed listing of individual investments by maturity date at the reporting period’s end;

(b) A portfolio summary by market sectors and maturities;

(c) The beginning and ending book and market values of each security and position by asset type and fund type invested;

(d) Unrealized market gains or losses at the reporting period’s end;

(e) The account, fund, or pooled group fund for which each individual investment was acquired;

(f) The portfolio’s average weighted yield to maturity as compared to its benchmark;

(g) Net accrued investment earnings for the reporting period;

(h) Diversification by market sectors; and

(i) A statement of compliance with the Act and the College’s investment policy and strategy as approved by the Board.

III.C.2.21. Market Values in Quarterly Reports
Market values used in quarterly reports are obtained from reputable and independent sources, which may include financial/investment publications and electronic media, investment tracking software, depository banks, commercial or investment banks, financial advisors, and representatives or advisors of investment pools or money market funds.

III.C.2.22. Annual Reporting
As required by the Texas State Auditor’s Office in accordance with the 82nd Texas Legislature’s General Appropriations Act, Article III, Rider 5–Investment Reports, the College files with the State Auditor, Comptroller of Public Accounts, Legislative Budget Board, and the Governor an annual report of all investment transactions involving endowment funds, short-term and long-term investment funds, and all other securities transactions, in a method
prescribed by the State Auditor’s Office. The public may inspect copies of these reports, and the annual investment report is posted on the College’s website by December 31 of each year.

III.C.3. Depositories

III.C.3.1. Policy
The College safeguards public funds in deposit accounts with eligible institutions. All deposits of College funds are secured by collateral.

III.C.3.2. Definitions
(a) **Act** means Texas Government Code Chapter 2257, the Public Funds Collateral Act.

(b) **Custodian Bank** means a bank that holds securities pledged by a depository to secure College deposits, subject to a custody agreement between the College, depository, and custodian bank.

(c) **Depository** means a bank in Texas holding one or more College deposit accounts.

III.C.3.3. Reporting
The Vice Chancellor for Administration and Finance’s monthly financial report to the Board includes the balances of all College depository accounts as of the end of the last month for which data is available.

III.C.3.4. Selecting a Depository
The College selects banks to serve as depositories of College funds as set forth in Sections 45.206 through 45.209 of the Texas Education Code (or their successor statutes) as amended. A bank is not disqualified from bidding, submitting a proposal, or becoming a College depository if one or more of the College’s Trustees is a stockholder, officer, director, or employee of the bank, but the Trustee(s) so associated with the bank may not vote on that item.

III.C.3.5. Depository Contracts
Contracts for depository services define the College’s rights to collateral in case of default, bankruptcy, or closing, and establish a perfected security interest under federal and state law. Each depository contracts is:

(a) in writing;

(b) executed by the depository and the College contemporaneously with the depository’s acquisition of collateral;

(c) approved by the depository’s Board of Directors or designated committee and reflected on the meeting minutes, with a copy of the meeting minutes delivered to the College; and

(d) continuously since its execution an official record of the depository.
A depository contract’s term must coincide with the College’s fiscal year. Depositories serve for a two-year term and until a successor is selected and has qualified, except that the College and a depository may agree to extend a depository contract for up to two additional two-year terms.

Contracts for depository services may provide for services to the College other than traditional demand deposit services, such as Automatic Teller Machines on College premises, electronic check conversion services, merchant processing services, provision of declining balance debit cards to augment College programs to expand electronic funds transfers, courier or armored car services, remote check acceptance services, and other related services.

III.C.3.6. Collateral Requirements
To fully secure all uninsured College deposits, the College requires depositories to pledge College-approved securities, not surety bonds, as collateral for deposits. The College elects to adhere to the Act’s provisions insofar as they would apply to a standard public entity and to satisfy any special provisions of the Act that clearly apply to the College. The collateral’s market value must be 102 percent of the principal and accrued interest on the College’s deposits less any amount insured by the Federal Deposit Insurance Corporation or the United States. At least monthly, depositories report to the College the total market value of collateral securing College deposits.

III.C.3.7. Collateral Custodian Agreements
The College selects a custodian bank outside the holding company of the pledging depository to hold securities pledged as collateral. The custodian bank must qualify under Section 2257.041(d) of the Act (or successor statute) as amended. The parties may also use a custody agreement with the Federal Reserve Bank as defined in Operating Circular Number 7. Custody agreements specify acceptable securities for collateral and include provisions for possessing the collateral, substituting or releasing securities with prior College approval, documenting the pledge of securities, and monthly reporting on collateral valuation. The College requires and retains original trust receipts for pledged securities. Custody agreements require custodian banks to monitor and maintain the required collateral and collateral margins at all times. Custodian banks maintain the records required by Section 2257.046 of the Act (or successor statute) as amended and allow the College or the Texas Comptroller of Public Accounts to examine those records at any reasonable time.

III.C.3.8. Authorized Collateral
The College authorizes only the following types of collateral:

(a) Obligations of the United States or its agencies and instrumentalities, including mortgage-backed securities which pass the high-risk mortgage obligation test;

(b) Direct obligations of the State of Texas or its agencies and instrumentalities;
(c) Obligations of states, agencies, counties, cities, and other political subdivisions of any U.S. state rated as to investment quality by a nationally recognized rating firm and having a current rating of not less than “A” or its equivalent; and

(d) Letters of credit issued by the United States or its agencies and instrumentalities.
Request: Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.D. Purchasing and Acquisitions (FIRST READING)

Chancellor’s Recommendation: That the Board of Trustees consider and review revision of the College’s Board Policy Manual Section III.D. Purchasing and Acquisitions which covers College policies related to College-funded purchases and amend the title to Section III.D. Purchasing.

Rationale: It has been several years since Section III.D. Purchasing was revised, and several policy matters needed to be revisited and, as necessary, revised or reaffirmed. During the revision process, it became apparent that the current version of Section III.D. Purchasing contained outdated and inaccurate language regarding how the College makes purchases. Section III.D. was also reorganized for clarity. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Carin Hutchins 832-813-6737
Mario K. Castillo 832-813-6655
III.D. PURCHASING

III.D.1. Purchasing Overview

III.D.1.1. Policy
The College’s overall purchasing mission is to use available fiscal resources to provide best value and quality for the College. College purchasing supports instructional delivery, administration, and other services. The College purchases goods and services ethically and fairly and provides equal opportunity to qualified vendors.

III.D.1.2. Definitions
(a) **Amendment** means revisions to specific terms of an executed contract. Contract amendments must be approved and executed at the same level of authority as the underlying contract.

(b) **Approval** means the process of securing necessary approvals from the Board or its designee(s) as authorized by this policy to approve a proposed contract’s form, content, and business terms.

(c) **Business relationship** means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on: (1) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity; (2) a transaction conducted at a price and subject to terms available to the public; or (3) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.¹

(d) **Contract** means a written contract stating the essential terms of the agreement for providing goods or services to the College that is properly executed on behalf of the College.² The term contract does not include any form of oral agreement. Contracts in this policy section do not include agreements for the purchase of legal services.

(e) **Executed** means a contract signed by an authorized College official and the contract’s other party or parties.

(f) **Family member** means a spouse, child, in-law, sister, brother, mother, father, grandparent including members that are natural, foster, adopted, or step.³

(g) **Officer** means: (1) a member of the governing body of the College; (2) a director, superintendent, administrator, president, or other person designated as the executive

¹ Tex. Loc. Gov’t Code § 176.001(1-a).
³ Tex. Loc. Gov’t Code § 176.001(2).
officer of the College; or (3) an agent of the College who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.⁴

(h) **Renewal** means the timely continuation of the same contract for a specified time period.

(i) **Vendor** means a person or entity, including the corresponding agent, who enters or seeks to enter into a contract with the College.⁵

### III.D.1.3. Purchases Requiring Board Approval

Notwithstanding any other policy section, the following contract types require Board approval unless the Board has expressly authorized approval delegation to the Chancellor or designee:

(a) Employment contracts;

(b) Finance agreements;

(c) Purchases or sales of real property;

(d) Contracts, excluding legal services, with a cumulative value of $100,000 or more over a contract term of 12 months or less;

(e) Leases with a cumulative value of $100,000 or more during the lease term including tenant improvements and other costs associated with executing a lease; and

(f) Contracts involving intellectual property or technology transfer sales, including software licenses, owned wholly or partially by the College.

A contract requiring Board approval must be approved by the Board and executed by the Board Chair or the Chancellor or Chancellor’s designee. However, employment contracts are executed by both the Board Chair and the Chancellor.

### III.D.1.4. Purchasing Approvals and Delegation of Authority

The Chancellor may approve and execute contracts not specifically required by policy or by law to be approved by the Board.⁶ The Chancellor may delegate specific contract authority to specific College administrators. The Chancellor’s Procedures will specify the type of contract authority delegated to administrative positions, the process to secure legal review of such contracts, and any permitted sub-delegation authority.

No College employee or agent may enter into any contract, contract renewal, or contract amendment on the College’s behalf, except as expressly stated in this Policy Manual and relevant Chancellor’s procedures. If a College employee signs a contract without authority, or

---

⁴ Tex. Loc. Gov’t Code § 176.001(4).
⁵ Tex. Loc. Gov’t Code § 176.001(7); See also https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm
⁶ Tex. Educ. Code § 44.0312(a)-(b).
falsely represents to a third party that the employee has authority to sign a contract, the employee may be held personally responsible to the third party under Texas law. Unless a contract is expressed in writing, approved, and executed in accordance with this policy and state law, it is not binding on or enforceable against the College.7

Any employee who signs a contract or seeks to bind the College to an agreement in violation of this policy may be subject to discipline, up to and including employment termination.

III.D.1.5. Purchase Forms
The College uses four purchase forms: direct payment requests, approved credit cards (including Procurement Cards), petty cash disbursements, and purchase orders. Regardless of the purchase form used, each purchase must be approved in advance by the appropriate budget manager or authorized designee, and funds must be available in the appropriate budget. Each purchase form is used in the following manner:

(a) **Direct payment requests** are used to request payment for goods and services where a purchase order is not warranted or a credit card is not accepted.

(b) **Approved credit cards** are used to purchase travel-related services, including registration for approved conferences, and other small-dollar purchases as approved by the Chancellor or designee.

(c) **Petty cash** is used for College employees’ out-of-pocket expenditures. Supervisors must approve petty cash use in advance and no petty cash expenditure may exceed $75. Purchases may not be subdivided to fall under this $75 limit. Each petty cash expenditure must be documented with a corresponding purchase receipt. Each petty cash fund must have a custodian of record who is responsible and accountable for managing the fund. Petty cash audits are routinely performed by an administrative official or designee, other than the petty cash fund’s custodian.

(d) **Purchase orders** are used for all other purchases. The College Purchasing Department controls all purchase orders. Purchase commitments without a properly drawn purchase order and not authorized by the College Purchasing Director, Chancellor, or designee, are not honored for payment.

III.D.1.6. Employee Responsibilities
All employees engaged in College purchasing processes shall conduct themselves fairly, objectively, and keep the decision-making and award processes confidential. College employees may not purchase supplies or equipment for personal use through the College.

7 Tex. Loc. Gov’t Code § 271, Subch. I.
III.D.1.7. Legal Responsibility for College Debts
The Board assumes responsibility for debts incurred in the College’s name if those debts are for purchases made in accordance with Policy Manual and current Chancellor’s Procedures regarding contracting and purchasing. The Board is not responsible for debts incurred by persons or organizations not directly under Board control. The Board is not responsible for any other unauthorized purchase or debt. All vendors are responsible for verifying an individual’s or organization’s authority before any purchase, contract, or debt is incurred. Persons making unauthorized purchases are fully responsible for all such debts.

III.D.1.8. Conflict of Interest Prohibited for Purchasing
The College cannot make a purchase if a conflict of interest exists. The College does not purchase from an employee or an employee’s family member. Further, the College does not purchase from a company in which an employee or an employee’s family member owns a five percent or greater ownership or profits interest. However, purchases prohibited by this policy are allowed if: (1) the purchase results from a competitive process; (2) the goods or services purchased are not under the direct or indirect authority of the approving employees’ department or division; and (3) the employee or the employee’s family member’s bid is the lowest price bid that meets all bid specifications. Purchases unable to meet the previous criteria can only be approved by the Board.

III.D.1.9. Conflict of Interest Questionnaire Required Under Certain Circumstances
The Texas Ethics Commission adopted the Conflicts of Interest Questionnaire, Form CIQ, requiring disclosure of business relationships and certain gifts or income provided to officers and/or their family members from a potential vendor that may cause a potential conflict of interest with the College. The Texas Ethics Commission also adopted the Local Government Officer Conflicts Disclosure Statement, Form CIS, for officers who have become aware of facts requiring them to file a disclosure statement.

A potential vendor and a College officer must file a conflict of interest questionnaire if the parties enter or consider entering into a contract with the College and:

(a) the potential vendor has an employment or other business relationship with an officer, or an officer’s family member, that results in the officer or family member receiving taxable income, other than investment income, exceeding $2,500 during the 12-month period preceding the date that the officer becomes aware that a contract has been executed with the potential vendor or that the College is considering entering into a contract with the potential vendor; or

(b) the potential vendor has given the officer or officer’s family member one or more gifts having an aggregate value of more than $100 in the 12-month period preceding the date that the officer becomes aware that a contract has been executed with the potential vendor or that the College is considering entering into a contract with the potential vendor.

8 Tex. Loc. Gov’t Code § 176 et seq.
9 Tex. Loc. Gov’t Code § 176 et seq.; See also https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm
The College’s Purchasing Department maintains a list of College officers and makes that list available to the public and to any potential vendor who may be required to file a conflict of interest questionnaire. Completed questionnaires are subject to the Texas Public Information Act and are available on the College’s website.10

III.D.1.10. Certificate of Interested Parties
The College may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the College at the time the business entity submits the signed contract to the College. A Texas Ethics Commission Certificate of Interested Parties (Form 1295) is required for a College contract that either (1) requires an action or vote by Board before the contract may be signed or (2) has a value of at least $1 million.

The College must notify the commission, using the commission’s filing application, of the receipt of the filed Form 1295 with the certification of filing not later than the 30th day after the date the contract binds all parties to the contract.11

III.D.2. Purchasing of Goods and Services

III.D.2.1. Policy
When purchasing goods and services, the College obtains the best overall value and conducts all procurement activities in an open and fair manner with equal opportunity for all qualified vendors. The College provides equal contracting opportunities as required by federal and state laws and by local laws and regulations for historically underutilized businesses. Purchases of goods and services are based upon competitive processes, except as otherwise provided in this policy. Purchases may not be separate, sequential, or component purchases to avoid state or local purchasing policies.12 This policy applies to most purchases of goods or services. It does not apply to purchases of real property or professional services.

III.D.2.2. Definitions
(a) Library goods and services means (1) serial and journal subscriptions, including electronic databases, digital content, and information products; (2) other library materials and resources, including books, e-books, and media not available under a statewide contract and papers; (3) library services, including periodical jobber and binding services not available under a statewide contract; (4) library equipment and supplies; and (5) library or resource-sharing programs operated by the Texas State Library and Archives Commission.13

III.D.2.3. Procedures

10 Tex. Loc. Gov’t Code § 176.009.
11 https://www.ethics.state.tx.us/tec/1295-Info.htm
12 Tex. Educ. Code § 44.032(a)-(d).
The Chancellor or designee develops and implements Chancellor’s Procedures for complying with this policy.

III.D.2.4. Authority to Purchase Goods and Services
The College complies with the Texas Education Code by establishing open and fair purchasing and bidding practices that provide the best value to the College for goods and services valued at $50,000 or more in the aggregate for each 12-month period.14

The Board must approve purchases or contracts of $100,000 or more over the contract term, including renewal options unless the Board has expressly authorized delegation to the Chancellor or designee. The Chancellor may delegate authority for purchases and contracts to procure goods or services below $100,000 in writing. Those delegation forms must be filed with the Office of the General Counsel before the designee executes any agreements. Delegated procurement authority may be revoked.

That designee may further delegate authority to approve purchase orders, direct payment requests, and employee expense and petty cash reimbursements to other subordinate employees. Those delegation letters must also be filed with the Office of the General Counsel before the designee executes any agreements.

III.D.2.5. Goods and Services Procurement Options
Goods and services purchases valued under $50,000 in the aggregate for each 12-month period adhere to Chancellor’s Procedures.

Goods and services purchases valued at $50,000 or more in the aggregate for each 12-month period shall be made by the following methods that provides the best value to the College:15

1. Competitive bidding for services other than construction services;
2. Competitive sealed proposals for services other than construction services;
3. A request for proposals, for services other than construction services;
4. An interlocal contract;
5. A method provided by Chapter 2269, Government Code, for construction services;
6. The reverse auction procedure as defined by Section 2155.062(d), Local Government Code; or
7. The formation of a political subdivision corporation under Section 304.001, Local Government Code.

14 Tex. Educ. Code § 44.031(a).
III.D.2.6. Administrative Requirements for Purchasing of Goods and Services

Unless otherwise covered by the sections above or required by law to meet other requirements, purchases of goods or services made on the College’s behalf must meet the administrative requirements outlined below.

(a) **Purchases Valued at $50,000 or More.** All goods and services purchases of $50,000 or more are coordinated through the College’s Purchasing Department, under Administration and Finance. Purchases requiring competitive procurement must include: (1) creating and issuing required standards and specifications; (2) advertising and issuing bid/proposal documents with weighted factors; (3) standardized submission of bids/proposals and public openings; (4) evaluating vendor qualifications and selection; and (5) awarding purchase orders and contracts.

(b) **Purchases Valued at $100,000 or More.** All goods and services purchases of $100,000 or more require Board approval except as otherwise stated in this policy.

(c) **Emergency Purchases.** In the event of a catastrophe, emergency, or natural disaster affecting the College, the Board authorizes the Chancellor to contract for the replacement, construction, or repair of College equipment or facilities if the replacement, construction, or repair is necessary for the health and safety of College students and staff.\(^\text{16}\)

Emergency purchases may be made by a method other than those provided in this policy if College equipment, facility, or a portion of a facility is destroyed, severely damaged, or experiences a major unforeseen operational, or structural failure, and the Board determines that the delay posed by the contract methods required by this policy would prevent or substantially impair the conduct of classes or other essential school activities.\(^\text{17}\)

Emergency purchases must be justified in writing and approved in advance by the Chancellor for purchases of $100,000 or more, by the Vice Chancellor for Administration and Finance or designee for purchases under $100,000. The Board must approve or ratify emergency or sole source purchases of $100,000 or more.

(d) **Sole Source.** Sole source purchases must be justified in writing and approved in advance by the Chancellor or designee. A formal competitive process is not required to purchase an item available from only one source, including: (1) an item for which competition is precluded because of a patent, copyright, secret process, or monopoly; (2) a film, manuscript, or book; (3) a utility service, including electricity, gas, or water; or (4) captive replacement part or component for equipment.\(^\text{18}\)

---

\(^{16}\) Tex. Educ. Code § 44.0312(c).

\(^{17}\) Tex. Educ. Code § 44.031(h).

\(^{18}\) Tex. Educ. Code § 44.031(j-k).
(e) Interlocal Purchase Agreements & Cooperative Purchasing Programs. The College may enter into an interlocal purchase agreement with a local government, the state, or a state agency to purchase goods or services.\(^{19}\) The interlocal purchase agreement must: (1) be authorized by the governing board of each party; (2) state the purpose, terms, rights and duties of the contracting parties; and (3) specify that each party paying for performance of governmental functions or services must make those payments from current available revenues.\(^{20}\)

The Board must approve interlocal purchase agreements for $100,000 or more over the contract term, whether payable in a one-time payment or in installments unless the Board has expressly authorized delegation to the Chancellor or designee. Purchases may be made through an interlocal agreement without a competitive bid process after a market analysis determines that the interlocal agreement provides the best value for the College. The best value decision must be in writing for purchases exceeding $50,000.

The College may participate in cooperative purchasing programs with a local cooperative organization. The participation agreement shall:

1. designate a person to act under the direction of, and on behalf of, the College in matters relating to the program;

2. make payments to the cooperative or directly to a vendor under a contract made under Local Government Code Chapter 271, Subchapter F; and

3. be responsible for the vendor’s compliance with provisions relating to the quality of items and terms of delivery, to the extent provided in the agreement between the College and the cooperative organization.\(^ {21}\)

(f) Library Goods and Services Purchases. The College purchases, licenses, or otherwise acquires library goods and services in any manner including, but not limited to: statewide purchasing contracts, library or resource-sharing programs, available from one source, or any other manner as authorized by Texas law.

(g) Computer and Computer-Related Equipment Purchases. The College may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources (DIR) under contracts entered into in accordance with Texas Government Code Chapter 2054 or 2157.\(^ {22}\) Purchases and/or leases of computer equipment through public bids or proposals must be in accordance with

---

\(^{19}\) Tex. Gov’t Code § 791 et seq.

\(^{20}\) Tex. Gov’t Code § 791.011(d-f).


\(^{22}\) Tex. Educ. Code § 44.031(i).
applicable rules adopted by the Texas Comptroller pertaining to competitive bidding or competitive sealed proposals. 23

(h) Automated Information Systems Purchases. Automated information systems must be purchased as a commodity item under Texas Government Code § 2157.068 or using a purchasing method identified by the Texas Comptroller as providing best value, including a request for offers method. 24

III.D.2.7. Bidding Requirements
All bidding practices shall comply with state law. The College establishes practices to identify when to require bids and when to utilize other procurement methods. Bid openings are public, and those submitting bids are invited to attend. The Chancellor or designee may reject any and all bids.

All bids are conducted through the College Purchasing Department unless the Board specifically authorizes another process. The College may hold pre-bid conferences and may, upon proper notice, make attendance at such conferences mandatory. The College does not open or consider any bid submitted by a vendor who did not attend a mandatory pre-bid conference.

III.D.2.8. Surety Bonds
The College may, at the Chancellor or written designee’s discretion, require bid surety, payment bonds, and performance bonds for purchases of goods and services.

Bid surety bonds are returned to all bidders except the successful bidder at the time the award is made. The successful bidder’s surety bond is retained until the merchandise has been delivered, inspected for quality, and determined to meet bid requirements.

III.D.2.9. Contract Term Limits and Non-Availability of Funds Provision
Long-term contracts are encouraged to maximize the procurement process’s efficiency or to optimize long-term pricing. Long-term contracts shall not exceed five years including any renewals or amendments. Contracts that exceed the end of the College’s fiscal year should include a provision that permits termination at the end of the fiscal year if funding is unavailable or be conditioned on a best efforts attempt by the governing body to obtain and appropriate funds for payment of the contract. 25

III.D.2.10. College Criteria for Awarding Contracts
In awarding a contract, the College must consider:

(a) purchase price, including delivery and installation;

---

23 1 T.A.C. 217.30(a-b).
(b) the reputation of the vendor and of the vendor’s goods or services;

(c) the quality of the vendor’s goods or services;

(d) the extent to which the goods or services meet the College’s needs;

(e) the vendor’s past relationship with the College;

(f) the impact on the ability of the College to comply with laws relating to historically underutilized businesses;

(g) the total long-term cost to the College to acquire the goods or services;

(h) for a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or vendor’s ultimate parent company or majority owner:

1. has its principal place of business in this state; or

2. employs at least 500 persons in this state; and

3. any other relevant factor specifically listed in the request for bids or proposals.\(^{26}\)

III.D.2.11. Departure from Purchase of Goods and Services Policy

Circumstances may justify a departure from the College’s normal competitive process. The Chancellor, with the General Counsel’s advice, may expressly approve departures from this policy. Any departure from this policy may not violate applicable law.

III.D.3. Purchase of Professional Services

III.D.3.1 Policy

The Board must approve professional services agreements, excluding legal services, with a value of $100,000 or more over the contract term. The Chancellor or designee must approve professional services agreements with a value of less than $100,000 over the contract term.

III.D.3.2. Definitions

(a) Professional services means:

1. Within the scope of the practice, as defined by state law, accounting, technology, financial, auditing, architecture, landscape architecture, land surveying, medical, optometry, professional engineering, legal, real estate appraising, or professional nursing; \(^{27}\) or

\(^{26}\) Tex. Educ. Code § 44.031(b).

\(^{27}\) Tex. Gov’t Code § 2254.002, .003(a); Tex. Educ. Code § 44.031(f).
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, or a registered nurse; 28 or

3. Services that (a) require predominantly mental or intellectual, rather than physical or manual skills; (b) require years of education and service for one to attain competence and call for a high order of intelligence, skill and learning; and (c) have widely accepted standards of required study or specified attainments in a special knowledge as distinguished from mere skill.29

III.D.3.3. Professional Services Scope
Professional service providers are independent contractors retained to provide certain needed services.

The College procures professional services in accordance with applicable Texas Government Code sections, which require that contracts to procure defined professional services may not be awarded on the basis of competitive bids. Instead, these contracts must be awarded on the basis of demonstrated competence and qualifications to perform the services, so long as the professional fees are for a fair and reasonable price.30 The price must also: (1) be within the budget for the services; (2) not exceed any maximums provided by state law; and (3) be consistent with, and not higher than, recommended practices and fees published by applicable professional associations.

III.D.3.4. Professional Services Term of Service
The Board may engage a professional services provider for a maximum period of five years, excluding legal services. However, the Board retains the right to terminate the engagement at any time upon due notice, which does not exceed 30-day prior notice. A professional service provider currently under contract is eligible to respond to a request for proposal/qualifications for a subsequent term.

III.D.3.5. Legal Services
The Chancellor or General Counsel may approve legal services agreements. The Board must approve legal services that require retainers of $100,000 or more or flat fee legal service agreements of $100,000 or more.

28 Tex. Gov’t Code § 2254.002, .003(a); Tex. Educ. Code § 44.031(f).
30 Tex. Gov’t Code § 2254.002, .003(a).
Request: Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.E. Facilities (FIRST READING)

Chancellor’s Recommendation: That the Board of Trustees consider and review revision of the College’s Board Policy Manual Section III.E. Facilities amending and clarifying the College’s policy regarding facilities.

Rationale: The proposed revision of Section III.E. Facilities clarifies funding for repair and replacement projects and oversight of such projects. This revision also clarifies facility maintenance, as required by statute, and facility renovation. Finally, this revision clarifies and condenses the College’s policy regarding naming facilities to recognize donors or distinguished leadership or service. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Carin Hutchins 832-813-6737
       Mario K. Castillo 832-813-6655
III.E. FACILITIES

III.E.1. Facilities Management

III.E.1.1. Policy
The College builds, purchases, and maintains facilities and other property which require repair, replacement, renovation, and general maintenance. Managing these needs requires fiscal responsibility.

III.E.1.2. Definitions
(a) **Emergency/Unforeseen Fund** means a reserve set aside for funding emergency or unforeseen repair or replacement projects caused by significant damage to facilities or facility equipment from storms, pipe breaks, or critical equipment failure as allowed by law. Repair and replacement projects with a cost of $50,000 or more require the Chancellor’s written authorization.

(b) **Existing Infrastructure Assets** means any asset that if not repaired will adversely affect the asset’s value.

(c) **President’s Discretionary Fund** means a reserve set aside for each college president to use for repairs, replacement, or enhancement of infrastructure at the president’s discretion. This may include, but not be limited to, new equipment installations, landscaping, or furniture.

(d) **R&R Fund** means a portion of the College’s operating funds known as the Repair and Replacement Fund for Buildings, Grounds, and Equipment. The R&R Fund includes the Presidents Discretionary Fund and the Emergency/Unforeseen Fund. The R&R Fund is set aside for the repair or replacement of Existing Infrastructure Assets. This Fund is not used for new installations, equipment maintenance, landscaping, or furniture except for use in conjunction with the President’s Discretionary Fund. The R&R Fund is also used for project costs attributable to changes in governing codes or the American with Disabilities Act. The R&R Fund annually accumulates reserves, subject to funding.

(e) **R&R Fund Project List** means a list of R&R Projects funded by the R&R Fund.

(f) **R&R Project** means a repair or replacement project or piece of equipment costing between $10,000 and $250,000.

III.E.1.3. Repair and Replacement
College facilities and other property occasionally require repair or replacement. The College’s Facilities and Construction Division manages repair, replacement, renovation, and general management projects and ensures proper funding for each project. Each fiscal year, the Facilities and Construction Vice Chancellor works closely with individual colleges to develop, prioritize, budget, and implement an R&R Fund Project List. This R&R Fund Project List
includes a pre-approval request for a maximum total annual spend on all R&R Projects and a threshold maximum limit for individual project approvals. The Facilities and Construction Vice Chancellor delivers a monthly report to the Board of Trustees detailing current R&R Project progress.

III.E.1.4. Facility Maintenance
All College facilities are properly maintained. This includes keeping school buildings in a sanitary condition, well drained, properly ventilated, with an adequate supply of drinking water, providing hand washing facilities, maintaining sewage disposal system, providing a heating system, and providing lighting facilities that conform to established standards of good public health engineering practices.¹

III.E.1.5. Facility Renovation
College facilities occasionally require renovation. Renovations include any significant maintenance, repairs, or replacements that deviate from the original or current building, grounds, or equipment design. The College’s Facilities and Construction Division oversees all renovations, including coordinating building code reviews, permitting, and needed professional services. The Facilities and Construction Division also ensures that renovations comply with the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (“ADA”), and the ADA Amendments Act of 2008 as they apply to the College.

III.E.1.6. Facility Names
The Board may name a facility, center, or academic program to recognize a donor for generosity to the College or to recognize distinguished leadership or service. A College facility may only be named for a donor whose gift (1) equals the total facility project cost; (2) exceeds 50% of all other combined contributions for the particular facility project; or (3) meets a Board-approved pre-determined gift level for naming opportunities in a facility project naming campaign. In exceptional circumstances, the Board may recognize an individual for distinguished leadership or service to the College over an extended period of time by naming a facility, center, or academic program after that person. The Chancellor may develop procedures for proposing and recommending facility names.

Request: Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.F. Fixed Assets (FIRST READING)

Chancellor’s Recommendation: That the Board of Trustees consider and review revision of the College’s Board Policy Manual Section III.F. Fixed Assets amending and clarifying the College’s policy regarding fixed assets.

Rationale: The proposed revision of Section III.F. Fixed Assets clarifies and condenses the College’s policy regarding managing fixed assets, selling, trading, or leasing fixed assets, and releasing fixed assets to employees. This revision also clarifies the College’s policy regarding vehicle maintenance and, in accordance with statute, creates a fleet manager to maintain the College’s vehicle fleet. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Carin Hutchins 832-813-6737
Mario K. Castillo 832-813-6655
III.F. FIXED ASSETS

III.F.1. Fixed Asset Objectives

III.F.1.1. Policy
The College, through its Board of Trustees, owns Fixed Assets. The College safeguards public assets by ensuring that the College’s Fixed Assets are appropriately managed.

III.F.1.2. Definitions
(a) **Fixed Asset** means the College’s long-term real or personal property, such as equipment and land, used for College operations.

(b) **Fixed Asset Management System** means a process designed and maintained by the Fixed Asset Officer to ensure compliance with this policy.

(c) **Fixed Asset Officer** means the Vice Chancellor for Administration and Finance or designee. This person designs and maintains the Fixed Asset Management System, establishes a capitalization procedure, and periodically inventories Fixed Assets.

(d) **Fleet Manager** means the Chancellor’s designee who manages the College’s vehicle fleet.

III.F.1.3. Fixed Asset Management System
The Fixed Asset Officer maintains a Fixed Asset Management System that meets the following objectives: (1) complies with generally accepted accounting principles promulgated by the Governmental Accounting Standards Board; (2) complies with federal and state grant regulations; (3) maintains appropriate stewardship of Fixed Assets’ locations and values; (4) maintains preventive maintenance records and warranty information; (5) maintains records for risk management concerns; (6) plans asset replacement or enhancement in the capital budgeting process; (7) avoids unnecessary purchases by identifying assets that can be shared or utilized by other departments; and (8) coordinates disposal of Fixed Assets that become obsolete, depleted, or no longer meet the College’s needs and requirements.

III.F.1.4. Sale, Trade, or Lease of Fixed Assets
The Board of Trustees holds title to all College real or personal property. The Board may sell, trade, or lease College property as detailed in Texas Local Government Code Chapter 272.

III.F.1.5. Releasing Fixed Assets to Employees
As permitted by the Chancellor’s Fixed Asset release procedures, the Fixed Asset Officer may occasionally release certain Fixed Assets (excluding real property) to a College employee for use away from the primary work area. These procedures must incorporate the following

---

2 Tex. Loc. Gov’t Code Ch. 272.
guidelines: (1) equipment must be used for designated and authorized College purposes only; (2) equipment cannot be removed from the premises permanently, but may be temporarily removed for a specific, designated project purpose; (3) individuals are responsible for the safe and proper care of any equipment, taking the same level of professional care as expected on the job site; (4) the employee must obtain supervisors’ permission for each time equipment is removed from the job site, and (5) the approving supervisor is ultimately responsible for maintaining and verifying that any off-site equipment has been inventoried and is properly used. The Fixed Asset Officer is responsible for enforcing the Chancellor’s Fixed Asset release procedures.

III.F.1.6. Vehicle Maintenance
The College owns motor vehicles. The Fleet Manager is responsible for managing and maintaining the College’s vehicles. The Fleet Manager must maintain records evidencing annual state vehicle inspection. The Fleet Manager must also inventory and record the location of each vehicle. The Fleet Manager may delegate this responsibility to individual colleges, but the Fleet Manager is ultimately responsible for this information. If vehicles are purchased with state-appropriated funds, the Fleet Manager may need to implement a Vehicle Management Plan as defined in Texas Government Code Chapter 2171.³

Request: Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.G. Auxiliary Enterprises (FIRST READING)

Chancellor’s Recommendation: That the Board of Trustees consider and review revision of the College’s Board Policy Manual Section III.G. Auxiliary Enterprises amending and clarifying the College’s policy regarding auxiliary enterprises.

Rationale: The proposed revision of Section III.G. Auxiliary Enterprises clarifies and condenses the College’s policy regarding non-instructional businesses that the College may operate as auxiliary enterprises, including bookstores, newspapers, or printing services. This revision also addresses restricted funding sources under the Texas Education Code. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Carin Hutchins 832-813-6737
Mario K. Castillo 832-813-6655
III.G. AUXILIARY ENTERPRISES

III.G.1.1. Policy
The College may provide its students and community with Auxiliary Enterprises consistent with the College’s Mission or as directed by the Texas Higher Education Coordinating Board.

III.G.1.2. Definitions
(a) Auxiliary Enterprise means a non-instructional unit that provides student, faculty, or staff services for a fee—for example, bookstores, food services, newspapers, or printing services.

III.G.1.3. Auxiliary Enterprises Guidelines
The College may provide Auxiliary Enterprises to students, faculty, and staff, if those services (1) satisfy educationally related needs and (2) are an integral part of providing support activities that enhance the College’s public service mission.

Generally, the College cannot provide Auxiliary Enterprises to third parties. The Chancellor may make an exception if providing Auxiliary Enterprises to third parties (1) fulfills the College’s public service mission; (2) is incidental to the College’s educational activities (e.g., concerts, theater performances, or similar activities); (3) consists of recreational, cultural, athletic events, public service radio, or broadcasting; (4) has as its principal purpose improving the relationship between the College and the public; or (5) is an authorized fundraising activity.

III.G.1.4. Funding Auxiliary Enterprises
The College may fund Auxiliary Enterprises unless otherwise restricted by law.¹

Request: Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section III.H. Auditing (FIRST READING)

Chancellor’s Recommendation: That the Board of Trustees consider and review revision of the College’s Board Policy Manual Section III.H. Auditing amending and clarifying the College’s policy regarding the College’s external financial audits and internal auditing.

Rationale: The proposed revision of Section III.H. Auditing clarifies and condenses the College’s policy regarding external financial audits. This revision also clarifies the College’s policy regarding internal audits by adding statutory definitions and clarifying the College’s non-retaliation policy. The Board Policy Review Committee also recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Carin Hutchins 832-813-6737
Mario K. Castillo 832-813-6655
III.H. AUDITING

III.H.1. External Financial Audits

III.H.1.1. Policy
The College engages an external auditor to conduct an annual external audit to assess whether the College’s financial statements present fairly, in all material respects, the financial position of the College.

III.H.1.2. Definitions
(a) Annual Audit Report means a financial audit report prepared by an Independent Auditor for each fiscal year. This report is filed every year with the Texas Higher Education Coordinating Board on or before December 31, following the close of the fiscal year for which the audit was made.1

(b) Independent Auditor means a Board-approved and -retained external financial audit services firm. The Board engages this firm following a competitive process. The Board may engage this firm for a five-year maximum term, with an option to terminate the engagement at any time with proper notice. The Board evaluates this firm annually. This firm is eligible to respond to a request for qualifications for a subsequent term.

(c) Government Auditing Standards means professional auditing standards promulgated by the Comptroller General of the United States.

III.H.1.3. Conducting an External Audit
The Board engages an Independent Auditor to examine and assess the College’s financial statements in accordance with generally accepted auditing standards and Government Auditing Standards. The Independent Auditor also assesses the College’s internal financial reporting controls and compliance with certain provisions of law, regulations, contracts, and grants. The Independent Auditor, in cooperation with, but independent of, the Chief Financial Officer prepares the Annual Audit Report.

III.H.2. Internal Audits

III.H.2.1. Policy
The College’s Internal Audit Department brings a systematic, disciplined approach to evaluating and improving the College’s risk management, control, operational, and governance processes. The Internal Audit Department provides risk-based and objective assurance, advice, and insight.

III.H.2.2. Definitions

(a) **Charter** means a document adopted by the Board outlining the Internal Audit Department’s purpose, authority, and responsibility.

(b) **Internal Auditing** means an independent, objective assurance and consulting activity designed to add value and improve an organization’s operations as defined by the Institute of Internal Auditors. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, controls, and governance processes.

(c) **International Standards for the Professional Practice of Internal Auditing** means statements of basic requirements for the professional practice of internal auditing and for evaluating its effectiveness.

(d) **Government Auditing Standards** means professional auditing standards promulgated by the Comptroller General of the United States.

(e) **Code of Ethics** means the Institute of Internal Auditors’ four principles of integrity, objectivity, confidentiality, and competency.

III.H.2.3. Purpose, Authority, and Responsibility

The Internal Audit Department voluntarily adheres to the Texas Internal Auditing Act, which incorporates International Standards for the Professional Practice of Internal Auditing and Government Auditing Standards (“the Standards”). The purpose, authority, and responsibility of the Internal Audit Department is defined in its Charter, consistent with the Definition of Internal Auditing, the Code of Ethics, and the Standards.

III.H.3. Reporting and Investigating Dishonesty or Fraud

III.H.3.1. Policy

Serious Acts of Dishonesty or Fraud may compromise the College’s mission. The College takes seriously all allegations of trustee, employee, vendor, contractor, consultant, or volunteer dishonesty or fraud. Any such allegations are investigated and may be reported to appropriate authorities.

III.H.3.2. Definitions

(a) **Serious Act of Dishonesty or Fraud** means (1) forgery or alteration of a College check, bank draft, or other financial document or account; (2) falsifying time sheets, expense reports, or other report documents; (3) misappropriating funds, securities, supplies, or other assets; (4) improperly handling or reporting money or financial transactions; (5) profiting from insider knowledge of College activities; (6) disclosing confidential or proprietary information to outside parties; (7) accepting or seeking anything of material value from vendors or persons providing the College services or material, except for a perishable group gift less than $50 in value or a vendor-provided seminar or training—any employee attending such a training must have prior appropriate supervisor approval.
and the training must be relevant to their job—including a tuition waiver along with transportation, lodging, and meal expenses for the employee to the extent that the College otherwise would pay for these expenses; (8) destruction or disappearance of records, furniture, fixtures, or equipment; (9) unauthorized conversion, alteration, or tampering with any College record for any purposes; (10) failing to provide financial records required by state or local entities; (11) failure to disclose conflicts of interest as required by law or Board Policy; or (12) any similar or related irregularity.

III.H.3.3. Reporting Fraud
Anyone who suspects or detects a Serious Act of Dishonesty or Fraud must report it immediately. A report can be filed through a secure confidential ethics hotline available at https://secure.ethicspoint.com/domain/media/en/gui/43698/index.html or at the toll free number (855) 233-3143. This hotline is available 24 hours a day, every day of the year.

A report may also be made to the State Auditor’s Office using their website at http://sao.fraud.tx.us. If the College has reasonable cause to believe that Serious Acts of Dishonesty or Fraud, waste, or abuse of state funds may have occurred, such matters will be forwarded to the State Auditor’s Office as required by Texas Government Code, Section 321.022.

III.H.3.4. Internal Supervisor Reporting
Each College supervisor has a duty to know what is considered Serious Act of Dishonesty or Fraud, and establish appropriate operating rules or manuals that will help identify such conduct. Each College supervisor must report this conduct to the Internal Audit Department.

III.H.3.5. Serious Acts of Dishonesty or Fraud Investigation
The College’s Internal Audit Department investigates Serious Acts of Dishonesty or Fraud reports. The Internal Audit Department promptly notifies the Chancellor, college president, General Counsel, and the Chief Financial Officer, if applicable, that such a report has been filed. If any person who would otherwise be notified is a fact witness in the investigation or in any other manner may be potentially implicated or involved in the investigation, that person will not be involved in the investigation’s administrative oversight or reporting line.

If an investigation finds that a Serious Act of Dishonesty or Fraud occurred, the Chancellor reports the findings to the Board. The Chancellor decides, with Board input, (1) whether to report the Serious Act of Dishonesty or Fraud to law enforcement authorities or regulatory agencies, and (2) any appropriate remedial action. Decisions regarding the continuing employment of persons involved in, or who failed to take appropriate action to protect against, Serious Acts of Dishonesty or Fraud, are made in accordance with Board policies regarding discipline and discharge.

III.H.3.6. Confidentiality
Persons may report Serious Acts of Dishonesty or Fraud using confidential information. Investigation results are disclosed to and discussed only with College-associated individuals with a legitimate need to know, in the performance of their job duties and responsibilities.

**III.H.3.7. Non-Retaliation**
The College may not suspend or terminate the employment of an employee who in good faith reports a violation of law by the College or another public employee to an appropriate law enforcement authority. Moreover, the College prohibits retaliation against any College employee or student for reporting a Serious Act of Dishonesty or Fraud in good faith. However, individuals may face adverse consequences for knowingly making false reports.

---

2 Tex. Gov’t Code § 554.002.
Policy Report and Consideration No. 9 (FIRST READING) Board Meeting 12-1-16

Request: Consideration and Review of the Recommended Revision of the Lone Star College System Board Policy Manual Section IV.F.8. Change in Contract Status (FIRST READING)

Chancellor’s Recommendation: That the Board of Trustees consider and review revision of the College’s Board Policy Manual Section IV.F.8. Change in Contract Status amending and clarifying the College’s policy regarding changes in employee’s contracts.

Rationale: The proposed revision of Section IV.F.8. Change in Contract Status clarifies the dates that employees may receive notice of contract non-renewal. This revision also clarifies that not receiving a change of contract status does not create a property interest or an expectation of continued employment. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Mario K. Castillo 832-813-6655
IV.F.8. Change in Contract Status

IV.F.8.1. Policy
The College has various types of employment contracts with many of its employees. The policy below addresses the modification, extension, and non-renewal of employment contracts in a fair manner that complies with local, state, and federal law.

IV.F.8.2. Definitions
(a) **Change in Contract Status**: A change in contract status occurs when a President, Vice Chancellor, or Chief Area Officer reporting directly to the Chancellor, recommends to the Chancellor a change in a subordinate’s employment contract status. It can also occur when the Chancellor recommends to the Board a change in a direct-report’s employment contract status. Change in contract status can take one of three forms:

1. The return to an annual contract in the subsequent academic year in the case of a faculty member or administrator on a multiple-year contract.

2. The continuation of an annual contract in the subsequent academic year in the case of a faculty member or administrator on an annual contract but who has, since execution of that annual contract, become eligible for a multiple-year contract.

3. The non-renewal of either an annual or multiple-year contract in the subsequent academic year.

(b) **Notice**: Notice of intention to effectuate a change in contract status as defined in the section above shall be given by the Chancellor to a full-time faculty member on or before March 1st preceding the end of the contract term fixed in the current contract—provided the faculty member was employed before March 1st. All other contractual employees may receive this notice as late as May 30. Not receiving this Notice does not create a property interest or an expectation of continued employment beyond the term of the employee’s current contract. This process is not valid in the event that the Board of Trustees takes action for a Reduction in Force.

IV.F.8.3. Appealing a Contractual Change of Status Recommendation
The appeal of a Notice depends on the employee’s position at the time the contractual employee received the Notice.

(a) **Vice Chancellor, President, or Chief Area Officers.**
An employee who has received notice of a proposed change of status will have up to 20 working days to appeal a contractual change of status recommendation made by the Chancellor to the Board of Trustees. The request for an appeal presentation must be made to the Board Liaison.
The affected employee will have 30 minutes to explain his/her basis for why the change in status should not be upheld. The Chancellor will also have 30 minutes to explain the basis for the recommendation. No cross-examination will be permitted by either side, although the Board members may ask questions of the affected employee and the Chancellor. The Board will decide whether to uphold the Chancellor’s recommendation. Such decision will be made at the meeting at which the presentation is made or at a subsequent meeting which has been properly posted in accordance with the Open Meetings Act.

(b) All Other Contractual Employees.
From the date of receipt of the Notice the affected employee will have up to 20 working days to appeal a contractual change of status recommendation to the Office of the Chancellor.

The Chancellor’s review will include a personal meeting with the affected employee and the recommending President, Vice Chancellor, or Chief Area Officer reporting directly to the Chancellor. The President, Vice Chancellor, or Chief Area Officer will have 30 minutes to explain the basis for the initial recommendation and provide any documentation.

The affected employee will then have 30 minutes to explain his/her basis for why the change in contract status should not be upheld by the Chancellor and will also have the opportunity to provide supporting documentation. Neither the supervisor, nor the affected employee, may cross-examine or question each other during their respective 30 minutes.

The Chancellor will notify the affected employee no later than 15 working days following receipt of the appeal of the Notice. The employee may directly appeal to the Board if the employee alleges a Procedural Irregularity of this Section’s processes is appealable as allowed by Section IV.F.10.6. The Chancellor will forward to the Board of Trustees all accepted recommendations and recommendations not appealed.

The process permitted by this policy constitutes a grievance for purposes of Texas Education Code Section 51.960.
Request: Consideration and review of the Recommended Revision of the Lone Star College System Board Policy Manual Section IV.F.10. Employee Grievance and Review Process (FIRST READING)

Chancellor’s Recommendation: That the Board of Trustees consider and review revision of the College’s Board Policy Manual Section IV.F.10. Employee Grievance and Review Process amending and clarifying the College’s policy regarding the employee grievance process.

Rationale: The proposed revision of Section IV.F.10. Employee Grievance and Review Process defines and clarifies Procedural Irregularity. This revision also proposes adding a Board subcommittee, which reviews and recommends whether an employee’s grievance should be heard by the Board of Trustees. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Mario K. Castillo 832-813-6655
IV.F.10. Employee Grievance and Review Process

IV.F.10.01 Policy
This policy establishes a fair and uniform process for resolving employee grievances that exceeds state and federal laws. Employees who use this process may do so without facing discrimination or retaliation. This policy nurtures an employee culture that values and respects all employees by encouraging early collaboration and resolution of employee concerns.

IV.F.10.02 Definitions
(a) **Grievant.** Grievant means the employee who initiates the procedures set forth in this policy.

(b) **Procedural Irregularity.** Procedural Irregularity means not following the processes described in the following Board policies: Employee Grievance and Review Process, Change in Contract Status, or Contractual Termination Notice and Appeal, whichever process is applicable to the employee’s allegation. Procedural Irregularity does not include an allegation that the Chancellor’s Procedures were not followed. Procedural Irregularity also does not include an allegation that these processes were not followed if the alleged violation was cured or if the alleged violation did not have an adverse effect on the Chancellor’s decision.

(c) **Working Days.** Working days means the College’s business days. In calculating timelines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”

IV.F.10.03. Who May Bring A Grievance
Individual employees may submit grievances on behalf of themselves or multiple affected employees as an associational grievance.

IV.F.10.04 Serial Grievances
A grievant may not submit separate or serial grievances regarding the same issue. This includes grievances brought under another policy or procedure.

IV.F.10.05 Exclusions
The following concerns are not subject to this grievance policy and are addressed in other policies:

(a) Termination of contractual employees. See Policy IV.F.10.13.

(b) Change in contract status. See Policy IV.F.8.03.
(c) Employee performance evaluations—before exhaustion of the procedure set out in Policy IV.F.7.09. Applicable time limits set forth in this grievance policy begin to run on the date that Policy IV.F.7.09 is exhausted.

(d) Allegations of discrimination, harassment, and retaliation, except for allegations of retaliation for filing or participating in a non-discrimination or harassment grievance. That procedure is in Section IV.F. of this policy manual. An employee disciplined following an investigation may use this policy to challenge the disciplinary action.

(e) Reduction in Force Terminations. See Policy IV.F.12.01.

(f) Challenges to ownership of intellectual property before exhaustion of the procedure set out in Policy IV.D.9.05. The time limits set forth in IV.F.10.09 begin on the date the procedure set out in Policy IV.D.9.05 has been exhausted.

IV.F.10.06 Appeal to the Board for Certain Alleged Policy Violations
An employee may appeal the Chancellor’s decision to the Board of Trustees if the employee alleges a Procedural Irregularity. The policy section applicable to the challenged decision must directly reference this section for the decision to be appealable to the Board. The following policy sections currently directly reference this section: (1) Employee Grievance and Review Process, (2) Change of Contract Status, and (3) Contractual Termination Notice and Appeal.

If no Board appeal is available or the Board declines to hear an appeal, the grievant may present the grievance during the Citizen Participation portion of a Board meeting in accordance with Board Policy I.E.1.43.

IV.F.10.07 Right to Representation
At all informal or formal grievance or appeal levels, the grievant and/or the administration may be represented, including by legal counsel, provided that the selected representative does not claim the right to strike. The College will not pay any fees or expenses for the grievant’s representation. The grievance and appeal conferences held at all levels of the grievance process are informal conferences and no cross-examination of any person who attends the conference is allowed. The College’s administrator handling the conference may ask questions to get information to help in reaching a decision. The grievant’s representative may assist the grievant.

IV.F.10.08 Informal Resolution
The Board encourages employees to discuss their concerns, complaints, and grievances through informal conferences with their supervisor or other appropriate administrator. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. An employee or group of employees who has a concern or grievance shall participate in an alternative dispute resolution process in an attempt to resolve
the concern prior to presenting a formal grievance. Employees will be provided information on the alternative dispute resolution processes available. If the concern is not resolved by participating in such an informal resolution process, the employee can use the formal grievance process described below.

**IV.F.10.09 Presentation of Formal Grievance**

An employee who has a concern that has not been resolved through participation in the informal resolution process may file a formal grievance. Campus employees must file their grievance with their supervisory campus vice president. System Office employees must file their grievance with their respective associate vice chancellor or chief area officer. For assistance in determining to whom a formal grievance must be presented, a copy of the College’s current organizational chart can be found at [http://org.lonestar.edu/orgchart/LSCS-Internal030115.htm](http://org.lonestar.edu/orgchart/LSCS-Internal030115.htm).

The initial grievance must be filed with the grievant’s respective supervisor identified in the prior paragraph within 15 working days from the event, occurrence, or conclusion of the informal resolution process, whichever is later. Only in extraordinary circumstances will the respective supervisor consider exceptions to the 15 working day limit. The grievance must be made in writing and must include all supporting documentation the grievant wants considered. The grievant will be allowed to submit additional information in response to any information collected and relied upon by the vice president or associate vice chancellor/chief area officer. The Chancellor will be notified when a formal grievance has been filed.

The vice president or associate vice chancellor/chief area officer must confirm in writing receipt of the grievance within three working days. A grievance conference must be held within ten working days of receipt of the grievance. A decision must be rendered by the vice president or associate vice chancellor/chief area officer within five working days after the grievance conference. The written decision shall set forth the basis of the decision and any additional information or documents obtained after the grievance conference. In reaching a decision, the vice president or associate vice chancellor/chief area officer may consider the information presented at the grievance conference, and any other relevant documents or information he/she believes will help resolve the complaint.

The timelines set out above may be extended by mutual consent of the parties.

**IV.F.10.10 First Level Appeal**

In the event that the grievance has not been resolved or the timeframe has elapsed without the grievance being addressed or a decision rendered, the grievant may present the grievance to the college president or, for System office grievants, their vice chancellor in the form of a written appeal. A written appeal must be presented within ten (10) working days from receipt of the vice president or associate vice chancellor/chief area officer’s decision. It is the responsibility of the grievant to initiate the appeal and to provide to the president or vice chancellor all documentation, including any correspondence about the grievance with the vice
president or associate vice chancellor/chief area officer, and the vice president or associate vice chancellor/chief area officer’s decision. The employee may submit additional information in response to any information collected and relied upon by the vice president or associate vice chancellor/chief area officer.

Within three (3) working days of receiving the appeal, the president/vice chancellor must confirm receipt of the grievance and provide a brief summary of the grievance to the Chancellor who will then immediately forward the summary to each member of the Board’s Grievance Committee. A grievance appeal conference must be held within ten (10) working days of receipt of the grievance. A written decision must be rendered by the president/vice chancellor within five (5) working days after the grievance appeal conference. The written decision shall set forth the basis of the decision and any additional information or documents obtained after the appeal conference.

In reaching a decision, the president/vice chancellor may consider the information presented at the grievance conference, and any other relevant documents or information the president/vice chancellor believes will help resolve the complaint.

The timelines set out above may be extended by mutual written consent of the parties.

IV.F.10.11 Second Level Appeal
In the event that the grievance has not been resolved or the timeframe has elapsed without the grievance being addressed or a decision rendered, the grievant may present the grievance to the Chancellor in the form of a written appeal. A written appeal must be presented within ten (10) working days from receipt of the president/vice chancellor’s decision. It is the responsibility of the grievant to initiate the appeal and to provide all documentation, including any correspondence with the president or vice-chancellor and the president or vice chancellor’s decision to the Chancellor or his/her designee. The grievant may submit additional information in response to any information collected and relied upon by the president or vice chancellor.

The Chancellor, or his/her designee, must confirm receipt of the grievance within three (3) working days and provide a brief summary of the grievance to each member of the Board’s Grievance Committee. A Second Level Appeal conference must be held within ten (10) working days of receipt of the grievance. A decision must be rendered by the Chancellor, or his/her designee, within five (5) working days of the Second Level Appeal conference. The written decision shall set forth the basis of the decision, and any additional information or documentation obtained after the Second Level Appeal conference. In reaching a decision, the Chancellor, or his/her designee, may consider the information presented at the Second Level Appeal conference, and any other relevant documents or information the Chancellor or designee believes will help resolve the grievance. The grievant shall be given three (3) days to respond to any documents or information considered by the Chancellor or his or her designee not previously provided to the grievant. If the Chancellor chooses a designee to
consider the grievance, the designee may not be a supervisor of the grievant and may not have been involved in the grievance prior to designation by the Chancellor.

The timelines set out above may be extended by mutual written consent of the parties.

**IV.F.10.12 Appeal to the Board**

If the grievance is still unresolved and the employee alleges a Procedural Irregularity, as defined above, the grievance may be appealed to the Board of Trustees. An Appeal to the Board must be made in writing and must be received in the Chancellor’s office no later than ten (10) working days of receipt of the Chancellor’s, or his/her designee’s, decision and must be accompanied by applicable references to the policy manual or the portion(s) of the Grievance policy that are alleged to have been violated. It is the responsibility of the grievant to initiate the appeal to the Board and to provide all documentation to the Board, including any correspondence with the prior administrators who heard the grievance at the various levels and those administrators’ decisions.

The Chancellor’s office shall acknowledge receipt of the appeal and shall forward a copy to each Board member, along with all accompanying documentation, within five (5) working days of the appeal being received in the System Office.

The Board may consider the grievance, in accordance with the Open Meetings Act, at a Board meeting scheduled to occur at least 15 working days after the appeal to the Board is received in the System Office. The Board will designate a subcommittee to make recommendations to the full Board regarding whether it should hear a grievance. The Board’s decision regarding whether to consider the grievance is made in open session.

If the Board decides to hear the Appeal, it shall set a reasonable time limit for presenting the Appeal to the Board, based on the information presented to the Board and allocating equal time to the grievant and the College. Appeals to the Board will be heard in closed session, unless the grievant specifically elects to have it heard in open session. Regardless of the grievant’s election to have the appeal heard in open session, if the grievance is against another employee, that other employee may elect to have the appeal heard in closed session.

The Board may make a decision, but is not required to do so. If the Board does not make a decision or if the Board does not hear the Appeal, the decision of the Chancellor, or his/her designee, is upheld. If the Board elects to render a decision, the decision will be announced orally before the meeting adjourns and a written decision will be mailed to the employee and the Chancellor within 30 calendar days.
<table>
<thead>
<tr>
<th><strong>Request:</strong></th>
<th>Consideration and review of the Recommended Revision of the Lone Star College System Board Policy Manual Section IV.F.10.13. Contractual Termination Notice and Appeal (FIRST READING)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Chancellor’s Recommendation:</strong></td>
<td>That the Board of Trustees consider and review revision of the College’s Board Policy Manual Section IV.F.10.13. Contractual Termination Notice and Appeal amending and clarifying the College’s policy regarding terminating employee contracts.</td>
</tr>
<tr>
<td><strong>Rationale:</strong></td>
<td>The proposed revision of Section IV.F.10.13. Contractual Termination Notice and Appeal clarifies that this policy covers employees with current employment contracts only. This revision also clarifies whether the Chancellor’s decision ending an employee’s contract is final pending any Board appeal. The Board Policy Review Committee also recommends adoption of this proposed revised section.</td>
</tr>
<tr>
<td><strong>Fiscal Impact:</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Resource:</strong></td>
<td>Mario K. Castillo 832-813-6655</td>
</tr>
</tbody>
</table>
IV.F.10.13. Contractual Termination Notice and Appeal

An employment contract with the College creates a property interest in the position solely for the contract’s period of time. A contractual employee recommended for termination during a contract term is entitled to a pre-termination notice and pre-termination appeal under this policy. If during the process, however, an employee’s contract expires, the employee loses their property interest and this process ceases immediately. This process applies only to employees with signed and unexpired employment contracts.

(a) Pre-termination Notice: A contractual employee’s supervising President, Vice-Chancellor, or Chief Area Officer reporting directly to the Chancellor, must deliver a Notice of Forthcoming Termination providing notice of the charges raised against the employee, the nature of the evidence supporting those charges, and an opportunity for the employee to respond in writing.

Or in the case of a President, Vice Chancellor, or Chief Area Officer reporting directly to the Chancellor, if the Chancellor intends to propose the termination of a contractual employee who is a direct report to the Chancellor the Chancellor will deliver a Notice of Forthcoming Termination providing notice of the charges raised against the employee, the nature of the evidence supporting those charges, and an opportunity for the employee to respond in writing. The contractual employee shall have five working days to respond to the Notice of Forthcoming Termination before it is converted to a Notice of Recommended Termination. If an employee has not already been placed on administrative leave, the Notice of Recommended Termination shall also automatically place the employee on administrative leave during the pendency of any appeal.

Either category of contractual employee shall have five working days to respond to the Notice of Forthcoming Termination before it is converted to a Notice of Recommended Termination. If an employee has not already been placed on administrative leave, the Notice of Recommended Termination shall also automatically place the employee on administrative leave during the pendency of any appeal. If no appeal is filed, the Notice of Recommended Termination will automatically become a Notice of Termination on the 16th day following receipt of the Notice of Recommended Termination. The Board of Trustees delegates to the Chancellor the authority to terminate an employee’s employment in such a situation.

(b) Pre-termination Appeal: That contractual employee has the right to request a hearing once his or her supervisor delivers a written Notice of Recommended Termination. That contractual employee must file a written request with the Chancellor within 15 working days after receiving that Notice of Recommended Termination. The written request for an appeal must specify whether the employee elects a representative. A contractual employee
may elect to use legal representation during a pre-termination proceeding in the notice phase or in the appeal phase. The contractual employee is responsible for the costs of such representation.

1. **Appeal**: The contractual employee will have an opportunity to present evidence before the Chancellor alleging the termination is without cause, and/or would violate state or federal law. The Board of Trustees will hear any appeal from a President, Vice Chancellor, or Chief Area Officer. Every reference to “the Chancellor” below, as it relates to a President, Vice Chancellor, or Chief Area Officer should be interpreted to mean “the Board of Trustees” when the contractual employee being recommended for termination is a President, Vice Chancellor, or Chief Area Officer reporting directly to the Chancellor at the time of the Chancellor’s recommended termination. Likewise, every reference to the President, Vice Chancellor, or Chief Area Officer below should be interpreted to mean the Chancellor when the subject contractual employee is a President, Vice Chancellor or Chief Area Officer reporting directly to the Chancellor.

2. **Hearing Date**: A hearing shall take place within thirty (30) working days after the employee files a written request for such hearing with the Chancellor.

3. **Hearing Records**: The employee and the employee’s President, Vice-Chancellor, or Chief Area Officer reporting to the Chancellor, will submit to the Chancellor a statement identifying their concerns in employee’s continued employment. If the employee chooses to present witnesses at the pre-termination appeal hearing, then the employee may present individual witnesses during the hearing and copies of all documentation relied upon and in support of their position. At least ten (10) working days prior to the hearing, both the employee and the employee’s President, Vice-Chancellor, or Chief Area Officer shall furnish at least three copies of the hearing records, the names of witnesses, and name of any representative, to the Chancellor. The Chancellor will review only the hearing records submitted by the employee and his or her President, Vice Chancellor, or Chief Area Officer reporting directly to the Chancellor, and upon convening the hearing, invite responses to certain questions in order to reach a decision.

4. **Time Allocation**: Both the employee and the employee’s President, Vice Chancellor, or Chief Area Officer reporting to the Chancellor, recommending the termination will each have no more than thirty (30) minutes to present to the Chancellor. During the 30 minutes, the employee and the recommending supervisor may present their respective positions regarding the termination recommendation, including
presentation of witnesses. This process does not provide for any cross-examination of the witnesses, or questioning of the employee and/or employee’s supervisor, or designee, from the other party or his or her representatives. The Chancellor will have thirty (30) minutes in which to question the parties present at the hearing, including witnesses.

5. **Decision:** The Chancellor will make a decision within fifteen (15) working days of the hearing. The decision of the Chancellor shall be final. An employee may appeal the Chancellor’s final decision if the employee alleges a Procedural Irregularity of this policy section, as defined in the Grievance and Review Process, and as allowed by Section.IV.F.10.06.

6. **Representation:** The employee may choose to have a representative at the hearing. The employee shall bear his or her own costs of any such representation.

7. **Notice of Representation:** The employee or his or her representative, including the legal representative, must provide at least ten (10) working days’ notice of such representation prior to any hearing under this section. The College’s General Counsel or a designee must be present at the hearing.

8. **Prohibition on Using College Resources:** The employee and his or her representative, including the legal representative, shall not meet during the employee’s working hours when preparing for the employee’s pre-termination notice response or hearing and shall not use the College’s resources when preparing for either.

9. **Modification:** The Chancellor and his or her designee may modify the pre-termination hearing procedures upon written notice to the requesting employee and prior to the Hearing Date. The Chancellor’s modification is not a “Procedural Irregularity.”

**IV.F.10.14. Timeliness**

The time limits, as provided in the Employee Grievance and Review Process and the Contractual Termination and Notice and Appeal policies are created in order to ensure that issues are raised and addressed promptly. Timelines for the filing of and response to appeals under these policies may be extended by the mutual agreement of the employee and the Chancellor’s Office. An appeal shall be considered resolved at the completion of any step, if all parties are satisfied or if neither party files a timely appeal to the next step.
The process permitted by these policies constitutes a grievance for purposes of Texas Education Code Section 51.960.
Request: Consideration and review of the Recommended Revision of the Lone Star College System Board Policy Manual Section V. Instruction (FIRST READING)

Chancellor’s Recommendation: That the Board of Trustees consider and review revision of the College’s Board Policy Manual Section V. Instruction amending and clarifying the College’s policy regarding instruction.

Rationale: The proposed revision of Section V. Instruction clarifies, for example, academic freedom, curriculum design policy, academic travel, and academic achievement. This revision also establishes a process to address academic misconduct. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Alicia Harvey-Smith 832-813-6648
Mario K. Castillo 832-813-6655
SECTION V – INSTRUCTION

V.A. TRADITIONAL INSTRUCTIONAL PROGRAMS AND CURRICULUM

V.A.1. Curriculum Design Policy
The Board shall finance, provide, and supervise educational programs consistent with the College’s policies. The Chancellor shall establish procedures for the development, approval, and revision of instructional courses and programs the College offers to ensure their quality, community responsiveness, and compliance with appropriate accrediting, articulation, and regulatory standards. The following guidelines are for our college credit bearing courses and programs.

(a) Academic Calendar. The Board annually adopts the College’s official calendar, recommended by the Chancellor, while complying with the Texas Higher Education Coordinating Board’s (THECB) policies, regulations, and standards.

(b) Annual Course List. The Board annually submits a comprehensive core curriculum list and any proposed course or program inventory changes for each college to the THECB. The list includes a description of the content, scope, and prerequisites of all the College’s proposed courses for the forthcoming academic year. All changes in course and program offerings shall be submitted on dates designated by the THECB.

(c) Minimum Course Length. The College’s Board of Trustees sets the minimum course length for the College’s courses under the following schedule:

1. 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. Some traditional workforce courses contain 80 contact hours.

2. Every college course is assumed to involve a significant amount of non-contact hour time for out-of-class student learning and reflection. To ensure the quality of student learning, institutions should not allow students to carry more courses in any term (that is, regular or shortened semester), which would allow them to earn more than one semester credit hour per week over the course of the term. For example, in a five-and-a-half week summer term, students should not generally be allowed to enroll for more than six semester credit hours.

3. Institutions should have a formal written policy for addressing any exceptions to number two above.
4. 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.

5. Institutions may offer a course in a non-traditional 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.¹

(d) Required Approval Before Curriculum Changes. Employees responsible for initiating, reviewing, approving, or allocating resources to make changes in any of the College’s programs or activities, whether credit or non-credit, are expected to remain knowledgeable of current rules and requirements. Individuals involved in proposing and implementing substantive changes are required to coordinate their efforts with the Chancellor’s Cabinet and the SACS-COC Liaison. Notification of substantive changes will be submitted to, and approved by, accrediting or approval agencies prior to implementation of the changes.

V.A.2. Definitions
(a) Component Area means subject areas comprising the core curriculum. The College’s component areas include: communications, mathematics, life and physical sciences, creative arts, language, philosophy and culture, history, government, and social or behavioral sciences.

(b) Core Curriculum means the curriculum in liberal arts, humanities, sciences, and political, social and cultural history that all undergraduate students of an institution of higher education are required to complete before receiving an academic undergraduate degree. The College has a core curriculum of 42 semester credit hours—including specific courses comprising the curriculum. The core curriculum is consistent with the common course numbering system approved by the THECB and with the statements, recommendations, and rules the THECB issued.

(c) Field of Study Curriculum means a set of courses that will satisfy the lower division requirements for a bachelor’s degree in a specific academic area at a general academic teaching institution.

V.A.3. General Core and Field-of-Study Curriculum Policy
The College reviews its core curriculum and applicable field of study curricula at intervals specified by the THECB and reports the results to the THECB. The evaluation criteria are specified by the THECB. The College must submit a Core Curricula Evaluation Report according to the timelines and criteria established by the THECB.

¹ 19 Tex. Admin. Code § 4.6
V.A.4. Specific Curriculum Design Policies

(a) **State Funding.** No funds appropriated to the College shall be expended for any program which has not been approved by the Commissioner or the Assistant Commissioner for Academic Affairs and Research, or, when applicable, by the Texas Higher Education Coordinating Board.

(b) **Military and Naval Training.** The Board may request the United States Department of Defense to establish and maintain courses in military and naval training, qualifying graduates of the courses for Reserve Commission awards, as part of its curriculum. The Board may enter into mutually agreeable contracts for that purpose. The work of the students enrolling in the courses may be credited toward degree requirements under regulations prescribed by the Board.

(c) **Health Occupation, Counseling, and Social Work Courses.** The curricula of medical, dental, nursing, allied health, counseling, and social work degree or certificate programs shall:

1. include information about methods of transmission and methods of prevention of HIV infection, and information about federal and state laws, rules and regulations concerning HIV infection and AIDS.

2. give special attention to the physical, emotional, and psychological stress associated with the care of patients with terminal illnesses.

(d) **Adult Education and Literacy Special Program Requirements.** The College will provide adult basic education programs in accordance with state statute and regulations and standards formulated by the State Board of Education.

(e) **Continuing Education Special Program Requirements.** The Chancellor shall ensure that the College offers a comprehensive program of continuing education opportunities for the College’s community. The Chancellor shall further ensure that the programs are appropriate to the College’s mission, accessible to its community members, and comply with THECB requirements.

(f) **Contract training.** The chancellor shall ensure that the college offers a mechanism for the College to offer customized courses to incumbent workers where the company pays the cost of customization.

(g) **Disadvantaged Students.** The College may develop programs to serve persons from backgrounds of economic or educational deprivation, by submitting to the THECB a plan based on the following criteria:
1. An instructional program that accommodates the different learning rates of students, and compensates for prior economic and educational deprivation.

2. An unrestricted admissions policy, allowing the enrollment of any person eighteen years of age or older, with a high school diploma or its equivalent, who can be reasonably expected to benefit from instruction.

3. The assurance that all students, regardless of their differing programs of study, shall be considered, known and recognized as full members of the student body, provided that the administrative officers of a community college may deny admission to a prospective student, or attendance to an enrolled student if, in their judgment, the student would not be competent to benefit from the College’s programs, or would, by his or her presence or conduct, create a disruptive atmosphere within the College not consistent with the statutory purposes of the College.

4. The submission of a plan for a financial aid program, which removes to the maximum extent possible, the financial barriers to the educational aspirations of the citizens of the state. At times this may include Texas state grant funded scholarships to students.

5. An annual evaluation report based on scientific methods, and utilizing control groups, wherever possible, to be submitted to the THECB at the end of each school year, covering each remedial compensatory course or program offered by the College. Any other criteria consistent with the provisions specified by the THECB.


Requirements for all degree and certificate programs the College offers shall be reflected in the College’s annual course catalog, and shall comply with all THECB requirements and regulations and other required accrediting agencies.

(a) General Degree Requirements. Within five years of initial enrollment in credit courses at the College’s member colleges, a student may graduate according to the catalog in effect at the time of first enrollment, or any subsequent catalog, provided that the requisite courses are still being offered. If a student fails to complete within five years all requirements of the catalog in effect at the time of initial enrollment, the student shall be required to graduate under a catalog not older than five years. Exception to this requirement may be approved by extenuating circumstances.

(b) Developmental Courses. Courses designated as developmental in the Academic Course Guide Manual may not be used to satisfy degree requirements. Such courses may be used as co-requisites or prerequisites for degree courses as determined by the College.

V.A.6. Dual Credit

The College offers students in high schools within its service area the opportunity to take dual credit courses. Dual credit courses are courses for which students receive college credit and
high school credit while still enrolled in high school or homeschooling. Students may enroll in academic education, workforce education, or both. The curriculum content and rigor of dual credit courses are equivalent to the college course standards and requirements. The faculty must meet the same SACSCOC qualifications as non-dual credit courses and programs. See the College’s annual course catalog for current tuition and fee information. Students and parents should also consider that although these courses are taught to high school students, the College will treat these dual-credit students as college students when enrolled in college courses—regardless of the individual student’s age.

V.A.7. Early College, High School, and Middle School
THECB Rule 4.154 requires that “any public college or university that participates in the creation of an ECHS/MC shall notify the [THECB] in accordance with provisions and schedules determined by the Commissioner.”

V.A.8. Instructional Arrangements
State funding shall be provided for lower-division level general academic courses provided by the College if such courses are (1) listed in the Academic Course Catalog or (2) have been reviewed by the THECB staff and have been approved in accordance with the unique need provision and are consistent with the Texas Common Course Numbering System.

(a) **Instructional Departments.** The Chancellor shall, upon recommendation by the President, establish the organizational structure of each college.

(b) **Class Size.** The College shall establish class size guidelines under Chancellor’s Procedures.

(c) **Course Load and Schedules.** Each college within the College shall comply with the uniform final dates, counted from the first day of an academic semester or term, for adding or dropping a course, established by the THECB. Course drops are limited. Please check with any System College for specific requirements. A student may not enroll in a course after a uniform final date for adding a course.

V.B. ONLINE INSTRUCTIONAL PROGRAMS AND CURRICULUM

V.B.1. Online Courses Policy
The College may offer a LSC-Online course approved by the THECB with no in-state geographic restrictions if the course is within the College’s approved curriculum. The College’s LSC-Online Program will comply with all THECB conditions and requirements as well as those established by accrediting agencies.

V.B.2. Definitions
(a) **LSC-Online Course** means instruction in which the majority of the instruction occurs when the students and instructor are not in the same physical setting. For THECB
reporting purposes, a class is considered an LSC-Online class if students receive more than one-half of the instruction at a different location than the instructor. The College’s LSC-Online program includes online and hybrid instruction which are clarified in the credit schedules and on the LSC-Online website. Online advisors advise only fully-online students in courses that are 100% online. Instruction may be synchronous or asynchronous, delivered to any single or multiple location(s) through electronic, correspondence, or other means outside the boundaries of the taxing authority of the College, or via instructional telecommunications to any other distance location.

V.B.3. LSC-Online Standards
LSC-Online instruction is comparable to on-campus instruction and meets all of the quality standards which the College provides through on-campus instruction.

LSC-Online courses offered through either college credit or Continuing Education Units (CEUs) are provided in accordance with the standards of the Commission on Colleges of the Southern Association of Colleges and Schools (SACS), the THECB rules and regulations, the Guidelines for Institutional Reports for Distance Education and Off-Campus Instruction and other accrediting bodies as appropriate.

Students enrolled in LSC-Online must satisfy the same requirements for admission to the institution, to the program of which the course is a part, and to the class/section, as are required of on-campus students. Faculty providing LSC-Online instruction are selected and evaluated by the same standards, review, and approval procedures used to select and assess faculty responsible for on-campus instruction. The College provides training and support to enhance the added skills required of faculty teaching classes via instructional technology.

The instructor of record is responsible for the delivery of instruction and evaluation of student progress. LSC-Online instruction is administered under the authority of the same office or person administering the corresponding on-campus instruction.

V.B.4. LSC-Online Strategic Plan
LSC-Online will develop a strategic plan including applications of instructional technology as well as guidelines for supporting online faculty and advising students. The plan will be developed in alignment with the College’s Strategic Plan, according to requirements specified by the THECB and the College.

V.B.5. Institutional Report for LSC-Online
Prior to offering any LSC-Online, off-campus, or on-campus extension courses or programs for the first time, the College shall submit its Institutional Report for LSC-Online, and Off-Campus and On-Campus Extension Instruction to the THECB for approval. The Report, and any updated Reports, shall conform to THECB guidelines and criteria of the Commission on Colleges of the Southern Association of Colleges and Schools in effect at the time of the Report’s approval. The College’s academic and administrative policies shall reflect a
commitment to maintain the quality of LSC-Online, off-campus, and on-campus extension courses and programs in accordance with the provisions of 19 TAC Chapter 4, Subchapter E.

V.B.6. Out-of-State or Out-of-Country Courses
The College will not submit LSC-Online courses delivered outside the state to non-Texas residents for formula funding. The College will report fees received for extension and out-of-state/country courses in accordance with general institutional accounting practices.

V.B.7. Reporting to Commissioner
The College will report enrollments, courses, and graduates associated with extension offerings to the Commissioner as required by the THECB.²

V.C. ACADEMIC ACHIEVEMENT

V.C.1. Texas Success Initiative (TSI)
The College assesses the academic skills of each entering student to determine the student’s readiness to enroll in freshman-level academic coursework before the student enrolls. That assessment must be made through a state-approved instrument (i.e., test). The College is committed to assuring that students have the reading, writing, and mathematical skills required to be successful in college level classes. Therefore, most college level courses have required pre- or co-requisites that a student must meet prior to enrolling in the course.

The College will provide the student with pre-assessment activity or activities that stress the importance of the assessment on the student’s academic career before administering the assessment. The activity or activities will also detail the assessment processes and its components, development or preparatory educational options, and institutional and community resources for students. The assessment’s results must meet the state-approved minimum passing standards to enroll in freshman-level academic coursework. The College will provide advising regarding available developmental education to equip the student in performing freshman-level academic coursework to students that fail the state-approved minimum passing requirements.

(a) Exceptions. The College may permit a student to enroll in freshman-level academic coursework without assessment under exceptional circumstances. The College will require the student to be assessed no later than the end of the first semester of enrollment in freshman-level academic coursework or by the completion of a level 1 certificate in a workforce program. Exemptions/exceptions from the requirements of the Texas Success Initiative will follow applicable Texas law and implementing regulations.

(b) The College Determines College Readiness. The College determines when a student is ready to perform freshman-level academic coursework using developmental education coursework and/or intervention learning outcomes developed by the THECB based on the
Texas College and Career Readiness Standards and the student’s performance on the appropriate assessment(s).

V.C.2. Prior Learning Assessment (PLA) Credit
Students may obtain Prior Learning Assessment credit. Approved methods include the Achievement Test (ACT); College Level Examination Program (CLEP); International Baccalaureate (IB) Diploma, American Council on Education equivalency guides including military; Advanced Placement Program by the College Board; high school articulation agreements; the College’s challenge examinations, portfolio reviews, skill performance examinations, and industry certification and licensure.

V.C.3 Program Continuity
The Chancellor will develop Chancellor’s Procedures to ensure that students experience reasonable program continuity from college to college, campus to campus, and center to center regarding curriculum, instructional resources, program requirements, and learning outcomes.

V.C.4. Grading
The Chancellor must maintain procedures that ensure fair and timely grade assignment that appropriate reflect student mastery. The Chancellor’s Procedures regarding grades will include academic appeals for challenging assigned grades. The Chancellor’s Procedures will also protect student privacy rights regarding grades and other educational records. The Chancellor will ensure that the College provides students with effective support programs—including academic advising, counseling services, skills assessment and placement, career development, financial aid, student enrollment services, and support services for students with special needs.

V.C.5. Excused Absences for Military Service
The College shall excuse a student required to participate in active military service from attending classes, taking exams, or engaging in other required academic activities. The College will not penalize a student for an absence under this subsection except that the maximum period for which a student may be excused under this subsection 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 was currently enrolled before the period of active military service.

The College will otherwise allow the student to complete an assignment, take an exam, or engage in other required activities within a reasonable time (end of the next long semester) after the student’s excused absence. The same deadline applies to LSC-Online, self-paced, correspondence, or any other form of asynchronous instruction. The College will also retain the student’s course work completed before the student was called to active military service and subject the student to the same syllabus or instructional plan when the student returns. The Chancellor will create procedures for returning students that fail to complete assignments (within end of the next long semester) after their return.
V.C.6. Library Record Privacy
The circulation records identifying the names of library users with specific materials are
confidential to the extent permitted by law. Such information will be released to other
individuals only with the patron’s written permission. The College may join the TexShare
Library consortium established and maintained by the Texas State Library and Archives
Commission without violating this policy.

V.C.7. Commencement Ceremony (Graduation)
The College will hold an annual commencement ceremony at the close of the spring semester
and other times as appropriate. Students who complete degree or certificate requirements
during the prior fall, current spring, or following summer sessions are invited to participate in
the commencement exercises. Students who pass all components of the GED test will
participate in a separate graduation ceremony.

V.C.8. Credit Transfer
The College is an open enrollment two-year community college. The College intends to
provide a smooth transition between enrollment in other institutions and enrolling in the
College. Similarly, the College intends to provide a smooth transition for students that enroll
in subsequent higher education institutions.

(a) Publishing Course-Credit Transfer Guidelines. The College publishes course-credit
transfer guidelines in its course catalog and on its website. The College identifies courses
by using the THECB’s common course numbering system. The College identifies core
courses on student transcripts as the Texas Association of Registrars and Admissions
Officers recommends.

(b) Transferring Core Curriculum. Students successfully completing the 42-hour core
curriculum at an institution of higher education may transfer those courses to any other
institution of higher education. The receiving institution must substitute its core
curriculum with that from the transferring student’s sending institution. A transferring
student must receive academic credit for transferred courses, and the College cannot
require additional core curriculum courses unless the THECB has approved a larger core
curriculum. Nevertheless, each student transferring into a new institution should be aware
that a receiving institution is not required to accept component core course credit hours
beyond the maximum specified in the receiving institution’s core component area.

(c) Transferring Field-of-Study Curriculum. Students successfully completing a THECB-
approved field-of-study curriculum may transfer those courses to a general academic
teaching institution. The receiving institution substitutes those courses for the institution’s
lower division requirements for the degree program in the field of study into which the
student transfers. The student receives full academic credit toward the degree program for
the block of courses transferred under this subsection. Students that have completed only
part of the field-of-study curriculum should receive credit from the receiving institution for each of the courses the student did complete. The College may require students to satisfy additional field-of-study courses.

(d) Transfer Dispute Resolution. The Chancellor will publish in the College’s course catalog the THECB’s transfer-dispute resolution procedures. The College will give written notice to the student and the other institution that the proposed credit is denied when the College does not accept transfer credit. The two institutions and the student shall attempt to resolve the transfer of the course credit under the THECB’s rules. If the transfer dispute is not resolved to the satisfaction of the student or the institution at which the credit was earned within 45 days after the date the student received the written notice of the denial, the College shall notify the Texas Commissioner of Higher Education of the denial and its reasons. The Commissioner of Higher Education, or the Commissioner’s designee, shall make the final determination about the dispute concerning the transfer of course credit, and give written notice of the determination to the involved student and institutions.

V.D. Academic Integrity and Dishonesty

V.D.1. General Policy Regarding Academic Integrity and Dishonesty
The College upholds the academic core values of learning: honesty, respect, fairness, and accountability. The College promotes the importance of personal and academic honesty from its students, instructors, and faculty members. The College’s academic integrity policies embrace the belief that all learners—students, faculty, staff and administrators—produce their own work and give appropriate credit to the work of others. No fabrication of sources, cheating, or unauthorized collaboration is permitted on any work submitted to the College or work submitted to third parties.

V.D.2. Definitions
(a) Academic Dishonesty covers many different circumstances that cannot reasonably be exhausted here. Nevertheless, academic dishonesty can involve bribing, cheating, deceiving, fabricating, impersonating, plagiarizing, engaging in professional misconduct during, and sabotaging, an academic evaluation/assessments. Academic dishonesty means engaging in any of the acts in the preceding sentence with the intent to deceive an instructor or third party in assessing an individual’s academic mastery of an academic component, assignment, area, subject, course, class, or program. Academic dishonesty occurs when an individual fails to exhibit and uphold academic integrity. Students and instructional employees share a responsibility to not engage in academic dishonesty.

(b) Academic Integrity for Students means that students are committed to upholding themselves and those around them to maintain the worth of the education they are receiving and the degree or certificate that they will receive. Students with academic
integrity protect their work during tests, exams, quizzes, labs, and clinical assignments. Students with academic integrity do not share previously used tests/papers/assignments unless their instructor (a) has allowed them to do so or (b) shares the materials themselves. Students with academic integrity do not share information that will be on exams with other students that have not yet taken the subject test for whatever reason. Students with academic integrity report other students that have violated the College’s academic integrity.

(c) Academic Integrity for Faculty and Employees means that faculty members and other instructional employees value the academic rigor required to publish academic materials, value the College’s academic reputation among peer institutions, and value the contributions of all their colleagues and students. Instructors with academic integrity base all academic evaluations upon good-faith professional judgment. Instructors with academic integrity appropriately recognize student contributions to their research, publication, service, or other activities. Instructors with academic integrity develop fair, consistent, and relevant forms of assessment. Instructors with academic integrity should strive to reduce student opportunities to engage in academic dishonesty. Instructors with academic integrity challenge academic dishonesty when it occurs. Instructors with academic integrity in leadership, supervisory, or more experienced positions ensure that their junior colleagues exhibit, maintain, and promote academic integrity in their own fields and in their classrooms.

V.D.3. Violations of Academic Integrity
The College treats academic integrity violations or engaging in academic dishonesty by students as grounds for disciplinary action under the College’s Academic Misconduct Policy. The College treats academic integrity violations or engaging in academic dishonesty by instructors as grounds for disciplinary action under Section IV.

V.E. STUDENT ACADEMIC RESPONSIBILITIES

V.E.1. Academic Student Code of Conduct

V.E.1.1. Policy
The College provides an educational environment grounded in strict fidelity to academic integrity and academic rigor. The College achieves that environment by enforcing the Lone Star College System Academic Student Code of Conduct. The Academic Student Code of Conduct applies to all students enrolled in a credit or non-credit course at the College. It also applies to all online-only or hybrid students.

V.E.1.2. Definitions
(a) Reserved

V.E.1.3. Academic Code of Conduct
Academic misconduct can occur in many different ways. The list below presents some examples of academic misconduct. The list does not contain every conceivable example of academic misconduct. The College publishes this list only giving students examples of the types of conduct that might qualify as academic misconduct.

(a) Engaging in academic dishonesty as defined in Section V.

(b) Violating the College’s academic integrity policies defined in Section V.

(c) Taking an exam, entire course, or preparing clinical work for another student.

(d) Supplying or receiving test answers through electronic messages, signaling, or unauthorized written notes.

(e) Looking at or using information from another student’s test.

(f) Authorizing another student to use your test or other class assignment information in any form.

(g) Obtaining or supplying tests, lab reports, term papers, or assignments through unauthorized methods before or after it is administered.

(h) Resubmitting a test with changed answers upon receiving unauthorized information.

(i) Reviewing or altering grades of any student without proper authorization.

(j) Collaborating with other students on testing, assignments, or clinical work without permission.

(k) Possessing another student’s work without permission.

(l) Buying or using someone else’s paper or project from a local source or Internet site and submitting it as your own work.

(m) Incorrectly attributing or neglecting to attribute source material (books, articles, Internet sites, music tracks, movies, etc.) used in an assignment or clinical written work.

(n) Failing to distinguish direct quotations from paraphrasing or summarization of source material.

(o) Completing someone else’s work on an assignment or clinical written work.
(p) Fabricating or falsifying information or course material in an assignment or clinical written work.

(q) Submitting an assignment or clinical written work as your own after someone else has rewritten or changed major portions of it.

(r) Using a project completed for another course and resubmitting it without changes for another course.

(s) Destroying or vandalizing student or faculty course materials or records.

(t) Selling or purchasing exams, papers, notes or other assignments (whether ultimately used or not).

V.F. STUDENT DISCIPLINE FOR ACADEMIC MISCONDUCT


V.F.1.1. Student Discipline Policy for Academic Misconduct
The College upholds the academic core values of learning: honesty, respect, fairness, and accountability especially when its students fall short of those expectations. Academic misconduct and violations of the Academic Code of Conduct subject students to academic discipline under this Section—including suspension and expulsion. When possible, members of the College community should try to resolve minor allegations of academic misconduct informally.

V.F.1.2. Definitions
(a) Academic Integrity Review Committee means a panel appointed from each college to review suspensions and expulsions imposed by other colleges.
(b) Appeal means to request in writing that the Chancellor review a decision of suspension or expulsion, stating why it should be modified or reversed.
(c) Chief Academic Officer means, for this section, a college Vice-President to whom the college President gives primary responsibility for student discipline for academic misconduct.
(d) Due process means a student’s procedural and substantive constitutional protections.4
(e) Effective notice means written notice served in person, emailed to a person’s College email address, or mailed to a person’s address.

(f) **Expulsion** means permanent exclusion from any or all College classes and activities.

(g) **Academic Misconduct** means violating acts prohibited by Section V.1.E.3.

(h) **Period of disruption** means any period in which it reasonably appears that there is a threat of destruction to institutional property, injury to human life on the college or facility, or a threat of willful disruption of the orderly operation of the college or facility.

(i) **Sanction** means a penalty against a student, including oral or written warning, probation, suspension, expulsion, or other proper penalty.

(j) **Suspension** means temporary exclusion from any or all College classes and activities.

**V.F.1.3. Reporting Academic Misconduct**

Professors retain primary responsibility for matters relating to academic integrity within their courses. Professors should clearly state in a written report how the student’s actions violated the College’s academic integrity policy (those found in this Manual), how a grade was affected (assuming it was), and any academic actions taken. Changing grades (individual grades or overall course grades) requires written notice to the college’s Chief Academic Officer.

Anyone may report academic misconduct in writing to a Chief Academic Officer. Reports shall include all known relevant facts, including dates, times, and places. The reporter shall supply available evidence and shall commit to participate in the investigation or hearing. Knowingly submitting false reports is considered non-academic misconduct for students and grounds for adverse employment actions against employees.

**V.F.1.4. Investigation**

After receiving a written report alleging academic misconduct, the Chief Academic Officer or a designee may investigate the allegations by meeting with the student’s instructor and the student. If the Chief Academic Officer believes that the instructor’s remedies are sufficient under the College’s policies, the Chief Academic Officer may close the file and leave the matter undisturbed beyond the instructor’s actions. If, however, the Chief Academic Officer believes that a suspension or expulsion is warranted under the circumstances, the Chief Academic Officer will request an Academic Integrity Review Committee Hearing.

**V.F.1.5. Hearing**

The college shall give the student effective notice of the date, time, and place of his or her Academic Integrity Review Committee hearing. Notices shall set forth specific allegations, list all evidence of academic misconduct including all witnesses who may testify against the student, and provide copies of all documents to be used against the student. The college must prove academic misconduct to the Academic Integrity Review Committee by preponderance of the evidence. Accused students shall have the right to confront and question their accusers during the hearing unless a legally recognized exception to this right applies. After the hearing, the Academic Integrity Review Committee will issue a written majority decision either
dismissing the matter or finding the student responsible for academic misconduct. A decision finding a student responsible for academic misconduct shall explain the specific academic misconduct and determine whether an expulsion or suspension is warranted. Either party may appeal the Academic Integrity Review Committee’s decision. The Academic Integrity Review Committee cannot change a grade—it can only recommend adopting or rejecting the expulsion or suspension recommendation made by the Chief Academic Officer for the student involved. The recommendation is forwarded directly to the Chancellor. The Chancellor makes the final decision—that decision is not appealable.

V.F.1.6. Effect of Sanctions
Any suspension or expulsion under Section V has College-wide effect. A student suspended or expelled from one college may not enroll at another college without the Chancellor’s written permission unless the sanction has expired by its own terms. The College may agree at any time to impose certain sanctions if a student admits to academic misconduct, and the student and Chief Academic Officer shall sign any such agreement. In addition to sanctions, the College may pursue any and all remedies at law or equity.

V.F.1.7. Due Process Requirements
Students have a protected interest in receiving an education. Except during periods of disruption, students must receive due process before they may be suspended or expelled. Due process requires notifying students of charges against them, explaining evidence against them, and giving students a fair opportunity to present their side of the story. Due process is not required for sanctions that do not affect students’ interest in receiving an education, such as warnings or exclusion from extracurricular activities. Except during a period of disruption, no suspension or expulsion will take effect for academic misconduct before the investigation, hearing, and appeal process ends.

V.F.1.8. Autonomy
Academic misconduct may also violate federal, state, or local laws, and students subject to discipline may also face civil or criminal legal penalties. Civil or criminal proceedings—or the lack thereof—related to alleged academic misconduct will not determine discipline.

V.F.1.9. Periods of Disruption
During periods of disruption, the powers and procedures in Texas Education Code Chapter 51, Subchapter E-1 shall apply and shall prevail over this section if they conflict. Students must receive due process as soon as practicable during periods of disruption.

---

5 *Id.*
7 Goss v. Lopez, 419 U.S. 565 (1975); Univ. of Tex. Med. Sch. v. Than., 901 S.W.2d 926 (Tex. 1995); Willis v. Tex. Tech Univ. Health Sciences Center, 394 F. App’x 86, 87 (5th Cir. 2010).
8 NCAA v. Yeo, 171 S.W.3d 863, 865 (Tex. 2005).
V.F.1.10. Discipline in Health Occupations Programs
Health Occupations Program Deans shall/may act as Chief Academic Officers for their programs with written authorization from their respective Chief Academic Officer.

V.G. ACADEMIC APPEALS


V.G.1.1. Academic Appeals
The College recognizes a student’s right to consistent and relevant forms of assessment. An academic appeal is a formal request brought by a student to change a grade for the reasons below. Students have 12 calendar months from the date the grade was posted by the registrar to submit an academic appeal. A grade may only be changed by the instructor of record, the instructor’s department chair, the academic dean, or the Academic Appeals Committee. Should an instructor of record’s employment end or otherwise become incapacitated or unavailable, the department chair, or the academic dean may enter grades on the incapacitated or unavailable faculty member.

V.G.1.2. Definitions
(a) Incapacity means the physical or mental inability to enter grades for the purposes of this subsection only (V.G.1.1.).

V.G.1.3. Bases for Academic Appeal
A student must meet one of three requirements in order to qualify to file an academic appeal. The student must have some evidence that there exists at the time of the appeal: (1) a mathematical error in the grade’s calculation, (2) a deviation—by the instructor—from the course syllabus or the College’s policy manual (this document), or (3) disparate treatment of the student not covered by EEO (e.g., race, color, sex, and etc.) policies. Any basis for appeal outside of those three categories will not be considered and the College will simply inform the student of this policy and refuse to process the appeal. An appeal will not be considered merely because the student is dissatisfied with a grade or disagrees with the instructor’s professional judgment of the quality of the student’s work or performance.

V.G.1.4. Procedures
The Board has delegated to the Chancellor the authority to implement Chancellor’s Procedures to carry out the Academic Appeals Policy.

V.H. ACADEMIC STUDENT TRAVEL

V.H.1. Policy
The College provides equal academic student travel opportunities to all students regardless of race, color, sex, age, sexual orientation, religion, ethnic or national origin, disability, veteran
status, or any other protected status. Section V.H.1. applies only to Academic Student Travel as defined below.

V.H.1.2. Definitions
(a) **Academic Student Travel** covered by this Policy means travel that meets three conditions. First, the travel must be at least farther than 25 miles from the closest Lone Star College campus or satellite center to the final destination. Second, the travel is directed by an instructional employee to achieve an academic objective. Third, either (1) the College funds the travel and uses a college-owned or -leased vehicle, or (2) a college-registered student organization requires the travel. Travel that does not meet all three of these conditions is not considered Academic Student Travel and Section V.H.2. does not apply.

(b) **Academic Student Domestic Travel** means Academic Student Travel that only contains destinations inside the continental United States.

(c) **Academic Student Foreign Travel** means Academic Student Travel that includes a destination, layover, or location outside the continental United States.

(d) **Academic Student Travel Funded by the College** means paying for expenses associated with the activity or event from a College-maintained budget item or fund. The College funds travel even if an outside tour company arranges the College-sponsored trip and travelers pay their own travel-related expenses.

(e) **Academic Student Travel Required by a Registered Student Organization** means the travel related to the organization’s official activities, including attending and participating at conventions, workshops, seminars, mock events, and other academic competitions. This definition does not include social or optional events organized by a registered student organization or an optional course activity recommended by a faculty member.

(f) **Necessary Student Travel Paperwork** includes all required forms specified in the Chancellor’s Procedures for Academic Student Travel.

V.H.1.3. Academic Student Travel
Students complete and submit Necessary Student Travel Paperwork at least five working days before the Academic Student Domestic Travel is scheduled to begin. Students complete and submit Necessary Student Travel Paperwork at least 20 working days before the Academic Student Foreign Travel is scheduled to begin. Commercial airlines, College-owned, -rented,
or -leased vehicles, and commercial vehicles are approved transportation modes for Academic Student Domestic and Foreign Travel under this policy.13

(a) College-Provided Transportation. A driver transporting students in College-owned, -leased, or -rented vehicles must meet the following qualifications: (1) be a College employee approved by the Chief Student Services Officer, (2) have a valid driver’s license appropriate for the vehicle being driven, and (3) have a satisfactory driving record.14

The driver must also ensure that passenger numbers do not exceed the vehicle’s designated passenger capacity15—each passenger must be secured by a seat belt.16 A driver must not drive for more than three consecutive hours without taking a 15-minute break from driving.17 A driver may not read emails or text messages while driving students. A driver must obey all safety procedures and traffic laws.18

(a) Student-Provided Transportation. The following applies when student-owned vehicles are used for Academic Student Travel: (1) College students are not covered by the College’s vehicle insurance policies and cannot be College-approved drivers; (2) adult students drive their own private vehicles at their discretion and peril; (3) adult students riding with another adult student do so at their discretion and peril; (4) College employees cannot arrange for students to drive other students; (5) all student drivers must sign a liability waiver for driving their own vehicle and submit this in accordance with the Necessary Student Travel Paperwork; (6) all student-owned vehicle accidents or collisions must be covered by the student’s vehicle insurance policy; (7) the Academic Student Travel conditions must be detailed in the appropriate form submitted with the Necessary Student Travel Paperwork; and (8) the College must provide student drivers with directions to the intended destination.

V.I. ACADEMIC FREEDOM AND RESPONSIBILITIES

V.I.1.1. Academic Freedom and Responsibilities
Institutions of higher education are conducted for the common good, which depends upon a commitment to the values of free inquiry and the free expression of ideas. The College embraces these values. Academic freedom is not only a policy giving faculty latitude in addressing their academic subjects, but remains a crucial component of a larger commitment to the free search for truth. Academic freedom is accompanied by equally demanding responsibilities. Instructors, therefore, have both rights and responsibilities.

(a) Rights of Faculty Instructional Employees
Every instructional employee and employee’s family member has the right to speak or write as a citizen of the nation, state, and community without fear of institutional censorship or discipline so long as the employee is clear that they do not speak on behalf of the College.

Instructional employees have the right to teach class content, including arguably offensive or controversial class content, according to their professional judgment within the guidelines established by the curriculum team, state governing bodies, accrediting agencies, this manual, and as required by federal, state, or local laws. Absent the limitations in this section, instructional employees have the right to remain true to their pedagogical philosophies and intellectual commitments when teaching.

(b) Responsibilities of Instructional Employees
Faculty members will strive to be accurate, to exercise appropriate restraint when necessary, and to avoid creating the impression that they speak or act for the College when speaking or acting as private citizens. Every instructional employee maintains competency in their field through continued professional development and demonstration of such competence in the teaching environment. As such, they have the right to be supported by the College in professional-development efforts to help maintain competency in their disciplinary fields and instructional skills.

Faculty members will respect the rights of others to hold and articulate opinions, whether or not the faculty member shares the opinion—especially the instructor’s students that disagree with the instructional employee’s opinions. Instructional employees will maintain academic standards with respect to learning outcomes and the accrediting body’s requirements.

(c) Challenges to Academic Freedom
Challenges to the content of a course may be brought to an instructional employee’s dean or vice president. The appropriateness of the content will be determined by faculty members within the discipline of the class from which the challenge derived.

Should a faculty member feel his or her academic freedom has been infringed upon by a student, colleague, or supervisor, the faculty member should express concerns to the Chief Academic Officer of the College.

V.J. INSTRUCTIONAL CONTRACTS WITH OUTSIDE AGENCIES

V.J.1. Formula Funding, SDF, Tuition, and Fees for Instructional Contracts
The College cannot use state appropriation funding for non-credit courses that do not award Continuing Education Units (CEU). Conversely, courses awarding CEUs may use state appropriation funding but are subject to the Southern Association of Colleges and Schools.
Commission on Colleges (SACS) as a condition of eligibility for formula funding. The College may use the Skills Development Fund (SDF) for start-up or emergency funds to develop customized training programs for businesses and trade unions, and for sponsoring small and medium-sized business networks and consortiums. Nothing in this paragraph prevents the College from offering non-credit courses that do not award CEUs.

Any course that provides credit hours or CEUs must follow the College’s Tuition and Fees Policies and the Chancellor’s Procedures notwithstanding the existence of a contract. No employee has discretion to waive out-of-state or out-of-district tuition and fees for such agreements.

(a) SACS Accredited Organizations. The College may enter into memoranda of understanding, agreements, or contracts with SACS accredited institutions provided that such agreements must be signed by the Chancellor or a designee (such contracts cannot be further sub-delegated by the initial designee). The Chancellor must designate such designees in writing and file those designations with the Office of the General Counsel. No employee, except the Chancellor, may sign such agreements without a specific, written designation. Finally, all such agreements must comply with state law and SACS guidelines.20

(b) Non-Accredited Organizations. The College may enter into memoranda of understanding, agreements, or contracts with non-SACS accredited institutions provided that such agreements must be signed by the Chancellor or a designee. Those agreements must be routed through the Office of the Executive Vice Chancellor to ensure compliance with SACS guidelines and regulations. Those agreements must next be routed through the Office of the General Counsel so that the General Counsel, or a designee, may ensure compliance with state law (unless a Standard Contract approved by the Office of the General Counsel is being used for the agreement).21

V.J.2. Definitions
(a) Certificate Program means a credit or non-credit workforce education program designed for entry-level employment or for upgrading skills and knowledge within an occupation. Certificate programs typically serve as building blocks and exit points for an Associate of Applied Science (AAS) degree programs. They include fast track certification, level 1, level 2. At times a certificate may be post-degree as is the case for the Advanced Technical Certificate (ATC).

(b) Community Service Course means a course offered for recreational or avocation purposes unsupported by state funding.

(c) **Workforce Course** means a course offered with an occupationally specific objective and supported by state funding.

(d) **Workforce Education** means technical courses and programs for which the College awards semester credit hours or continuing education units depicted by a Workforce Education Course Manual (WECM) rubric from the THECB Guidelines on Instructional Programs in Workforce Education (GIPWE). Workforce education courses and programs prepare students for immediate employment after completion of an Associate of Applied Science (AAS), Level 1 certificate, level 2 certificate, industry certification, or job upgrade within specific occupational categories.

V.J.3. Technical and Workforce Course Policy
The Board can finance, provide, and supervise technical and workforce courses for the College’s students. The College will conduct an internal program review for each workforce program on a four-year cycle and present results to the Chancellor and the Board.

V.J.4. Earning Credit or Continuing Education Units through Workforce Courses
The College may classify Workforce Courses as earning semester credit hours, quarter credit hours, or continuing education units (CEUs) based on THECB rules. Contact hours reported for Workforce Courses which result in either credit hours or CEUs will be eligible for formula funding if the program meets the policies as stated in the GIPWE.

(a) A course or program that meets or exceeds 360 hours in length must be approved as a workforce certificate program by THECB staff.

(b) A course or program that meets or exceeds 780 hours in length must result in the award of appropriate semester or quarter credit hours and be applicable to a certificate or an applied associate degree (AAS) program.

V.J.5. New Certificate and Applied Associate Degree Program Requirements
The College must meet several requirements under the Guidelines for Instructional Programs in Workforce Education before the College may approve new certificate or applied associate degree programs. Those requirements include:

(a) Completed application forms and a statement of assurances must be approved by the Board and the Chancellor, and then forwarded to the THECB’s Community and Technical Colleges Division.

(b) The statement of assurances must certify that the THECB’s criteria for new programs have been met.
V.J.6. Revising Certificate and Applied Associate Degree Program Requirements

If the College wishes to revise an existing certificate or applied associate degree program, it must complete the procedures as outlined in the THECB’s Guidelines for Instructional Programs in Workforce Education (GIPWE).

(a) All programs must be under the direction of an administrator having appropriate authority to ensure that course and program quality is maintained and that courses and programs are reviewed regularly, and that programs are conducted in compliance with all applicable laws and rules. Administrative officers must possess credentials, work experience, and/or demonstrated competence appropriate to their areas of responsibility, as specified by the Southern Association of Colleges and Schools Commission on Colleges (SACS). In addition, workforce programs are reviewed annually for relevance to the workplace, new programs created when needed, programs deactivated when no longer effective.

(b) Faculty and staff must be approved by the post-secondary institution. Each individual must meet the minimum qualifications established by the THECB and the Southern Association of Colleges and Schools Commission on Colleges (SACS).
Request: Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section I. Governance

Chancellor’s Recommendation: That the Board of Trustees consider and approve revision of the College’s Board Policy Manual Section I. Governance which covers College policies related to College Governance, namely: the College’s legal status, foundational principles and administrative organization; the powers, duties, responsibilities, and organization of the Board of Trustees; Board meetings; and Trustee elections and service.

Rationale: It has been several years since most of Section I. Governance was revised, and several policy matters needed to be revisited and, as necessary, revised or reaffirmed. During the revision process, it became apparent that the current version of Section I. Governance is over-inclusive, containing many long quotations of applicable statutes and repeating several policy statements. The revised version of Section I. Governance streamlines and condenses the section for readability and utility, reducing the total page count from 66 to 32 while retaining all essential policy statements and adding new important policy statements related to College governance and the Board of Trustees. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Mario K. Castillo 832-813-6655
SECTION I – GOVERNANCE

I.A. THE COLLEGE’S LEGAL STATUS

I.A.1.1. College Legal Name and Status
Lone Star College’s legal name is “Lone Star College System District”—abbreviated in this document to “College”.

The College exists under the Texas Constitution and Education Code. The College was legally established on October 7, 1972, as a public junior college district and classified as a union junior college. The College is an institution of higher education under Texas law.

I.A.1.2. Definitions

(a) Service Area means (i) the territory within the boundaries of the taxing district of a junior college district; and (ii) the territory outside the boundaries of the taxing district of a junior college district in which the junior college district provides services (courses and programs described in Sections 130.0011 and 130.003(e), Education Code).

(b) College means, when capitalized, the Lone Star College System District. When not capitalized (i.e., “college”), it means one or more of the member-colleges constituting the Lone Star College System District.

I.A.1.3. College Service Area and Taxing Boundaries
The College’s Service Area includes the territory within (i) Aldine, Cleveland, Conroe, Cypress-Fairbanks, Humble, Klein, New Caney, Magnolia, Montgomery, Splendora, Spring, Tarkington, Tomball, Waller, and Willis independent school districts in Harris, Montgomery, and/or San Jacinto Counties; and (ii) Huntsville and New Waverly independent school districts in Walker County.

Aldine, Conroe, Cypress-Fairbanks, Humble, Klein, Magnolia, New Caney, Splendora, Spring, Tomball, and Willis independent school districts are within the College’s taxing boundaries. Cleveland, Huntsville, Montgomery, New Waverly, Tarkington, and Waller independent school districts are outside the College’s taxing boundaries.

I.A.1.4. College Boundaries and New Campuses or College Districts
The College may annex territory or create a new campus or college district in accordance with state law.

I.B. THE COLLEGE’S FOUNDATIONAL PRINCIPLES

I.B.1.1. Purpose
The College is a publicly supported, two-year, comprehensive community college offering post-secondary educational opportunities in Harris, Montgomery, San Jacinto, and Walker Counties.
I.B.1.2. Vision Statement
Lone Star College is recognized globally as the premier community college for student success, innovation, and partnerships.

I.B.1.3. Mission Statement
Lone Star College provides comprehensive educational opportunities and programs to enrich lives.

I.B.1.4. Value Statements

(a) Affordable Access means the College provides an affordable and accessible educational experience meeting the diverse needs of the community.

(b) Building Communities and Partnerships means the College promotes a seamless educational journey and nurtures the community’s intellectual and cultural life.

(c) Commitment to International Education means the College embraces multiple perspectives, promotes understanding, and educates students to become contributing members of a diverse world.

(d) Communication means that the College recognizes that achieving its mission requires effective communication between internal and external constituencies.

(e) Diversity means the College provides an inclusive learning and working environment for its diverse students, faculty, administrators, and staff. The College also offers programs, services, and personnel reflecting the communities it serves.

(f) Economic and Workforce Development means the College serves as the critical link for economic and workforce development providing prosperity through partnerships with business, government, and community organizations.

(g) Environment means the College fosters dynamic learning, distinguished by academic freedom and excellence in teaching, allows citizens to develop to the full extent of their ability, to succeed in a competitive workforce, and to be effective lifelong learners.

(h) Ethics and Integrity means it is essential that College Trustees, students, and employees adhere to the highest standards of honesty and fair dealing in all College matters.

(i) Evaluation and Accountability means it is essential the College employs data-supported decision-making and regularly assesses the impact and outcomes of its efforts for continuous improvement.
Human Resources means the College’s most important resources are the individual faculty and staff members, who are entitled to a supportive collegial work environment which rewards excellence and innovation, creates opportunities for professional development, fosters meaningful involvement in shared governance, and provides excellent compensation.

Leadership means the College, building on a solid foundation of growth and service, is a recognized leader in the community college movement, making important contributions to the profession through partnership, innovation, scholarship, creative services, and integrated technologies.

Stewardship means the College is committed to rigorous oversight of the resources entrusted to its care and in ensuring the community’s maximum benefit.

Technology means the College believes technology is a critical resource in supporting and achieving the College’s instructional, operational, and strategic goals.

I.B.1.5. Biennial Review
Every two years, the College’s Board of Trustees may review and, if necessary, revise the Vision Statement, Mission Statement, and Value Statements to ensure that they accurately represent the role and scope of a comprehensive public community college district and respond to the changing needs of the College’s constituencies.

I.B.1.6. Multicultural Education
The College recognizes the increasingly diverse, multicultural nature of a democratic society consisting of age, racial, gender, ethnic, and religious groups whose cultures, values, beliefs, and lifestyles are valuable. To encourage full implementation of the College’s Value Statements, which support dynamic, diverse learning communities and accessible, quality educational programs, the Board declares the following guiding principles for the College:

(a) The College fully recognizes individual persons’ rights to learn within frameworks of multicultural experiences to maximize the development of their human potential.

(b) The College will promote and support each college’s efforts to design and implement instructional experiences and support services to cultivate a more humane, democratic, and multicultural society.

(c) The College will foster instructional and student-life environments which give students a basis to understand and appreciate all individuals’ contributions to our society.

I.B.1.7. Operational Philosophy
The College and its colleges seek to serve students’ best interests. The College’s system offices are established to help colleges provide student and community services and programs. Matters of curriculum, financial planning, capital investments, and binding financial agreements—including contractual appointments—are coordinated College-wide. Colleges operate within Board Policy
and the Chancellor’s Procedures to meet the College’s mission and goals. Presidents participate fully in establishing College-wide priorities. Presidents are line officers responsible and accountable to the Chancellor for performance of their duties. The College is a single entity for accreditation and legal purposes. Decisions are made as close as possible to the point where they are carried out. College employees have the responsibility and authority necessary to fulfill their duties as contained in their job descriptions or contracts. Colleges and system offices establish goals and objectives consistent with, and supportive of, College-wide values and goals, as well as action plans to accomplish those goals and objectives. Colleges are responsible for establishing and cultivating positive community relations within their service areas. Resources are allocated to achieve optimal quality levels for all College programs.

I.B.1.8. Institutional Effectiveness Plan
The College provides quality education throughout its programs and services. The College’s Board of Trustees ensures institutional effectiveness by measuring goal attainment under the College’s Value Statements.

This process is integral to the College’s administration and receives the support and consideration it demands. Each College program and administrative area maintains ongoing short- and long-range planning processes which include environmental scanning and input for effective decision making and planning. Each College department’s planning processes develop necessary goals and instructions to identify criteria for measuring success. Each College department continuously monitors and evaluates its performance and achievements. This evaluation process improves the function and the planning process itself.

The College is committed to, and complies with, the Criteria of the College Delegate Assembly, either current or as hereafter modified, consistent with policies and procedures of the Commission on Colleges of the Southern Association of Colleges and Schools.

The College understands and agrees that the Commission on Colleges may, at its discretion, make known to any agency or member of the public the nature of any action, positive or negative, regarding status with the Commission. The College agrees to disclose to the Commission on Colleges any and all such information as this Commission may require to carry out its evaluating and accrediting function.

I.B.1.9. Program Offerings
The College provides: (1) technical programs up to two years in length leading to associate degrees or certificates; (2) vocational programs leading directly to employment in skilled and semi-skilled occupations; (3) freshman and sophomore courses in arts and sciences; (4) continuing adult education programs for occupational or cultural upgrading; (5) compensatory education programs designed to fulfill the commitment of an admissions policy allowing disadvantaged students to enroll; (6) a continuing program of counseling and guidance designed to assist students in achieving their individual educational goals; (7) workforce development programs designed to meet local and statewide needs; (8) adult literacy and other basic skills programs for adults; (9) educational programs empowering individuals to work wherever opportunities arise; and
(10) such other programs as may be prescribed by the Texas Higher Education Coordinating Board in the best interest of Texas post-secondary education.

I.C. THE COLLEGE’S ADMINISTRATIVE ORGANIZATION

I.C.1. Administrative Structure

I.C.1.1. Policy
The College’s Board of Trustees adopts policies to direct the College to accomplish its mission. The Chancellor is the College’s Chief Executive Officer. The Chancellor implements policies adopted by the Board and is the only employee reporting directly to the Board.

The Chancellor defines appropriate reporting lines in the College’s line-and-staff organization. The College creates and maintains councils and committee structures that foster opportunities for employees, students, and others to have input into the College’s decision making process.

I.C.1.2. Definitions

(a) Board means the Board of Trustees with ultimate legal authority to govern the College.

(b) Board Policy (or Policy) means written statements adopted by the Board to direct and guide the College, as found in the College’s official policy manual.

(c) Chancellor’s Procedure (or Procedure) means directions approved by the Chancellor for implementing Policy, as found in the Chancellor’s official procedure compilation maintained by the Chancellor’s designee.

(d) Participatory Governance means the process whereby faculty and staff have the opportunity and the responsibility to provide input, ask questions, and pose possible outcomes during the information-gathering phase of decision making.

I.C.1.3. Policies and Procedures
The Chancellor is the final authority on Procedure, but the ultimate authority in the College’s governance structure is the Board, and final decisions on governance matters always rest with the Board. When Policy and Procedure conflict, Policy always controls. When any College or office document conflicts with the Chancellor’s Procedures, the Chancellor’s Procedures always control.

I.C.1.4. Construing Policy and Procedure
The standards in the Code Construction Act, Chapter 311, Government Code, apply when construing Board Policy or the Chancellor’s Procedures. The Board has the final authority to interpret Board policy.

I.C.1.5. Participatory Governance
Participatory Governance applies to Policies and Procedures considered, formulated, and presented for adoption and support. This helps the Board and College to adequately consider issues
from all viewpoints. Participatory Governance requires College officers, faculty, and staff to develop an environment of transparency, mutual trust, and mutual respect. The Faculty Senate Presidents shall meet with the Chancellor to discuss issues important to faculty before each regularly scheduled Board meeting from September to May.

I.D. BOARD POWERS, DUTIES, AND RESPONSIBILITIES

I.D.1. Board of Trustees

I.D.1.1. Policy
All authority over the College not vested by Texas law in the Texas Higher Education Coordinating Board or in the Texas Education Agency shall be reserved and retained locally by the College or its Board as provided by applicable law. The Board and each Trustee perform their responsibilities and duties to the best of their collective and individual abilities.

I.D.1.2. Definitions
(a) Trustee means an individual legally chosen to serve on the Board, whose term of office has begun and not yet ended.

I.D.1.3. Official Board Action
The Board acts only in official meetings that comply with the Texas Open Meetings Act. Each Board decision binds the entire Board, and Trustees support the Board’s majority decisions even when they voted against the decision.

The Board acts as a unit; therefore, Trustees exercise authority only as a group and only in Board meetings properly announced, convened, and conducted by at least a quorum of the Board. Nevertheless, each Trustee has legal fiduciary responsibilities in managing College funds. The Board has final authority to adopt and interpret policies governing the College and, within limits imposed by other legal authorities, has full control over the College.

The Board (a) systematically and comprehensively reviews and evaluates College policies to ensure that they are current, relevant, and useful; (b) focuses on policy, not administrative matters; (c) considers and respects minority opinions and makes decisions independent of bias for or against any specific subset of the community; (d) has adequate input into planning meeting agendas; and (e) ensures that recruitment and selection processes reflect well on the College and attract excellent candidates.

I.D.1.4. General Powers and Duties
The Board, composed of lay Trustees, exercises a traditional, time-honored role—the keystone of the College’s governance structure. The Board (a) preserves institutional independence and manages College affairs through its chosen administrators and employees; (b) enhances the College’s public image; (c) interprets the community to the College and interprets the College to
the community; (d) nurtures the College to achieve its full potential within its role and mission; and (e) insists on clarity in the College’s focus and mission.

The Board ensures that the College is integral to its community and serves its ever-changing needs. Trustees are accountable to the community for the College’s performance and welfare. The Board functions as a cohesive group to articulate and represent a balanced College and public interest, establish a climate for learning, and monitor the College’s effectiveness. The Board does not do the College’s work; rather, it establishes vision for the College’s work by adopting policies.

I.D.1.5. Specifically Defined Powers and Duties
Under Texas law, the Board has the following specific powers and duties (among others):

(a) The Board governs and controls the College’s establishment and management by applying applicable general law and specific laws governing public community colleges. The Board has exclusive power and duty to govern and oversee the College’s management.

(b) Within the limits of Texas law, the Board sets and collects any amount of tuition, rentals, rates, charges, and fees it considers necessary for the College’s efficient operation. It may set different tuition rates for each program, course, or course level the College offers to reflect course costs, promote efficiency, or for any other rational purpose.

(c) The Board directs the College by adopting policies.

(d) The Board adopts an annual budget with an itemized current operating budget before September 1st of every year.

(e) The Board conducts an annual audit under the approved financial reporting system.

(f) The Board submits annual reports to the Texas governor, comptroller, state treasurer, state auditor, and legislative budget board.

(g) The Board may from time to time receive bequests and gifts. Bequests and gifts must be received, if accepted, on behalf of the Lone Star College System Foundation. The Chancellor, or designee, submits reports at least quarterly to the Board documenting all bequests and gifts received.

(h) The Board may set up an endowment fund outside the state treasury in a depository it selects.

(i) The Board appoints, evaluates, and assists the Chancellor to meet performance goals.

(j) The Board appoints or employs agents, employees, and officials as it deems necessary or advisable to carry out any Board power, duty, or function. The Board employs administrative officers after the Chancellor recommends them to the Board. The Board also employs faculty members and other College employees.
(k) The Board passes resolutions or orders by an affirmative, majority vote of all Trustees present in a quorum.

(l) The Board fixes and collects rentals, rates, and charges for the occupancy, use, or availability of its property, buildings, structures, activities, operations, or facilities. The Board sets such sums, charges, and fees at its discretion.

(m) The Board acquires and holds title to real and personal property in any appropriate, lawful manner. The Board also disposes of real and personal property the College no longer needs in any appropriate, lawful manner.

(n) The Board may retain a licensed real estate broker through contract, employment, or both to help acquire or sell real property.

(o) The Board may communicate with the Texas Higher Education Coordinating Board to ensure that the Board’s positions are clear and unequivocal.

(p) The Board sets admissions standards consistent with the College’s role and mission while considering nationwide standards and the Texas Higher Education Coordinating Board.

I.D.1.6. Taxing Authority
The Board relies on county appraisal districts to appraise taxable property within the College’s taxing district, and the Board relies on county tax assessor-collectors to assess and collect ad valorem taxes the Board imposes on taxable property within the College’s taxing district. Tax assessor-collectors receive agreed compensation capped at actual costs incurred. Tax assessor-collectors and staff assessing and collecting ad valorem taxes for the College must comply with the Property Taxation Professional Certification Act.

For county appraisal districts which appraise taxable property in the College’s taxing district, the College may not enter into a contract with a member of the appraisal district’s board of directors, with a member of the appraisal district’s appraisal review board, or with a business entity in which a member of the appraisal district’s board of directors or appraisal review board has a substantial interest. In Section I.D only, an individual has a substantial interest in a business entity if (1) the combined ownership of the individual and the individual’s spouse is at least ten percent of the voting stock or shares in the business entity; or (2) the individual or the individual’s spouse, is a partner, limited partner, or officer in the business entity. In this subsection, business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or other entity recognized by law.

I.D.1.7. Individual Trustee Authority
Individual Trustees have no authority over the College, its property, or its employees. Each Trustee, in his or her official capacity as a public officer entrusted with governing and overseeing
the College’s management, has an inherent right of access to College records without specific Board authorization, under Board policies for orderly access.

An individual Trustee may act for the Board only with the Board’s official authorization. Without such express authorization, no Trustee may commit the Board on any issue. If a citizen brings a complaint to an individual Trustee, he or she shall refer the complainant to the Chancellor or designee, who shall proceed under appropriate Board Policies and Chancellor’s Procedures.

I.D.1.8. Leadership Responsibilities
The Board sets a positive tone for the entire College. The Board strives to create a positive, future-oriented climate of integrity, innovation, and excellence and works to build positive relationships with stakeholders. The Board understands and adheres to its roles and responsibilities under Board policies and applicable laws. Trustees treat one another with respect and work as a team to accomplish the Board’s work. Trustees prepare for Board meetings, avoid real or apparent conflicts of interest, and vote on behalf of the entire community. The Board accommodates different opinions when debating issues and bases decisions on all available situational facts. The Board considers its actions’ political ramifications and stands up for what it believes is right for students and the community.

I.D.1.9. Represent the Common Good
The Board represents a balance between the College and the public. The Board balances and integrates the community’s interests and needs into policies benefitting the common good and the College’s future. Trustees learn as much as they can about communities they serve by being aware of community issues and by studying demographic, economic, and social trends. Because the Board protects the public interest and represents the community’s voice, Trustees understand what benefits the College confers on the community, know about community and regional needs and expectations, purposefully involve community discussion on issues that impact the community, and maintain good relationships with other community leaders. The Board encourages active cooperation with citizens, organizations, and the media and assists the Chancellor to develop appropriate educational partnerships with community agencies, businesses, and local government.

I.D.1.10. Set Policy Direction
The Board adopts policies to direct and guide the College’s Chancellor and other officers. Board policies define and uphold a vision and mission reflecting student and community expectations. Trustees think strategically, concentrate on priority items, and focus on the community’s future learning needs. Trustees engage in creative, thoughtful discussions as they plan for the future and envision what they want for the College and community. Policies set standards for quality, ethics, and prudence in College operations.
Except where prohibited by law, the Board’s policy-making process is public and transparent. The Board, through the Chancellor, seeks input from faculty, staff, students, and the public in developing new policies or amendments to existing policies. The Chancellor, a college president, a Trustee, faculty, employees, or citizens may initiate policy amendments, but the Chancellor typically recommends policy amendments to the Board.


No Board Policy or Chancellor’s Procedure remains operative if it conflicts with applicable state or federal law as determined by the Office of the General Counsel, the Chancellor, or the Board of Trustees.

I.D.1.11. Employ, Evaluate, and Support the Chancellor

The Board appoints the College’s Chancellor for a term of not more than three years. The Chancellor has an employment contract with the College through the Board. Names of applicants for Chancellor are not public information, but the Board must publicly disclose the finalists’ names at least 21 days before selecting a Chancellor.

The Chancellor is the College’s Chief Executive Officer. The Chancellor implements the Board’s policies and directives. The Chancellor oversees College operations. The Chancellor is the spokesperson for the College’s administration with the Board. The Chancellor recommends faculty and personnel employment contracts to the Board. The Chancellor or a designee compiles reports for the Board, the Texas Legislature, the Texas Higher Education Coordinating Board, the Legislative Budget Board, and the Governor’s Office of Budget and Planning.

Successful governance requires a good relationship between the Board and the Chancellor. The Chancellor is the most influential person in establishing the College as the country’s premier community college system. Therefore, selecting, evaluating, and supporting the Chancellor are among the Board’s most important tasks. The Chancellor and Board function best as a partnership. The Chancellor implements Board Policy through the Chancellor’s Procedures, while the Board depends on the Chancellor for guidance and educational leadership. This relationship works best with clear, mutually agreed-upon expectations and role descriptions. The partnership thrives on open communication, confidence, trust, and support.

The Chancellor has limited emergency authority to act even when that action would normally be within the Board’s authority. The Chancellor’s emergency authority is limited to (1) urgent or immediate occurrences not covered by existing policies; (2) situations in which the College must initiate or defend legal action to preserve the College’s legal rights; (3) actions to protect the health, safety, or welfare of students, employees, or community members from immediate peril; or (4) to protect the College’s property or financial interests. The Chancellor promptly informs the Board of any actions taken under this subsection. The Board reviews and approves these actions at its discretion.
The Board annually evaluates the Chancellor. This evaluation is conducted during a closed session with every Trustee invited to participate. The Board’s evaluation is an overall Board assessment, not a collection of individual Trustees’ assessments. The Board clarifies the Chancellor’s role to the Chancellor during the evaluation. The Chair also clarifies to Trustees the Chancellor’s role according to the College’s written criteria, the Chancellor’s job description, and the College’s current goals and objectives. The evaluation aims to develop and sustain harmony between the Board and the Chancellor.

The Chancellor’s written employment contract states the Chancellor’s employment terms and salary. The Board Chair signs the Chancellor’s employment contract. The Chancellor’s employment contract is annually reviewed while developing the College’s budget. It may be reviewed or extended at the same time as other College contractual employees or at any other time.

1. **Property Interest.** An employment contract executed with the College creates a property interest in the position only for the period of time stated in the contract. An employment contract creates no property interest of any kind beyond the period of time stated in the contract.

2. **Non-renewal.** The Board may decide by vote or by its inaction to refuse the Chancellor further employment with the College beyond the term of the current employment contract for any reason or no reason at all.

3. **Resignation.** The Chancellor may resign at any time.

4. **Dismissal.** The Board may dismiss the Chancellor for good cause before the Chancellor’s current employment contract expires. The Board will give the Chancellor reasonable written notice regarding the proposed action and grounds. The Board will set out in sufficient detail its reasons to allow the Chancellor an opportunity to rebut the Board’s rationale.

5. **Hearing.** Within five working days after receipt of the dismissal notice, the Chancellor may request the Board provide the Chancellor with a hearing. The Board may take action to suspend the Chancellor, with pay, pending the dismissal hearing’s outcome. After the Board suspends the Chancellor, the Board may appoint an acting Chancellor. The hearing shall be set on a date that affords the Chancellor reasonable time to prepare an adequate defense. The Board may conduct the hearing in open session or closed session unless the Chancellor requests a public hearing. If the Chancellor does not request a hearing, the Board shall take action to terminate the Chancellor’s employment with the College.

The Chancellor may be represented by counsel at the hearing before the Board. The Chancellor has the right to hear the evidence on which the charges are based, to cross-examine all adverse witnesses, and to present evidence to support the Chancellor’s
challenge to the dismissal. Such determination shall be based on the evidence presented in
the hearing.

The Board shall render its decision to proceed with the Chancellor’s contract termination,
or to reverse the proposed dismissal action, in writing. The Board will inform the
Chancellor of its final decision within 15 working days of the hearing. The Board’s
decision on dismissal of the Chancellor shall be final.

I.D.1.12. Monitor Performance
The Board holds the Chancellor responsible for the College’s mission, educational programs’
effectiveness, student success, the College’s community influence, the College’s accreditation
process, state and federal accountability requirements and reports, and implementing all Board
policies. The Board adopts the College’s broad goals as policy, then monitors progress made
toward those goals through periodic reports or other methods. The Board also monitors adherence
to policies for programs, personnel, and fiscal and asset management. The Board receives periodic
reports from college officers and reviews reports by or for external agencies, such as reports for
accreditation, audit, and state and federal accountability. All monitoring processes culminate in
the Board evaluating the Chancellor as the College’s leader. The Board defines evaluation criteria
well before reports are required so the Chancellor and staff clearly understand what is expected.

The Board seeks to understand the College’s educational programs and services and closely
monitors the College’s fiscal condition. The Board establishes parameters for the College’s budget
planning, including long-range fiscal planning, and the Board understands the budget document
and reconciles budget priorities with the College’s mission, values, and goals. Board policies guide
facilities maintenance and appearance protocols, safety and security protocols, and asset
investment and management. The Board insists that fiscal management practices meet audit
standards.

The Board has a crucial public responsibility to watch over College funds. To continually preserve
the College’s financial integrity, the Board pledges to vigilantly supervise College funds, including
each Trustee’s reasonable use of funds for College matters. No intrusion upon this commitment
will be tolerated.

I.D.1.13. Advocates for the College
Trustees advocate for and protect the College. They promote the College in the community and
seek support for the College from local, state, and national policymakers. They protect the
College’s ability to fulfill its mission and promise to its communities. Trustees (1) know the
College’s history, mission, and values; (2) recognize the College’s accomplishments; (3) actively
support the College’s mission and values; (4) speak positively about the College in the community;
(5) play leadership roles in the local community; (6) participate in community activities as College
representatives; (7) educate the community about the College’s needs and issues; (8) know
relevant state laws and regulations; (9) know state and national educational policy issues;
(10) advocate for College interests to state and national personnel and legislators; (11) actively
seek political and civic support for the College; (12) work to secure adequate public funding;
(13) actively support the College’s foundation and fundraising efforts; (14) understand and protect the faculty’s and administrative academic freedom; and (15) support community college trustee associations.

I.D.1.14. Board Goals & Evaluations
The Board self-evaluates annually. The Board’s self-evaluations provide useful information on its performance and guide the Board’s goals for the next year. The self-evaluation metrics are completely the Board’s prerogative.

I.E. BOARD ORGANIZATION

I.E.1. Policy
The Board is organized under Texas law to most effectively exercise its power and authority to accomplish its responsibilities and duties.

I.E.1.2. Definitions
(a) **Board Chair** means a Trustee who presides at the Board’s regular and special meetings, signs all contracts duly authorized by Board policy, and appoints all committees not otherwise provided for, of which the Chair and Chancellor are each ex-officio members. The Chair is the only person authorized to speak for the Board, except when the Chair delegates this authority. The Chair has the right and power to speak and vote on all matters before the Board. Additionally, the Chair has the authority to prepare agendas for Board meetings and performs such other duties as the Board and Texas law allow.

(b) **Board Vice-Chair** means a Trustee who, when the Chair is absent, presides and temporarily has same powers and duties as the Chair would have if the Chair were present.

(c) **Board Secretary** means a Trustee who keeps the Board’s official seal and maintains records of all Board meetings, correspondence, and other official actions.

(d) **Board Assistant Secretary** means a Trustee who, when the Secretary is absent, temporarily assumes the Secretary’s duties.

I.E.1.3. Elect Board Officers
The Board elects its officers by majority vote at its first regular Board Meeting following the regular election of Trustees in even-numbered years. The Board may elect officers at any time to fill a vacancy. The Board may also reorganize officers at other times at its discretion. The Board elects a Board Chair, Board Vice-Chair, Board Secretary, Assistant Board Secretary, and other officers at its discretion.

I.E.1.4. Appoint Board Committees
The Board may create committees to aid the Board. The Open Meetings Act does not apply when fewer than five Trustees meet. The Board gives committees clear, appropriate responsibilities.
 Committees serve a purely advisory function and do not act for the Board; rather, they submit recommendations for action to the Board.

(a) Ad Hoc Committee. The Board or Board Chair may create ad hoc committees to handle special assignments. The Board Chair appoints members to such committees. The Board or Board Chair dissolves ad hoc committees that have completed their assignments.

(b) Audit Committee. The Board Chair appointed after the biennial reorganization appoints three Trustees to the Audit Committee for a two-year term coinciding with the Board’s biennial reorganization. The Audit Committee assists with hiring external auditors by obtaining and evaluating proposals from prospective external auditors at least every five years and confirming market pricing for external auditors every two years. The Audit Committee reviews the proposed auditor’s (a) reputation; (b) recent or current clients; (c) familiarity with higher education institutions; (d) contract term costs; (e) primary office location; and (f) other relevant information. The Audit Committee personally interviews the top three auditor candidates after completing evaluations. The Audit Committee recommends an auditor to the Board. The Audit Committee reviews and annually recommends an engagement letter to the Board. The engagement letter sets out the audit’s scope and maximum fee.

The Audit Committee works with the College’s Chief Financial Officer on the annual external audit engagement. The Audit Committee meets at least a week before the regular board meeting with scheduled action on the annual audit report. External auditors, the Executive Director of Internal Audits, and the College’s Chief Financial Officer attend the Audit Committee’s meetings as invited. The Audit Committee recommends action on the annual audit report to the Board, which acts on the recommendation before December 31.

The Chancellor timely informs the Audit Committee after finding malfeasance via any audit. The Chancellor also informs the Audit Committee about future or current corrective actions. The Audit Committee annually reviews a summary status report prepared by the Executive Director of Internal Audit and approved by the Chancellor.

I.F. BOARD MEETINGS

I.F.1.1. Policy
The Board exercises its power and authority to accomplish its responsibilities and duties through Board Meetings. Board Meetings allow the Board to transparently deliberate, take official action, and communicate with the College and community. Board Meetings strictly comply with the Texas Open Meetings Act.

I.F.1.2. Definitions
(a) Agenda means a list of subjects to be considered and possibly acted on at a Board Meeting.

(b) Board Meeting means Deliberation by a Board quorum, by itself or with another person, during which public business or public policy over which the Board has supervision or control
is discussed or considered or during which the Board takes formal action. A meeting also includes a gathering that is conducted by the Board or for which the Board is responsible at which a quorum of members of the Board is present that has been called by the Board and at which the Board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee, about the public business or public policy over which the Board has supervision or control. Board Meetings do not include events where a Board quorum results from individual Trustee attendance at a social, ceremonial, press, or other event. They also do not include simultaneous Trustee attendance at a regional, state, or national convention or workshop.

(c) **Closed Session** means a limited Board Meeting not open to the public, permitted in limited circumstances by the Texas Open Meetings Act.

(d) **Deliberation** means a verbal exchange during a Board Meeting concerning an issue within the Board’s jurisdiction or any public business.

(e) **Deaf or Hearing-Impaired** means having a hearing impairment, even with a speech impairment, which inhibits understanding a proceeding or inhibits speaking with others.

(f) **Emergency** means that immediate action is required because of an imminent threat to public health and safety or a reasonably unforeseeable situation. It also includes the sudden relocation of a large number of residents from a declared disaster area to the College’s taxing boundaries.

I.F.1.3. Notice
The Board notifies the public of the date, hour, place, and subject(s) of each Board Meeting. The Chancellor or designee posts written notice of each Board Meeting on a bulletin board in The Woodlands Leadership Building and on the College’s public website at least 72 hours before the Board Meeting is scheduled to begin. Each notice includes an Agenda for the Board Meeting. The Chancellor prepares the Agenda for each Board Meeting with the Board Chair’s advice and consent. Any Trustee may place an item on the Agenda.

The Board may recess a Board Meeting to the following business day without posting a new notice if this action is done in good faith and not to circumvent the Texas Open Meetings Act, but the Board must post notice if it continues a reconvened Board Meeting to a third business day.

Notice of Emergency Board Meetings or Agenda items is provided as required by the Texas Open Meetings Act.

The College gives Trustees notice and Agendas of regular and special Board Meetings at least one week in advance, or at least two hours before an Emergency Board Meeting.

I.F.1.4. Time and Place
The Board determines when and where it holds regular and special Board Meetings. Board Meetings are held in the Board Room of the Training and Development Center at 5000 Research
Forest Drive, The Woodlands, Texas, 77381 unless otherwise noticed. Board Meetings are usually held on every month’s first Thursday at 6:00 p.m., except in January and July when no regular Board Meetings are scheduled. The Board may decide to meet at a different time, date, or place as long as proper notice is given under the Texas Open Meetings Act.

A budget workshop replaces the regular Board Meeting in July. The Board Chair calls special Board Meetings at his or her discretion or upon the request of three or more Trustees.

I.F.1.5. Board Meeting Procedures

Every Board Meeting is open to the public, except for Closed Sessions as provided by law. The Board does not guarantee a seat for everyone attending a Board Meeting, but some seats may be reserved for the media, staff, and individuals having business before the Board. Except for current Texas peace officers, a person may not carry a firearm openly or concealed at a Board Meeting.

The Board has nine Trustees. Regardless of any vacancies, five Trustees constitute a quorum for Board Meetings. A Board Meeting may not be convened without a quorum. Board Meetings are called to order by the presiding officer—the Board Chair, or the Board Vice-Chair in the Board Chair’s absence. If both the Board Chair and Board Vice-Chair are absent at a Board Meeting, the Trustee with the longest continuous service as a Trustee shall serve as the presiding officer.

The Board acts by adopting or passing resolutions or orders. Any official Board action requires five affirmative votes. The Board votes during open session only. Board Meeting minutes record which Trustee moved and which Trustee seconded the motion. The Board adopts such rules, regulations, and bylaws as it deems advisable. The Board observes the parliamentary procedures in Robert’s Rules of Order, Newly Revised. Robert’s Rules of Order do not override the Board’s policies and procedures. The Board may suspend procedural rules at any Board Meeting by majority vote.

At any given Board Meeting, the Board may only deliberate and/or act on subjects in that Board Meeting’s Agenda. The Board may not respond to citizens’ questions or comments on subjects not noticed in the Agenda. The Board can only respond by citing existing policies or factual information. For subjects not in the Agenda, deliberation and action is limited to placing the subject on a subsequent Board Meeting’s Agenda.

Deliberation is addressed to the Board Chair and then to the entire Board. Discussion is limited to the business currently under deliberation. The Board Chair halts discussion that does not apply to the business before the Board. The Board Chair also halts discussion if the Board has agreed to limit an item’s discussion and that time limit has expired. The Chair does not otherwise interrupt so long as Trustees wish to deliberate an item.

The Board does not allow the following at Board Meetings: personal attacks on a named person or a particular position; name calling; profanity; rude, demeaning, or slanderous remarks; loud or raucous behavior; obscene gestures; accusation of criminal behavior; use of signs and placards;
and other disruptive conduct. It is also a crime to substantially obstruct or interfere with a Board Meeting by physical action or verbal utterance with intent to prevent or disrupt it.

The Board and the Chancellor recognize the importance of shared governance and the role of the College’s Faculty Senate Presidents. Faculty Senate Presidents attend all regular Board Meetings and have a standing place on the Agenda to make reports and announcements. They designate one of themselves on a rotating basis as an official faculty representative to make reports and announcements directly to the Board and to provide the Board with a faculty perspective on matters before the Board. The Chancellor remains the chief spokesperson to the Board for faculty, staff, and students. The Board expects that concerns brought to the Board’s attention by the faculty’s representative will have been previously presented to the Chancellor. The Board Chair may call upon the faculty representative during Board Meetings for comments as appropriate.

The Board may consult with its lawyer via teleconference or videoconference. The consultation may occur through an open or closed session as the law allows. Any public consultation by the Board with its attorney must be audible at the physical location specified in the notice as the meeting place.

I.F.1.6. Public Participation
Citizens may address the Board immediately before the Board considers the Consent Agenda if they have registered to speak. Each citizen may speak for up to five minutes, but citizens’ total time is limited to 30 minutes. Groups speaking about an Agenda item appoint a spokesperson. Citizens may register to address the Board (1) online 24 hours before the Board Meeting; or (2) in person by submitting a completed registration form to the Chancellor’s Chief of Staff no later than five minutes before the Board Meeting begins. The Board may allow an individual to testify at a Board Meeting from a remote location by videoconference call.

Policies exist for virtually every employee or student complaint. The Board encourages employees and students to follow appropriate channels before seeking to address the Board. Nothing in this section prohibits any citizen from using the citizen participation process.

The Board provides interpreters in Board proceedings where a party’s legal rights, duties, or privileges are at issue. Upon advance request, the Board supplies a party who is Deaf or Hearing-Impaired with an interpreter licensed by the Texas Commission for the Deaf and Hard of Hearing.

For any regular Board Meeting requiring notice under the Texas Open Meetings Act, the Board:

1. Posts on the College’s public website as early as practical before the Board Meeting—at the same time as it posts public notice of the meeting if possible—any written materials the College provides the Board for use during the Board Meeting. This requirement does not apply to materials provided by the College’s General Counsel or other lawyers retained by the Board or the College;
2. Broadcasts the Board Meeting, other than any closed sessions, over the Internet in the manner prescribed by Section 551.128, Government Code; and

3. Records the broadcast and makes that recording publicly available in an online archive located on the College’s public website.

The Board is not required to broadcast over the Internet if something outside the Board’s control makes broadcasting impossible. The Board broadcasts Board Meetings on the College’s website.

Any person may record a Board Meeting—except for a Closed Session—via audio recorder, video camera, or any other means of aural or visual reproduction. The Board may adopt reasonable rules to maintain order at a meeting, including rules related to the location of recording equipment and the manner in which the recording is conducted. Citizens wishing to record a Board Meeting must follow the following requirements:

1. The person shall notify the Chancellor’s Office before the Board Meeting, and recording equipment must be assembled and in place at least 30 minutes before the Board Meeting.

2. Recordings will not interfere with Board Meetings in any way. Board Meetings cannot accommodate anyone’s camera angle or recording.

3. The presiding officer may stop the audio or visual recording if it disrupts or interferes with the Board Meeting in any way.

4. Individuals desiring to make recordings with special microphone or lighting arrangements must inform the Chancellor’s Office before the Board Meeting. No strobes, flash lighting, or other bright lights are allowed unless the Chancellor and the Board Chair approve before the Board Meeting.

Individuals using video cameras to record Board Meetings should sit or stand behind the general audience. Individuals that set up stationary equipment must wait for a meeting recess or adjournment before removing it. The public may not record any Closed Session.

I.F.1.7. Closed Sessions
All Board Meeting notices provide for a Closed Session as provided by law. The Board may conduct a Closed Session for any lawful purpose under the Texas Open Meetings Act. No Trustee knowingly participates in, calls for, or organizes any Closed Session except as permitted by law.

The Board may not enter into a Closed Session unless a Board quorum first convenes in an open meeting for which proper notice has been given. During the open meeting, the Board Chair must announce a Closed Session and identify the statute allowing the Closed Session. The Board reconvenes the open meeting after a Closed Session before meeting adjournment.
The Board may not vote or take action in Closed Session; votes and actions on matters deliberated in Closed Session must occur in an open Board Meeting for which proper notice has been given.

Except for private consultations with an attorney advising the College, the Board keeps a certified agenda or makes an audio recording of each Closed Session’s proceedings. Each Trustee ensures that a certified agenda or a recording is being made. The certified agenda must include a statement of the subject matter of each deliberation, a record of any further action taken, and an announcement by the Board Chair at the beginning and end of the Closed Session, indicating the date and time.

The Board Chair or designee certifies that a certified agenda is a true and correct record of the proceedings. If an audio recording is made, it must include announcements by the Board Chair at the beginning and end of the meeting, indicating the date and time.

The Board preserves the certified agenda or audio recording of a closed meeting for at least two years after the date of the meeting. The Board preserves certified agenda and audio recordings during pending legal actions. A certified agenda or audio recording of a closed session is confidential. It is available for public inspection and copying only under a court order issued in Texas Open Meetings Act litigation.

I.F.1.8. Board Meeting Records
The Board approves written minutes of Board Meetings by majority vote. The Board Chair and Board Secretary sign all approved minutes. Approved Board minutes are a legal record of all official Board actions.

The Board keeps minutes of and records each Board Meeting. The minutes state the subject matter of each deliberation and indicate each vote, order, decision, or other action taken. Minutes and recordings of Board Meetings are public records and are available for public inspection and copying upon submitting a Public Information Act request to the Chancellor or designee. The Board’s official minutes are kept in the Chancellor’s Office and are available for review during regular office hours.

I.F.1.9. Trustee Teleconferencing
Trustees may participate in Board Meetings by teleconference if a quorum of the Board is physically present where Board Meetings are usually held. Each part of the open teleconference must be audible to the public where the quorum is physically present. Such Board Meetings are recorded, and the recording is a public record. The entire teleconference must allow two-way communication, and each speaker at the Board Meeting identifies himself or herself before speaking. Even if participating by teleconference, a Trustee not physically present at a Board Meeting is considered absent for purposes of removal for chronic unexcused absences. Identical notice requirements apply to Board Meetings by teleconference. The notice specifies the Board Meeting’s physical location.
I.F.1.10. Videoconference Meetings
The Board may meet by videoconference, provided all requirements of Section 551.127, Government Code (or any successor section) are met.

I.G. TRUSTEE STANDARDS

I.G.1.1. Standards Enumerated
Each Trustee strives to meet the following standards:

(a) Trustees attend as many regularly scheduled Board Meetings as possible and know the issues to be considered at those meetings.

(b) Trustees work together to adopt effective Board policies.

(c) Trustees recognize that policy should be adopted only after full discussion at publicly held Board meetings.

(d) Trustees base decisions on available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups.

(e) Trustees encourage free expression of opinion by all Trustees and encourage communication between the Board and students, staff, and all community stakeholders.

(f) Trustees relay to each other and the Chancellor public reaction to Board policies and College programs.

(g) Trustees learn current educational issues through individual study and through participation in informational programs. Such programs include those sponsored by the American Association of Community Colleges and the Association of Community College Trustees.

(h) Trustees support employing the best qualified people as College employees and insist on regular, impartial staff evaluations.

(i) Trustees avoid conflicts of interest and do not use their offices for personal or partisan gain.

(j) Trustees take no private action that will compromise the Board or administration and keep privileged information confidential.

(k) Trustees’ first and greatest concern is College students’ educational welfare.

I.G.1.2. Definitions

(a) Abuse of Office occurs when a Trustee, with intent to obtain a benefit or with intent to harm another, intentionally or knowingly violates a Law Relating to the Office or misuses anything
of value, belonging to the College, that has come into the Trustee’s custody by virtue of his or her office.

(b) Bribery occurs when a Public Servant intentionally or knowingly offers, confers, agrees to confer, solicits, accepts, or agrees to accept a benefit as (1) consideration for the public servant’s decision, opinion, recommendation, vote, or other exercise of official discretion; (2) consideration for a violation of a duty imposed on the public servant by law; or (3) that is a political contribution as defined by Title 15, Election Code, or an expenditure made and reported as a lobbying expense in accordance with Chapter 305, Government Code, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion, if such exercise of official discretion would not have been taken or withheld but for the benefit.

(c) Benefit means anything reasonably regarded as pecuniary gain or pecuniary advantage to any person in whose welfare the Trustee has a direct and substantial interest.

(d) Close Relative means an individual related by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree.

(e) Incompatibility of Office occurs when a Trustee occupies two legally incompatible offices. Offices are legally incompatible when the faithful and independent exercise of one would necessarily interfere with the faithful and independent exercise of the other. A person may not serve in one branch of government while exercising any powers properly attached to either of the other branches of government.

(f) Law Relating to the Office means a law that specifically applies to a person acting in the capacity of a Public Servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the Public Servant.

(g) Prohibited Bank Relations occur when a Trustee who is a stock holder, officer, director, or employee of a bank that has bid to become a depository for the College votes on the awarding of a depository contract to that bank. If a Trustee has a substantial interest in a bank with which the College is considering entering into a loan or other transaction besides a depository contract, the Trustee must comply with the affidavit of abstention requirements outlined in this policy.

(h) Public Servant means a person elected, selected, appointed, employed, or otherwise designated as an officer, employee, or agent of government; or a candidate for nomination or election to public office.

In Section I.G. only:

(i) Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust or any other entity recognized by law.
(j) Officer means a Trustee, the Chancellor, or any College agent or employee who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.

(k) Substantial interest in a business entity means (1) a person owns at least 10% of the voting stock or shares of the business entity; (2) a person owns either 10% or $15,000 of the business entity’s fair market value; (3) a person received in excess of 10% of his or her gross income over the previous year from the business entity. Substantial interest in real property means a person has equitable or legal ownership in the property has a fair market value of $2,500 or more.

I.G.1.3. Ethical Standards
Trustees maintain the highest ethical standards and abide by Board ethics and conflict-of-interest policies. Trustees serve in a fiduciary capacity and conduct all matters with this standard in mind. A Trustee is loyal to the entire College rather than to any part or constituency within the College or community. Trustees do not request or demand action that violates any law, Board Policy, or Chancellor’s Procedure. As fiduciaries, and subject to Texas law on the use or misuse of official College information, Trustees maintain strict confidentiality of information (1) presented and discussed during any Closed Board Meeting or during any Board Committee Meeting; (2) proprietary to the College; or (3) about the College not within the public domain. Any Trustee’s disclosure or misuse of this information may be considered Official Misconduct or Abuse of Office, subjecting the Trustee to removal from office and criminal prosecution.

I.G.1.4. Conflict-of-Interest Abstention
The College may contract with a business entity in which a Trustee has a substantial interest only if the Trustee follows the disclosure and abstention procedure set out in this section.

If a Trustee or a Trustee’s relative in the first degree by either affinity or consanguinity has a substantial interest in a business entity or in real property, then before a vote or decision on any matter involving the business entity or the real property, the Trustee shall file an affidavit with the Board Secretary stating the nature and extent of the interest and shall abstain from further participation in the matter if (1) in the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity distinguishable from the effect on the public; or (2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the property’s value, distinguishable from its effect on the public.

The Board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a Trustee has a substantial interest. The affected Trustee shall not participate in that separate vote, but may vote on a final budget if the Trustee filed the affidavit and the matter in which he or she is concerned has been resolved. Despite the foregoing, a Trustee may vote if a majority of all Trustees are required to file affidavits of similar interests on the official action.
I.G.1.5. Disclosure Statements
Officers shall file disclosure statements concerning a College vendor or potential vendor as required by Chapter 176, Local Government Code. Trustees or candidates for Trustee positions with a legal or equitable interest in any property to be acquired with public funds shall file disclosure statements required by Chapter 553, Government Code. The College shall provide access on the College’s website to all filed disclosure statements and questionnaires. These disclosure statements are separate from and may be required in addition to or instead of the substantial interest affidavit referenced above. Special requirements exist when federal funds are involved.

I.G.1.6. Prohibited Actions
Trustees are Public Servants of the College and the State of Texas. The following practices are strictly prohibited: Bribery, Abuse of Office, Prohibited Bank Relations, and Incompatibility of Office. Furthermore, a Trustee may not act as surety (1) for a business entity with a contract, work, or business with the College; or (2) on any official bond required of any College officer.

Trustees exercise discretion for contracts, purchases, payments, claims, and other pecuniary transactions involving the College. Trustees may not solicit, accept, or agree to accept any benefit from a person the Trustee knows is interested in or likely to become interested in any such College transactions. A Trustee who receives an unsolicited benefit that he or she is prohibited from accepting may donate the benefit to the Lone Star College System Foundation.

The College and Board do not employ Trustees’ Close Relatives, nor do they hire Trustees’ Close Relatives as independent contractors for personal services. The College may not employ a former Trustee until the first anniversary of the date the Trustee’s membership on the Board ends.

I.H. TRUSTEES

I.H.1. Trustee Qualifications and Benefits

I.H.1.1. Policy
Trustees honor the responsibilities delegated to them by voters and receive reasonable support to perform their responsibilities.

I.H.1.2. Definitions
(a) Mentally Incapacitated means finally adjudged by a probate court to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.

(b) Residence means legal domicile—one’s home and fixed place of habitation to which one intends to return after any temporary absence.
I.H.1.3. Qualifications
Trustees must be U.S. citizens; be 18 years of age or older on their first day in office, whether by appointment or election; have resided continuously in Texas for 12 months; have resided in the territory from which the office is elected for six months; and reside in and be registered to vote in the trustee district in which they seek to serve. A Mentally Incapacitated person may not serve as Trustee. Trustees cannot be convicted felons unless they have been pardoned or otherwise released from resulting disabilities.

I.H.1.4. Pay, Expenses, and Benefits
Trustees serve without pay, but the Board may authorize Trustees to be reimbursed for actual expenses incurred while performing their duties, which include attending Board-approved conferences. Trustees only request reimbursement for reasonable expenses. Records of reimbursed Trustee expenses are public information. The College pays for coach fare for Trustees traveling by air on College business. The College also pays reasonable Trustee expenses for lodging, meals, and transportation when the Trustee is out of town on College business. The Board allocates funds for Trustee travel expense reimbursement every fiscal year.

The College reimburses Trustees after they submit detailed expense records to the Chancellor who then submits them to the College’s business office. The Board may designate a committee to review Trustee expense records. The College shall not reimburse travel or other expenses for a Trustee’s spouse or any other person traveling with the Trustee, except for group meals that constitute an official function. All registration fees, travel arrangements, and hotel reservations for such meetings will be made through the Office of the Chancellor as appropriate.

Trustees whose service began before August 31, 2003, may be eligible for health and life insurance benefits as permitted by law. For such Trustees, the Board may choose to have the College pay part or all of the contributions that the State of Texas would pay for similar coverage of other participants in the group benefits program.

I.H.1.5. Trustee Tuition Waivers
Current Trustees and former Trustees who served at least a full six-year term receive the same tuition waiver granted to full-time employees.

I.H.2. Trustee Elections and Appointments

I.H.2.1. Policy
Trustees are elected or appointed as provided by law. The College strives to comply with all applicable laws related to elections and appointments.

I.H.2.2. Definitions

(a) Application means an application form to have a name printed on an election ballot.

(b) Candidate means an individual desiring to be elected Trustee by applicable voters.
(c) **Close Relative** means an individual related by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree.

(d) **Election** means the legal process under Texas law by which voters choose individuals to serve in elected office.

(e) **Election Day** means the date on which an Election occurs.

(f) **Uniform Election Date** means the first Saturday in May in an even-numbered year or the first Tuesday after the first Monday in November, or a different date as determined by the Legislature.

**I.H.2.3. Membership and Terms**
The Board has nine Trustees elected from single-member districts who serve six-year terms with biennial elections. The terms of one-third of the Trustees, or as near to one-third as possible, expire each even-numbered year.

**I.H.2.4. Filing Information**
A Candidate may have his or her name printed on an election ballot for any position to be filled at each regular election by filing with the Board Secretary a completed Application accompanied by (1) a $200 filing fee; or (2) a petition signed by 200 registered voters residing within the College’s Service Area. An Application must be filed during business hours no later than the deadline contained in applicable law.

The Application shall include all statutorily required information, including a loyalty oath and a statement acknowledging awareness of Texas nepotism law as required by Sections 141.031 and 141.039, Election Code. The Application must also state the number of the position the Candidate seeks or the name of the incumbent board Trustee holding the position sought. The ballot shall list Candidates’ names for each position in an order chosen by lot by the Board. A Candidate cannot run for multiple positions on the Board at the same time.

**I.H.2.5. Notice to Candidates**
The College employs a Board Liaison. The Board appoints the Board Liaison as the appropriate official with whom to file an Application. No later than 30 days before the first day on which a candidate can file an application for a place on the ballot, the Board Liaison will post notice of the filing period dates in a public place of the Woodlands Leadership Building at 5000 Research Forest Drive, The Woodlands, Texas, 77381.

**I.H.2.6. Write-In Voting and Write-In Candidates**
A write-in vote may not be counted unless the written-in Candidate filed a declaration of write-in candidacy with the Board Liaison in the manner provided for write-in candidates in the general election for state or county officers. A write-in candidacy declaration must be filed no later than 74 days before the election date.
I.H.2.7. Election of Unopposed Candidate
The Board may declare each unopposed Candidate victorious through a Board Resolution if the authority responsible for having the official ballot prepared certifies to the Board in writing that a Candidate is unopposed. If the Board makes such a declaration, that election is not held. If the College is no longer holding an election, the Board’s Resolution cancelling the election must be posted on Election Day at each polling place that would have been used in the election. When a declaration is made under this section but the College holds a separate election on Election Day, ballots used at the separate election shall include the offices and names of the candidates declared elected. The offices and names of unopposed candidates shall be listed separately, after the measures or contested races in the separate election, under the heading “Unopposed Candidates Declared Elected.” These Candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast for or against these Candidates. A certificate of election shall be issued to each unopposed candidate in the same manner and at the same time as provided for a candidate elected at the election. The unopposed candidate must qualify for office in the same manner as provided for a candidate elected at the election.

I.H.2.8. Nepotism
A Candidate shall not take any action to influence a College employee or current Trustee regarding the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of a Candidate’s Close Relative.

I.H.2.9. Election Date
Trustees are elected in even-numbered years under the United States Federal Election schedule, traditionally on the first Tuesday after the first Monday in November.

I.H.2.10. Deadline to Order Elections and to Provide Notice
Elections held on a Uniform Election Date shall be ordered no later than the 78th day before Election Day. Except as provided by law, all other Elections shall be ordered no later than the 62nd day before Election Day. Notice of the Election shall be posted not later than the 21st day before Election Day. Notice of the Election shall also be published at least once, not earlier than the 30th day or later than the tenth day before Election Day, in a newspaper published within the College’s boundaries, or in a newspaper of general circulation in a county where the College is located, if none is published within the College’s boundaries. No later than the 60th day before the Election, The Board shall also deliver notice of the Election to the county clerk of each county in which the College is located.

The notice shall state the nature and date of the Election, the location of each polling place, the numbers of the positions to be filled, the Candidates for each position, the hours the polls will be open, the location of each early voting place, the dates and hours for early voting, the dates and hours of any Saturday and Sunday early voting, and the early voting clerk’s official mailing address. The Board shall retain a copy of the published notice with the name of the newspaper and publication date. The Board Liaison shall make and deliver to the Board a record at the time of posting, stating the date and place of posting.
The Board shall retain a copy of all documents related to the Election for at least 22 months after Election Day.

I.H.2.11. Polling Places
The Board shall designate polling places for each Election and shall designate regular county polling places in county election precincts containing College territory for Elections on a Uniform Election Date. Each polling place shall be accessible to and usable by the elderly and persons with physical disabilities.

I.H.2.12. Voters with Disabilities
Each polling place must provide at least one voting station that complies with Section 504 of the Federal Rehabilitation Act of 1973 (29 U.S.C. § 794) as amended, Title II of the Americans with Disabilities Act (ADA) (42 U.S.C. §§ 12131 et. seq.) as amended, and the requirements for accessibility under 42 U.S.C. § 15481(a)(3) as amended. That voting station must provide a practical and effective means for voters with physical disabilities to cast a secret ballot.

I.H.2.13. Bilingual Materials
Bilingual Election materials shall be used in each Election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions. An election precinct may apply for an exemption from the requirement to provide election materials in Spanish if official census information or other information indicates that persons of Spanish origin or descent comprise less than five percent of the precinct’s inhabitants. If the director of the census determines that a political subdivision must provide election materials in a language other than English or Spanish, the College shall provide election materials in that language in the same manner in which the political subdivision would be required to provide materials in Spanish, to the extent practicable.

The Board is subject to the provisions of the Voting Rights Act of 1965. If required by applicable law, the Board also submits any changes affecting elections to the U.S. Justice Department for pre-clearance. If such submission is required, the Board must implement such changes unless the Justice Department objects within 60 days after the Board submits the proposed changes.

I.H.2.15. Early Voting
The Board shall provide for early voting in Elections by personal appearance and by mail and shall designate early voting polling places as provided by law.

I.H.2.16. Canvass Returns
Except as provided below, the Board shall canvass Election returns at the time set by the presiding officer not earlier than the eighth day or later than the 11th day after Election Day.
For Elections held on the date of the general election for state and county officers, the time for the local canvass may be set not later than the 13th day after Election Day.

For Elections held on the May Uniform Election Date, the Board shall canvass the returns at the time set by the presiding officer not later than the 11th day after Election Day, and not earlier than the last of: (1) the 3rd day after Election Day; (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the Election; or (3) the date on which all timely received ballots cast from addresses outside the U.S. are counted, if a ballot to be voted by mail in the Election was provided to a person outside the United States. Two Trustees constitute a quorum for purposes of canvassing an election.

I.H.2.17. Majority Vote Required
A candidate receiving a majority of the votes cast for a Trustee position shall be declared elected. If no candidate receives a majority, then the two candidates receiving the highest number of votes shall run against each other for the position in a run-off election. The run-off election shall be held and conducted in compliance with state law.

I.H.2.18. Certificate of Election
After a canvass ends, the presiding officer shall prepare a certificate of election for each Candidate who is elected to an office for which the official result is determined by that authority’s canvass. A certificate of election must contain: (1) the Candidate’s name; (2) the office to which the Candidate is elected; (3) a statement of election to an unexpired term, if applicable; (4) the election date; (5) the signature of the officer preparing the certificate; and (6) any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, unless a recount petition is submitted. A recount petition shall delay the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. A candidate who has received a certificate of election and qualified for an office before the submission of a recount petition shall not be affected by the recount petition. A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office. The presiding officer shall prepare a report of the precinct results as contained in the election register and timely submit the report to the Texas Secretary of State.

I.H.2.19. Statement of Officer and Oath of Office
New Trustees sign and file with the Secretary of State the required Statement of Officer. Before taking up the duties of a Trustee, a new Trustee takes the oath or affirmation of office and files it with the Board Chair. The oath may be administered and a certificate of the fact given by those persons authorized by law.

I.H.2.20. Redistricting
No later than the 90th day before the day of the first regular Trustee Election at which Trustees may officially recognize and act on the last preceding federal census, the Board shall redivide the
College into the appropriate number of Trustee districts if census data indicates that the population of the most populous district exceeds the population of the least populous district by more than ten percent. Redivision shall be as prescribed by Section 130.0822(d)–(g), Education Code.

After each redistricting, all positions on the Board shall be filled unless the Board determines that Trustees shall be elected from the new Trustee districts as provided by Section 130.0826, Education Code. Trustees then elected shall draw lots for staggered terms as provided by Section 130.082, Education Code. The Board may provide for Trustees in office at the first election after the College is redistricted to serve for the remainder of their terms.

If the Board provides for Trustees in office to serve for the remainder of their terms, the Trustee districts established in the redistricting plan shall be filled as the Trustees’ staggered terms expire. When the Board adopts a redistricting plan, the Board shall determine from which new Trustee district the position of each Trustee in office will be filled as it becomes vacant. A Trustee shall not continue in office after a redistricting plan takes effect if the Trustee no longer resides in the district from which the Trustee was elected.

I.H.3. Trustee Vacancies and Removal from Office

I.H.3.1. Policy
Trustees who abuse or abandon their office may be removed from office. The Board may appoint qualified individuals to serve as Trustee whenever a vacancy occurs on the Board because of resignation, death, removal, or any other reason.

I.H.3.2. Definitions

(a) **Incompetency** means gross ignorance of official duties; gross carelessness in the discharge of those duties; or unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of the Trustee’s election.

(b) **Official Misconduct** means a Trustee’s intentional, unlawful behavior relating to official duties. The term includes an intentional or corrupt failure, refusal, or neglect of a Trustee to perform a duty imposed on the Trustee by law. The term also includes conviction of a Trustee of an offense relating to making or authorizing separate, sequential, or component purchases to avoid relevant purchasing contract requirements.

I.H.3.3. Trustee Appointment
Whenever a vacancy occurs on the Board, the remaining Trustees appoint a qualified individual to fill it. The appointed Trustee serves for the unexpired term. Any appointed Trustee must have continuously resided in Texas for 12 months and must have resided in the district for at least six months before the day of the appointment.
I.H.3.4. Trustee Resignation
A Trustee’s or Trustee-elect’s resignation must be written and signed by the Trustee or Trustee-elect and must be delivered to the Board Chair or Board Secretary to be effective. The Board may not refuse to accept a resignation. If a Trustee or Trustee-elect submits a resignation, whether for immediate effect or for some future date, a vacancy occurs on the date the Board accepts the resignation or on the eighth day after the Board receives it, whichever is earlier.

I.H.3.5. Non-Residence
A person elected to serve as a Trustee must reside in the district represented by the Trustee through the term of office. A Trustee who ceases to reside in his or her district vacates his or her office. The Board may require a Trustee to file an affidavit with the Board Chair affirming that the Trustee resides within his or her district.

I.H.3.6. Holdover Doctrine
Trustees continue to perform their duties until their successors are sworn in. Until the vacancy created by a Trustee’s resignation is filled by a successor, the Trustee continues to serve and have the duties and powers of office and continues to be subject to all laws and policies relevant to Trustees. A holdover Trustee may not vote on the appointment of his or her successor.

I.H.3.7. Trustee Removal
Trustees may be removed from the Board for several reasons, including Incompetency, Official Misconduct, intoxication on or off duty caused by drinking an alcoholic beverage (unless it was caused by drinking such beverage on the direction and prescription of a licensed physician), or any felony conviction or misdemeanor official misconduct conviction. A Trustee may be removed if absent from more than half of the regularly scheduled Board Meetings that the Trustee is eligible to attend during a calendar year, not counting absences for which the Trustee was excused by the Board.

Actions to remove Trustees must be brought before a District Court with jurisdiction, except that any court convicting a Trustee of a felony or official misconduct shall order immediate removal.

I.H.4. Trustee Development and Training

I.H.4.1. Policy
The Board encourages Trustees to engage in training and continuing education programs that focus on trusteeship and other areas of community college operations to help them effectively perform their official duties.

I.H.4.2. Definitions

(a) THECB means the Texas Higher Education Coordinating Board, which provides leadership and coordination for Texas’s higher education system.
I.H.4.3. Trustee Orientation and Education
The Board and the Chancellor provide orientation for new Trustees within the calendar year of their election to help them to understand the Board’s function, policies, and procedures. This orientation may include the following: (a) selected materials on Trustee responsibilities; (b) material on Board Meetings; (c) invitations to meet with the Chancellor, college presidents, and other administrative personnel designated by the Chancellor to discuss services the administration performs for the Board; (d) access to Board policies, regulations, and other documents and information currently used by Trustees; (e) information on appropriate meetings and workshops; (f) a formal orientation on the Board’s legal and budgetary oversight responsibilities; and (g) other information and activities the Board or the Chancellor deems useful.

The Board encourages all Trustees to engage in continuous training and development. The Board allocates sufficient resources for Trustees to attend educational conferences.

I.H.4.4. Reimbursement of Development and Training Expenses
The Board pre-authorizes all official travel by Trustees and reimbursement of expenses associated with Trustee education programs and institutional representation. When lodging rates differ for single or double occupancy, Trustees are responsible for the difference if double occupancy is necessary. Trustees follow the Chancellor’s Procedures regarding requests for reimbursement of travel expenses and the use of College’s credit cards. Trustees are reimbursed for mileage at College-approved rates, except when commercial airfare costs less than the amount for mileage. In such instances, the reimbursement will be the airfare cost.

I.H.4.5. Frequency
Trustees are generally limited to one national and one state or regional trusteeship meeting per fiscal year. The Board may make exceptions for specific purposes that it believes are in the College’s best interests. The Chancellor shall work with the Board to develop and implement a plan to address Trustees’ training needs.

I.H.4.6. THECB Trainings
The THECB provides mandatory training for new Trustees under Section 61.084, Education Code. Trustees use private funds for THECB registration fees and costs of travel, meals, and lodging. No public funds may be used except for grants and donated private funds available for that purpose.

I.H.4.7. Conventions, Workshops, Press Conferences, and Ceremonial Events
Trustees may attend a regional, state, or national convention, workshop, ceremonial event, or press conference. Even if a quorum is present, these gatherings are not “meetings” under the Open Meetings Act. The Board does not officially act at such events, and any Trustee discussions of public business are merely incidental to the event.

I.H.4.8. Open Government Training
Within 90 days of taking the oath of office, a Trustee shall complete a course of training on open meetings and open records provided by the Texas Attorney General or another approved source of training about the Board’s and Trustees’ responsibilities under Chapter 551, Government Code.
I.H.4.9. Reporting
At a Board Meeting after attending a conference or workshop, a Trustee gives the Board a verbal report of sessions or meetings which he or she attended.
Request: Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.A. Public Information Program, Section II.B. Public Complaints and Hearings, and Section II.C. Relationships with Community Organizations

Chancellor’s Recommendation: That the Board of Trustees consider and approve revision of the College’s Board Policy Manual Section II.A. Public Information Program, Section II.B. Public Complaints and Hearings, and Section II.C. Relationships with Community Organizations, amending Section verbiage and organization for added clarity and transparency.

Rationale: The proposed revisions of Section II.A., Section II.B., and Section II.C. would provide a more cohesive reading of these portions of the policy. Proposed revisions include reorganizing, renaming, and rewriting certain subsections for added clarity, continuity, and transparency, and the addition of definition subsections. Additionally, the proposed revisions reduce the overall page count of the policy sections from 22 to 14 pages for a more concise reading of policy provisions.

For these reasons, the College requests the Board to approve the proposed Section II.A., Section II.B., and Section II.C. policy revisions.

Fiscal Impact: None

Resource: Mario K. Castillo 832-813-6655
SECTION II  COMMUNITY AND GOVERNMENTAL RELATIONS

II.A.1. Public Information Program

II.A.1.01. Public Information Policy
Lone Star College (the “College”) supports the public's right to access information concerning the College under the Texas Public Information Act. The Chancellor, as the chief administrative officer of the College, may designate an Officer for Public Records as the point of official information dissemination for the College.

II.A.1.02. Definitions
(a) **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 by the College or for the College and to which the College owns the information; has a right of access to the information; or spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or by an individual officer or employee of the College in the officer’s or employee’s official capacity and the information pertains to official business of the College. Public Information also includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

(b) **Officer for Public Records** means the chief administrative officer of a governmental body or the officer’s designee. Information regarding the designated Officer for Public Records for the College can be found at www.lonestar.edu/public-records.htm.

(c) **In Connection with the Transaction of Official Business** means information created by, transmitted to, received by, or maintained by an officer or employee of the College in the officer’s or employee’s official capacity, or a person or entity performing official business or a College function on behalf of the College, and pertains to official business of the College.

(d) **Commissioned Peace Officer** means an officer commissioned to carry a weapon.

II.A.1.03. The Office of Public Records
Information requests in accordance with the Texas Public Information Act must be made through the Office of Public Records to the Officer for Public Records for the College. All executives and department leaders of the College are agents of the Officer for Public Records to ensure compliance with the Texas Public Information Act and College policy regarding public information. The Officer for Public Records will comply with all duties and obligations as required under the Texas Public Information Act.

---

1 Tex. Gov’t Code §552.201.
2 Tex. Gov’t Code §552.002.
3 Tex. Gov’t Code §552.002.
4 Tex. Gov’t Code § 552.201; §552.301(as amended).
5 Tex. Gov’t Code §552.002.
II.A.1.04. Categories of Public Information

The following categories of information are public information and not excepted from required disclosure unless made confidential under the Texas Public Information Act or other law: 7

1. a completed report, audit, evaluation, or investigation made of, for, or by the College;
2. the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of the College;
3. information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by the College;
4. the name of each official and the final record of voting on all proceedings of the College;
5. all working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by the College, 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 Chapter 151, Tax Code;
7. a description of the College’s organization and where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions;
8. a statement of the general course and method by which the College’s functions are channeled and determined, including the nature and requirements of all formal and informal procedures;
9. a rule of procedure, a 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 the College as authorized by law, and statement of general policy or interpretation of general applicability formulated and adopted by the College;
11. each amendment, revision, or repeal of the 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 the College;
14. administrative staff manuals and instructions to staff that affect a member of the public;
15. information regarded as open to the public under the College’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 the College is a party; and
19. certain College investment information as specified by Texas Government Code Section 552.0225.

---

7 Tex. Gov’t Code §552.022.
II.A.1.05. Request for Public Information
A Request for Public Information maintained by the College must be in writing and in compliance with the Texas Public Information Act. The request must properly identify the information to be produced and the name, address, email address, or other contact information of the individual requesting the information. A form of picture identification may be required to verify identity.

II.A.1.06. Processing Request for Public Information
The College will comply with all duties and obligations governing the response to a request for information under the Texas Public Information Act. The Officer for Public Records may establish procedures ensuring expeditious and accurate processing of requests for information requiring programming or manipulation of data.

II.A.1.07. Costs Associated with Request for Public Information
A charge associated with responding to requests for public information will be made in accordance with the Texas Public Information Act.

The College will provide a written, itemized statement detailing all estimated charges, including labor and personnel costs, to the individual requesting public information for requests exceeding $40. If an alternative, less-costly method of viewing the records is available, the statement must include a notice that the College may be contacted regarding the alternative method. The Officer for Public Records will comply with notice responsibilities to the individual requesting public information, relating to the itemized statement, in accordance with the Texas Public Information Act.

A deposit or bond for payment of anticipated costs for the preparation of public information may be required by the College if the charge for creating the copy would exceed $100 and a required, written, itemization statement detailing estimated charges is provided to the individual requesting public information. The Officer for Public Records may require a deposit or bond for payment of unpaid amounts owed the College relating to previous requests for public information before preparing a copy of public information in response to a new request if unpaid amounts exceed $100.

II.A.1.08. Access to Public Information
The Officer for Public Records will promptly produce a suitable copy of public information for inspection, duplication, or both, during regular College business hours, at the Office of Public Records upon request by any person within a reasonable time after the date on which the information is requested. However, information excepted from required disclosure or subject to federal Copyright Law may be excepted from inspection or duplication. The College may also comply with access to public information if the requested information is identifiable and readily available on an internet source maintained by the College and provided to the individual requesting

---

8 Tex. Gov’t Code §552.2615.
9 Tex. Gov’t Code §552.263.
10 Tex. Gov’t Code §552.021.
11 Tex. Gov’t Code §552.263.
12 Tex. Gov’t Code §552.221; §552.228.
information. Inspection or examination of the requested information will be performed in accordance with the Texas Public Information Act.

The Texas Public Information Act does not require the College to prepare or create information not in existence at the time the request for public information is made. The Texas Public Information Act also does not require the College to prepare or generate information in a specifically requested medium unless the College has the technological ability to fulfill the request and is not required to purchase software or hardware to accommodate the request.

The College, at its discretion, may implement reasonable procedures by which public information may be inspected in accordance with the Americans with Disabilities Act.

II.A.1.09. Information Excepted from Required Disclosure
Several categories of information excepted from required disclosure exist under the Texas Public Information Act or other law. The following non-exhaustive list contains categories of information excepted from required public disclosure under the Texas Public Information Act or other law. Consultation with a licensed, legal professional regarding the applicability of certain exceptions to a request for information is advised.

1. Information considered to be confidential by law; either constitutional, statutory, or by judicial decision.
2. Information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and transcripts from institutions of higher education maintained in files of professional employees; however, the degree obtained and the curriculum on the transcripts shall be subject to disclosure.
3. Information relating to litigation of a civil or criminal nature or settlement negotiations, to which the College is, or may be, a party or to which a Board member or employee of the College, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated at the time of the request.
4. Information that, if released, would give advantage to competitors or bidders.
5. Information pertaining to the location of real or personal property for a public purpose prior to public announcement of the project, or information pertaining to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.
6. Drafts and working papers involved in the preparation of proposed policies;
7. Information the College's attorney is prohibited from disclosing because of a duty to the College under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or information that a court order has prohibited from disclosure.
8. Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy.
9. Interagency or intra-agency memoranda or letters that would not be available by

---

13 Tex. Gov’t Code §552.221.
14 Tex. Gov’t Code §552.228.
15 Tex. Gov’t Code §552.101.
law to a party in litigation with the College.

10. Student records, except to College personnel, the student, his or her parents, or guardian (If the student is a minor), or spouse. The College is not required to release student records, except in conformity with FERPA.\(^\text{16}\)

11. Test items developed by the College.

12. The certified agenda or tape recording of closed session, unless a court order makes it available for public inspection and copying.

13. Records of a school library or library College that identify or serve to identify a person who requested, obtained, or used a library material or service, unless the records are disclosed:

   i. because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;
   
   ii. to a person with a special right of access under Gov. Code Sec. 522.023; or
   
   iii. to a law enforcement agency or prosecutor under a court order or subpoena.

14. An oral interview that is obtained for historical purposes by an agreement of confidentiality between the interviewee and the College. The interview becomes public information when the conditions of the agreement of confidentiality have been met.

15. Rare books, original manuscripts, personal papers, unpublished letters, and audio and video tapes held by the College for the purpose of historical research.

16. Applicant names for the position of Chancellor, except that the Board must give public notice of the name or names of the finalists being considered for the position at least 21 days prior to the meeting at which final action or vote is to be taken on the employment of the individual.

17. Information in a commercial book or publication purchased or acquired by the College for research purposes, if the book or publication is commercially available to the public. The College is not required to make copies of commercially available information, but the College 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 College.

18. Information submitted by a potential vendor or contractor to the Board in connection with an application for certification as a historically underutilized or disadvantaged business under a local, state, or federal certification program.

19. The Social Security number of a living person. The College may redact the Social Security number of a living person from any information the College discloses to the public without the necessity of requesting a decision from the attorney general.

20. Certain College investment information, as specified by Government Code 552.143, is not public information and is excepted from disclosure.

21. A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for the College.

22. An e-mail address of a member of the public that is provided for the purpose of communicating electronically with the College is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release. This confidentiality does not apply to an e-mail address:

\(^{16}\) Tex. Gov’t Code §552.026.
i. Provided to the College by a person who has a contractual relationship with the College or by the contractor's agent;

ii. Provided to the College by a vendor who seeks to contract with the College or by the vendor's agent;

iii. 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 College in the course of negotiating the terms of a contract or potential contract; or

iv. Provided to the College on a letterhead, coversheet, printed document, or other document made available to the public. The College may also disclose an e-mail address for any reason to another governmental body or to a federal agency.

23. Under certain circumstances, information (except basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor, including:
   i. Information that deals with detection, investigation, or prosecution of crime; and
   ii. An internal record or notation that is maintained for internal use in matters relating to law enforcement or prosecution.

24. A trade secret obtained from a person and privileged or confidential by statute or judicial decision.

25. 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.

26. A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, unless:
   i. The officer is under indictment or charged with an offense by information;
   ii. The officer is a party in a fire or police civil service hearing or a case in arbitration; or
   iii. The photograph is introduced as evidence in a judicial proceeding.

27. Motor vehicle record information that relates to:
   i. A motor vehicle operator's or driver's license or permit issued by an agency of this state;
   ii. A motor vehicle title or registration issued by an agency of this state; or
   iii. A personal identification document issued by an agency of this state or a local agency authorized to issue an identification document of the motor vehicle record information described above may be released only in accordance with Transportation Code Chapter 730.

28. An informer's name or information that would substantially reveal the identity of an informer, unless:
   i. The informer or the informer's spouse consents to disclosure of the informer's name;
   ii. The informer planned, initiated, or participated in the possible violation.

29. Information that relates to the economic development negotiations involving the Board and a business prospect that the Board seeks to have locate, stay, or expand in or near the College, if that information relates to:
i. A trade secret of the business prospect; or  
ii. 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.

30. Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to a business prospect by the Board or by another person.

31. After an agreement is made, information about a financial or other incentive being offered is no longer exempted from public disclosure if the information is about a financial or other incentive being offered to the business prospect:
   i. By the Board; or  
   ii. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by the College or a reduction in revenue received by the College from any source.

32. Information that relates to computer network security or to the design, operation, or defense of a computer network\textsuperscript{17}. The following information is confidential:
   i. A computer network vulnerability report;  
   ii. Any other assessment of the extent to which data processing operations, a computer, or a computer program, network, College, or software of the College or of a contractor of the College is vulnerable to unauthorized access or harm, including an assessment of the extent to which the College's or contractor's electronically stored information is vulnerable to alteration, damage, or erasure.; and  
   iii. A photocopy or other copy of an identification badge issued to an official or employee of the College.

33. A military veteran's Department of Defense Form DD-214 or other military discharge record that first comes into the possession of the College in or after September 1, 2003. The record is confidential for the 75 years following the date it comes into the possession of the College in accordance with government Code 552.140. A College that obtains information from the record shall limit the use and disclosure of the information to the purpose for which the information was obtained.

34. 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 the College or to any other person with the intent that the money or property be transferred to the College\textsuperscript{18}.

35. Information relating to a participant in the Address Confidentiality Program for Victims of Family Violence, Sexual Assault, and Stalking is confidential, except as provided by Code of Criminal Procedure 56.90, and may not be disclosed\textsuperscript{19}.

36. A College employee who is also a victim under Code of Criminal Procedure Chapter 56, Subchapter B may elect whether to allow public access to information held by the College district that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. An election

\textsuperscript{17} Tex. Gov’t Code §552.139.  
\textsuperscript{18} Tex. Gov’t Code §552.1235.  
\textsuperscript{19} Tex. Code of Crim. Proc. §56.88.
under this subsection must be made in writing on a form developed by the college
district, be signed by the employee, and be filed with the college district before the
third anniversary of the latest to occur of one of the following:
   i. The date the crime was committed;
   ii. The date employment begins; or
   iii. The date the governmental body develops the form and provides it to
        employees.
If the employee fails to make an 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.20

37. 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 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 fee21.

38. 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 a college
district solely for the purposes of a written research contract or grant that contains
a provision prohibiting the college district from disclosing such proprietary
information to third persons or parties.22

39. Information maintained by or for a college district that would reveal the college
district’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 Public Information Act (PIA), unless
the information has been published, is patented, or is otherwise subject to an
executed license, sponsored research agreement, or research contract or grant.23

40. 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 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.24

41. Information maintained by or for the College that would reveal the College’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, unless the information has been published, is patented, or is

20 Tex. Gov’t Code §552.132.
otherwise subject to an executed license, sponsored research agreement, or research contract or grant. 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 the College, 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.

Unless the individual consents to disclosure, information that directly or indirectly reveals the identity of an individual who made a report to the compliance program office of the College, sought guidance from the office, or participated in an investigation conducted under the compliance program; and 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 if, after completing an investigation, the office determines the report to be unsubstantiated or without merit. Information is excepted from disclosure if it is collected or produced in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation. Although this information is excepted from disclosure under the Public Information Act, the College may disclose the information to specific individuals/entities in accordance with state law.

Except as provided under Section 37.108(c-2), any document or information collected, developed, or produced during a safety and security audit conducted under the Texas Education Code.

The personal identifying information obtained from an individual for the purpose of the emergency alert College of a college district, including an e-mail address or telephone number, is confidential and not subject to disclosure.

A sensitive crime scene image, as defined by Government Code 552.1085(a)(6), in the custody of the College.

Records, including any identifying information, of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from TRS or another retirement College. This provision applies to records that are in the custody of the College acting in cooperation with or on behalf of the retirement College.

II.A.1.10. Personal Information of Employees and Officials
College employees, former employees, other than a commissioned peace officer, officials, or former officials must elect whether to allow public access to College-held information relating to the person's home address, home telephone number, or that reveals family member information. This written election must be made to the main personnel officer of the College not later than the 14th day after the date on which employment with the College begins; the official is elected or

27 Tex. Educ. Code §51.971(c)-(g).
30 Tex. Gov’t Code §552.1085.
appointed; or the former employee or official ends service with the College. Failure to elect within this time period subjects the information to public access. However, employees, former employees, officials, or former officials may make a written request to the personnel officer to open or close access to the information described in this subsection at any time. The College must provide required information to an individual under the Texas Public Information Act if withholding certain information without requesting a determination by the Texas Office of the Attorney General.

II.A.1.11. Commissioned Peace Officers
Information maintained by the College relating to the home address, home telephone number, emergency contact information, date of birth, or social security number of a Commissioned peace officer or information that reveals whether the officer has family members, is confidential and may not be disclosed to the public if the officer chooses to restrict public access to the information by notifying the College on a form provided by the College with evidence of the officer’s status. This election remains valid until rescinded in writing by the officer. The College must provide required information to an individual under the Texas Public Information Act if withholding certain information without requesting a determination by the Texas Office of the Attorney General.

II.A.1.12. Attorney General Determinations
The College may seek to withhold certain requested information that it believes is not subject to required disclosure under the Texas Public Information Act or other law. The College will request a determination from the Texas Office of the Attorney General as to whether certain information is excepted from required disclosure, unless the information is otherwise deemed excepted from required disclosure by a Texas Attorney General previous determination, or express provision under the Texas Public Information Act. A request for a determination and notification to the individual requesting information will be conducted in accordance with the Texas Public Information Act. Information is presumed public if a determination is not requested.

(i) Third Party Property Interests
The College may request a determination from the Texas Office of the Attorney General as to whether requested information is excepted from required disclosure in cases where requested information may affect a person's privacy, proprietary, or property rights. The College may, but is not required to, submit its reasons supporting the withholding of information. The College will make a good faith attempt to notify persons or entities regarding the College’s request for a determination in accordance with the Texas Public Information Act.

II.A.1.13. Voluntary Disclosure
The College may voluntarily disclose part or all of its records to any person, unless the disclosure is expressly prohibited by law or the information is confidential under law.

31 Tex. Gov’t Code §552.024; Tex. Gov’t Code §552.117.
32 Tex. Gov’t Code §552.024.
33 Tex. Gov’t Code §552.024.
34 Tex. Gov’t Code §552.024(c-2).
35 Tex. Gov’t Code §552.1175.
36 Tex. Gov’t Code §552.301.
37 Tex. Gov’t Code §552.305.
38 Tex. Gov’t Code §552.007.
II.A.1.14. Repetitious or Redundant Requests
Requests for information in which the College has previously furnished or made copies available to the individual requesting public information on payment of applicable charges may be deemed repetitious or redundant and are subject to certain request processing exceptions under the Texas Public Information Act\textsuperscript{39}.

II.A.1.15. Substantial Employee or Personnel Time
College employees or personnel collectively spending 36 hours of time producing information for an individual requesting public information during the College’s fiscal year will charge for any additional time spent producing information for the individual in accordance with the Texas Public Information Act\textsuperscript{40}.

II.A.1.16. Destruction of Records
A College record may be intentionally destroyed under the following conditions:

(i) The record is listed on a records control schedule filed with the State Library and Archives Commission and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal standards.

(ii) The record appears on a list of obsolete records approved by the State Library and Archives Commission.

(iii) A destruction request is filed with an approved by the State Library and Archives Commission for a record not listed on an approved control schedule.

(iv) A court issues an expunction order for the destruction or obliteration of the records, pursuant to state law.

(v) The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by the State Library and Archives Commission\textsuperscript{41}.

(vi) When photographic duplicates of public records have been made according to Local Government Code Chapters 201-205, the Trustee may order the original public records to be destroyed or otherwise disposed. However, original public records shall not be destroyed or otherwise disposed until the time for filing legal proceedings based on any such record has elapsed or any other legal requirements for retention are met. Notice of such proposed destruction or disposition shall first be given to the state librarian.

II.A.1.17. Exceptions to Destruction of Records
The Board of Trustees’ minute books shall not be disposed of or destroyed. A College record, the subject matter of which is known by the records custodian to be the subject of litigation, will not be destroyed until the litigation is settled. A College record that is covered by a litigation hold will also not be destroyed. A College record that is subject to a request under the Public Information Act or other law or court order will not be destroyed until the request is resolved.

II.A.1.18. Preservation of Records
The Board of Trustees will determine a time for which records that are not currently in use will be

\textsuperscript{39} Tex. Gov’t Code §552.232.
\textsuperscript{40} Tex. Gov’t Code §552.275.
\textsuperscript{41} Tex. Loc. Gov’t Code §202.001.
preserved, subject to any applicable rule or law governing the destruction or other disposition of local government records or public information.

The Board of Trustees will preserve the certified agenda or tape recording of a closed session of a Trustee meeting for at least two years from the date of the meeting. If an action involving the meeting is brought within that time period, the certified agenda or tape recording will be preserved while the action is pending.\textsuperscript{42}

\textbf{II.A.19. Filing Suit to Withhold Information}

The Board of Trustees, or designee, may file suit seeking to withhold information, but the individual requesting public information may not be named as a party to that action. The Board of Trustees, or designee, must demonstrate to the court that a timely, good faith effort to inform the individual requesting public information was made in accordance with the Texas Public Information Act.\textsuperscript{43}

\textbf{II.A.2. Students' Right to Know}

\textbf{II.A.2.01. Graduation Rates}

In accordance with the Students Right to Know Act, the College shall produce and make readily available, through appropriate publications and mailings, and electronic media to all current students, and to any prospective student upon request, the completion or graduation rates of certificate- or degree-seeking, full-time students entering the College. The information shall be updated at least biennially.\textsuperscript{44}

\textbf{II.A.2.02. Crime Statistics}

Each College shall collect information with respect to campus crime statistics and campus security policies. Each College shall prepare, publish and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report as required.\textsuperscript{45}

\textbf{II.A.2.03. Reports}

Each College shall make available to the Coordinating Board, upon request, the information required to be reported by the Federal Student Right-To-Know Act and the Campus Security Act for the previous year. The information must be reported in the form required by the Act.

\textbf{II.A.3. Preservation of Records for Litigation}

\textbf{II.A.3.01. Preservation of Records for Litigation Policy}

The College will maintain and preserve all information that may be subject to pending litigation or in reasonable anticipation of litigation, whether in hard-copy or electronic form, as required by law.

\textsuperscript{42} Tex. Gov't Code §551.104.
\textsuperscript{43} Tex. Gov't Code §552.325.
\textsuperscript{44} 20 U.S.C. §1092.
\textsuperscript{45} 20 U.S.C. §1092(f).
II.A.3.02. Definitions
(a) **Discovery** means compulsory disclosure, at a party’s request, of information that relates to litigation\(^46\). A request for the production of documents is one of the most common discovery devices\(^47\).
(b) **Electronically Stored Information** means writings, drawings, graphs charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form\(^48\). Electronically Stored Information will be preserved for retrieval at a later time in its original electronic form.

II.A.3.03. Duty to Preserve Records for Litigation
The College is under a legal duty to preserve all information, in whatever form or medium, once properly noticed that it is a party to litigation, or that litigation may be reasonably anticipated. The information must be identified as evidence reasonably relevant to litigation. The suspension of routine or intentional purging, overwriting, re-using, deleting, or any other destruction of information, including electronically stored information, identified as reasonably relevant to litigation or anticipated litigation is required by law.

II.A.3.04. Procedures for Preservation of Records for Litigation
The Chancellor, or designee, in coordination with the College’s Office of the General Counsel, may develop and implement procedures for the preservation of information for litigation, or reasonably anticipated litigation. Additionally, procedures may be developed and implemented for response to a discovery request for electronically stored information maintained by the College.

II.B. PUBLIC COMMENT AND FEEDBACK

II.B.1.01. Public Comment Policy
The College welcomes comments or feedback from members of the general public. Trustees, individually, are accessible to members of the public to hear comments or feedback, so long as members of the public understand that individual Trustees cannot act on behalf of the Board except for properly noticed public Board meetings.

Members of the public may also provide comments or feedback during the citizen participation portion of a properly noticed public Board meeting. The Board may recommend comments and feedback received for discussion on a future Board meeting agenda.

II.B.1.02. Public Comment Exceptions
Public comments, feedback, or complaints governed by any other resolution procedure or process instituted by the College will be directed through those channels for resolution.

II.B.1.03. Public Comment Procedure
The Chancellor, or a designee, in coordination with the Office of the Chancellor and the College’s Office of the General Counsel, may develop and implement procedures for resolution

---

\(^{46}\) Black's Law Dictionary, Third Ed.
\(^{47}\) Black's Law Dictionary, Third Ed.
\(^{48}\) Fed. R. Civ. P. 34.
of complaints received by the College from members of the public.

II.C. RELATIONSHIPS WITH COMMUNITY ORGANIZATIONS

II.C.1. Relationships with Community Organizations

II.C.1.01. Relationships with Community Organizations Policy
The College supports opportunities for ongoing relationships with community organizations through joint projects, activities, and sponsorships.

II.C.1.02. Definitions
(a) **Raffle** means the awarding of one or more prizes by chance at a single occasion among a pool or group of persons who have paid or promised a thing of value for a ticket that represents a chance to win a prize.\(^{49}\)

II.C.1.03. Contests and Awarding of Prizes
Contests and activities sponsored by community-based organizations involving participation by students or employees or granting of awards or prizes to students or employees may be permitted by the College with prior approval by the Chancellor or the College President or their designee.

II.C.1.04. Campaigns or Activities for Raising Money
Campaigns or activities for raising money may be permitted by the College by prior approval of the Chancellor and College President or their designees.

II.C.1.05. Charitable Raffles
An organization that is a qualified non-profit organization for purposes of The Charitable Raffle Enabling Act may conduct raffles to benefit the College provided the organization complies with state law.\(^{50}\)

Organizations seeking to conduct a raffle to benefit the College must submit a request and receive approval from the Office of the General Counsel.

---


\(^{50}\) Charitable Raffle Enabling Act (Tex. Occ. Code §2002).
Request: Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.D. Student and Community Use of System Facilities

Chancellor’s Recommendation: That the Board of Trustees consider and approve revision of the College’s Board Policy Manual Section II.D. Student and Community Use of System Facilities which covers College policies related to facility use and minors on campus and amend the title to Section II.D. Community Use of College Premises.

Rationale: It has been several years since Section II.D. Community Use of College Premises was revised, and several policy matters needed to be revisited and, as necessary, revised or reaffirmed. During the revision process, it became apparent that the current version of Section II.D. Community Use of College Premises contained inaccurate language regarding how the College permits community members’ facility use. The revised version of Section II.D. Community Use of College Premises also revises the minors on campus policy by requiring minors 15 and under to have an authorized responsible adult on College premises while they are present. The policy used to require minors 16 and under to have an authorized responsible adult present. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Mario K. Castillo 832-813-6655
II.D. COMMUNITY USE OF COLLEGE PREMISES

II.D.1. Facility Use

II.D.1.1. Policy
Lone Star College makes available its facilities and grounds for Third Party use consistent with the College’s values, mission, and this policy.

II.D.1.2. Definitions

(a) **Board** means the Board of Trustees with ultimate legal authority to govern the College.

(b) **Facility Use Agreement** means the College’s standard contract approved by the College’s Office of the General Counsel and available on the College’s website.

(c) **Third Party** means individuals or groups not including College students or employees.

II.D.1.3. Requesting Facility Use
College facilities and grounds are available for occasional use by employees, students, and College community groups provided that each use is first approved in writing by the appropriate College official. Any proposed Third Party facility-use must enhance the College’s public service mission and serve educational needs. The College will deny facility-use if the proposed use interferes with the College’s instructional mission. Separate policies govern the use of College facilities as polling places or political party conventions.

II.D.1.4. Facility Use Fees
The Board authorizes the Chancellor to fix and collect rentals, rates, charges or fees from Third Parties for the use and/or availability of any College properties, buildings, structures, activities, operations, or facilities pursuant to the Chancellor’s fee schedule available in the corresponding procedures.1

The College may assess a facility-use fee sufficient to cover all associated costs. Costs include (1) police, custodial, maintenance, and other College employee support; (2) food and beverage preparation, set-up, sale, and service; (3) College equipment set-up and use including computers and audio-visual aids; (4) utilities and operational overhead; and (5) other necessary costs. The College will determine and charge these reasonable costs.

Required facility-use fees must be paid when the Facility Use Agreement is signed unless the College states otherwise in writing.

The College will establish and update a facility-use fee schedule. The College will deny commercial use requests, unless the College determines that the proposed commercial use significantly serves the community because of the proposed event’s educational or cultural value.

II.D.1.5. College Facility Use Agreement Required

1 **Tex. Educ. Code** § 130.123(c).
Third Party individuals or groups approved to use College facilities must sign and follow the College’s standard Facility Use Agreement. Any variations to this requirement must be approved by the College.

II.D.1.6. Prohibited Facility Use
The following activities are prohibited College facility uses:

(a) holding partisan political meetings or fundraising, except for political party conventions held 
    (1) with primary elections or (2) authorized student club activities to support or participate in 
    partisan activities as allowed by Board Policy;

(b) conducting activities which may damage the College’s buildings, grounds, or equipment or 
    present a risk of injury to people;

(c) holding external groups’ meetings that interfere with the College’s educational facility use;

(d) conduct violating any applicable laws; or

(e) conducting unauthorized business or commercial activities, including the sale of products or 
    services, except as specifically allowed by Board Policy. The following activities are not 
    considered prohibited business or commercial activity if approved beforehand by the College: 
    1. post-performance or post-reading sales of music, dance recordings, videos, or books;
    2. performances incidental to the College’s educational mission (e.g., concerts, theater 
       performances, or similar activities);
    3. recreational, cultural, and athletic events; public service radio and TV broadcasting; and 
       events or functions which have as their principal purpose the improvement of relations 
       between the College and the public;
    4. sales of art, baked goods, crafts, or similar items produced by students or College 
       employees where the revenues are used by an authorized student group;
    5. authorized fundraisers which return less than 50% of the sales proceeds to the creator;
    6. sales of items by an authorized non-profit community organization with proceeds 
       benefitting the College; or
    7. other sales of products or services specifically approved by the Board and memorialized 
       in a written contract reviewed by College’s Office of the General Counsel.

II.D.1.7. Alcohol in Facilities
The College is alcohol-free. Alcohol possession or consumption is prohibited in College 
facilities including classroom buildings, laboratories, auditoriums, library buildings, offices, 
athletic facilities, and all other College premises unless otherwise authorized in this policy. 
All federal law, state law, and local ordinances related to alcohol possession and 
consumption will be strictly enforced at all times on all College-owned, -leased, 
or -controlled property.

The Chancellor may allow alcohol service or consumption for persons aged 21 and over. The 
Chancellor may approve alcohol service or consumption at certain, limited College events. 
Individuals or groups requesting permission to serve alcohol must submit: (1) the Chancellor,
applicable college president, or LEO’s written approval; (2) the appropriate plan for alcohol service or sale; (3) appropriate liability insurance coverage proof; and (4) any other requested information.

All parties approved to serve alcohol must comply with the Facility Use Agreement, College policies, local ordinances, the Texas Alcoholic Beverage Commission rules and regulations, Texas state law, and federal law—including but not limited to the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act.

II.D.1.8. Facilities as Polling Places
The College shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of a building for the same day and simultaneous use is impractical, the College shall determine which authority may use the building. The College shall not assess a charge for the use of a College 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 the 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.

II.D.1.9. Political Party Conventions
No charge may be made for the use of a College 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 College shall provide an itemized statement of expenses to the convention.

II.D.2. Minors on College Premises

II.D.2.1. Policy
The College is a diverse community that provides equal academic opportunities while balancing the safety and well-being of all students. The College welcomes persons of all ages. Minors aged 15 and under on College premises must be supervised by a parent, legal guardian, or authorized responsible adult unless the Board has approved a variance to this requirement. Unaccompanied Minors aged 15 and under will be reported to College police and an officer will attempt to locate the minor’s parent/guardian to accompany or remove the child. All Minors on College premises are subject to relevant College policies and procedures.

II.D.2.2. Definitions

(a) **Authorized Responsible Adults** means parents, legal guardians, or an adult authorized by a parent or legal guardian to be responsible for Minors.

(b) **Minors** means persons aged 15 and under.

---

2 Tex. Elec. Code § 43.031(c).
(c) **Premises** means any real property over which the College has possession, control, or legal ownership.

**II.D.2.3. Approved Variances to Minors on College Premises**

Colleges with a Harris County Public Library ("HCPL") operating on the college campus will comply with HCPL regulations regarding children in the library.

**II.D.2.4. Requirements for Minors on College Premises**

An Authorized Responsible Adult must supervise Minors on College premises unless the Minor is participating in a College class, program, or event. This means that Authorized Responsible Adults do not have to accompany Minors while they are participating in the College class, program, or event, but must be present to monitor the Minors’ activities outside of a College class, program, or event. Minors participating in a College class, program, or event must have written permission from their parent or legal guardian. The Authorized Responsible Adult must be immediately available in an emergency situation. The College does not staff its campuses with nurses, infirmaries, or other medical care facilities. The Authorized Responsible Adult must bring and dispense medications, provide minor medical care, or respond to a call indicating the Minor is ill. The Chancellor or Chancellor’s designee may provide a variance to this policy.

Minors not participating in a College class, program, or event are prohibited from entering or using computer labs, science labs, physical fitness facilities, storage rooms, equipment rooms, outdoor water features, or outdoor athletic facilities unless they are given express written permission from the appropriate college president or designee.

Dual-credit and other similar programs are governed by the applicable agreement between the College and independent school district or other secondary education institution. Thus, students participating in a College-approved program must abide by the requirements specified therein. If the agreement does not specify supervision requirements, then this policy section applies.

**II.D.2.5. College Employee Children on College Premises**

Employees may not bring children to their worksite, except for a brief visit, unless the applicable College campus specifically designated a time or place for employee children to be present. Employees who bring their children to a College work area for a brief visit must continuously supervise their children. No child may be left unattended or with other employees. An employee’s child’s presence should not obstruct or diffuse work or duties in the College work area. Supervisors may ask employees to have their children leave the work area. Ill children may not be brought to the employee’s work area. Other arrangements must be made to accommodate an ill child.

Employees may not supervise children at their worksite unless their job assignments relate to a College class, program, or event designed for Minors aged 15 or under and advance written permission from their parent or legal guardian is acquired.

**II.D.2.6. Children of Students on College Premises**

College students’ children may not enter the classroom, even for brief visits, without the instructor’s prior express written permission. Instructors may deny permission or revoke written permission. Children cannot enter an activity or lab area where dangerous substances or equipment
are stored or in use, unless the children are students enrolled in an applicable class or participating in a special College program. Students may not have their children accompany them on College field trips unless the children are also enrolled in the class.
Request: Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.E. Conduct on System Premises

Chancellor’s Recommendation: That the Board of Trustees consider and approve revision of the College’s Board Policy Manual Section II.E. Conduct on System Premises which covers College policies related to community speech and prohibited conduct on College premises and amend the title to Section II.E. Speech and Conduct on College Premises.

Rationale: It has been several years since Section II.E. Speech and Conduct on College Premises was revised, and several policy matters needed to be revisited and, as necessary, revised or reaffirmed. During the revision process, it became apparent that the current version of Section II.E. Speech and Conduct on College Premises contained inaccurate language regarding community member speech activity on College premises. The revised version of Section II.E. Speech and Conduct on College Premises also revises the prohibited conduct policy by making the policy follow relevant law. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Mario K. Castillo 832-813-6655
II.E. SPEECH AND CONDUCT ON COLLEGE PREMISES

II.E.1. Speech Activity on College Premises

II.E.1.1. Policy
The College recognizes and supports free speech rights and the free exchange of ideas. The College recognizes individuals’ freedom of speech, petition, and peaceful assembly rights as set forth in the United States Constitution and the Texas State Constitution. The College strives to provide a suitable environment for its faculty, staff, and students to work, study, and perform activities furthering the College’s mission without undue interference or disturbance.

The College enforces Viewpoint- and Content-Neutral speech restrictions. Disruptive acts to the College’s normal operations, in the Chancellor’s or designee’s view, are not allowed. Faculty, staff, and students engaging in acts disruptive to the College’s normal operations may be subject to disciplinary action. Academic freedom and student First Amendment rights are covered elsewhere in the Policy Manual.

Public individuals or groups may not enter College premises for the purpose of advocacy, information distribution, or for speech activity except as permitted under College policies.

II.E.1.2. Definitions

(a) **College-approved** means an event held on College premises that was approved through appropriate College procedures.

(b) **College-sponsored** means the College’s publications, theatrical productions, and other expressive activities that students, parents, and members of the public might reasonably perceive to bear the College’s approval and license. These activities may be fairly characterized as part of the College curriculum, whether or not they occur in a traditional classroom setting, so long as they are supervised by employee-advisors and imparting particular knowledge or skills to student participants and audiences.

(c) **Disruptive** means substantially disrupting or materially interfering with the College’s central mission of educating students. This definition does not include action that merely presents the possibility of discomfort or unpleasantness that often accompanies unpopular viewpoints.

(d) **Free Speech Areas** means designated areas of each College campus where Persons may engage in speech activities.

(e) **Person** means members of the public.

(f) **Premises** means any real property which the College possesses, controls, or owns.
(g) **Viewpoint- and Content-Neutral** means speech policies or procedures that regulate speech without consideration for the speech’s content, such as regulations regarding speech’s time, manner, and place.

II.E.1.3. **Respect and Conduct during Speech Activities**

All persons attending a College-sponsored or College-approved event will conduct themselves with respect for the forum and the learning environment at all times. Persons will have an opportunity to express contrary viewpoints as appropriate for the forum. Expression of a contrary or dissenting viewpoint may not be undertaken in a manner that disrupts the event or attempts to create a fearful or intimidating climate.

All persons are permitted to engage in speech activities in Free Speech Areas. However, speech activities that disrupt the College’s normal operations or invade others’ rights will not be permitted. Disruption to the College’s normal operations, interference with an activity or event, threats, implied threats, physical intimidation, or any form of violent behavior will result in any or all of the following College actions: use of College disciplinary processes for students and employees, action by College police officers, or appropriate external law enforcement involvement.

II.E.1.4. **Speech Activities May Not Cause Obstruction**

Speech activities must not obstruct vehicular, bicycle, or pedestrian traffic. Speech activities must not interfere with ingress or egress to the College’s facilities, activities, or events.

II.E.2. **Prohibited Conduct on College Premises**

II.E.2.1. **Policy**

The College provides a suitable environment for its faculty, staff, and students to work, study, and perform activities furthering the College’s mission without undue interference or disturbance.

II.E.2.2. **Prohibited Trespass and Damages**

It is unlawful for any person to trespass on College grounds or damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on College grounds.¹

II.E.2.3. **Entering or Remaining on College Premises After Withdrawal of Consent**

A person who has been notified by a College president or a College police officer that consent to remain on the campus or facility has been withdrawn pursuant to a period of disruption², who has not had consent reinstated, and who willfully and knowingly enters or remains upon the campus or facility during the period for which consent has been withdrawn, is guilty of a misdemeanor and is subject to punishment as defined by law.³ This section does not apply to any person who enters or remains on the campus/facility for the sole purpose of applying to the College Chancellor, president, authorized officer, or authorized employee for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.⁴

---

¹ **TEX. EDU. CODE** § 51.204.
² **TEX. EDU. CODE** §§ 51.233; 51.234.
³ **TEX. EDU. CODE** §§ 51.239(a).
⁴ **TEX. EDU. CODE** §§ 51.239(b).
The College will establish procedures governing the notification and appeal of individuals whose consent to remain on campus has been withdrawn.

II.E.2.4. Disruptive Activities on College Premises
A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on College premises. Disruptive activity is defined in Texas Education Code section 37.123. This section may not be construed to infringe on any right of free speech or expression guaranteed by the Constitution of the United States or of the State of Texas.

5 TEX. EDU. CODE §§ 37.123(a), 51.935(a).
6 TEX. EDU. CODE § 37.123(e); 51.935(e).
Request: Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.H. Relationships with Governmental Agencies and Authorities

Chancellor’s Recommendation: That the Board of Trustees consider and approve revision of the College’s Board Policy Manual Section II.H. Relationships with Governmental Agencies and Authorities which covers College policies related to Texas’s Interlocal Cooperation Act and federal cooperation contracts.

Rationale: It has been several years since Section II.H. Relationships with Governmental Agencies and Authorities was revised, and several policy matters needed to be revisited and, as necessary, revised or reaffirmed. During the revision process, it became apparent that the current version of Section II.H. Relationships with Governmental Agencies and Authorities contained inaccurate language regarding the scope of Texas’s Interlocal Cooperation Act. The revised version of Section II.H. Relationships with Governmental Agencies and Authorities corrects the inaccuracies and authorizes the College to enter into federal cooperation contracts. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Mario K. Castillo 832-813-6655
II.H. RELATIONSHIPS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES

II.H.1. Interlocal Cooperation Contracts

II.H.1.01 Policy
Under Texas’s Interlocal Cooperation Act (“ICA”), the College may contract with a county, municipality, special district, junior college district, other political subdivision of Texas or another state, or other ICA-defined local government to increase the College’s efficiency and effectiveness.¹

II.H.1.02 Payment
An interlocal contract must be authorized by the Board and the governing body of each contracting party. An interlocal contract must (1) state the purpose, terms, rights and duties of the contracting parties; and (2) specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.²

Any interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract.³ Interlocal contracts may be renewed.⁴

II.H.1.03 Cooperation with State and Local Governments
The College may join with appropriate state and local government authorities and local agencies to deliver contracted services and to implement joint projects, initiatives, and activities that help fulfill the College’s mission.

II.H.1.04 Assurances
The College provides required assurances for direct contracting, grant receipts, and agreements. Policies that guide these assurances are found throughout this Policy Manual.

II.H.2. Federal Cooperation Contracts
The College may seek and implement direct contracts, grants, and agreements with federal governmental authorities and agencies to fulfill its mission and benefit students and citizens.

¹ Tex Gov’t Code §791.001.
² Id. §791.011(d).
³ Id. §791.011(e).
⁴ Id. §791.011 (f).
Request: Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.I. Relationships with Other Entities

Chancellor’s Recommendation: That the Board of Trustees consider and approve revision of the College’s Board Policy Manual Section II.I. Relationships with Other Entities which covers College policies related to affiliations with school districts, other colleges, and accreditation with the Southern Association of Colleges and Schools Commission on Colleges and amend the title to Section II.I. Relationships with Educational Entities.

Rationale: It has been several years since Section II.I. Relationships with Educational Entities was revised, and policy matters needed to be revisited and, as necessary, revised or reaffirmed. During the revision process, it became apparent that the current version of Section II.I. Relationships with Educational Entities contained incomplete language regarding contractual relationships between the College and School Districts. The revised version of Section II.I. Relationships with Educational Entities expressly authorizes the College to contract with independent school districts located wholly or partially in the College’s service area. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Alicia Harvey-Smith 832-813-6648
Mario K. Castillo 832-813-6655
II.I. RELATIONSHIPS WITH EDUCATIONAL ENTITIES

II.I.1. Relationships with School Districts

II.I.1.01. College Courses at School System Facilities
The Board may enter into a contract with the trustees of an independent school district in a county contiguous to, but not a part of, the College, to hold college courses at the school district’s facilities.¹ Both boards must approve the contract by resolution. The College may also enter into such contracts with independent school districts located wholly or partially in the College’s service area.

II.I.1.02. Reports of Academic Achievement
Under guidelines established by the Texas Higher Education Coordinating Board and the State Board of Education, the College reports student performance during the first year enrolled after high school graduation to the high school or public community college last attended. This report includes, but is not limited to, appropriate student test scores, a description of developmental courses required, and the student’s grade point average. Appropriate safeguards for student privacy shall be followed.²

II.I.2. Relationships with Colleges and Universities

II.I.2.01. Policy
Direct relations with other college systems and universities enhance the College’s delivery of instructional programs and services to students and citizens. The College may enter into arrangements with other college systems and universities to fulfill the College’s mission.

II.I.2.02. Partnerships
The College develops and implements direct partnerships, contracts, and joint projects with other colleges and universities regarding transfer of coursework, joint delivery of college courses, small business development services, technology transfer, and continuing professional development.

II.I.2.03. International Affiliations
Under applicable laws and College policies, the College establishes affiliations with other institutions of higher education to allow international students to participate in College courses, distance education, online classes, and dual credit.

II.I.3. Accreditation Agencies

II.I.3.01. Relationships with Educational Accreditation Agencies
The College maintains accreditation with the Southern Association of Colleges and Schools Commission on Colleges. The College may also pursue accreditation with other educational and licensing agencies. Each of the College’s relationships with independent school districts and with other institutions of higher education shall meet any requirements imposed by the College’s accreditation agencies.

Request: Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.J. Access to Programs, Services and Activities

Chancellor’s Recommendation: That the Board of Trustees consider and approve revision of the College’s Board Policy Manual Section II.J. Access to Programs, Services and Activities which covers College policies related to community members and disability services on College premises and amend the title to Section II.J. Community Accessibility.

Rationale: It has been several years since Section II.J. Community Accessibility was revised, and several policy matters needed to be revisited and, as necessary, revised or reaffirmed. During the revision process, it became apparent that the current version of Section II.J. Community Accessibility contained confusing language regarding disability services on College premises. The revised version of Section II.J. Community Accessibility clarifies College responsibilities. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Alicia Harvey-Smith 832-813-6648
              Mario K. Castillo 832-813-6655
II.J. COMMUNITY ACCESSIBILITY

II.J.1. Community Members with Disabilities

II.J.1.1. Policy
The College recognizes and supports the principles set forth in federal and state laws designed to eliminate discrimination against qualified individuals with disabilities. The College believes in equal access to educational opportunities for all individuals and is committed to making reasonable accommodations, including providing auxiliary aids and services, for qualified individuals with disabilities as required by law.

Students seeking disability accommodation must refer to Policy Section VI for the relevant student policy and procedures. College employees seeking disability accommodation must refer to Policy Section IV for the relevant employee policy and procedures. This section provides notice to third parties of the availability of certain services for individuals with disabilities.

II.J.1.2. Third Parties Requesting Accommodations
Third parties attending College activities or events (e.g., College play, graduation ceremony, Board meeting, etc.) may contact the College’s Executive Director of Disability Services to request that the College provide disability accommodation or modification at the activity or event. The Executive Director of Disability Services will collaborate with the applicable college president or responsible employee to review and, if possible, implement the request. Third parties requesting accommodation or modification are urged to make the request at least three business days before the activity or event.

II.J.1.3. Notice
The College shall make available to interested persons information regarding the provisions of applicable law and their applicability to College services, programs, or activities, and make such information available to interested persons in such manner as the Chancellor finds necessary to apprise such persons of the protections against discrimination assured them by law.

II.J.1.4. Responsible Employee Designation
The College designates the Executive Director of Disability Services as the employee responsible for coordinating the College’s efforts to comply with and carry out its responsibilities under applicable disability laws, including investigations of complaints communicated to the College alleging its noncompliance and/or any actions prohibited by applicable laws. Similarly, the College also designates the Associate Vice Chancellor of Human Resources as the employee responsible for coordinating the College’s efforts to comply with and carry out its responsibilities under applicable disability laws as they relate to College employees requesting disability accommodation. If either the Executive Director of Disability Services or Associate Vice Chancellor of Human Resources position is vacant, the Chancellor shall designate the responsible employee for this section. The College shall make available to all interested individuals the names, office addresses, and telephone numbers of the employees designated.

---

1 28 CFR 35.107(a)
Request: Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.K. Media Relations and Communications

Chancellor’s Recommendation: That the Board of Trustees consider and approve revision of the College’s Board Policy Manual Section II.K. Media Relations and Communications which covers College policies related to media communications by College personnel.

Rationale: It has been several years since Section II.K. Media Relations and Communications was revised, and policy matters needed to be revisited and, as necessary, revised or reaffirmed. During the revision process, it became apparent that the current version of Section II.K. Media Relations and Communications lacked a definition of “media communications”. The revised version of Section II.K. Media Relations and Communications defines this term. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Amos McDonald 832-813-6621
Mario K. Castillo 832-813-6655
II.K. MEDIA RELATIONS AND COMMUNICATIONS

II.K.1. Media Relations and Communications

II.K.1.1. Media Relations Representatives
The Chancellor and each college President’s designated media relations representatives are responsible for maintaining working relationships with news media, initiating news releases and other proactive communication with media, responding to inquiries, coordinating crisis communications, and tracking news coverage of the College.

II.K.1.2. Definitions
(a) Media Communications means news releases or other public communications naming an affiliation with the College or any of its colleges or otherwise linking to the College’s identity.

II.K.1.3. Approval Requirement
Media communications issued by other entities officially recognized by the College must be approved by a designated media relations representative before distribution. Related issues concerning advertising and branding are addressed in other policies\(^1\) and issues regarding intellectual property—including trademarks—are also addressed in another policy\(^2\).

II.K.1.4. Communication Plans
Designated media relations representatives shall prepare a communication plan covering processes and procedures for media relations and internal and external communications.

The College shall also adopt an emergency communication plan that includes guidelines and procedures for communicating to all stakeholders. The emergency communication plan designates and provides a process to notify crisis communication teams.

II.K.1.5. Communication with Media by College Personnel
Designated media relations representatives shall be referred any media inquiries regarding administrative or policy matters.

Employees who are not designated media relations representatives have a right to express individual opinions to the public, but they should identify their comments as personal, confine personal communication initiatives to their personal time, and avoid linking the College’s identity to their personal advocacy of topics and issues outside the scope of their job-related duties. Employee participation in political activity and freedom of association is addressed in a separate policy.\(^3\)

\(^1\) Policy Manual Section II.L.1
\(^2\) Policy Manual Section IV.D.8
\(^3\) Policy Manual Section II.M
Request: Consideration and Approval of the Recommended Revision of the Lone Star College System Board Policy Manual Section II.L.1. Approval of Advertising

Chancellor’s Recommendation: That the Board of Trustees consider and approve revision of the College’s Board Policy Manual Section II.L.1. Approval of Advertising which covers College policies related to advertising and amend the title to Section II.L.1. Advertising Approval.

Rationale: It has been several years since Section II.L.1. Advertising Approval was revised, and policy matters needed to be revisited and, as necessary, revised or reaffirmed. During the revision process, it became apparent that the current version of Section II.L.1. Advertising Approval had an incorrect title for the Vice Chancellor for Government and Public Relations. The revised version of Section II.L.1. Advertising Approval corrects this title. The Board Policy Review Committee recommends adoption of this proposed revised section.

Fiscal Impact: None

Resource: Amos McDonald 832-813-6621
Mario K. Castillo 832-813-6655
II.L.1. Advertising Approval

II.L.1.1. Authorized Persons Advertising
Print, broadcast, Web, mail, and outdoor display advertising may be used as communication to promote the products or services or convey important messages of the College.

The Chancellor or designees must approve College advertising. Advertising to recruit faculty and staff will be conducted through Human Resources. Vendor-supplied advertising opportunities may be considered in purchasing practices.

The Vice Chancellor for Government and Public Relations or designees shall manage the College’s relationships with advertising agencies and other related providers.

II.L.1.2. College Use of Identity and Branding Elements
The names, logos, trademarks, and other identifying marks of the College are valuable College assets, as set forth in another policy. As such, these marks may be used by its Foundation, Board of Trustees, colleges and centers only with the express approval of the Vice Chancellor for Government and Public Relations or designee.

The College’s logos may be used by any College office for authorized College publications and activities. The official College style book outlines procedures governing use of identifying marks. The logotypes may not be altered or presented except as outlined in the College style book.

II.L.1.3. Creation of Branding Elements
The creation of branding elements (e.g., slogans, taglines, and logotypes) is the responsibility of the Vice Chancellor for Government and Public Relations or designee. Entities within the College wishing to create branding elements for departments, programs, or events must adhere to the process outlined in the College style book.

II.L.1.4. Outside Advertising at the College
College departments and programs may accept advertising such as the display of commercial logos or slogans at sponsored events, or ads in publications in exchange for fees or services. The College reserves the right to refuse any advertisement that does not serve the College’s educational mission or does not meet the College’s standards.

Outside businesses and organizations must obtain written permission to distribute advertising on College premises. Proposals to post links on any College website that connect to businesses and organizations must be approved by the Vice Chancellor for Government and Public Relations or designees.

---

1 Policy Manual Section IV.D.
Request: Consideration of Approval for Sterile Processing Level I Non-Credit Certificate at Lone Star College-Tomball

Chancellor’s Recommendation: That the Board of Trustees approve the following request for Sterile Processing Level I Non-Credit Certificate at Lone Star College-Tomball.

Rationale: Lone Star College-Tomball has requested approval for a new Sterile Processing Level I Non-Credit Certificate. Demands in the Houston-Sugarland-Baytown Metropolitan Statistical Area (MSA) show substantial growth for Medical Equipment Preparers, and labor market data from the Texas Workforce Commission, Economic Modeling Specialists, and Burning Glass show moderate demand and wages for this occupational field.

<table>
<thead>
<tr>
<th>Sterile Processing Level I Non-Credit Certificate</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupation: Medical Equipment Preparers</td>
<td></td>
</tr>
<tr>
<td>TWC Total Average Annual Job Openings (2012-2022)</td>
<td>40</td>
</tr>
<tr>
<td>TWC Entry Wage (2015)</td>
<td>$11.74</td>
</tr>
<tr>
<td>TWC Median Wage (2015)</td>
<td>$15.58</td>
</tr>
<tr>
<td>Burning Glass Demand (Job Postings Aug. 1, 2015- July 31, 2016, Houston-Sugarland-Baytown Metropolitan Statistical Area)</td>
<td>516</td>
</tr>
</tbody>
</table>

Sources: Texas Workforce Commission, Burning Glass Technologies

Lone Star College has conducted labor market research and industry focus groups to validate the need for such a program. Lone Star College instructional leads have collaborated with industry partners to construct curricula to provide necessary skills for employability of completing students.

The Texas Higher Education Coordinating Board requires that the College’s Board of Trustees approve new programs.

Fiscal Impact: This program will be offered at Lone Star College-Tomball, and start-up costs will be covered by FY 2016-2017 LSC Workforce Council new program development funds, LSC-Career and Technical Education’s approved FY 2016-2017 operating funds and tuition received for this non-credit program. No additional funds needed.

Staff Resource: Lee Ann Nutt 940-390-9481
Alicia Harvey-Smith 832-813-6648
Report: Monthly Financial Statements

The financial statements for the month ended October 31, 2016 are presented for Board review.
ACTUAL EXPENDITURES AS A % OF BUDGET
9/1 THROUGH 10/31

2012-13: 14.1%
2013-14: 14.7%
2014-15: 15.6%
2015-16: 15.8%
2016-17: 15.5%
# LONE STAR COLLEGE

**Statement of Revenues and Expenditures**  
**General and Auxiliary Funds**  
**YTD October 31, 2016**  
**Unaudited**

<table>
<thead>
<tr>
<th>REVENUES:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BUDGET</td>
<td>FISCAL YTD</td>
<td>% ACTUAL</td>
<td>PRIOR YEAR</td>
<td>PRIOR YEAR</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ACTUAL</td>
<td>TO BUDGET</td>
<td>17% FY ELAPSED</td>
<td>17% FY ELAPSED</td>
</tr>
<tr>
<td><strong>PRIOR YEAR</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ACTUAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>% ACTUAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>17% FY ELAPSED</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### State Appropriations
- $74,051,000
- $17,752,466
- 24.0%
- $17,782,354
- 24.0%

### Tuition and Fees
- 119,381,000
- 50,902,287
- 42.6%
- 46,558,170
- 41.3%

### Taxes
- 134,613,000
- 1,130,886
- 0.8%
- 631,284
- 0.5%

### Investments
- 365,000
- 59,685
- 16.4%
- 41,893
- 10.0%

### Other
- 5,962,000
- 845,008
- 14.2%
- 889,539
- 14.8%

**Total Current Operations Revenues**
- 334,372,000
- 70,690,332
- 21.1%
- 65,903,240
- 20.7%

**Auxiliary Revenues**
- 13,290,000
- 2,449,827
- 18.4%
- 2,770,134
- 15.3%

**Total Revenues**
- 347,662,000
- 73,140,159
- 21.0%
- 68,673,374
- 20.4%

<table>
<thead>
<tr>
<th>EXPENDITURES:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BUDGET</td>
<td>FISCAL YTD</td>
<td>% ACTUAL</td>
<td>PRIOR YEAR</td>
<td>PRIOR YEAR</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ACTUAL</td>
<td>TO BUDGET</td>
<td>17% FY ELAPSED</td>
<td>17% FY ELAPSED</td>
</tr>
<tr>
<td><strong>PRIOR YEAR</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ACTUAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>% ACTUAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>17% FY ELAPSED</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Instruction-Academic
- 84,738,499
- 14,635,674
- 17.3%
- 14,323,475
- 17.4%

### Instruction-Workforce
- 28,243,595
- 5,715,235
- 20.2%
- 5,808,678
- 20.0%

### Public Service
- 766,597
- 115,704
- 15.1%
- 128,785
- 16.8%

### Academic Support
- 55,061,880
- 7,316,985
- 13.3%
- 7,002,548
- 12.8%

### Student Services
- 46,234,577
- 6,530,677
- 14.1%
- 6,734,867
- 13.9%

### Institutional Support
- 36,495,925
- 4,976,980
- 13.6%
- 5,346,909
- 16.1%

### Plant Operation and Maintenance
- 35,074,805
- 5,665,457
- 16.2%
- 5,585,930
- 17.2%

### Staff Benefits
- 32,874,122
- 5,109,688
- 15.5%
- 4,592,250
- 17.1%

**Total Educational and General Expenditures**
- 319,490,000
- 50,066,400
- 15.7%
- 49,523,442
- 16.1%

### Repair, Replacement and Other

#### Internally Designated
- 5,562,000
- 38,278
- 0.7%
- 32,548
- 0.6%

#### Auxiliary
- 11,790,000
- 2,084,348
- 17.7%
- 2,802,404
- 15.1%

**Total Expenditures**
- 336,842,000
- 52,189,026
- 15.5%
- 52,358,394
- 15.8%

### Other Changes - Debt Service & Fund Transfers
- 7,500,000
- 2,149,481
- 2,072,356

**Total Expenditures & Transfers**
- 344,342,000
- 54,338,507
- 54,430,750

<table>
<thead>
<tr>
<th>NET INCREASE IN FUND BALANCES</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Funds</td>
<td>1,820,000</td>
<td>18,436,173</td>
<td>14,274,894</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auxiliary Funds</td>
<td>1,500,000</td>
<td>365,479</td>
<td>(32,270)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL NET INCREASE IN FUND BALANCES**
- $3,320,000
- $18,801,652
- $14,242,624
## Balance Sheet
### October 31, 2016
**Unaudited**

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>General &amp; Auxiliary</th>
<th>Restricted</th>
<th>GASB Reporting Entries(*)</th>
<th>Memorandum Totals Current Year</th>
<th>Memorandum Totals Prior Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash, cash equivalents &amp; investments</td>
<td>$30,981,691</td>
<td>$117,059,132</td>
<td>$(535)</td>
<td>$148,040,288</td>
<td>$224,895,014</td>
</tr>
<tr>
<td>Accounts receivable, net</td>
<td>22,517,684</td>
<td>5,458,301</td>
<td>4,941,971</td>
<td>32,917,956</td>
<td>30,860,037</td>
</tr>
<tr>
<td>Prepaid and deferred expenses</td>
<td>14,779,546</td>
<td>-</td>
<td>-</td>
<td>14,779,546</td>
<td>9,104,277</td>
</tr>
<tr>
<td>Inventories, at cost</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>46,236</td>
</tr>
<tr>
<td>Capital assets, net</td>
<td>2,368</td>
<td>-</td>
<td>-</td>
<td>805,220,218</td>
<td>775,120,535</td>
</tr>
<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td><strong>68,281,289</strong></td>
<td><strong>122,517,433</strong></td>
<td><strong>810,161,654</strong></td>
<td><strong>1,000,960,376</strong></td>
<td><strong>1,040,026,099</strong></td>
</tr>
</tbody>
</table>

| Deferred Outflows | - | - | 21,100,577 | 21,100,577 | - |
| **TOTAL ASSETS AND DEFERRED OUTFLOWS** | **68,281,289** | **122,517,433** | **831,262,231** | **1,022,060,953** | **1,040,026,099** |

<table>
<thead>
<tr>
<th>LIABILITIES AND FUND BALANCES</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts payable &amp; Accrued Absences Payable</td>
<td>$4,922,646</td>
<td>$11,235,337</td>
<td>-</td>
<td>$16,157,983</td>
<td>$15,712,413</td>
</tr>
<tr>
<td>Deferred revenues</td>
<td>2,851,228</td>
<td>3,843,653</td>
<td>-</td>
<td>6,694,881</td>
<td>7,618,497</td>
</tr>
<tr>
<td>Accrued interest payable</td>
<td>-</td>
<td>5,590,065</td>
<td>-</td>
<td>5,590,065</td>
<td>7,798,785</td>
</tr>
<tr>
<td>Net Pension Liability</td>
<td>-</td>
<td>-</td>
<td>51,162,604</td>
<td>51,162,604</td>
<td>-</td>
</tr>
<tr>
<td>Assets held in custody for others</td>
<td>273,297</td>
<td>6,700,986</td>
<td>-</td>
<td>6,974,283</td>
<td>7,629,462</td>
</tr>
<tr>
<td><strong>TOTAL LIABILITIES</strong></td>
<td><strong>8,047,171</strong></td>
<td><strong>27,370,041</strong></td>
<td><strong>730,539,820</strong></td>
<td><strong>765,957,032</strong></td>
<td><strong>779,019,836</strong></td>
</tr>
</tbody>
</table>

| Deferred Inflows | - | - | - | 23,436,941 | 23,436,941 |
| **TOTAL LIABILITIES AND DEFERRED INFLOWS** | **8,047,171** | **27,370,041** | **753,976,761** | **789,393,973** | **779,019,836** |

| TOTAL FUND BALANCES | **60,234,118** | **95,147,392** | **77,285,470** | **232,666,980** | **261,066,263** |

| TOTAL LIABILITIES, DEFERRED INFLOWS AND FUND BALANCES | **68,281,289** | **122,517,433** | **831,262,231** | **1,022,060,953** | **1,040,086,099** |

* Includes GASB (Governmental Accounting Standards Board) reporting entries related to Capital Assets, Long-Term Debt, and Pensions

Subject to change pending completion of the August 31, 2016 audit
## LONE STAR COLLEGE
### SUMMARY OF OPERATING FUNDS
### AS OF OCTOBER 31, 2016

<table>
<thead>
<tr>
<th>OPERATING FUNDS 10/31/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OPERATING CASH</strong></td>
</tr>
<tr>
<td>POOLS</td>
</tr>
<tr>
<td>MONEY MARKET ACCOUNTS</td>
</tr>
<tr>
<td>Operating Cash - Subtotal</td>
</tr>
<tr>
<td><strong>CASH RESERVES</strong></td>
</tr>
<tr>
<td>SECURITIES</td>
</tr>
<tr>
<td>Cash Reserves - Subtotal</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
</tr>
</tbody>
</table>
Request: Consideration of Approval of Resolution and Ordinance Authorizing the Chancellor or Designee to Open New Operating Bank Accounts for Lone Star College (the “College”) with the New Bank Depository Services Provider, JP Morgan Chase Bank, N.A. (Chase Bank)

Chancellor’s Recommendation: That the Board of Trustees approve the resolution and ordinance authorizing the Chancellor or designee to open new operating bank accounts for the College with the new bank depository services provider, Chase Bank.

Rationale: At the August 6, 2015 meeting, the Board of Trustees authorized the Chancellor or designee to negotiate and execute a contract with Chase Bank to purchase bank depository services through a formal Request for Proposals process in compliance with Texas Education Code §44.031 (a).

The College subsequently entered into a contract with Chase Bank on September 1, 2016 for five years and a total sum not exceeding $500,000.

Chase Bank requires its customers to adopt a resolution and ordinance that authorizes all actions and agreements described in its Certificate Regarding Accounts, which includes naming authorized persons/positions for opening accounts, banking services, and making changes to authorized persons.

Fiscal Impact: None

Staff Resource: Carin Hutchins 832-813-6737
RESOLUTION AND ORDINANCE AUTHORIZING THE CHANCELLOR OR DESIGNEE TO OPEN NEW OPERATING BANK ACCOUNTS FOR LONE STAR COLLEGE (THE “DEPOSITOR”) TO TRANSITION TO THE NEW DEPOSITORY SERVICES PROVIDER, JP MORGAN CHASE BANK, N.A. (“CHASE BANK”)

WHEREAS, Depositor is a local government of the State of Texas and is empowered to conduct business with Chase Bank for depository services; and

WHEREAS, Depositor entered into a contract for depository services with Chase Bank on September 1, 2016; and

WHEREAS, Chase Bank requires new customers to adopt a resolution and ordinance authorizing certain actions and agreements listed in the Certificate Regarding Accounts; and

WHEREAS, Depositor’s Account Manager is authorized to open one or more accounts with Chase Bank.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE COLLEGE THAT:

The Vice Chancellor of Administration & Finance/CFO is the Financial Officer of Depositor and is authorized by law to establish and administer accounts for the College; and

BE IT FURTHER RESOLVED that the Vice Chancellor of Administration & Finance/CFO is named the Account Manager for Depositor with Chase Bank; and

BE IT FURTHER RESOLVED that this Resolution shall continue in full force and effect until amended or revoked by Depositor, and until Chase Bank receives a copy of any such amendment or revocation.

ADOPTED this 1st day of December, 2016.

________________________________
Chair, Board of Trustees
Lone Star College

ATTEST:

________________________________
Secretary, Board of Trustees
Lone Star College

(SEAL)
Request: Consideration of Approval and Acceptance of the Comprehensive Annual Financial Report (CAFR) and the Independent Auditors’ Reports

Chancellor’s Recommendation: That the Board of Trustees consider the Board Audit and Finance Committee’s recommendation regarding the approval and acceptance of the CAFR and the independent auditors’ reports.

Rationale: The CAFR for the fiscal years ended August 31, 2016 and 2015 and the independent auditors’ reports thereon are presented for Board approval and acceptance. The independent auditing firm of Whitley Penn has issued an unmodified or “clean” opinion on the College’s financial statements and federal financial assistance programs. As required by the Texas Administrative Code (19 Tex. Admin. Code § 13.62(c)), the CAFR should be filed with various state agencies by January 1, 2017.

The reports are scheduled to be reviewed by the Board of Trustees Audit and Finance Committee prior to the December 1, 2016 Board meeting.

Fiscal Impact: None

Staff Resource: Carin Hutchins 832-813-6737
Request: Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute an Interlocal Agreement with the University of Texas at Austin (UT) Petroleum Extension (PETEX) to Develop and Implement Program Curricula

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to negotiate and execute an interlocal agreement with UT-PETEX, 10100 Burnet Rd., Bldg. 2, Austin, TX, 79756, for a sum not exceeding $750,000 and a term not exceeding three years, to develop and implement program curricula for the Corporate College Employer Incumbent Worker Training and new Associates of Applied Science degree in development, which is the next phase of the Lone Star College International Association of Drilling Contractors (IADC) accredited Gateway program.

Rationale: UT-PETEX will develop and implement curricula for utilization within current programs along with new industry required programs at LSC-University Park and other locations designated and agreed upon hereafter.

This cooperation is designed to fulfill training needs and requirements within the oil and gas industry by creating customized training for:

1. New Employee Training Gateway program (well control and rig site practical competencies), and
2. Existing employee training to expand skill sets such as practical positional drilling.

In addition, the UT-PETEX curricula and programs will be integrated with existing Lone Star College technical programs as introductions to the oil and gas sector (Fundamentals of Petroleum, Elementary Drilling, etc.).

On September 1, 2016, the Board of Trustees approved Drilling Systems to provide and install a drilling simulator system at the Energy and Manufacturing Institute at LSC-University Park in the sum not exceeding $1,500,000. Utilization of this equipment will be an integral part of the UT-PETEX curricula.

This purchase is in compliance with the provisions of Texas Government Code, Title 7, Chapter 791, Interlocal Cooperation Act, which allows the use of Interlocal agreements between institutions of higher education or university systems for the purpose of procuring services.

Fiscal Impact: Funds for this purchase are included in the approved FY 2016-2017 budget. Funds for subsequent years will be included in future proposed budgets.

Staff Resource: Alicia Harvey-Smith 832-813-6648
Carin Hutchins 832-813-6737
Shah Ardalan 281-290-2999
Request: Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute an Interlocal Agreement Between The University of Texas Health Science Center and the College for Employee Assistance Program Benefits

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to negotiate and execute an interlocal agreement between The University of Texas Health Science Center (UT), 7000 Fannin, Suite 1670, Houston, TX 77030, and the College for employee assistance program (EAP) benefits at an annual cost of $65,121 or $325,605 over five years. The initial term of the agreement will be one year with the option to automatically renew for four additional one-year terms unless terminated early.

Rationale: Lone Star College is committed to a goal of providing employees with the opportunity to be referred for treatment, rehabilitation and or appropriate assistance. The UT EAP provides additional professional service benefits to LSC staff and their families at very low cost. The program offers mental health referrals and short-term counseling, legal/financial/identity theft services, work life services, training/promotional/on-site services and ready access to the UT EAP website and resources. These services also include discounts, telephone and in-person consultations, monthly newsletters, online access to downloadable legal documents and toll-free access to qualified financial advisors for a wide variety of issues along with supporting educational materials.

Texas Government Code, Chapter 791, authorizes Lone Star College and UT to execute an interlocal agreement for EAP services.

Fiscal Impact: Funds for this purchase are included in the approved FY 2016-2017 budget. Funds for subsequent years will be included in future proposed budgets.

Staff Resource: Mario Castillo 832-813-6655
Carin Hutchins 832-813-6737
Request: Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Contract to Purchase Dry Van Trailers for the Truck Driving Program to be located in the New LSC-North Harris Transportation & Global Logistics Training Center

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to negotiate and execute a contract with Great Dane Trailers, 10030 Wallisville Rd., Houston, Texas, 77013, to purchase dry van trailers for a sum of $104,000. The Chancellor recommends that Great Dane Trailers, the vendor with the highest evaluation score, be awarded the contract.

Rationale: Four dry van trailers are required for the Professional Truck Driving program to be located in the new LSC-North Harris Transportation & Global Logistics Training Center.

In accordance with the provisions of Texas Education Code §44.031 (a), a Request for Proposal (RFP #451) was publicly advertised and issued to 116 vendors and two responses were received. The evaluation of proposals was conducted based on price; qualifications and experience; service needs met; references; quality of goods and services; extent to which certified historically underutilized businesses (HUB), minority and/or veteran or women-owned businesses are utilized; past performance; long-term cost; and other enhanced services.

Fiscal Impact: Funds for this purchase are available from the General Obligation Bonds, Series 2015A.

Staff Resource: Alicia Harvey-Smith 832-813-6648
Carin Hutchins 832-813-6737
Gerald Napoles 281-765-7999
Request: Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Contract to Purchase New Trucks for the Truck Driving Program to be Located in the New LSC-North Harris Transportation & Global Logistics Training Center

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to negotiate and execute a contract with Santex Truck Center Ltd., 1380 Ackerman Rd, San Antonio, TX, 78219, to purchase four new trucks for a sum of $513,884.

Rationale: Four new trucks are required for the Professional Truck Driving program to be located in the new LSC-North Harris Transportation & Global Logistics Training Center. The Professional Truck Driving program provides students with basic knowledge and skills in preparation for successfully completing the Commercial Driver’s License (CDL) exam. Students learn the skills needed to become a professional truck driver, including pre-trip inspection, basic control skills, backing, and city street/highway driving. This program satisfies the requirements set by the Texas Department of Public Safety.

This purchase is in compliance with the provision of Texas Government Code, Chapter 791, which allows the use of interlocal contracts. This purchase will be made through the Houston-Galveston Area Council, Contract #HT06-16.

Fiscal Impact: Funds for this purchase are available from the General Obligation Bonds, Series 2015A.

Staff Resource: Alicia Harvey-Smith 832-813-6648
Carin Hutchins 832-813-6737
Gerald Napoles 281-765-7999
Request: Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Contract to Purchase and Install Furnishings for LSC- University Park Center for Science & Innovation

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to negotiate and execute a contract with Facility Interiors, Inc., 6801 Portwest Drive, Houston, Texas 77024, for the purchase and installation of furnishings in a sum not exceeding $333,502. The Chancellor recommends that Facility Interiors, Inc., the firm with the highest evaluation score, be awarded the contract.

Rationale: This purchase is for the acquisition and installation of furnishings for the new LSC-University Park Center for Science & Innovation.

In accordance with the provisions of the Texas Education Code §44.031 (a), a Request for Proposal (RFP #466) was publically advertised and issued to thirty-seven vendors and five responses were received. The proposals were evaluated based on price; qualifications and experience; service needs met, references; quality of goods and services; past performance; extent to which certified historically underutilized businesses (HUB), minority and/or veteran or women-owned businesses are utilized; long-term cost and other enhanced services.

Fiscal Impact: Funds for this purchase are available from the General Obligation Bonds, Series 2015A.

Staff Resource: Carin Hutchins 832-813-6737
Shah Ardalan 281-290-2999
Request: Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Contract to Purchase and Install Furnishings at LSC-CyFair Center for Academic and Student Engagement

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to negotiate and execute a contract with Facility Interiors Inc., 6801 Portwest Drive, Houston, Texas 77024, for the purchase and installation of furnishings in a sum not exceeding $1,199,301. The Chancellor recommends that Facility Interiors Inc., the firm with the highest evaluation score, be awarded the contract.

Rationale: This purchase is for the acquisition and installation of new furnishings for LSC-CyFair Center for Academic and Student Engagement.

In accordance with the provisions of the Texas Education Code §44.031 (a), a Request for Proposal (RFP #462) was publically advertised and issued to twenty-five vendors and three responses were received. The proposals were evaluated based on price; qualifications and experience; service needs met, reputation; quality of goods and services; past performance; extent to which certified historically underutilized businesses (HUB), minority and/or veteran or women-owned businesses are utilized; long-term cost and other enhanced services.

Fiscal Impact: Funds for this purchase are available from the General Obligation Bonds, Series 2015A.

Staff Resource: Carin Hutchins 832-813-6737
Seelpa Keshvala 281-290-3140
Request: Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Contract to Purchase Fume Hoods for LSC-University Park Center for Science & Innovation

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to negotiate and execute a contract with Halderman Homme, Inc., 15344 Vantage Parkway East #150, Houston, Texas 77032, in a sum not exceeding $108,729. The Chancellor recommends that Halderman Homme, Inc., the vendor with the highest evaluation score, be awarded the contract.

Rationale: The LSC-University Park Center for Science & Innovation is currently under construction. There will be fume hoods located in numerous places in the building. The hoods are needed on site before completion of the facility to allow for coordinated utility connections and complete integration with the building fabric and systems.

In compliance with the provisions of Texas Government Code §2269.055, a Competitive Sealed Proposal (CSP #459) was publicly advertised and issued to 37 vendors and four responses were received. The evaluation of the proposals was conducted based on price; experience/references and relevant project experience; quality of goods and services; the extent to which certified historically underutilized business (HUB), minority and/or veteran or women-owned businesses are utilized; safety record; proposed lead personnel; financial capability; and other relevant factors.

Fiscal Impact: Funds for this purchase are available from the General Obligation Bonds, Series 2015A.

Staff Resource: Carin Hutchins 832-813-6737
Shah Ardalan 281-290-2999
Request: Consideration of Approval to Authorize the Chancellor or Designee to Amend the Contract with Phonoscope Inc. for Additional Design, Construction, and Maintenance Services of Dark Fiber Wide Area Network (WAN) Infrastructure

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or Designee to amend the contract with Phonoscope Inc., 6105 Westline Drive, Houston, Texas 77036, for additional design, construction, and maintenance services of dark fiber WAN infrastructure in the sum of $3,164,831, for a total revised contract sum of $5,864,831. This amendment extends the contract by eight years, for a revised total contract term of 23 years. Board Policy Section III.D.4.07, Long-Term Contracts, limits long-term contracts to a maximum period of five years. The Chancellor is requesting that the Board expressly waive this requirement to renew this contract for an additional eight years.

Rationale: Lone Star College provides high-speed voice, video and data to all locations using a secure dark fiber optic network. The design, construction, and maintenance services for this network are currently provided by Phonoscope Inc. through a long-term lease.

On October 23, 2001, the Board of Trustees approved Phonoscope, Inc. to provide these services through a formal Request for Proposal process in compliance with Texas Education Code Section §44.031 for a sum not exceeding $2,700,000. The original contract term was for 15 years, with the option to renew at the end of the original agreement for eight more years.

Renewing these services is mission critical as the infrastructure provides the communication services across the system for faculty, staff and students. The network supports instructional technologies and the College’s enterprise-wide applications such as email, voicemail, iStar, the learning management system (D2L), and Touchnet.

On September 1, 2016, the Board of Trustees approved the purchase of bond-funded technology hardware, software, and services, which included express authorization for the Chancellor or designee to execute this contract (fiber optic network lease renewal) in a sum not exceeding $3,500,000.

Due to the significant investment involved in this lease, and the integrated design, construction, and maintenance of over approximately 2,000 miles of fiber optic cable, it is in the best interest and value of Lone Star College,
as allowed by Texas Education Code 51.9335(b), to amend and extend the contract with Phonoscope, Inc. to continue providing these services. The table below summarizes the original contract and proposed amendment:

<table>
<thead>
<tr>
<th>Phonoscope Inc. Contract Summary</th>
<th>Board Approval</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Contract</td>
<td>10/23/2001</td>
<td>Dark fiber WAN infrastructure services for the College</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>Proposed Amendment</td>
<td>12/1/2016</td>
<td>Contract Renewal (8 years)</td>
<td>$2,653,241</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Additional Amount forLocations Under Construction:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>East Aldine Center</td>
<td>$122,640</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Westway Park</td>
<td>$98,540</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lockwood Drive</td>
<td>$106,270</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Future Growth</td>
<td>$184,140</td>
</tr>
<tr>
<td>Subtotal</td>
<td></td>
<td></td>
<td>$3,164,831</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$5,864,831</td>
</tr>
</tbody>
</table>

**Fiscal Impact:** Funds for these purchases are available from the General Obligation bonds, Series 2015A.

**Staff Resource:**
- Link Alander 832-813-6832
- Carin Hutchins 832-813-6737
Request: Consideration of Approval to Authorize the Chancellor or Designee to Amend the Guaranteed Maximum Price (GMP) Contract with the LSC-Kingwood Construction Manager at Risk (CMAR) Firm for Construction Services Related to the Chilled Water Line Extension

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to amend the contract with Balfour Beatty Construction, LLC (Balfour Beatty), 4321 Directors Row, Houston, TX 77092, for construction services related to the chilled water line extension in a sum not exceeding $430,000 for a total revised contract sum not exceeding $16,797,371.

Rationale: At the June 4, 2015 Board meeting, the Board of Trustees approved Balfour Beatty to provide CMAR services for the construction of phase one bond projects for LSC-Kingwood through a formal Request for Qualifications process in compliance with Texas Government Code Section 2254.004.

The table below summarizes the original contract and amendment approved by the Board of Trustees to date. A contract amendment is now required for construction services related to the chilled water line extension.

<table>
<thead>
<tr>
<th>Balfour Beatty Contract Summary</th>
<th>Board Approval</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Board Approval</td>
<td>6/4/2015</td>
<td>Kingwood Phase 1 Bond Projects</td>
<td>N/A</td>
</tr>
<tr>
<td>Original</td>
<td>4/7/2016</td>
<td>Student Services Expansion</td>
<td>$2,891,411</td>
</tr>
<tr>
<td>1st Amendment</td>
<td>6/2/2016</td>
<td>Process Technology Satellite Center</td>
<td>$13,475,960</td>
</tr>
<tr>
<td>Proposed Amendment</td>
<td>12/1/2016</td>
<td>Chilled Water Line Extension</td>
<td>$430,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$16,797,371</td>
</tr>
</tbody>
</table>

The chilled water line extension will connect the LSC-Kingwood Performing Arts Center (PAC) to the campus central plant. The PAC is currently served by two aging stand-alone air-cooled chillers that are operating at limited capacity and have required multiple repairs. This project was scheduled for phase 3, but needs to be accelerated due to reliability and capacity concerns. Any further failure of these units will require extensive repairs and could leave the building without air conditioning. This project will connect the building’s chilled water system
to the campus’s central plant, which has sufficient capacity. Both the request for qualifications process and the executed contract allow Balfour Beatty to be awarded other projects.

Balfour Beatty will solicit proposals from subcontractors for construction services related to this project based on the drawings prepared by the approved project architect, Chien Associates, Inc. Bids will be provided to Balfour Beatty from subcontractors and the GMP contract will be prepared.

**Fiscal Impact:** Funds for this purchase are available from the General Obligation Bonds, Series 2015A.

**Staff Resource:**
- Carin Hutchins 832-813-6737
- Katherine Persson 281-312-1644
Request: Consideration of Approval to Authorize the Chancellor or Designee to Amend the Guaranteed Maximum Price (GMP) Contract with the LSC-North Harris Construction Manager at Risk (CMAR) Firm for Construction Services Related to the Central Plant Addition

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to amend the contract with Tellepsen Builders, L.P. (Tellepsen), 777 Benmar Drive, Suite 400, Houston, Texas, 77060, for construction services related to the central plant addition in a sum not exceeding $825,286 for a total revised contract sum not exceeding $15,401,245.

Rationale: At the June 4, 2015 Board meeting, the Board of Trustees approved Tellepsen to provide CMAR services for the construction of phase one bond projects for LSC-North Harris through a formal Request for Qualifications process in compliance with Texas Government Code Section 2254.004. The table below summarizes the original contract and amendment approved by the Board of Trustees to date. A contract amendment is now required for construction services related to the central plant addition to replace an existing chiller and cooling tower.

<table>
<thead>
<tr>
<th>Tellepsen Contract Summary</th>
<th>Board Approval</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Board Approval</td>
<td>6/4/2015</td>
<td>North Harris Phase 1 Bond Projects</td>
<td>N/A</td>
</tr>
<tr>
<td>Original</td>
<td>6/2/2016</td>
<td>Construction and Skilled Trades Technology Center</td>
<td>$13,475,959</td>
</tr>
<tr>
<td>1st Amendment</td>
<td>11/3/2016</td>
<td>Electrical Underground Project</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>Proposed Amendment</td>
<td>12/1/2016</td>
<td>Central Plant Addition</td>
<td>$825,286</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$15,401,245</td>
</tr>
</tbody>
</table>

The campus is served by four chillers (two large and two small), each with a matching cooling tower. A structural failure has damaged one of the large cooling towers beyond repair, and this project is to replace it and its matching chiller which is at the end of its useful life. This project was scheduled for Phase 3, but needs to be accelerated due to capacity requirements. The campus can run on the remaining three chillers during the winter months, but the fourth chiller will be needed in the Spring when...
the weather is warmer and the Construction and Skilled Trades Technology Building comes on line. Both the request for qualifications process and the executed contract allow Tellepsen to be awarded other projects.

Tellepsen solicited proposals from subcontractors for construction services related to this project based on the drawings prepared by the approved project architect, PBK Architects, Inc. Bids were provided to Tellepsen from subcontractors and the GMP contract was prepared.

**Fiscal Impact:** Funds for this purchase are available from the General Obligation Bonds, Series 2015A.

**Staff Resource:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carin Hutchins</td>
<td>832-813-6737</td>
</tr>
<tr>
<td>Gerald Napoles</td>
<td>281-765-7999</td>
</tr>
</tbody>
</table>
Request: Consideration of Approval to Authorize the Chancellor or Designee to Amend the Guaranteed Maximum Price (GMP) Contract with the LSC-CyFair Construction Manager at Risk (CMAR) Firm for Construction Services Related to the Westway Park Technology Center

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to amend the contract with Satterfield & Pontikes Construction, Inc. (S&P), 11000 Equity Drive, Suite 100, Houston, Texas, 77041, for construction services related to the Westway Park Technology Center in the sum of $7,200,000, for a total revised contract sum of $8,875,991.

Rationale: At the June 4, 2015 Board meeting, the Board of Trustees approved S&P to provide CMAR services for two satellite projects at LSC-CyFair; the Cypress Center Workforce Expansion and the Westway Park Technology Center.

At the June 2, 2016 Board meeting, the Board of Trustees approved a GMP contract with S&P for $1,675,991 for construction of the Cypress Center Workforce Expansion. This amendment is for construction services related to the Westway Park Technology Center.

S&P solicited proposals from subcontractors for construction services related to this project based on the drawings prepared by the approved project architect, BRW Architects, Inc. Bids were provided to S&P from subcontractors and the GMP contract was prepared.

Fiscal Impact: Funds for this purchase are available from the General Obligation Bonds, Series 2015A.

Staff Resource: Carin Hutchins 832-813-6737
Seelpa Keshvala 281-290-3940
Request: Consideration of Approval to Authorize the Chancellor or Designee to Amend the Contract with the Security Design and Consulting Firm for Additional Services Related to the Design of Emergency Call Stations

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to amend the contract with TRC Engineers, Inc., 123 Technology Drive, Irvine, California 92624, for the purchase of additional services related to the design of emergency call stations in a sum not exceeding $1,100,054 for a total revised contract sum not exceeding $3,800,000.

Rationale: On August 6, 2015, the Board of Trustees approved TRC Engineers, Inc. to provide security design and consulting services for projects under the 2014 General Obligation Bond Construction Program in a not-to-exceed amount of $2,500,000 through a formal Request for Qualifications process in compliance with Texas Government Code §2254.004.

The table below summarizes the original contract and amendment approved by the Board of Trustees to date. A contract amendment is now required for design services related to the emergency call stations. Both the request for qualifications process and the executed contract allow TRC Engineers, Inc. to be awarded other projects.

<table>
<thead>
<tr>
<th>TRC Engineers, Inc. Contract Summary</th>
<th>Board Approval</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original</td>
<td>8/6/2015</td>
<td>Bond Projects</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1st Amendment</td>
<td>10/3/2016</td>
<td>Mass Notification System Design</td>
<td>$199,946</td>
</tr>
<tr>
<td>Proposed Amendment</td>
<td>12/1/2016</td>
<td>Emergency Call Stations Design</td>
<td>$1,100,054</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$3,800,000</td>
</tr>
</tbody>
</table>

Fiscal Impact: Funds for this purchase are available from the General Obligation Bonds, Series 2015A.

Staff Resource: Carin Hutchins 832-813-6737
Rand Key 281-655-3701
Request: Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Utility Development Agreement for Construction Services Related to the LSC-University Park Center for Science and Innovation Water and Sewer Infrastructure

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to negotiate and execute a utility development agreement with Harris County Municipal Utility District #286 (MUD) for construction services related to the LSC-University Park Center for Science and Innovation water and sewer infrastructure in a sum not exceeding $200,000.

Rationale: The LSC-University Park Center for Science and Innovation is currently under construction. The building requires water and sanitary sewer infrastructure which will be installed by the MUD, but paid for by the College. The MUD requires that the College enter into a utility development agreement which details the requirements for development, payment, ownership and maintenance of the infrastructure.

These utilities will also serve the Instructional Arts Building, a Phase 2 project.

Fiscal Impact: Funds for this purchase are available from the General Obligation Bonds, Series 2015A.

Staff Resource: Carin Hutchins 832-813-6737
Shah Ardalan 281-290-2999
Request: Consideration of Approval to Modify the Language in the Previously Approved August 1, 2013 Agenda Item for the Purchase of Audio Visual Equipment, Installation and Integration Services, and Maintenance and Repair Services

Chancellor’s Recommendation: That the Board of Trustees approve the addition of the language below in the previously approved August 1, 2013 agenda item for the purchase of audio visual equipment, installation and integration services, and maintenance and repair services.

That the Board of Trustees authorize the Chancellor or designee to execute individual contracts in excess of $100,000, but less than $500,000, without the Board’s individual pre-approval for each such contract. Contract sums in the amount of $500,000 or more will be individually presented to the Board of Trustees for consideration of approval.

Rationale: On August 1, 2013, the Board of Trustees authorized the Chancellor or designee to negotiate and execute contracts with the vendors listed below to purchase audio visual equipment, installation and integration services and maintenance and repair services through a formal Request for Proposal process in compliance with Texas Education Code Section §44.031. The Board of Trustees approved a cumulative not-to-exceed amount of $10,000,000 over a maximum period of five years. The initial term of the contract was for two years with an option to renew for three additional one-year periods.

Total contracts approved to date by vendor are listed below. As outlined in the original agenda item, quotes were requested from all four vendors for each purchase with an estimated cost exceeding $50,000. Vendors were selected on a rotating basis for purchases which cost $50,000 or less.

<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Vendor Address</th>
<th>Total Contracts Approved to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>AVSI Group LLC</td>
<td>4464 West 12th Street, Houston, TX 77055</td>
<td>$937,054</td>
</tr>
<tr>
<td>Network Cabling Group, Inc.</td>
<td>12626 Fugua Street, Houston, TX 77034</td>
<td>$797,855</td>
</tr>
<tr>
<td>Summit Integration Systems</td>
<td>5440 Brittmoore Road, Houston, TX 77041</td>
<td>$662,462</td>
</tr>
</tbody>
</table>
Troxell Communications, Inc.
2951 Marina Bay Drive
#130, 415 League City, TX
77573

$1,292,760

| Total      | $3,690,131 |

This request is to add language regarding the limits of approval by the Chancellor or designee which were not included in the original agenda item submitted to the Board of Trustees for approval.

**Fiscal Impact:** None

**Staff Resource:**
- Link Alander 832-813-6832
- Carin Hutchins 832-813-6737
Financial Report and Consideration No. 18  (ACTION ITEM 28)  Board Meeting 12-1-16

Request: Consideration of Approval to Authorize the Chancellor or Designee to Amend the Contract with Civitas Learning, Inc. for the FY 2017 Next Generation Leadership Academy

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to amend the contract with Civitas Learning, Inc., 1145 West 5th Street, Austin, TX 78703, for the FY 2017 Next Generation Leadership Academy in a sum not exceeding $90,000 for a total revised contract sum not exceeding $1,565,000.

Rationale: The Civitas Learning Insights Platform and Frontline Applications were purchased in Fall 2014 under the Annual Purchases of Technology Hardware, Software, and Services agenda item approved by the Board of Trustees on August 7, 2014. The Civitas platform and applications focus on improving academic outcomes by bringing cross-institutional predictive analytics to faculty and advisors.

The FY 2016 Next Generation Leadership Academy curriculum and training was purchased in Fall 2015 under the Annual Purchases of Technology Hardware, Software, and Services agenda item approved by the Board of Trustees on August 6, 2015. The Civitas platform and applications are an integral part of this curriculum and training.

Both these purchases were deemed sole source in compliance with Texas Education Code 44.031 (j.1). The table below summarizes the original contract and amendment approved to date. A contract amendment is now required to purchase the FY 2017 Next Generation Leadership Academy curriculum and training.

<table>
<thead>
<tr>
<th>Civitas Learning, Inc. Contract Summary</th>
<th>Board Approval</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original</td>
<td>8/7/2014</td>
<td>Civitas Learning Insights Platform and Frontline Applications</td>
<td>$1,385,000</td>
</tr>
<tr>
<td>1st Amendment</td>
<td>8/6/2015</td>
<td>FY 2016 Next Generation Leadership Academy</td>
<td>$90,000</td>
</tr>
<tr>
<td>Proposed Amendment</td>
<td>12/1/2016</td>
<td>FY 2017 Next Generation</td>
<td>$90,000</td>
</tr>
</tbody>
</table>
Leadership Academy

<table>
<thead>
<tr>
<th>Total</th>
<th>Leadership Academy</th>
<th>$1,565,000</th>
</tr>
</thead>
</table>

**Fiscal Impact:** Funds for this purchase are included in the approved FY 2016-2017 operating budget.

**Staff Resource:**
- Gerald Napoles 281-618-5444
- Carin Hutchins 832-813-6737
Request: Consideration of Approval to Authorize the Chancellor or Designee to Amend the Contract with D2L Ltd (D2L) to Utilize the Learning Management System (LMS) for an Additional Year

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to amend the contract with D2L, 715 Saint Paul Street, Baltimore, MD 21202, to utilize the LMS for an additional year, extending the contract term from December 18, 2017 to December 17, 2018. The College will pay D2L an amount not to exceed $1,900,000 for the time period beginning December 18, 2016 to December 17, 2018, which encompasses the remaining year of the original contract and the additional year under the amendment.

Rationale: At the December 6, 2012 meeting, the Board of Trustees authorized the Chancellor or Designee to negotiate and execute a contract with D2L for the purchase and implementation of a LMS in an amount not to exceed $5,500,000 over a five year term through a formal Request for Proposals process in compliance with Texas Education Code §44.031 (a).

The College must competitively bid this service at the end of the term, but needs to first perform a comprehensive requirements analysis. The College will utilize the results and outcomes of this analysis to subsequently develop a detailed Request for Proposals for a LMS. This amendment affords the College sufficient time for planning and organizing the subsequent competitive bidding process, while maintaining continual LMS services vital to faculty, staff and students.

The table below summarizes the original contract and proposed amendment.

<table>
<thead>
<tr>
<th>D2L Contract Summary</th>
<th>Board Approval</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original</td>
<td>12/6/2012</td>
<td>LMS Services</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Proposed Amendment</td>
<td>12/1/2016</td>
<td>One Year Contract Extension</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$7,400,000</td>
</tr>
</tbody>
</table>

Fiscal Impact: Funds for this purchase are included in the approved FY 2016-2017 budget. Funds for subsequent years will be included in future proposed budgets.

Staff Resource: Alicia Harvey-Smith 832-813-6648
                Carin Hutchins 832-813-6737
Request: Consideration of Approval of the Separation Incentive Plan (SIP), administered by Public Agency Retirement Services (PARS), and to Authorize the Chancellor or Designee to Negotiate and Execute the PARS Agreement for Administrative Services

Chancellor’s Recommendation: That the Board of Trustees approve the SIP based on the terms and conditions contractually agreed upon, and authorize the Chancellor or designee to negotiate and execute the PARS agreement for administrative services.

Rationale: On May 5, 2016, the Board of Trustees authorized the Chancellor to negotiate and execute a plan description document with PARS and offer enrollment in the SIP to eligible employees. The SIP reduces the overall percentage of personnel costs, which allows the College to effectively and efficiently manage finances over the next five years. The SIP was offered to eligible employees from August 1, 2016, through September 30, 2016, and November 1, 2016 through November 14, 2016. Eligible employees agreed to a reduced number of years of separation from seven to five years. The SIP had a 12% participation rate, sufficient to meet the College’s financial goal. PARS will administer the SIP. The SIP will be effective December 31, 2016.

Fiscal Impact: With 12% participation, the expected five-year savings are estimated to be $759,000, with the majority of that occurring in year one. These savings are net of funding the plan over five years, which includes total contributions of $3,635,000 and a 5% fee to PARS of $182,000.

Staff Resource: Steve Head 832-813-6515
Mario Castillo 832-813-6655
Request: Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute two Contracts to Purchase Real Estate for the LSC-North Harris Transportation Institute and Necessary Agreements, Lease Assignments and Easements related to the Property

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or his designee to negotiate and execute two contracts to purchase adjacent parcels of real estate in Spring and Harris County, for the LSC-North Harris Transportation Institute, and to negotiate and execute any required agreements and easements with the property owners, owners associations, municipal utility district, telecommunication providers, and utility providers necessary for access and utility service to the property. The properties are approximately 20 acres and 5 acres, and will be purchased at or below fair market value for a total amount not-to-exceed $3,300,000.

Rationale: Real Estate is required for the LSC-North Harris Transportation Institute included in phase 1 of the general obligation bond program approved by the voters November 4, 2014. The Center will include classrooms, offices, a driving track and shop areas allowing students to experience real-world work environments. The System will retain professional engineering and surveying firms to perform due diligence on the property. Additionally, a market analysis and appraisal has been performed to establish the fair market value.

Fiscal Impact: Funds for this purchase are available from the General Obligation Bonds, Series 2015A. The total cost of the purchase will not exceed $3,300,000.

Staff Resource: Carin Hutchins 832-813-6737
Gerald Napoles 281-765-7999
Request: Consideration of Approval to Authorize the Chancellor or Designee to Negotiate and Execute a Contract to Retain RBC Capital Markets, LLC (“RBC CM”) as Financial Advisor for the College

Chancellor’s Recommendation: That the Board of Trustees authorize the Chancellor or designee to negotiate and execute a contract to retain RBC CM, 2800 Post Oak Blvd, Ste. 4325, Houston, Texas 77056, as financial advisor for the College for up to five years from the effective date of the agreement. In addition, that Board of Trustees authorize the Chancellor or designee to negotiate and execute letters confirming the specific arrangements of each transaction, including the fees.

Rationale: The College is periodically required to issue debt obligations to fund capital projects and facility renovations. In accordance with its plan of finance, the College also periodically pays off debt with cash, and issues debt with lower interest rates, using the proceeds to pay off existing debt with higher interest rates.

The College began using the services of RBC CM under a contract approved by the Board of Trustees January 15, 1998. As College policy now limits the term of a contract to five years, it is recommended that the College terminate the existing contract and enter into a new contract with RBC CM for up to five years.

This purchase is in compliance with Texas Education Code §44.031 (f) which allows a financial consultant, such as a financial advisor, to be procured under Texas Government Code §2254.03 based on demonstrated competence and qualifications to perform the services for a fair and reasonable price.

RBC has provided assistance with developing and implementing the College’s financing plan, and provided advice and consultation to maintain the current S&P bond ratings. The fees for services, which are the same as the original contract, are calculated based on the amount and type of debt issue proceeds using the schedule included in Appendix A. Fees paid to RBC CM for the 2016 general obligation bond, revenue bond and maintenance tax notes refinancing totaled $291,260.

Fiscal Impact: Fees and expenses associated with these services will be paid from the proceeds of future debt issues.

Staff Resource: Carin Hutchins 832-813-6737
Appendix A

Fee Schedule For Financial Advisory Services

<table>
<thead>
<tr>
<th>Obligation Proceeds</th>
<th>The Fee Is</th>
</tr>
</thead>
<tbody>
<tr>
<td>More Than $0-</td>
<td>$4,905 plus $3.34 per $1,000</td>
</tr>
<tr>
<td>More Than $2,500,000</td>
<td>$13,250 plus $1.64 per $1,000 for all over $2,500,000</td>
</tr>
<tr>
<td>More Than $5,000,000</td>
<td>$17,350 plus $1.25 per $1,000 for all over $5,000,000</td>
</tr>
<tr>
<td>More Than $10,000,000</td>
<td>$23,600 plus $1.00 per $1,000 for all over $10,000,000</td>
</tr>
<tr>
<td>More Than $20,000,000</td>
<td>$33,600 plus $0.75 per Thereafter</td>
</tr>
</tbody>
</table>

The above fee schedule does not include our expenses (i.e., travel to Issuer, telephone, copying, or personal presentation to rating agencies) for which RBC CM will be reimbursed. We anticipate all other expenses associated with a debt sale such as Bond Counsel, Paying Agent, official statement printing, rating agency fees and travel expenses incurred for a personal rating presentation, private bond insurance, etc. will be paid directly by the Issuer.

Fees for a negotiated sale, a sale involving a credit agreement, a sale of refunding obligations and obligations involving an escrow agreement will be the fee schedule set out above plus 10%. It is also understood and agreed that when appropriate under the circumstances (depending on time and resources expended in the transaction), we will charge a structuring fee to be negotiated on a case-by-case basis in an amount not to exceed 25%. In addition, should RBC CM be requested to bid/purchase investment securities, as agent, RBC CM will charge a commission to be negotiated with the Issuer.
Request: Consideration of Ratification of Appointments

Chancellor’s Recommendation: That the contractual appointments listed on the following pages be ratified for the positions indicated.

Rationale: These contractual appointments include ratification of Administrators and Faculty.

Fiscal Impact: Positions and salaries have been budgeted for 2016-2017.

Staff Resource: Mario K. Castillo 832-813-6655
a. LSC-CyFair  
Virginia Rigby, Reference Librarian/Professor  
**Effective:** 12 month contracted employee at a salary of $54,476 beginning October 17, 2016  
**Education:** M.L.S., Library Science, Indiana University-Bloomington; B.G.S., General Studies, Indiana University-South Bend

b. LSC-Kingwood  
Patricia Chandler, Campus Director, Career, Technology, & Continuing Education  
**Effective:** 12 month contracted employee at a salary of $93,736 beginning November 1, 2016  
**Education:** B.S., Business Education, Auburn University

c. LSC-Montgomery  
Tristyn Davis, Director, Admissions & Outreach  
**Effective:** 12 month contracted employee at a salary of $65,255 beginning October 16, 2016  
**Education:** B.S., Psychology, Sam Houston State University  
Matthew Samford, Director, Advising & Counseling  
**Effective:** 12 month contracted employee at a salary of $83,245 beginning October 16, 2016  
**Education:** M.A., Psychology, Houston Baptist University; B.S., Psychology, Texas A&M University  
Erma Walker, Director, Student Services  
**Effective:** 12 month contracted employee at a salary of $81,252 beginning November 1, 2016  
**Education:** M.Ed., Counselor Education, University of New Orleans; B.S., Social Work, University of Alabama

d. LSC-System Office  
Laura Brown, Director, Business Operations  
**Effective:** 12 month contracted employee at a salary of $65,255 beginning December 1, 2016  
**Education:** B.S., Business, Louisiana Tech University
Karla Crippen, Compensation Manager, Human Resources  
**Effective:** 12 month contracted employee at a salary of $63,976 beginning October 17, 2016  
**Education:** B.B.A., Management, Texas A&M University

Claudia Madrigal, Executive Director, Internal Compliance  
**Effective:** 12 month contracted employee at a salary of $84,502 beginning November 16, 2016  
**Education:** J.D., The University of Houston Law Center; B.A., Communications, Texas A&M University-College Station

e. LSC-System Office  
Barbara Winchell, System Director, Financial Aid Operations  
**Effective:** 12 month contracted employee at a salary of $84,502 beginning November 1, 2016  
**Education:** M.B.A., Mount Saint Mary College; B.S., Business Administration, Marist College

Indrani Sampathkumar, Director, Database, Technical Services  
**Effective:** 12 month contracted employee at a salary of $125,400 beginning October 16, 2016  
**Education:** M.S., Technology Management, George Mason University; B.E., Electronics and Communications, Thiagarajar College of Engineering, Tamilnadu, India

f. LSC-University Park  
Cynthia Chavez, 70% Instructor, Speech  
**Effective:** 9 month contracted employee at an annual salary of $28,946 beginning October 10, 2016  
**Education:** M.A., Communication Studies, B.A., Journalism, Public Relations/Advertising, The University of Texas- Pan American; A.A., Teaching, South Texas College
Request: Consideration of Resignations

Chancellor’s Recommendation:
That the resignations listed below be accepted and acknowledged.

LSC-CyFair
Geoffrey Rogal, Assistant Professor-Political Science
Effective November 5, 2016

Staff Resource: Mario K. Castillo

832-813-6655
Report: Construction Projects Update

The monthly construction projects update is presented for Board review.
CONSTRUCTION PROJECTS UPDATE
December 1, 2016

2014 General Obligation Bond Projects Summary

**LSC-CyFair**
- **Instruction and Student Life Building:** Glass curtain wall, interior drywall, and electrical power underground distribution are in progress. Overall project construction is expected to be complete in March 2017.
- **Cypress Center Workforce Expansion:** Construction will begin in December and is expected to be complete in June 2017.
- **Westway Park Technology Center:** The GMP is being presented for consideration of approval at the December 2016 Board of Trustees meeting. Construction is expected to be complete in summer 2017.

**LSC-Kingwood**
- **Student Services Center Expansion:** Structural steel erection is complete; roofing is in progress. Construction is expected to be complete in February 2017.
- **Process Technology Center:** Foundation, underground site utilities, and site paving are in progress. Construction is expected to be complete in August 2017.

**LSC-Montgomery**
- **Conroe Satellite Center:** Commissioning and utility connections for equipment are in progress. Construction is expected to be complete in January 2017.
- **Live Entertainment Technology Building:** Building slab is complete; metal building erection is in progress. Construction is expected to be complete in March 2017.

**LSC-North Harris**
- **Construction & Skilled Trades Technology Center:** Site utilities and paving are complete. Structural steel, roof decking, exterior wall framing, and interior piping are in progress. Construction is expected to be complete in July 2017.
- **East Aldine Satellite Center:** It is anticipated that the GMP will be presented for consideration of approval at the April 2017 Board of Trustees meeting. Construction is expected to be complete in May 2018.
- **Relocate Electrical Service Underground:** The Contractor is mobilizing. Construction is expected to be complete in April 2017.
- **Central Plant Renovations:** The GMP contract is being presented for consideration of approval at the December 2016 Board of Trustees meeting. Construction is expected to be complete in May 2017.

**LSC-Tomball**
- **Health Science Building - 3rd Floor Buildout:** Buildout of Surgical Tech area is expected to be complete in December 2016.
- **South Entrance Drive:** Bids have been received and are being evaluated. It is anticipated that the project will be presented for consideration of approval at the
February 2017 Board of Trustees meeting. Construction is expected to be complete in fall 2017.

**LSC-University Park**
- Science and Innovation Building: Roofing and exterior sheathing are complete. Erection of the front glass curtainwall, interior overhead MEP work, and partition framing are in progress. Construction is expected to be complete in May 2017.
- Building 12 & 13 Entrance Canopy and Parking: Construction will begin in December and is scheduled for an April 2017 completion.

**System-wide Security Upgrades**
- Satellite Center mass communication upgrades are complete. Security and mass notification upgrades at main campuses will be bid and contracted in two phases. They will be presented for consideration of approval at the February and March 2017 Board of Trustees meetings, with a fall 2017 completion.