

**LONE STAR COLLEGE SYSTEM DISTRICT
BOARD POLICY MANUAL
Fourth Edition**

SECTION I – GOVERNANCE

I.A. THE COLLEGE’S LEGAL STATUS

I.A.1.01. 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.1.02. 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.1.03. 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.1.04. 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.1.01. 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.

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I.B.1.02. Vision Statement

Lone Star College is recognized globally as the premier community college for student success, innovation, and partnerships.

I.B.1.03. Mission Statement

Lone Star College provides comprehensive educational opportunities and programs to enrich lives.

I.B.1.04. 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.

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- (j) **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.
- (k) **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.
- (l) **Stewardship** means the College is committed to rigorous oversight of the resources entrusted to its care and in ensuring the community's maximum benefit.
- (m) **Technology** means the College believes technology is a critical resource in supporting and achieving the College's instructional, operational, and strategic goals.

I.B.1.05. 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.1.06. 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.1.07. 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

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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.1.08. 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.1.09. 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

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(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.1.01. 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.1.02. 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.1.03. 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.1.04. 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.

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I.C.1.05. 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.1.01. 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.1.02. 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.1.03. 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.1.04. 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

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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.1.05. 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.

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- (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.1.06. 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.

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I.D.1.07. 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.1.08. 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.1.09. 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.

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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.

The College's official Board Policy Manual resides electronically on the Office of the General Counsel's public website. The Office of the General Counsel is responsible for the Board Policy Manual's accuracy and currency.

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.

ID.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

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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.

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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

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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.1.01. Policy

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

I.E.1.02. 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.1.03. 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.

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I.E.1.04. 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.1.01. 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.

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I.F.1.02. 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.1.03. 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.

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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.1.04. 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.1.05. 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

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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.1.06. 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:

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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.1.07. 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.

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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.1.08. 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.1.09. 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

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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.1.01. 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.

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(k) Trustees' first and greatest concern is College students' educational welfare.

I.G.1.02. 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.

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(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.1.03. 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.1.04. 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

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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.1.05. 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.1.06. 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.1.01. Policy

Trustees honor the responsibilities delegated to them by voters and receive reasonable support to perform their responsibilities.

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I.H.1.02. 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.1.03. 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.1.04. 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.1.05. 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.

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I.H.2. Trustee Elections and Appointments

I.H.2.01. 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.2.02. 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.2.03. 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.2.04. 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.

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I.H.2.05. 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.2.06. 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.2.07. 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.2.08. 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.2.09. 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 on the bulletin board used for posting notices of the meetings of the Board, where it

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must continuously remain through 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.

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I.H.2.14. Voting Rights Act

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

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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.3.01. 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.3.02. 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.

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(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.3.03. 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.3.04. 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.3.05. 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.3.06. 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.3.07. 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.

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I.H.4. Trustee Development and Training

I.H.4.01. 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.4.02. Definitions

(a) **THECB** means the Texas Higher Education Coordinating Board, which provides leadership and coordination for Texas's higher education system.

I.H.4.03. 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.4.04. 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.4.05. 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.

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I.H.4.06. 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.4.07. 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.4.08. 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.4.09. 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.

LSCS Policy Manual Section adopted by the Board of Trustees on December 1, 2016

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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.

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:

- 1) a completed report, audit, evaluation, or investigation made of, for, or by the

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- 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.

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

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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 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

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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 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.
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.

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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:

 - 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

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- 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

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- 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. 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.
 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.
 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 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

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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.

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 fee.
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.
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.
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.
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 otherwise subject to an executed license, sponsored research agreement, or research contract or grant.
42. 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

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the purposes of promoting scientific research and development and increasing the economic development and diversification of this state.

43. 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.
44. 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.
45. 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.
46. A sensitive crime scene image, as defined by Government Code 552.1085(a)(6), in the custody of the College.
47. 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 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

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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.

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.

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.

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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.
- (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 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.

II.A.1.19. 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

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individual requesting public information was made in accordance with the Texas Public Information Act.

II.A.2. Students' Right to Know

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.

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.

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.

II.A.3. Preservation of Records for Litigation

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.

II.A.3.02. Definitions

- (a) **Discovery** means compulsory disclosure, at a party's request, of information that relates to litigation. A request for the production of documents is one of the most common discovery devices.
- (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. 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

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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 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

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- (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.

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. Organizations seeking to conduct a raffle to benefit the College must submit a request and receive approval from the Office of the General Counsel.

LSCS Policy Manual Section adopted by the Board of Trustees on December 1, 2016

II.D. COMMUNITY USE OF COLLEGE PREMISES

II.D.1. Facility Use

II.D.1.01. 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.1.02. 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.1.03. 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

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the College's instructional mission. Separate policies govern the use of College facilities as polling places or political party conventions.

II.D.1.04. 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.

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.1.05. College Facility Use Agreement Required

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.1.06. 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

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- (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 benefiting 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.1.07. 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.1.08. 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.

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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.1.09. 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.2.01. 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.2.02. 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.
- (c) **Premises** means any real property over which the College has possession, control, or legal ownership.

II.D.2.03. 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.2.04. 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

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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.2.05. 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.2.06. 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.

LSCS Policy Manual Section adopted by the Board of Trustees on December 1, 2016

II.E. SPEECH AND CONDUCT ON COLLEGE PREMISES

II.E.1. Speech Activity on College Premises

II.E.1.01. 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

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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.1.02. 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.1.03. 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

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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.1.04. 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.2.01. 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.2.02. 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.

II.E.2.03. 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 disruption, 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. 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.

The College will establish procedures governing the notification and appeal of individuals whose consent to remain on campus has been withdrawn.

II.E.2.04. 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.

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II.F. WEAPONS ON PREMISES

II.F.1. Policy

II.F.1.01 Firearms/Weapons - Illegal

A person shall not knowingly, intentionally or recklessly go onto the physical premises or passenger transportation vehicle of the System with a firearm or any prohibited weapon listed in Penal Code 46.05(a) unless pursuant to written regulation or law, or written authorization of the System.

Violation of this law is a third degree felony. Penal Code 46.05 (See also Student Code of Conduct, Section VI. Students, of Board Policy Manual).

The physical premises of the System means any grounds or buildings owned or leased by the System, including, but not limited to, lots and land under the control of the System, or upon which a System building is located

II.F.1.02 Firearms/Weapons - Prohibited

No person shall be permitted to interfere with the normal activities, the normal occupancy or the normal use of any building or portion of campus of any school by exhibiting or using or threatening to exhibit or use a firearm or weapon.

II.F.1.03 Firearms at System Meetings

Regardless of whether the weapon is concealed or not, a person who has been issued a license to carry a concealed firearm commits an offense if he or she carries a firearm at any meeting of the System, unless otherwise allowed by state law.

II.F.1.04 Criminal Trespass

A person who carries a concealed handgun whether licensed or not onto premises to which the System has title or possession or is a holder in due course of a negotiable instrument in violation of a posted notice violates the criminal trespass statute.

II.F.1.05 Prohibition of Concealed Weapons

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Unless otherwise allowed by state law, the System may prohibit persons who are licensed to carry a concealed handgun from carrying a concealed weapon onto its premises.

II.F.1.06 System Firearms Policy

It is the policy of this System to prohibit the carrying of firearms, knives and clubs onto any of the System's facilities. The possession of firearms, illegal knives and prohibited knives on System facilities including parking areas and publicly accessed facilities is a violation of criminal law and Board policies. This prohibition includes licensed concealed handguns except as otherwise allowed by state law.

Persons who violate the law and these policies will be subject to serious consequences, including referral for criminal prosecution, dismissal from school or discharge of employment.

The System may impose the most severe sanctions available to it, including expulsion, in the case of a student, or immediate discharge, in the case of an employee, if it finds that the policy was breached intentionally or in a manner that placed in jeopardy the safety and security of the colleges or any of the persons on its premises.

The System, through its police department, publications and signage, shall inform students, employees, renters and visitors of the law and these policies.

The System shall develop procedures to permit law enforcement officers and others in similar positions, identified as exempt from these policies, to carry concealed weapons on their persons while in the actual course of duty, and in their vehicles while off duty, if required to carry such weapons by their employers.

It is the policy of this System to prohibit the carrying of firearms, knives and clubs onto any of the System's facilities.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

II.G. USE OF SYSTEM COMPUTERS

II.G.1. Use of System Computers

II.G.1.01 Policy

The System Board of Trustees reaffirms its commitment to the free and unfettered exchange of ideas that is the hallmark of an institution of higher education, and to the rights of the faculty and students to access, debate, disagree and discuss all educational

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materials without regard to the popularity or controversial nature of the ideas conveyed.

II.G.1.02 System Property

The System provides computing and network resources for the use of students, employees and others affiliated with the System for educational or System-related activities and to facilitate the efficient exchange of useful information.

Affiliation with the System includes all university students, faculty, staff, and administrators associated with or enrolled in programs delivered by partner universities at The University Center and other college sites.

Students, employees and System affiliates are encouraged to use the computers, software packages, electronic mail (e-mail), or System network and software. However, the equipment, software and network capacities provided through the System computer services are and remain the property of the System.

System users are expected to conduct themselves in compliance with all policies of the System and relevant laws of the United States and Texas and to demonstrate the same high ethical and professional manner when communicating using computing resources as is required in face-to-face or written communications.

II.G.1.03 Public Access Computer Terminals

All LSCS public access terminals are provided to support the teaching, research and educational functions of the System.

Members of the public who are not enrolled in academic and technical college-level courses will be permitted to use such facilities for research purposes only when the use does not deny a student or employee access. Any member of the public whose use is not in accord with this policy may be asked to cease use of the computer, leave the facility, and forfeit rights to utilize System computers.

Minors who are not enrolled in System academic and technical college-level courses shall only be permitted to utilize a computer that has been installed with a filtering device.

Parental or guardian permission is required for all minors who wish to enroll in academic and technical college-level courses. Such permission acknowledges that college level course work might contain materials or subject matter considered to be adult in nature.

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II.G.1.04 E-Mail Privileges

Access to the System's e-mail and similar electronic communication systems is a privilege that is extended to current employees, students and affiliates that are in good standing. The privilege of access ends with the termination of employment or the failure to reenroll in an LSCS educational program.

II.G.1.05 Confidentiality

The System cannot guarantee the privacy or confidentiality of electronic documents. Any messages or information that a person believes may be confidential by law should not be communicated over the e-mail.

The System reserves the right to access e-mail to engage in routine computer maintenance and housekeeping, to carry out internal investigations, to prepare responses to requests for public information or to disclose messages, data or files to law enforcement authorities.

II.G.1.06 Records

Messages sent as electronic mail should meet the same standards for distribution, display and retention as if they were tangible documents or instruments. As with all records maintained by the System and to the extent required by law, files saved in the System's information system, including e-mail, may be subject to release in response to a public information request.

II.G.1.07 Prohibited Use

The following conduct by computer users will be treated as a violation of this policy and may subject the user to discipline, including loss of computing privileges, up to and including termination for an LSCS employee and dismissal for a student:

- a. Anonymous or forged e-mail messages.
- b. Unauthorized attempts to access another person's e-mail or similar electronic communications or to use another's name or e-mail address, or to send unauthorized e-mail or similar electronic communications.
- c. Use of System e-mail or other network resources for commercial purposes or for personal financial gain.
- d. Attempted or actual access to a restricted computing resource without authorization or use for purposes beyond the authorization.

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- e. The transmission of copyrighted materials without the written permission of the author or creator through System e-mail or other network resources in violation of U.S. copyright law (See Copyright and Intellectual Property Subsections, Section IV. Human Resources, Board Policy Manual).
- f. Computing resources used in a manner that disrupts the work or educational environment.
- g. Intentional use of System computing resources to store, download, upload, display, print or e-mail computer images that constitute "obscene materials" as defined by Section 43.21 of the Texas Penal Code that are not directly related to or required for a specific educational course or research directly related to an educational program.
- h. The display or transmission of messages, images, cartoons or other messages or images that are sexually explicit or that demean a person on the basis of race, ethnicity, gender, national origin, disability or religion may constitute prohibited harassment. [See Policy Section IV - Human Resources]
- i. The uploading or downloading of unauthorized materials to any System server.
- j. The sharing of an account, password or other authentication device that was provided to permit access to restricted computing resources.
- k. Attempted or real access to compromise (or hack) any computing resource.

II.G.1.08 Overloading Computing Resources

Nothing in this policy shall prohibit the System or college system operator from intercepting and stopping e-mail messages, other computer programs, or websites which have the capacity to overload any computer resource. Discipline may be imposed for intentional overloading of System computer resources.

II.G.1.09 Procedure

The Chancellor, or designee, shall develop procedures for appropriate implementation of this policy.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

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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.

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.

Any interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract. Interlocal contracts may be renewed.

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.

LSCS Policy Manual Section adopted by the Board of Trustees on December 1, 2016

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. Both boards must approve the contract by resolution. The College may also enter into

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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.

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.

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II.J. COMMUNITY ACCESSIBILITY

II.J.1. Community Members with Disabilities

II.J.1.01. Policy

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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.1.02. 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.1.03. 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.1.04. 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.

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II.K. MEDIA RELATIONS AND COMMUNICATIONS

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II.K.1. Media Relations and Communications

II.K.1.01. 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.1.02. 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.1.03. 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 and issues regarding intellectual property—including trademarks—are also addressed in another policy.

II.K.1.04. 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.1.05. 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.

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II.L. ADVERTISING AND BRANDING

II.L.1. Advertising Approval

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II.L.1.01. 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.1.02. 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.1.03. 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.1.04. 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.

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II.M. RESTRICTION ON POLITICAL ACTIVITY

II.M.1. Employee Participation in Political Activity

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II.M.1.01 Participation in Partisan Politics

System employees as individuals and citizens have the right to participate in partisan political activities; however, System employees may not use time on the job or other System resources to influence the outcome of any election, including that of any state or local measure or referendum. At no time shall an employee be allowed to use his/her official title or position with the System in such activities.

II.M.1.02 Use of System Resources

An employee or Board member of the System may not spend or authorize the spending of public funds, or use of public resources, for political advertising or campaigning. Employees and Board members also may not knowingly use or authorize the use of an internal mail system for the distribution of political advertising.

II.M.1.03 Candidacy for Elective Office

Employees are not permitted to hold any federal or state elected office, nor can they file to be a candidate for such offices unless leave time for campaigning has been applied for and granted.

II.M.1.04 Information Resource

An employee may serve as a resource for information or facts as they relate to the impact on the System of any pending legislation or referendum, provided that such service has been approved by the Chancellor or designee.

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SECTION III – BUSINESS SERVICES

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

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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.

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

LSCS Policy Manual Section adopted by the Board of Trustees on February 2, 2017

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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.

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
- (f) Be prepared within the limits of revenue available.

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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.

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.

III.B.2.2. Definition

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(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.

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.

LSCS Policy Manual Section adopted by the Board of Trustees on February 2, 2017

III.C. CASH MANAGEMENT

III.C.1. Debt Management

III.C.1.01 Purpose

It is the policy of the System to establish and maintain well defined debt management guidelines for issuing new debt as well as managing outstanding debt to sustain a strong debt management program providing the lowest available borrowing costs and greatest management flexibility. The Vice Chancellor Administration and Finance/CFO is responsible for establishing and maintaining Debt Management Procedures for the System.

III.C.1.02 Scope

The System's Debt Management Procedures apply to all debt instruments issued by the System regardless of the purpose for which issued or the funding source for repayment including but not limited to main funding sources:

- 1.) General Obligation Bonds (Voted)
- 2.) Maintenance Tax Notes (Non-Voted)
- 3.) Revenue Bonds (Non-Voted)
- 4.) Lease Revenue Bonds (Non-Voted, subject to annual appropriations)

III.C.1.03 Alternative Structures

The System will not use alternative methods of financial management products such as interest rate swaps, derivatives, etc. in connection with the outstanding debt and bonds issued under the System's Debt Management Procedures.

III.C.1.04 Maturity Levels

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The term of debt shall not exceed 30 years. The average (weighted) bond maturities shall be kept at or below 25 years.

III.C.1.05 Operating Fund Balance

The System shall maintain an unrestricted operating fund balance. The fund balance shall be a reserve fund to enable the System to respond positively to unexpected variations in cash flow, financial emergencies, and expenditures deemed to be critical to the mission and purposes of the System. All expenditures from operating fund balances must be approved by the Board of Trustees. The range of fund balance to be maintained shall be determined annually by the Board with consideration given the guidelines promulgated by credit rating agencies (e.g. Moody's, Standard & Poor's) to ensure the System's favorable credit ratings.

III.C.1.06 College Fund Balance

Operating fund balances derived from savings realized at the end of each fiscal year may be established for individual colleges at the end of each fiscal year. Items for which the colleges may expend from fund balances must be reviewed in advance by the Chancellor, and approved by the Board of Trustees. Expenditures may only be made if the System operating fund balance is at the funding level designated by the Board of Trustees.

LSCS Policy Manual Section adopted by the Board of Trustees on June 3, 2010

III.C.2. Investment Management

III.C.2.01 Investment Management

It is the policy of the System that after allowing for the anticipated cash flow requirements of the System and giving due consideration to the safety and risk of investment, all available funds, as reported in the System's annual financial report, shall be invested in conformity with this Investment Policy and governing statutes, seeking to safeguard assets, maintain liquidity and optimize investment earnings.

Effective cash management is recognized as essential to good fiscal management and investment interest serves as a source of revenue to the System. The System's investment portfolio shall be designed and managed in a prudent manner to obtain reasonable revenue within the limitations of the System's cash flow needs, to be responsive to public trust and to be in compliance with legal requirements and limitations.

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Investments shall be made with the following objectives in priority order:

- a. Safety and preservation of principal;
- b. Maintenance of sufficient liquidity to meet operating needs;
- c. Diversification;
- d. Public Trust; and
- e. Optimization of earnings in the portfolio (Yield).

This Investment Policy extends to all financial assets under the direct control of the System.

III.C.2.02 Purpose

The purpose of this Investment Policy is to comply with the Public Funds Investment Act Chapter 2256 of the Texas Government Code (the “Act”), which requires that the System annually adopt a written investment policy regarding the investment of its funds and funds under its control. This Investment Policy addresses the methods, procedures and practices that must be exercised to ensure effective and judicious fiscal management of the System’s funds.

III.C.2.03 Strategy

The overall objective of the Investment Policy is to ensure that System financial assets are properly safeguarded, provide sufficient liquidity and diversification, and produce a reasonable rate of return while enabling the System to react to changes in economic and market conditions.

The longer the maturity of investments, the greater the price volatility. Therefore, the System concentrates its investment portfolio in short and intermediate-term investments to limit market risk caused by changes in interest rates. The System attempts to match its investments with 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 System will not invest in investments maturing more than three years from the date of purchase.

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment

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risk constraints and the cash flow needs. "Weighted Average Yield to Maturity" shall be the standard for calculating portfolio rate of return.

The System commingles its operating, reserve and trust and agency funds into one investment portfolio for investment purposes of efficiency, accurate distribution of earnings and maximum investment opportunity. Although commingled, the System recognizes the unique characteristics and needs of the individual funds in its strategy statement and in the management of the funds. The maximum dollar weighted average maturity (WAM) of the entire commingled portfolio reflecting cash flow needs shall be no greater than one year and the corresponding benchmark for the commingled portfolio shall be the comparable one year US Treasury security.

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

III.C.2.04 General Fund

The General Fund includes all operating funds of the System including, but not limited to, the general fund, payroll fund, technology fund, student activity fee fund, repair and replacement fund, and the auxiliary fund. The primary investment strategy for this fund is to assure the preservation and safety of principal; and, secondly, to match anticipated cash flows with adequate investment liquidity. These objectives shall be accomplished by purchasing high credit quality, short- to intermediate term investments matching cash flow requirements. All investments authorized by the Investment Policy are suitable. Funds not needed for short-term cash flow requirements will be invested in diversified instruments with diversified maturities and be readily marketable in the secondary market or, in the case of Certificates of Deposit, redeemable with or without penalty. Yield will be enhanced by the use of maturity extensions available within the confines of accurate cash flow projections and market cycle timing. Based on ongoing cash flow needs, the maximum weighted average maturity shall be one year. The maximum stated maturity will be three years.

III.C. 2.05 Restricted Fund

The Restricted Fund includes local, state and federal grant funds as well as funds from other sources that are restricted for instructional use. The primary objectives are safety and liquidity sufficient to meet anticipated cash flow requirements as well as yield optimization. These objectives shall be accomplished by purchasing high-credit quality, short-term investments, diversified by instrument and maturity, and matching the maturity of the investments with anticipated liabilities. Funds not needed for short-term cash flow requirements will be invested in diversified instruments with diversified maturities and be readily marketable in the secondary market or, in the case of Certificates of Deposit, redeemable with or without penalty. All investments

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authorized by the Investment Policy are suitable. 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. The maximum stated maturity will be two years.

III.C.2.06 Capital Projects

The primary investment objective for the Capital Projects Fund is preservation and safety of principal. In addition, the System will seek to match cash flows from maturities and earnings of diversified investments to anticipated needs while obtaining a reasonable market yield. Considering the appropriate risk constraints, investments will be made in an attempt to attain a rate equal to or above the arbitrage yield in order to avoid negative arbitrage. These objectives shall be accomplished by purchasing high-credit quality, short and intermediate-term investments with maturities closely matching the projected cash flow schedules. Funds not needed for short-term cash flow requirements will be invested in diversified instruments with diversified maturities and be readily marketable in the secondary market or, in the case of Certificates of Deposit, redeemable with or without penalty. All investments authorized by the Investment Policy are suitable. The maximum maturity of an individual security shall not exceed the shorter of the planned expenditure span of the funds or the maximum number of years allowed as stated in C.2.03.

III.C.2.07 Debt Service

The investment strategy for the Debt Service Fund has as its primary objective the preservation and safety of capital while optimizing yield in order to fund debt service payments in accordance with provisions in the bond documents. Funds not required for immediate liquidity shall be invested in diversified instruments. All investments authorized by the Investment Policy are suitable. Each successive debt service payment shall be fully funded before extensions are made. The maximum maturity of an individual security shall not exceed three years and the maximum weighted average maturity of one year.

III.C.2.08 Trust and Agency Fund

The Trust and Agency Fund is comprised of local scholarship funds, club funds, and other funds for which the System acts as fiduciary and which have short average lives and high liquidity needs. The primary objectives are safety, liquidity, diversification and yield. These objectives shall be accomplished by purchasing high credit quality, short-term investments and utilizing cash equivalent investment for liquidity. All investments authorized by the Investment Policy are suitable. The maximum maturity shall be one year and the maximum weighted average maturity six months.

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III.C.2.09 Prudent Person Rule

Investments shall be made, considering prevailing internal and market circumstances, which persons of prudence, discretion, and intelligence would exercise in the management of their own affairs not for speculation, but for investment, and considering the probable safety of capital as well as probable income from an investment decision.

In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall take into account the investment of all funds rather than a single investment, and, whether the investment decision was consistent with the System's Investment Policy.

III.C.2.10 Downgrades

Not less than quarterly, the Investment Officers will obtain from a reliable source the current credit rating for each held investment that has a PFIA-required minimum rating. The Investment Officers will 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 System funds. It is the policy of the System to liquidate as quickly as is prudently possible any investment that becomes unauthorized or loses its required credit rating while held in the System's portfolio.

III.C.2.11 Delegation of Responsibility

Authority to manage the System's investment program is derived from and delegated pursuant to provisions of the Act.

III.C.2.12 Investment Officers

The Board designates the Vice Chancellor for Administration and Finance/CFO, the Associate CFO, and the Associate Vice Chancellor for Administration and Finance as the System's Investment Officers. Management responsibility for the investment program is hereby delegated to the Investment Officers. The Investment Officers shall exercise judgment and care, under prevailing circumstances, which a prudent person would exercise in the management of the person's own affairs, but the Board retains ultimate fiduciary responsibility.

The Investment Officers shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinates. The Investment Officers will report quarterly to the Board on investment results and annually on counter-parties used in the process.

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No person may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Investment Officers. Investment Officers acting in good faith and in accordance with these Policies and Procedures shall be relieved of personal liability.

III.C.2.13 Capability of Investment Officers

The System shall provide access to periodic training in investments for Trustees and Investment Officers and other investment personnel through courses and seminars offered by professional organizations, associations, and other independent sources in compliance with the Act to insure the quality and capability of investment management.

III.C.2.14 Training

Members of the Board of Trustees and Investment Officers shall acquire at least the minimum hours of investment training required by the Texas Higher Education Coordinating Board within 6 months after taking office or assuming duties. Training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Act. Thereafter, Investment Officers shall additionally complete at least the minimum required hours of training not less than once each state fiscal biennium. Training must be obtained from an independent source approved by the Board. The list of approved Training Sources is *Attachment I* of this Section.

The Investment Officer shall prepare a report on the provisions of the Act and deliver it to the Board no later than the 180th day after the 1st day of each regular session of the Legislature.

III.C.2.15 Ethics and Disclosure of Conflicts of Interest

Investment Officers and employees of the System involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions.

All Investment Officers shall provide complete disclosure related to potential conflicts of interest annually or as conditions change. Investment Officers must file a disclosure statement with the Texas Ethics Commission and the Board if:

1. The officer has a personal business relationship with a business organization offering to engage in an investment transaction with the System; or

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2. The officer is related within the second degree by affinity or consanguinity, as determined by Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the System.

III.C.2.16 Investment Providers

The Investment Officers shall obtain and maintain information on all financial institutions and brokers/dealers authorized to transact financial transactions with the System. The information shall include the following, as applicable:

1. Audited annual financial statements;
2. Proof of Financial Industry Regulatory Authority membership and CRD number (as applicable);
3. Proof of registration with the Texas State Securities Board (as applicable); and
4. Completed System questionnaire.

All investment providers (including but not limited to, financial institutions, broker/dealers, investment pools, mutual funds, and investment advisors) shall provide a certification that the authorized representative of the firm has received and thoroughly reviewed the System's current Investment Policy. This statement shall certify that the firm has implemented reasonable procedures and controls in an effort to preclude transactions conducted with the System not authorized by the Investment Policy except to the extent that this authorization is dependent on the analysis of the makeup of the System's entire portfolio or requires interpretation of subjective investment standards.

III.C.2.17 Annual Review

The Investment Officers shall annually submit a list of brokers/dealers for Board approval. These institutions shall be selected for service, market involvement, and credit worthiness and be authorized to provide brokerage services. These may include primary dealers and regional dealers that qualify under the Securities and Exchange Commission uniform net capital rule (Rule 15C3-1).

The Investment Officers shall annually review and evaluate the firms authorized to enter into investment transactions with the System. The following minimum criteria may be included in the review and evaluation:

1. Number of transactions competitively won/attempted;

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2. Prompt and accurate confirmation of transactions;
3. Efficiency of transaction settlement;
4. Accuracy of market information; and
5. Account servicing.

Subsequent to the review and evaluation, the Investment Officers shall recommend to the Board a list of firms to be authorized to enter into investment transactions with the System for the following year.

III.C.2.18 Authorized Investments

The following are authorized investments:

1. Obligations of the United States of America or its agencies and instrumentalities, excluding mortgage backed securities (MBS);
2. Certificates of Deposit, and other forms of deposit, issued by a depository institution that has its main office or a branch office in Texas and that is guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or secured by obligations in a manner consistent with state law and the Investment Policy;
3. 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 that are fully guaranteed or insured by the Federal Deposit Insurance Corporation, but excluding mortgage backed securities;
4. Direct obligations of the State of Texas, or its agencies and instrumentalities;
5. Obligations of states, agencies, counties, cities, and other political subdivisions of any State having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than "A" or its equivalent;
6. 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 shall be held in the System's name, deposited at the time the investment is made with the System, and held by an

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independent custodian approved by the System. 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 shall have a continuous market value greater than or equal to 102 percent. The transaction shall have a maximum maturity of 120 days, except flexible repurchase agreements used for bond proceeds. The maximum maturity for a flexible repurchase agreement shall be matched to project cash flow projections and the requirements of the governing bond ordinance;

7. SEC registered Money Market Mutual Funds continuously rated AAAM or an equivalent rating by at least one nationally recognized rating service and in compliance with the requirements of the Act;
8. Local government investment pools in Texas which, 1) meet the requirements of the Act, 2) are rated no lower than AAA, or an equivalent rating, by at least one nationally recognized rating service and 3) are authorized by resolution of the Board;
9. Commercial paper with a maximum maturity of 180 days, rated A1/P1, or an equivalent, by at least two nationally recognized credit rating agencies;
10. Other types of investments which may be authorized by statute are not authorized for investment by the System until the Investment Policy is amended and adopted by the Board.

The following are not authorized investments:

1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no interest;
2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
3. Collateralized mortgage obligations that have a stated final maturity of greater than 10 years; and
4. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

III.C.2.19 Collateralization

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Consistent with the requirements of the Public Funds Collateral Act (Texas Government Code §2257), it is the policy of the System to require full collateralization of all uninsured System financial institution deposits. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102% of market value of principal and accrued interest on the deposits less an amount insured by the FDIC.

Securities pledged as collateral shall be held by an independent third party bank outside the holding company of the pledging bank, approved by the System, and under a mutually agreeable custodial agreement.

The designated Investment Officers are authorized to execute depository and/or custodial agreements. The agreements shall specify the acceptable securities for collateral, including provisions relating to possession of the collateral, the substitution or release of securities with prior System approval, documentation of the pledge of securities, and the monthly reporting on the valuation of collateral. Original evidence of pledges (safekeeping receipts) must be supplied to the System and retained. The financial institution shall be contractually liable for monitoring and maintaining the required collateral and collateral margins at all times.

Additionally, a depository agreement shall define the System's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, specifically:

1. the agreement must be in writing;
2. the agreement has to be executed by the financial institution and the System contemporaneously with the acquisition of the asset;
3. the agreement must be approved by the Board of Directors or designated committee of the financial institution and a copy of the meeting minutes must be delivered to the System; and
4. the agreement must be part of the depository's "official record" continuously since its execution.

III.C.2.20 Authorized Collateral

The System authorizes only the following types of collateral:

1. Obligations of the United States or its agencies and instrumentalities including mortgage backed securities which pass the high-risk mortgage obligation test;

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2. Direct obligations of the State of Texas or its agencies and instrumentalities;
3. Obligations of states, agencies, counties, cities and other political subdivisions of any state rated as to investment quality by a nationally recognized rating firm not less than A or its equivalent; and
4. Letters of Credit issued by the United States or its agencies and instrumentalities.

All collateral shall be subject to inspection and audit by the System's internal audit staff or by its independent auditors on a reasonable basis.

III.C.2.21 Independent Third Party

All securities owned by the System and collateral pledged to the System shall be held by independent third party custodians approved by the System and held in the System's account as evidenced by original safekeeping receipts of the institution with which the securities are deposited.

III.C.2.22 Delivery versus Payment

All security transactions, including repurchase agreements, shall be executed on a delivery versus payment basis.

III.C.2.23 Competitive Environment

A competitive environment shall be established for all investment activities, including but not limited to, analysis of implemented strategies, review of investment alternatives, monitoring of market conditions, solicitation from multiple investment providers, adherence to applicable "bona fide solicitation" rules, and overall performance evaluation.

Comparison and evaluation of comparables, but not formal bidding, may be used to invest in financial institution deposits, money market mutual funds or local government investment pools.

Bids/offers may be solicited orally, in writing or electronically for securities and Certificates of Deposit. Records of the prices/levels (bid and/or offered and accepted) shall be maintained.

III.C.2.24 Diversification

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The System recognizes that investment risks can result from issuer defaults, market price changes, or various complications leading to temporary illiquidity. Market risks are managed through portfolio diversification that shall be achieved within the following general guidelines:

- a. Where appropriate, limiting investments to avoid over concentration in investments from a specific issuer or business sector;
- b. Limiting investments with higher credit risk (such as commercial paper);
- c. Investing in instruments with varying maturities and in accordance with the System's cash flow projections; and
- d. Continuously investing a portion of the portfolio in readily available funds such as local government investment pools, financial institution deposits, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

To assure diversification of the portfolio and reduce market risk, the following maximum limits (at time of purchase) by instrument are established for the System's total portfolio:

US Treasury Obligations - - - - -	90%
US Agencies and Instrumentalities - - - - -	90%
Certificates of Deposit - - - - -	90%
Repurchase Agreements (excluding bond proceeds) - -	50%
Flexible Repurchase Agreements (bond proceeds) - - -	100%
Investment Pools - - - - -	100%
Municipal Securities - - - - -	30%
Commercial Paper - - - - -	25%
Commercial Paper by issuer - - - - -	5%

III.C.2.25 Internal Controls

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The internal control structure shall be designed to provide reasonable assurance that System funds are protected from loss, theft, or misuse. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived and the valuation of costs and benefits requires estimates and judgments by management.

The internal controls established for the cash management and investment process shall address the following points at a minimum:

1. Complete documentation of all transactions;
2. Control of collusion;
3. Separation of accounting and record keeping;
4. Custodial safekeeping;
5. Clear delegation of authority to subordinate staff members;
6. Written confirmation for all transactions;
7. Timely reconciliation of transactions;
8. Assurance of delivery versus payment and competitive bidding.

III.C.2.26 Compliance Audit

In conjunction with the audit, the Vice Chancellor for Administration and Finance/CFO shall establish a process for independent review at least once every two years by an external auditor to assure compliance with policies and procedures. Not later than January 1 of each even-numbered year, the System shall report the results of the most recent audit performed to the state auditor.

III.C.2.27 Monthly Reporting

The Investment Officers shall prepare a monthly report on all investment positions as of the close of business for the prior month. The report shall be provided to the board as an integral part of the monthly financial reports.

III.C.2.28 Quarterly Reporting

The Investment Officers shall prepare, sign and present an investment report to the Board on a quarterly basis that summarizes investment strategies employed in the most

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recent quarter, details the portfolio in terms of investment and earnings, and summarizes the overall strategy for the period.

The quarterly investment report shall include a summary statement of investment activity prepared in compliance with the Act. The reports will be prepared in a manner that will allow the reader and the System to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report will include the following at a minimum:

1. A detailed listing of individual investments and depository accounts by maturity date at the end of the reporting period;
2. A summary of the portfolio by market sectors and maturities;
3. The beginning and ending book and market values of each security and position by the type of asset and fund type invested;
4. Unrealized market gains or losses at the end of the period;
5. The account or fund or pooled group fund for which each individual investment was acquired;
6. Average weighted yield to maturity of the portfolio as compared to its benchmark;
7. Net accrued investment earnings for the reporting period;
8. Diversification by market sectors; and
9. A statement of compliance with the Act and the System's Investment Policy and strategy as approved by the Board.

III.C.2.29 Annual Reporting

As required by the Texas State Auditor's Office and in accordance with the General Appropriations Act, Article III, Rider 5 – Investment Reports, the System shall file 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. Copies of such reports shall be available for public inspection. In addition the annual investment report shall be posted on the System's website by December 31 of each year.

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III.C.2.30 Market Values

Market values used in the monthly and quarterly reports will be obtained from reputable and independent sources. Information sources may include: financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisors, and representatives/advisors of investment pools or money market funds.

III.C.2.31 Annual Policy Review and Adoption

The Board of Trustees, not less than annually, shall adopt by resolution the System's Investment Policy and incorporated investment strategy. The adopting resolution shall state any changes made to either the Investment Policy or strategies. Material changes to the Investment Policy will require re-certification by financial firm.

LSCS Policy Manual Section adopted by the Board of Trustees on November 3, 2016

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Attachment I - Approved Training Sources

- *Texas Higher Education Coordinating Board*
- *Texas Association of Community College Business Officers*
- *Government Finance Officers' Association*
- *Government Finance Officers' Association of Texas*
- *Government Treasurers' Organization of Texas*
- *City Managers' Association*
- *Texas Municipal League*
- *Council of Governments*
- *University of North Texas Center for Public Management*
- *American Institute of Certified Public Accountants*
- *Association of Governmental Accountants*
- *Texas Society of Certified Public Accountants*
- *Texas State Board of Public Accountancy*

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III.C.3. Depository of Funds

III.C.3.01 Collateralization of Funds

The System elects, consistent with the Public Funds Collateral Act (Texas Government Code Section 2257), to have depository institutions pledge eligible securities, as defined by the System's Investment Policy as collateral for deposits rather than surety bonds.

All approved securities provided as security will be held by a Federal Reserve Bank or a federally insured financial institution acceptable to the System and the Depository as a third party custodian, subject to a written tri-party agreement. Depository institutions may also use a custody agreement with the Federal Reserve Bank as defined in Operating Circular 7.

III.C.3.02 Optional Services

The System may include in the contract for depository services provisions for the depository institution to provide services other than traditional demand deposit services. The System may allow the Depository institution to provide services such as provision of Automatic Teller Machines (ATM's) on System premises; electronic check conversion services; merchant processing services; provision of declining balance debit cards to augment System programs to expand electronic funds transfers; courier or armored car services; remote check acceptance services, or any other service as deemed appropriate by the System.

LSCS Policy Manual Section adopted by the Board of Trustees on June 3, 2010

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.

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- (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.
- (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. 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.
- (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 officer of the College; or
 - (3) an agent of the College who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.
- (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.

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;

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- (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. 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 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.

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.

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- (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.

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

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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.

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.

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.

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

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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. 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.

III.D.2.3. Procedures

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.

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:

1. Competitive bidding for services other than construction services;

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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.

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.

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.

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

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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.

(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. 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.

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.

(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.

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(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. Purchases and/or leases of computer equipment through public bids or proposals must be in accordance with applicable rules adopted by the Texas Comptroller pertaining to competitive bidding or competitive sealed proposals.

(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.

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.

III.D.2.10. College Criteria for Awarding Contracts

In awarding a contract, the College must consider:

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- (a) purchase price, including delivery and installation;
- (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.

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; or

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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; 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.

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. 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.

LSCS Policy Manual Section adopted by the Board of Trustees on February 2, 2017

III.E. FACILITIES

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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

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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.

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.

LSCS Policy Manual Section adopted by the Board of Trustees on February 2, 2017

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.

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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 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.

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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.

LSCS Policy Manual Section adopted by the Board of Trustees on February 2, 2017

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.

LSCS Policy Manual Section adopted by the Board of Trustees on February 2, 2017

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III.H. AUDITING

III.H.1. External Audits

III.H.1.01 Independent Auditor

An independent auditor shall be approved and retained by the Board. Following retention, the independent auditor shall function in cooperation with, but independent of, the Chief Financial Officer and staff.

III.H.1.02 Scope of Services

The independent auditor is engaged to conduct an examination of the financial statements of the System in accordance with generally accepted auditing standards and Government Auditing Standards issued by the Comptroller General, and to express an opinion as to the fairness of the financial statements in conformity with generally accepted accounting principles.

In accordance with Government Auditing Standards, the independent auditor shall also issue a report on his/her consideration of the System's internal control over financial reporting, and his/her tests of its compliance with certain provisions of law, regulations, contracts and grants.

The independent auditor may meet with the Board Audit Committee to discuss the audit plan, results and other related matters.

The independent auditor may not be engaged to perform the non-audit services listed below:

- i. Bookkeeping;
- ii. Financial information systems design, implementation or operation;
- iii. Appraisal or valuation services;
- iv. Actuarial services;
- v. Internal audit outsourcing services;
- vi. Management functions or human resources services;
- vii. Investment banking services; and

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viii. Legal services

III.H.1.03 Term of Service

The Board shall periodically competitively procure independent audit services.

The Board shall engage independent auditors for a maximum period of five years. However, the Board shall retain the right to terminate the engagement at any time, upon due notice.

An independent auditor engaged in a current term is eligible to respond to a request for proposal for a subsequent term.

The Board, in consultation with the Chief Financial Officer and staff, shall evaluate the independent auditor annually.

III.H.1.04 Annual Audit Report Filing

An annual audit report for the fiscal year ending August 31 shall be filed with the Coordinating Board on or before January 1 following the close of the fiscal year for which the audit was made. A minimum of three copies of the audit shall be submitted to the Coordinating Board. Copies of the audit shall be submitted to any other agency or individual requesting such report.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

III.H.2. Internal Audits

III.H.2.01 Internal Auditor

A director of internal audit shall be retained by the System to manage the internal audit function.

III.H.2.02 Mission

The mission of the Internal Audit Department is to provide independent, objective assurances and consulting services designed to add value and improve the System's operations. Internal audit should assist the System in accomplishing its objectives by bringing a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control, operational and governance processes.

III.H.2.03 Purpose, Authority and Responsibility

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The internal auditors shall perform their work in accordance with the International Standards for the Professional Practice of Internal Auditing (Standards). The purpose, authority, and responsibility of the internal audit function shall be formally defined in a charter, consistent with the Standards and approved by the Board.

Periodic internal and external quality assessments and ongoing internal monitoring should be part of a quality assurance and improvement program designed to help the internal auditing activity add value, and improve the System's operations. Final communication of engagement results should be issued, and where appropriate, include the internal auditor's overall opinion and/or conclusions.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

III.H.3. Fraud

III.H.3.01 Fraud Prevention

College managers with supervisory or review authority have the following responsibilities:

- i. Each supervisor shall become aware of what can go wrong in their area of authority.
- ii. Each supervisor shall put into place and maintain effective monitoring, review, and control procedures that will prevent acts of wrongdoing.
- iii. Each supervisor shall put into place and maintain effective monitoring, review, and control procedures that will promptly detect acts of wrongdoing should prevention efforts fail.

Accountability for the effectiveness of these responsibilities cannot be delegated and shall remain with the supervisors and managers.

III.H.3.02 Fraud Definition

The College prohibits fraud and financial impropriety in the actions of its trustees, employees, vendors, contractors, consultants, volunteers, and others seeking or maintaining a business relationship with the College.

Fraud and financial impropriety shall include, but not be limited to:

- i. Forgery or alteration of a check, bank draft, or other financial document or account belonging to the College;
- ii. Falsifying time sheets, expense reports, or other report documents;

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- iii. Misappropriation of funds, securities, supplies, or other assets;
- iv. Impropriety in handling or reporting money or financial transactions;
- v. Profiting as a result of insider knowledge of College activities;
- vi. Disclosing confidential or proprietary information to outside parties;
- vii. Accepting or seeking anything of material value from vendors or persons providing services/materials to the College, with the exception of a perishable gift less than \$50 in value intended for a group of employees—provided, however, that an employee may, at the direction of the appropriate College manager, accept an invitation to attend a seminar or training program relevant to his or her job if the employee does not exercise discretion over pecuniary transactions between the College and the entity waiving the seminar or training program’s tuition and/or paying for related expenses. For any such seminar or training program, the College may accept a tuition waiver along with related transportation, lodging, and meal expenses for the employee to the extent that the College otherwise would pay for these expenses;
- viii. Destruction, unauthorized modification, or disappearance of records, furniture, fixtures, or equipment; and
- ix. Any similar or related irregularity to those mentioned in this section.

III.H.3.03 Investigation Responsibilities

The Internal Audit Department is responsible for the initial investigation and shall promptly notify the Location Executive Officer (LEO), General Counsel, and the Vice Chancellor for Administration and Finance/Chief Financial Officer of the review initiation. 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, he or she shall not be involved in the administrative oversight or reporting of the investigation. Once a factual investigation establishes fraud, the College’s General Counsel and Chief Financial Officer shall communicate the fraud to the Chancellor, and the Chancellor, in turn, shall communicate the findings to the Board of Trustees Audit Committee.

Decisions to prosecute or to turn the matter over to law enforcement authorities and/or regulatory agencies for independent investigation, and all final decisions regarding the disposition of the case, shall be made by the Chancellor, in consultation with the Board of Trustees.

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Decisions regarding the continuing employment of persons who are involved in, or who failed to take appropriate action to protect against dishonest or fraudulent conduct, shall be made in accordance with Board Policies regarding discipline and discharge.

III.H.3.04 Non-Retaliation

Any employee or student who reports suspected fraudulent activity in good faith shall be protected against any retaliation for making such a report. The reporting member of the College community shall refrain from confrontation with the suspect, further examination of the incident, or further discussion of the incident with anyone other than the employee's or student's supervisor or others involved in the resulting review or investigation. Persons found to be making frivolous claims under this Policy will be disciplined, up to and including discharge of employment for an employee, or expulsion from the College for a student.

III.H.3.05 Confidentiality

The Director of Internal Audit may accept and initiate an investigation, on a confidential basis, from a College employee or student who suspects dishonest or fraudulent activity. Results of investigations conducted by the Internal Audit Department shall be disclosed to and discussed with only those persons associated with the College who have a legitimate need to know for the performance of their job duties and responsibilities.

LSCS Policy Manual Section adopted by the Board of Trustees on June 2, 2016

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SECTION IV – HUMAN RESOURCES

IV.A. HIRING EMPLOYEES

IV.A.1. Hiring Practices

IV.A.1.01 Promotion, Job Posting, Classification

The System is committed to filling all positions with qualified candidates. The System will attempt to promote qualified employees from within the System when it is in the best interest of the System to do so. All other new and vacant full-time positions will be advertised and posted.

IV.A.1.02 Fair Employment Practice

The System shall follow lawful hiring practices in the recruitment, selection, and employment of personnel. The System seeks to employ staff and faculty with diverse backgrounds and perspectives to permit a broad and multi-cultural educational experience.

IV.A.1.03 Employment

Initial, renewal, and promotional employment of all contractual personnel shall be approved by the Chancellor and ratified by the Board.

IV.A.1.04 Re-employment

With the exception of an employee who departs employment under a Reduction in Force, any former employee rehired by the System after a break in service of twelve months or more shall forfeit accumulated sick leave, credit for prior service, and any salary increase which might have been earned during continued employment.

Any former employee who was discharged for cause under F.13.02 (discharge for cause), or F.13.03 (immediate discharge) or whose contract was not renewed is not eligible for re-employment.

IV.A.1.05 Selection Guidelines

All managers shall adhere to procedures established by System Human Resources in the selection of all employees. The Board may establish criteria for the selection of the Location Executive Officers, and may further establish special procedures and criteria for other positions as so designated.

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IV.A.1.06 Nepotism

The System may not employ a person hired as an individual or an independent contractor if he or she is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the Board of Trustees unless the person was already employed by the System before the election or appointment of the Board member and the person's prior employment was continuous for at least thirty (30) days (if the public official was appointed) or at least six (6) months (if the public official was elected).

An employee may not directly supervise a family member. A family member is defined as husband, wife, child (natural, foster, step, adopted), parent (natural, step or adoptive), grandmother, grandfather, grandchild, sister, brother, niece nephew, aunt, uncle or in-laws in the same degree of relationship as listed above or domestic partner. An employee may not serve in the direct line of supervision over family member unless conflicts are resolved and approved by the LEO.

IV.A.1.07 Pre-Employment Physical

The recommended candidate hired into any position that has been identified as requiring a pre-employment physical must be referred to a System-recommended physician to undergo a physical examination to determine if he or she may safely perform the essential functions of the position, prior to commencing work for the System. The physician shall communicate directly with the System Office Human Resources Department concerning any physical restrictions which apply to each such prospective employee.

IV.A.1.08 Reference Checks/Identification Badges

Prior to making a job offer to any candidate for employment, the hiring manager must conduct reference checks. The hiring manager should contact persons or entities that the hiring manager believes to be familiar with the candidate's work history, or work-related skills, knowledge, and experience.

Prior to making a job offer to any candidate for employment as a peace officer, the System Director of Public Safety shall ensure the completion of a comprehensive review of the candidate's employment history, including a review of the records maintained by the Texas Commission on Law Enforcement (TCLEOSE)-and by each law enforcement agency for which the candidate has previously worked.

The System will provide all part-time and full-time peace officers who provide services for the System with identification badges as required by state law.

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IV.A.1.09 Criminal Background Checks

Each applicant for employment as a student worker, part-time employee, full-time employee or volunteer is required to complete the section of the application or designated release form concerning his or her criminal history prior to performing any type of work in the System.

Prior to commencing employment or volunteer work, the recommended candidate for any LSCS position shall be required to successfully complete a criminal background check, which may also include a fingerprint check.

The LSCS police department or an outside contracted company will collect available crime record information to determine if any selected candidate for a position has a criminal history before a final job offer is made to the candidate.

If records are found that document the candidate has been convicted of or received deferred adjudication for a crime, the records will be reviewed by Human Resources and the Location Executive Officer (LEO), to determine whether the person will be approved for hiring.

The fact that a person has been convicted of a misdemeanor or a felony will not necessarily disqualify him or her from employment with the System, but the responsibilities of the position, the nature of the crime, the length of time since conviction, and record of the candidate since the conviction will be considered.

Any persons, including volunteers, who are identified to work with programs or activities with a special focus on service for minor children must have a comprehensive criminal background check completed prior to commencing any duties with children. No person shall be hired if his or her background reflects a conviction for a child related sexual or predatory offense. For the persons who may work with minor children, the term "conviction" means entering a plea of nolo contendere, a plea of guilty, or being found guilty of the crime. Receiving deferred adjudication is also considered a "conviction."

IV.A.1.10 Other Review of Background

Additional background checking may be conducted, according to the specific security concerns of a position; however, when such is required, the job posting shall so notify all applicants.

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IV.A.1.11 Fair Credit Reporting Act

Whenever LSCS procures a consumer report from a third party company (to include but not limited to criminal background check, sanctions check, educational, and work history) and the applicant is denied employment, either wholly or partly, because of information contained in a consumer report, a disclosure will be made to the candidate of the name and address of the consumer reporting agency making such report. The candidate will be provided a copy of the report and a statement of applicable consumer rights.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.A.2. Credentials, Records and Confidentiality

IV.A.2.01 Credentials

Each successful applicant selected to serve as an adjunct instructor, faculty member, administrator, Location Executive Officer (LEO), or Chancellor must promptly submit to his or her hiring manager transcripts and other required credentials. The chief instructional officer at each college shall be responsible for verifying that all faculty, including adjunct faculty members, meet all requirements of Southern Association of Colleges and Schools (SACS) and the Texas Higher Education Coordinating Board (Coordinating Board). The LEO may authorize the submission of credentials after commencing work for the System in unusual circumstances. Failure to submit the official credentials by the end of the new employee's first semester or the presence of any misrepresentation of credentials or on the applicant's resume may be grounds for disciplinary action up to and including discharge of employment.

IV.A.2.02 Official Personnel File

The System's Human Resources Department shall be the custodian of official personnel records maintained for each employee.

The following types of records will be maintained in the System Human Resources office. The Human Resources office may create separate or sub-files in addition to a person's official personnel file for sensitive information such as criminal background, workers' compensation, and medical information.

- a. Copies of completed I-9;
- b. Information pertaining to an employee's benefits, leave and workers' compensation claims;

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- c. Unemployment claims information provided by Texas Workforce Commission;
and
- d. Official personnel file records including:
 - i. Application and resume
 - ii. Personnel Action Request forms
 - iii. Positions held
 - iv. Personal information (name, address, emergency contact information)
 - v. Official transcripts
 - vi. Copies of employment contracts
 - vii. Memoranda of assignment
 - viii. Evaluations, commendations
 - ix. Participation in professional development and training
 - x. Official communications regarding performance or misconduct (letters of reprimand, corrective action plans and the employee's written response to official communications about performance or misconduct)

IV.A.2.03 Access to Official Personnel File Information

Official Personnel Files are kept in the Human Resources Department, and are confidential to the extent permitted or required by law. Therefore, access shall be limited as follows:

Each employee or former employee may request to view and copy information contained in his or her official records by personally visiting the Human Resources Department.

A supervisor may review the "official personnel file" of any System employee reporting to him or her, however, the Human Resources Department may deny access to files or information deemed sensitive (such as criminal background, workers' compensation and/or medical information).

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A System hiring manager may review the evaluations and any disciplinary records maintained in an applicant employee's official file prior to making a job offer.

System officials in the chain of supervision over an employee may review the Official Personnel File of an employee where such an official has a legitimate need to know in the performance of his/her job duties and responsibilities.

IV.A.2.04 Requests for Information about LSCS Employees and Former Employees

The Human Resources Department will provide the following information about current or former employees unless disclosure is prohibited by law:

- a. Dates of employment;
- b. Position(s) held; and
- c. Status at time of departure.

Other information may be provided when the Human Resources office is presented with written authorization from the employee or in conformance with the laws of Texas and the United States.

Information about LSCS police officers that relates to their home address, home telephone number, social security number, and that reveals whether the police officer has family members is confidential as long as the officer has notified LSCS in writing of the desire to keep it confidential.

The Chief Human Resources Officer or his or her designee will notify an employee by letter or e-mail of any Public Information Act Request seeking the release of his or her employment records, unless prohibited by law. Upon receipt of a Public Information Act Request that seeks information that may be protected from disclosure, the System will request an opinion from the Attorney General of the State of Texas regarding the propriety of such disclosure.

IV.A.2.05 Use of Social Security Numbers

All applicants for employment are required to either disclose their social security number (SSN) as part of their application or to identify a number that contains the same number of digits. This number will be used as a unique number in order to identify the applicant within the System's applicant tracking system.

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Employees who are selected and hired must provide their SSN for payroll and benefits purposes before they can be employed. Failure to provide a valid SSN may be grounds for termination of employment. The System will report income and SSNs for all employees to Federal and State agencies on forms required by law.

The System will take steps to restrict the use of an employee's SSN to those uses which are required by law and to take steps to protect against the inadvertent disclosure of the number.

IV.A.2.06 Confidentiality of Employment Decisions

To protect the privacy of LSCS employees, supervisors and other administrators will not discuss employment decisions except with the employee, supervisor, Human Resources representatives, his or her representative, and with elected leaders of official employee groups.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.A.3. Immigration and Hiring Non-Citizens

IV.A.3.01 Non-Discrimination

The System may employ immigrant and non-immigrant aliens within the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act, as amended. All persons employed by the System must show proof of authorization to work in the United States. The System will verify employment authorizations for all employees in a non-discriminatory manner.

All employees must complete the Bureau of Citizenship and Immigration Services (BCIS) Form I-9 on, or before the first date of employment. Within three business days of employment, hiring departments must ensure that documentation is provided by the employee to establish their work eligibility and identification.

IV.A.3.02 Immigrants

Immigrants are persons who have been granted permanent resident status, but who are not United States citizens. Immigrants may engage in all forms of employment.

IV.A.3.03 Non-Immigrants

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Non-immigrants are persons who are admitted into the United States temporarily for specific purposes and periods of time. The System may employ non-immigrants only if permission to work in the United States has been authorized by the Bureau of Citizenship and Immigration Services (BCIS).

Two categories of non-immigrant visa holders are eligible to work in the System:

- a. F-1 visas
- b. J-1 visas

Except in unusual circumstances involving persons with unique skills, the System does not sponsor non-immigrants for employment.

IV.A.3.04 F-1 Visa

Non-immigrants with F-1 visas are persons temporarily admitted to this country under Bureau of Citizenship and Immigration Services (BCIS) rules, to study at a higher education institution.

International students who are taking a full course of study and otherwise maintaining valid F-1 status may hold any on-campus employment, less than 20 hours per week during the fall and spring semesters. During the summer or when school is not in session, students on F-1 visas may work full-time when not enrolled in classes. The students' employment must not displace a United States citizen or permanent resident.

Students with F-1 visas seeking off-campus employment must receive permission for this type of employment from the College Human Resources Manager and Designated School Official (DSO).

Students with F -1 visas who are enrolled at an institution of higher education other than the System and seek employment with the System under "optional practical training" or "curricular practical training" must provide the System with documentation stating the terms and limitations under which they may be employed.

Spouses or children of students on F-1 visas may not be employed by the System.

IV.A.3.05 J-1 Visa

Non-immigrants with J-1 visas are students, scholars, trainees, teachers, professors, research assistants, specialists or similar persons temporarily admitted to this country to participate in a program designated by the United States Information Agency.

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A non-immigrant with a J-1 visa who is a student may be employed in part-time employment with the System if he or she presents a confirmation letter from his or her sponsor. Non-immigrants with J-1 visas who are professors employed by the System or another college or university may engage in employment stated on their Form IAP66. All departments must check with the Designated School Official (DSO) at the campus of the J-1 visa-holder prior to offering him or her employment.

IV.A.3.06 Benefits Eligibility

All Non-citizens who are employed by the district are eligible for the same benefits as are other employees in comparable positions, except as noted below:

1. Immigrants employed by the System must participate in one of the System's retirement plans and in income tax withholding.
2. Non-immigrants who have been authorized to work by the Bureau of Citizenship and Immigration Services may not be enrolled in any System retirement plan.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.B. EMPLOYMENT RELATIONSHIP

IV.B.1. Appointment Types

Each position is categorized by the Office of Human Resources as being in one of the fourteen (14) appointment categories, and as exempt or nonexempt. The categories, in turn, affect benefits eligibility, compensation, contractual status and other conditions of employment.

IV.B.1.01 Appointment Categories

1. Chancellor: The College's chief executive officer who serves in a contractual position.
2. Location Executive Officer (LEO): The Vice Chancellors and College Presidents, each of whom serve in a contractual position.
3. Administrator: Non-instructional employee who serves in a contractual position.
4. Faculty: Contractual employees whose primary duties and responsibilities directly relate to educational programs or student educational development. The term "faculty" only includes Faculty and Temporary Faculty.

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5. **Temporary Faculty:** Contractual instructional employee who has the same duties and responsibilities as a permanent faculty member. Temporary faculty are hired in a full-time capacity on an annual contract, contingent upon College needs. Temporary faculty members have no right of continuing employment beyond the term of their current contract and do not have a right of notice of non-renewal and their service as temporary faculty members.
6. **Instructor:** Contractual instructional employee whose duties are instructing and teaching only. Instructors are hired on a reduced work load and will be paid at a prorated faculty salary. Instructors have no right of continued employment beyond their annual contract, do not have right of notice of non-renewal, and their service as instructor does not count towards eligibility for a multiyear contract or faculty status.
7. **Adjunct:** An employee who receives a limited appointment to teach no more than nine (9) credit hours per semester not to exceed eighteen (18) credit hours in any given academic year, defined for this purpose as a nine month period with two month 4.5 semesters.
8. **Dual Credit Instructor:**
 - (a) **Non-Employee:** A non-College employee. This person is employed by a local Independent School District (ISD). Dual Credit Instructors receive an appointment from the ISD to teach and perform assigned duties. The College pays the local ISD, and ISD pays all monetary compensation and/or benefits to the Dual Credit Instructor. The ISD is the fiscal agent.
 - (b) **Employee:** College employee who receives a limited appointment to teach no more than nine (9) credit hours per semester not to exceed eighteen (18) credit hours in any given academic year, defined for this purpose as a nine month period with two 4.5 month semesters. The College is the fiscal agent.
9. **Workforce Skilled Trade Instructor:** Contractual instructional employee whose duties are instructing, teaching, and program and career development designed to meet workforce needs, identified through College partnerships with business, government, and community organizations. Instructors may be hired on a full or reduced work load. Position has no right of continued employment beyond the initial term of employment. Employee has no right of notice of non-renewal and service does not count towards eligibility for a multiyear contract or faculty status.
10. **Continuing Education (CE) Instructor:** An employee who receives a limited appointment to teach specific non-credit course(s).

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11. Professional Staff: Non-contractual employee designated as exempt by the Office of Human Resources in accordance with the Fair Labor Standards Act overtime requirements.
12. Support Staff: Non-contractual employee designated as non-exempt by the Office of Human Resources in accordance with the Fair Labor Standards Act overtime requirements.
13. Grant Funded Employee: An employee who receives a limited appointment to perform specific services that are supported by external grant funds.
14. Volunteer: A person who serves in a non-employee position to perform particular duties or services, without monetary compensation or benefits.

LSCS Policy Manual Section adopted by the Board of Trustees on June 2, 2016

IV.B.1.02 Exempt and Non-Exempt Employees

Exempt employees are exempt from the provisions of the Fair Labor Standards Act.

Non-Exempt employees are not exempt from the provisions of the Fair Labor Standards Act.

The Human Resources Department is responsible for classifying exempt and non-exempt positions.

IV.B.1.03 Change of Assignment Transfers

All employees shall be subject to assignment and reassignment by the Chancellor as dictated by the needs of the System.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.B.2. Contractual Employees

IV.B.2.01 General

Contractual employees are the only employees who are not at will. A contract of employment with the System creates a property interest in the position for the period of time stated in the contract. Such a contract creates no property interest of any kind beyond the period of time stated in the contract.

All term employment contracts shall be in writing in a form approved by the Board that sets forth the length of the contract and any specific terms and conditions of

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employment. In most circumstances, contracts shall not be for specific assignments, but shall indicate employment as an administrator, faculty member, or other general employment category. No employment contract shall be issued or considered to be valid or binding on the Board until ratified by Board action.

Employment contracts are reviewed and acted upon annually by the Board of Trustees upon the recommendation of the Chancellor. The Board shall generally consider the renewal of contracts for faculty at the April Board meeting and for administrators and LEO's at the May Board meeting. All contracts are subject to non-renewal and/or change of status should:

- a. Faculty and/or administrators fail to sign and return initial or renewal employment contracts to the System Human Resources Office within required time periods, and/or
- b. The interests of the System/College will be served in accordance with Section IV.F.8 "Change in Contract Status," Board Policy Manual.

IV.B.2.02 Faculty Contract Authority

Faculty appointments shall be recommended by the College President, approved by the Chancellor, and ratified by the Board. Contracts may be for a one or a two-year term.

Within the first three (3) years of employment, and any time annually thereafter should college needs dictate, the College President shall recommend, that full-time faculty receive annual one year contract(s) with terms that end either:

- a. At the end of the regular academic year (9 month contract);
- b. At the end of a given summer session in which the faculty member has agreed to teach (10.5 month contract); or,
- c. At the end of the fiscal year (12 month contract).

**IV.B.2.03 Multi-Year Contracts
(Revised & approved by the Board 9.04.2008)**

"Tenure" is defined as a multi-year contract that is reviewed and acted upon each year.

A faculty member who has rendered satisfactory service, as rated by the appropriate supervisor, for a period of not less than three years may be eligible to receive a two-year contract.

All faculty with multi-year contracts shall annually be approved by the Chancellor and ratified by the Board for a one-year extension of their contract.

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Awarding the continuation of a multi-year status to faculty whose time and employment with the System and performance would merit continuation may be withheld if;

- a. the faculty member's department or program is unable to make a full load for the faculty member because of declining enrollment; or
- b. the specific program to which he or she has been assigned is scheduled to be eliminated; or
- c. any other Reduction in Force condition would indicate a potential reduction in staff.

IV.B.2.04 Administrators

LEOs receive a multi-year contract and all other administrators receive a one-year contract.

The Chancellor's contract is subject to the requirements contained in Section I. Board of Trustees, Board Policy Manual.

*LSCS Policy Manual Section adopted by the Board of Trustees on October 6, 2011
Section revisions as noted*

IV.B.3. Non-Contractual Employees

IV.B.3.01 Non-Contractual Employment

Non-contractual personnel shall serve at will, are not employed for any specified length of time, and have no property right in their employment. Nothing in this Policy Manual shall change the employment at will status of non-contractual personnel or shall create any rights to continued employment. The System shall not be bound by any oral representations or agreements related to employment that are inconsistent with these policies or that purport to bind the System to rights not granted by these policies.

The Chancellor or designated representatives shall be responsible for hiring non-contractual employees with appropriate skills and qualifications to fill positions with the System.

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IV.B.3.02 Limited Appointments

All persons who serve as adjunct instructors, continuing education instructors, or grant funded employees, or as post-retirement employees, serve under a limited appointment.

A limited appointment is an at-will position. The person's employment is contingent upon a specified event, such as sufficient enrollment to support a class assignment or the receipt of funding from outside sources. An employee with a limited appointment does not have any right to or expectation of continued employment with the System, has no right of notice of non-continuation of employment, and is not covered by the personnel policies contained in this Section of the Board Policy Manual, unless the policy specifically states that it applies to limited appointment positions.

IV.B.3.03 Post-Retirement Employees

Under certain circumstances and upon the approval of the Board of Trustees a person may be employed after full retirement on an annual basis, preferably with a reduced load.

Such employment will be recommended by the LEO and the Chancellor to the Board of Trustees if:

- a. A position has been budgeted for the fiscal year in question and will continue for one semester (for faculty) or more than six months (for non-faculty) employees;
- b. The employee is requested to continue in his/her current position before retiring; and
- c. The full-time employment of the retiree is in the best interest of the College or the System.

A person who was previously employed as a full-time faculty member, administrator, professional, or staff employee may return to employment following his or her full retirement, subject to the following conditions:

- a. Regardless of the position, the retiree is not eligible to receive a contract and does not retain any of the rights of contractual employees;
- b. The employment begins and ends in the same fiscal year, with no right of reappointment; and

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- c. The retiree is not benefits-eligible, except for those benefits that are provided to retirees or those which the

System is legally obligated to provide to all employees, such as family medical leave and workers' compensation.

The returning retiree will be paid for his or her work under the System compensation plan then in effect, but shall not be considered to be a new hire for purposes of placement, and shall not receive promotional or across the board pay increases (including educational increases provided to full-time faculty).

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.B.3A Campus Peace Officers

IV.B.3A.01 Appointing and Commissioning Campus Peace Officers

The Board has statutory authority to employ and commission campus peace officers to promote safety on the College's premises. TCOLE must certify all campus peace officers as police officers and each officer must take and file the Texas peace officers oath.

IV.B.3A.02 Definitions

- (a) **Appoint** means to administer the Texas peace officer oath of office to a person the College hired.
- (b) **Campus Peace Officer** means a person the College employs as a peace officer under Section 51.203 of the Texas Education Code.
- (c) **Commission** means to grant a person licensed to serve as a peace officer in Texas the authority to serve as a campus peace officer for the College.
- (d) **College Premises** means all real property owned, leased, or otherwise the College controls.
- (e) **TCOLE** means the Texas Commission on Law Enforcement, a state agency with duties and powers regarding peace officers.

IV.B.3A.03 Delegation of Authority

The Board delegates every campus peace officer's appointment and commission to the Chancellor or a designee. Such delegation of authority will be exercised in congruity with the College's other hiring policies and procedures.

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IV.B.3A.04 Campus Peace Officers Authority

Campus peace officers shall use all lawful means to preserve the peace within their jurisdiction. Although they shall typically confine their duties to the College's premises, campus peace officers have primary jurisdiction within all counties containing College's premises, which currently includes the counties of Harris, Montgomery, and San Jacinto. Within his or her primary jurisdiction, each campus peace officer is vested with all the powers, privileges, and immunities of peace officers; may, in accordance with Chapter 14, Code of Criminal Procedure, arrest without a warrant any person who violates Texas law; and may enforce all traffic laws on streets and highways.

Outside his or her primary jurisdiction, a campus peace officer is vested with all the powers, privileges, and immunities of peace officers and may arrest any person who violates Texas law if the campus peace officer is summoned by another law enforcement agency to provide assistance, is assisting another law enforcement agency, or is otherwise performing his or her duties as a peace officer for the College.

LSCS Policy Manual Section adopted by the Board of Trustees on February 4, 2016

IV.B.4. Volunteers and Interns

IV.B.4.01 Volunteers

Persons who wish to volunteer time at the System may do so with the approval of the Location Executive Officer and the manager of the office to which he or she will be assigned as a volunteer.

- a. A volunteer is subject to the same review of references, criminal background checks and other reviews as an employee;
- b. A volunteer must follow the directives of the manager under whose direction the volunteer falls;
- c. Volunteers are not eligible for any benefits, payments or other remuneration, including tuition remissions;
- d. A volunteer may not execute any agreements or represent himself or herself as an agent of the System;
- e. Each volunteer must complete a waiver and release form prepared by the Department of Risk Management releasing the System, its Board, officers, directors and others from any and all liability for injuries incurred by a volunteer.

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- f. No person under the age of 15 will be allowed to serve as a volunteer for any service or function on property or buildings of the System.

IV.B.4.02 Interns

Persons who are enrolled for credit in an undergraduate or graduate program or who are seeking experience and/or training in a specialized field may be appointed to serve as interns. In most instances, interns will be volunteers; interns who are paid for their services are at-will and will be paid at a rate that is consistent across the System.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.B.5. Emeritus

IV.B.5.1 Emeritus Designation

Upon the Chancellor's recommendation, the Board may confer the "Emeritus" title upon retiring faculty, administrators, or staff to recognize significant contributions to the College through long and distinguished service in administration, teaching, support, or other service. The Emeritus title does not confer any employment status or rights. Emeritus privileges include presentation of an appropriate commemorative, listing in the College's annual catalog for the life of the honoree, invitation to the annual May commencement ceremonies with special seating privileges, introduction and recognition during the commencement program, invitation to other College activities and special events, and use of College library materials.

The Chancellor shall develop procedures for nominating and recommending qualified individuals for the Board to consider to receive the Emeritus title.

LSCS Policy Manual Section adopted by the Board of Trustees on March 2, 2017

IV.C. COMPENSATION

IV.C.1. Structure of Compensation

IV.C.1.01 Compensation

The Board of Trustees adopts compensation plans and salary schedules for all employees System-wide. The System has established compensation plans for each employee classification. Employees shall be paid according to a salary schedule or compensation plan adopted by the Board after recommendation by the Chancellor. No

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employee of the System shall be compensated at a rate other than prescribed in such schedules, unless pursuant to a contract expressly approved by the Board.

IV.C.1.02 Responsibility for Compensation Plan

The System's Executive Council shall serve as the System's Compensation Committee, and shall consider recommendations from the Human Resources Department for revisions to the salary schedule, adjustments to classification and compensation procedures.

The Chancellor may appoint a Faculty Compensation Committee to review the placement of newly hired faculty.

Location Executive Officers are responsible for approving all salary actions, including new hire salary offers, changes to base salary, and changes to any form of supplemental salary, in conformance with established compensation policies and procedures.

IV.C.1.03 Objectives of Compensation Plan

The fundamental objectives of the System's compensation plan are to ensure that:

- a. employees receive fair and equitable pay in relation to the value of work performed;
- b. the System receives a fair return on its investment; and
- c. the employee receives a fair return for the contribution made.

Pay ranges will be established that create fair and equitable comparisons of jobs across the System.

Clear and defined policies, procedures and processes for salary administration will be published on the System Office website. The Chancellor or designee shall administer and maintain compensation systems in accordance with these policies, procedures and processes.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.C.2. Overtime Compensation

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IV.C.2.01 Eligible Employees

All employees who are not exempt from the provisions of the Fair Labor Standards Act (FLSA) are eligible for overtime. The Human Resources Department is responsible for designating positions as "exempt" or "nonexempt." Employees not exempt from the provisions of the FLSA shall be paid at least minimum wage and receive compensation for overtime under the conditions specified in the Act.

IV.C.2.02 Requirement of Compensation

Employees classified "non-exempt" must be compensated for all hours worked in excess of forty- (40) hours in a standard work week. Overtime is defined as all hours worked over 40 hours in the standard workweek. The System's standard workweek is defined as midnight Sunday through midnight Saturday. Time taken off as vacation, sick, compensatory leave or other leaves is not considered among hours worked.

All hours a non-exempt employee is "suffered, permitted or required to work" for the System must be compensated. This includes hours worked in the office, at home, or away from the System.

All overtime must be approved in writing and in advance by the supervisor.

IV.C.2.03 Assignment of Overtime

Overtime shall be assigned when it is determined to be necessary by the immediate supervisor, and it shall be reported to the cost center manager. It is the supervisor's responsibility to ensure that no unauthorized overtime is worked and to maintain appropriate records which track the actual days and hours of overtime worked, compensatory time earned and compensatory time taken.

IV.C.2.04 Distribution of Overtime

To the extent possible, when several eligible employees doing substantially the same work may be called upon to work overtime, overtime hours shall be distributed as fairly as is feasible considering the nature of the assignment so as not to unfairly favor any particular employee(s).

IV.C.2.05 Compensatory Time in Lieu of Overtime

Overtime compensation may be in the form of compensatory time off at the rate of one and one half hour for every hour worked in excess of forty (40) hours in a standard

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work week, or cash payments at the rate of one and one half times the regular rate of pay for all overtime hours. Each stands alone.

It is the System's policy that full-time employees who work overtime hours in non-exempt jobs are normally to be compensated with compensatory time (calculated as one and one-half times the hours worked) in lieu of compensation. Compensatory time may be accrued up to a maximum of two hundred forty (240) hours. Employees must be paid for compensatory hours in excess of two hundred forty (240) hours at their current rate of pay. Compensation for public safety employees may be accrued up to 480 hours with excess compensated in cash at the employee's current rate of pay.

Compensatory time that has been accrued shall be applied prior to vacation leave in the event of an employee absence. Employees who have requested the use of accrued compensatory time must be permitted to use such time within a reasonable period of time. In the event that an employee terminates employment or is transferred to another cost center, he or she is entitled to be paid for all unused compensatory time.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.C.3. Faculty Rank

Each person appointed to the position of faculty will be awarded the rank of assistant professor, associate professor, or professor.

IV.C.3.01 Assistant Professor

A new faculty member will be appointed to the position of assistant professor if he or she has less than three full-time equivalent years of teaching experience at the college or university level.

IV.C.3.02 Associate Professor

A new faculty member will be appointed to the position of associate professor if he or she has three years or more full-time equivalent years of teaching experience at the college or university level.

After one year of satisfactory teaching at LSCS at the assistant professor rank as measured by the Faculty Assessment (See F.708, Chapter IV. Human Resources, Board Policy Manual) the faculty member will be appointed to the rank of associate professor.

IV.C.3.03 Professor

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Professor appointments are made to faculty who have multi-year contracts and who have served satisfactorily as associate professors for three years within LSCS.

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IV.C.4. Temporary Duties

Employees may be called upon to perform duties that are assigned to another position in order that students are served and that important functions are performed in a timely manner. Employees who are asked to assume temporarily some or all of the functions of a position will not have any change made to their contractual status and will resume their former duties when the absent employee returns to his/her position or when a permanent replacement is appointed.

IV.C.4.01 Substitution in the Classroom

A person who will teach as a substitute should meet all the same credential requirements as the faculty member.

Generally, a full-time LSCS instructional employee who serves as a substitute will not receive pay for this professional courtesy for the planned absence of another fulltime instructional employee. An adjunct instructor who substitutes for an absent faculty member will be paid in accordance with the part time rate of pay schedule approved by the LSCS Board of Trustees.

A non-exempt employee, whose work hours exceed 40 in the week in which he or she substitutes, will be entitled to receive overtime or compensatory time in accordance with the Board Overtime Policy.

IV.C.4.02 Replacement Instructor

If a faculty member or an adjunct cannot meet his or her instructional responsibilities over an extended period of time, the college chief instructional officer is to arrange for one or more persons to assume the faculty member's assigned classes. An employee who accepts the additional classroom assignment will receive additional compensation in accordance with the compensation schedules and guidelines.

IV.C.4.03 Interim Appointment

An interim appointment refers to the Chancellor's appointment of a full-time employee to a different position for a period of time that is usually shorter than a calendar year.

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The employee who is appointed to interim service will receive a monthly stipend approved by the Director of Compensation and Compliance until a replacement is hired or the interim assignment is ended.

In most instances, a person who is serving an interim appointment will not be permitted to be a candidate for the permanent position for which he or she was asked to serve. Prior to the appointment of a person to an interim position, the LEO will apprise the Chancellor of the recommended interim's intent regarding application for the permanent position. The Chancellor may permit an interim to participate in the search as a candidate if:

- a. The position to which the interim will return does not report to the permanent position; or
- b. A national search will not be conducted for the permanent replacement; or
- c. Each employee who is capable of performing the position's responsibilities on an interim basis desires to be a candidate; or
- d. The person proposed to serve as interim has special skills or knowledge essential to address time-sensitive and critical Issues which must be addressed by the interim.

IV.C.4.04 Acting Capacity

An employee serving in an acting capacity refers to the Chancellor's appointment of an individual to serve a specific length of time in a position to replace temporarily a permanent employee who has been approved for a leave. A permanent salaried employee who is appointed to an acting position will receive a monthly stipend approved by the Director of Compensation/Compliance until the date of the permanent employee's return.

In unusual circumstances, a person who is not a current employee of the System may be appointed to a position in an acting capacity, but shall not be issued a contract of employment. In the event that the employee in the permanent position does not resume his or her position as anticipated, the guidance governing interim appointments will apply.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.D. EMPLOYEE RESPONSIBILITIES

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IV.D.1. Employee Workweek

IV.D.1.01 Workweek

The workweek is the number of hours per week employees are expected to perform their duties at their workstations, System locations, and/or other non-System sites identified as appropriate to meet their respective responsibilities. Exceptions are made for approved leave, holiday schedules, summer schedules, and other times designated by the Chancellor.

Support staff is expected to work forty hours per week. Excess hours worked above forty in a week must have prior written approval of the supervisor, and be recorded and compensated in accordance with the Overtime Policy.

Professional staff and non-instructional faculty shall generally follow the forty-hour workweek consistent with non-exempt employees. It is recognized that hours may vary depending upon assignment. As exempt employees, professional staff will not receive compensation for hours worked in excess of forty, but may be offered compensatory time off (one hour for each hour worked) with approval from the LEO.

Administrative staff shall generally follow the traditional forty-hour workweek. However, administrators are required to put in the time necessary to get tasks accomplished, and may be assigned to other duties during time beyond the forty-hour work week, including evenings, weekends, and holidays. Administrators may adjust their normal schedule to offset additional hours, but shall not be eligible for compensatory time or other compensation for hours worked in excess of forty.

Members of the teaching faculty are expected to meet the contact hour requirements for each of the courses assigned in their respective workloads. These requirements include both synchronous and asynchronous instruction. To maximize faculty accessibility to students, it is expected that teaching faculty will be on campus a minimum of four days per week and preferably five. Office hours should be scheduled at reasonable hours, which are convenient for students, e.g., before and/or after class meetings. These office hours will be posted and included in the course syllabi.

It is recognized that teaching faculty may accomplish certain aspects of their teaching responsibilities off-campus, e.g., course preparation, evaluation of student work, and computer-based instruction. No specific hourly requirement shall be assigned to teaching faculty. To facilitate the calculations of negotiated workloads, a thirty-five hour faculty workweek will be the general guideline. Teaching faculty will allot sufficient time within their work week to fulfill other provisions of the workload, e.g., institutional service, committee work, and professional development. This policy shall apply during each term a faculty member is contracted to teach.

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LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.D.2. Full Time Faculty Workload

IV.D.2.01 Workload

Workload consists of responsibilities identified in the three components of the job with a recommended (traditional) percentage. They are:

- a. Learning Facilitation - 70%
- b. Institutional Service - 20%
- c. Professional Development - 10%

Faculty has an option of either a traditional or negotiable workload with a minimum of twenty-four hours per week devoted to learning facilitation. Workload calculation is based on a general guideline of a thirty-five hour week (Faculty Workweek Policy).

IV.D.2.02 Definitions

Learning Facilitation - One of three workload components of the faculty position that includes responsibilities associated with serving students such as: teaching, planning, evaluating, advising, and counseling.

Institutional Service - One of three workload components of the faculty position. It contemplates collateral responsibilities that support LSCS in achieving its goals such as serving on committees, mentoring faculty, recruiting, developing curriculum, and supporting administrative functions.

Professional Development - One of three workload components of the faculty position. This may include responsibilities associated with addressing growth and change such as participating in the evaluation process, attending workshops, enrolling in programs of study, and contributing to one's profession.

Discipline Profile - A standard to guide the assignment of the Learning Facilitation Component of faculty workload. The profile identifies by discipline the number of hours and usual number of sections that faculty members teach in each academic year.

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Annual Assignment - Workload assignments include the fall and spring semesters, and if contracted, the summer session(s). The average number of hours per week may vary if the total meets the annual standard.

Negotiated Workload - An individualized workload assignment based on Division/College goals.

Traditional Workload - A workload assignment consisting of responsibilities in all three workload components of the faculty position at the identified percentage of time, and a teaching assignment according to the discipline profile, including a minimum of twenty-four hours per week devoted to serving students.

IV.D.2.03 Teaching Assignments

The teaching component of the faculty assignment shall be consistent with the applicable Discipline Profile. Teaching hours may be adjusted for faculty on a negotiable workload.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.D.3. Ethical Standards

IV.D.3.01 Ethical Standards

All employees must adhere to the highest ethical and professional standards, always conducting official duties for the College with integrity and honesty, and in conformance with applicable law, governing regulations, and the policies adopted by the Board of Trustees. All employees must:

- a. Be responsible for protecting information that is made confidential by law, to which access is restricted by state or federal law, Board Policy, College procedures, or in accordance with contracts to which the College is bound. This includes an obligation to refuse to engage in any employment, sales, or commercial activity that might reasonably be expected to require or induce the disclosure of information acquired by reason of the employee's position.
- b. Refuse to accept any significant gift, favor, or service that might reasonably tend to, or appear to, influence the discharge of official duties or official conduct. This includes the responsibility to avoid any personal business arrangements that might impair independent judgment in the performance of official duties. This prohibition does not preclude an employee attending a vendor-provided or -sponsored seminar or training program under the conditions specified in Section III.H.3.02(vii) above.

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- c. Avoid personal investments that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest to which he or she is appointed to serve.
- d. Perform all official duties and exercise all official powers in an impartial manner, free from any solicitation, acceptance or agreement to accept or give any personal benefit, including a benefit for or to one's family.
- e. Contribute to the creation of a positive and constructive environment that is essential for the success and effectiveness of the workplace and the teaching/learning process, including the responsibility for each employee to:
 - i. Subscribe to the judicious use of power vested in his or her position and exercise particular care in relationships of unequal authority, such as that of a supervisor/subordinate or a faculty/student, in which he or she has responsibility for evaluation and decision-making.
 - ii. Ensure that each employee/student under his or her direction has the opportunity to work/learn in an environment that is free from prohibited harassment or discrimination and that reflects concern for each individual and respect for each person.
 - iii. Refuse to permit a family member to enroll in a class or other instructional activity for which the employee has responsibility to evaluate performance.
 - iv. Take reasonable actions to ensure that appropriate rules regarding plagiarism and/or cheating are in place and enforced to protect academic integrity.
- f. Keep accurate and reliable records of all matters for which he or she has responsibility, and maintain all records and funds in an accurate and straightforward manner that is consistent with the law and the College's accounting processes.
- g. Provide full and accurate information, and true records of all required documentation, including employee applications, employment verification documents, transcripts, certifications and credentials, criminal history, information regarding prior employment, and any other information which materially relates to the employee's employment or application for employment with the College.

LSCS Policy Manual Section adopted by the Board of Trustees on June 2, 2016

IV.D.4. Additional Employment and Consulting

IV.D.4.01 Additional Employment

As determined by the College Dean (in the case of faculty) or the Employee's Supervisor (in the case of professional staff, administrative staff or other professional or administrative contractual employee) - which for purposes of this Section D.4.01

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shall mean the employee supervisor - a full time employee may not undertake additional employment that:

- a. Interferes, directly or indirectly, with the regular work of the employee;
- b. Has been offered because of the employee's official connection to the System;
- c. Uses System resources including, but not limited to, computers, copiers, materials, equipment or offices;
- d. Was not approved in advance and in writing by both the employee's supervisor and the respective College President or Vice Chancellor;
- e. Is expressly limited by virtue of the employee's employment contract with the System; or
- f. Violates any of the principles established in the Ethical Standards policy.

LSCS Policy Manual Section adopted by the Board of Trustees on December 2, 2010

IV.D.4.02 Additional Employment - Consulting or Self Employment

When a fulltime employee of the System wishes to engage in additional employment, including self-employment, the employee must report the nature and scope of the outside employment to his/her supervisor.

A conflict of interest will not occur for a full-time employee if the self employment or consulting does not involve use of System resources, does not interfere with time in which the employee is working for the System, or does not interfere with the employee's work responsibilities.

IV.D.4.03 Commissioned Peace Officer

Peace officers seeking to work additional jobs are subject to the additional procedures and guidelines prepared by the administrator serving as the Commissioner, or his or her designee.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.D.5. Conflict of Interest

IV.D.5.01 Use of Official Authority Prohibited

LSCS employees have the rights of freedom of association and political participation guaranteed by the State and Federal Constitutions. No employee shall use his or her official authority or influence to interfere with or affect the result of an election or

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nomination of a candidate or to achieve any other political purpose. No employee may coerce, attempt to coerce, command, restrict, and attempt to restrict, or prevent the payment, loan or contribution of anything of value to a person or political organization for a political purpose.

IV.D.5.02 No Public Funds for Political Purposes

No LSCS employee shall expend or authorize the expenditure of any public funds or resources for the purpose of influencing the outcome of any election, or the passage or defeat of any legislative measure. This prohibition does not prevent any official or employee from furnishing to any elected or appointed official factual information describing the operations or the issues affecting the System or its students.

IV.D.5.03 Candidacy for Public Office

LSCS employees may run for election and serve as members of the governing bodies of school districts, cities, towns or other local governing districts. No campaign activities may be conducted during official business hours unless the employee has requested and received permission to use leave time for such purposes. Any employee who is elected to such a position may not receive any salary for serving as a member of the governing body.

IV.D.5.04 Non-Elective State or Federal Office

LSCS employees may hold non-elective offices with boards, commissions, and other state, federal, or nonprofit entities providing that the holding of such office: 1) is of benefit to LSCS; 2) is not in conflict with the employee's position; and 3) the position is not compensated except with the payment of direct expenses associated with the participation in the meetings.

IV.D.5.05 Use of System Equipment

No employee shall entrust System property to anyone, including other LSCS employees, to be used for other than System purposes. Employees shall not use institutional equipment or property for their own benefit or pleasure unless:

- a. Arrangements have been made in advance with the cost center manager for payment of the value of the use of the property; or
- b. The property consists of library books, recreational facilities, or other items that are available for the use of System residents.

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Employees may, from time to time, use System telephones, e-mail and internet for personal purposes during working hours. The incidental use of the telephone, e-mail, and internet for such is permissible if the use does not interfere with the employee's performance of his or her responsibilities and does not incur any cost to the System. If additional costs are incurred by such use, the employee is responsible to promptly identify the additional cost and promptly reimburse the System.

IV.D.5.06 Receipt of Gifts

Employees who exercise discretion in connection with contracts, purchases, payments, claims and other pecuniary transactions of the System may not solicit, accept, or agree to accept any benefit from any person the employee knows is interested in or likely to become interested in any contract, purchase, payment claim or transaction involving the employee's discretion.

This prohibition does not apply to items having a value of less than \$50, not including cash or negotiable instruments.

An employee who receives an unsolicited gift or benefit that he or she may not accept under this policy may donate the gift or benefit to LSCS, or to the LSCS Foundation.

IV.D.5.07 Travel Bonuses

Employees who earn credit with airlines, hotels, car rental companies, or similar travel related entities because of official travel are not required to account for such credit or use such credit for official travel only.

IV.D.5.08 Disclosure of Interest in Property to be Acquired

The Chancellor, Vice Chancellors, Presidents, Vice Presidents, and Associate Vice Chancellors must disclose any legal or equitable interest in real property that is to be acquired by LSCS with public funds. Such disclosure shall be made by filing with the county clerk of the county or counties in which the property is located, an affidavit containing the following information within ten (10) calendar days prior to the date on which the property is to be acquired. A copy of the filed affidavit must be provided to the System's General Counsel within the same time period.

- a. Name and title;
- b. A full description of the property;
- c. Nature, type and amount of interest in the property;

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- d. The date when the officer acquired the interest;
- e. A verification swearing to the correctness of the information in the affidavit;
and
- f. An acknowledgement of the type required for recording a deed in the records of the county.

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IV.D.6. Reporting and Investigating Dishonesty and Fraud

IV.D.6.01 Internal Control Systems

Each College manager is to be aware of the types of improprieties that might occur within his or her area of responsibility, to establish appropriate operating rules that will permit the timely identification of business irregularity, and to report any apparent irregularities to the Director of Internal Audit. Any required investigative activity will be conducted without regard to the suspected wrong-doer's length of service, position/grade, or relationship to other internal or external persons.

IV.D.6.02 Actions Constituting Fraud

Any act of dishonesty or fraud, including but not limited to those listed below, is covered by this policy:

- a. Forgery or alteration of a check, bank draft, or other financial document, or account belonging to the College;
- b. Falsifying time sheets, expense reports, or other reporting documents;
- c. Misappropriation of funds, securities, supplies, or other assets;
- d. Impropriety in handling or reporting of money or financial transactions;
- e. Profiting as a result of insider knowledge of College activities;
- f. Disclosing confidential or proprietary information to outside parties;
- g. Accepting or seeking anything of material value from vendors or persons providing services/material to the College, with the exception of a perishable gift with a value of less than \$50, and intended for a group of employees or attendance at a vendor-provided or -sponsored seminar or training program under the conditions specified in Section III.H.3.02(vii) above;
- h. Destruction, removal, or disappearance of records, furniture, fixtures, equipment, or other assets;

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- i. Unauthorized conversion, alteration, or tampering with any College record for any purpose; and
- j. Any similar or related irregularity to those mentioned in this section.

IV.D.6.03 Investigation Responsibilities

The Internal Audit Department is responsible for the initial investigation and shall promptly notify the Location Executive Officer, General Counsel, and the Vice Chancellor for Administration and Finance/Chief Financial Officer of the initiation of the review. 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, he or she shall not be notified, or involved in the administrative oversight or reporting of the conduct of the investigation. Once a factual investigation establishes fraud, the College's General Counsel and Chief Financial Officer shall communicate the fraud to the Chancellor, and the Chancellor shall communicate the findings to the Board of Trustees Audit Committee.

Decisions to prosecute or to turn the matter over to the law enforcement authorities and/or regulatory agencies for independent investigation, and all final decisions regarding the disposition of the case, will be made by the Chancellor, in consultation with the Board of Trustees.

Decisions regarding the continuing employment of persons who are involved in or who failed to take appropriate actions to protect against dishonest or fraudulent conduct will be made in accordance with Board Policies regarding discipline and discharge.

IV.D.6.04 Non-Retaliation

Any employee who reports suspected fraudulent activity in good faith shall be protected against any retaliation for making such a report. The reporting member of the campus community shall refrain from confrontation with the suspect, further examination of the incident, or further discussion of the incident with anyone other than the employee's or student's supervisor, or others involved in the resulting review or investigation. Persons found to be making frivolous claims under this Policy will be disciplined, up to and including discharge of employment for an employee, or expulsion from the College for a student.

IV.D.6.05 Confidentiality

The Director of Internal Audit may accept and initiate an investigation based on confidential information received from a College employee or student who suspects dishonest or fraudulent activity. Results of investigations conducted by the Internal Audit Department will be disclosed and discussed only with those persons associated with College who have a legitimate need to know, in the performance of their job duties and responsibilities.

LSCS Policy Manual Section adopted by the Board of Trustees on June 2, 2016

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IV.D.7. Copyright

IV.D.7.01 Compliance with Requirements of the U.S. Copyright Act

All members of the System community, including faculty, staff, students, and volunteers, must become knowledgeable about and take action to respect the legal rights of copyright owners, and refrain from actions that constitute an infringement of copyright or other proprietary rights.

Therefore, LSCS employees may not copy, distribute, sell, reproduce or revise, copyright protected materials unless the use is specifically permitted by:

- a. The U.S. Copyright Act;
- b. Fair use guidelines issued interpreting the requirements of the law;
- c. Express terms of licenses or contractual agreements; or
- d. Written permission of the copyright owner.

IV.D.7.02 Infringing Materials on LSCS Website

As an Internet Service Provider under the Digital Millennium Copyright Act, LSCS designates the Vice Chancellor of Information Technology or his or her designee to serve as the System's agent for purpose of receiving and investigating any notice of claimed infringement on any websites maintained by the System.

Upon receiving notification that a copyright owner believes that his or her copyright-protected information has been reproduced on any website maintained by LSCS, the designated agent shall promptly remove the item from the website and investigate whether the alleged infringement occurred.

LSCS will take prompt disciplinary action, up to and including discharge of an employee who places information on a website in violation of the U.S Copyright Act.

IV.D.7.03 Fair Use

LSCS authorizes its faculty and others engaged in teaching, research, and service activities to utilize copyright-protected materials in accordance with the Fair Use exception as set forth in Section 107 of the U.S. Copyright Act. To facilitate the use of copyrighted materials under this exception, the System will:

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- a. Inform and educate its faculty, librarians, and staff about what uses, are permitted;
- b. Develop and make available through the office of the General Counsel guidance regarding the reach and limits of this exception; and
- c. Assist in securing permission from copyright holders.

Faculty, staff, and other employees, who willfully disregard this Copyright Policy, place themselves individually at risk of legal action. In such cases, the System may refuse to defend the employee named in the court suit and in these suits the employee may incur personal liability.

IV.D.7.04 Reproduction or Distribution of Information

As part of meeting LSCS's commitment to provide specialized services related to the training, education, or adaptive reading or information access needs of blind or other persons with disabilities, LSCS authorizes its employees to reproduce or distribute copies or phonorecords of previous published non-dramatic works in specialized formats, exclusively for use by the blind or other persons with disabilities. Any such copies or phonorecords are to bear a notice that any further reproduction or distribution in a different format is an infringement, and identifies the copyright owner and the date of original publication.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.D.8. Intellectual Property

IV.D.8.01 Intellectual Property Policy

Lone Star College recognizes that an engaged and creative faculty, staff and students are essential to the mission of the College and to the pursuit of knowledge. Lone Star College supports the goals of facilitating the development and dissemination of intellectual property to society and providing financial rewards to creators and to the College. This policy balances protecting public funds and equitably recognizing technological, scientific, and academic advancements. Employees, students, and third parties should use this policy along with the College's procedures, forms, and applicable agreements as a guide to default intellectual property rules.

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IV.D.8.02 Definitions

- (a) **Committee** means the Intellectual Property Advisory Committee of Lone Star College, comprised of the faculty senate presidents and the Chancellor's Chief of Staff. The Committee's Chair will be the longest serving faculty member on the committee. The Committee will review intellectual property policies on a regular basis, recommend dispute resolutions to the Chancellor, and make necessary recommendations for reform. The Chancellor reserves final authority as to whether to accept or reject the Committee's recommendations.
- (b) **Copyright** means the exclusive right to reproduce, distribute, display, perform, or create derivative copyrightable works. The term "copyright" and "patent" are not interchangeable; they are distinct legal protections for specific works.
- (c) **Copyrightable Work** means an original work of authorship fixed in any tangible medium of expression, now known or later developed, from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories: literary works, musical works, dramatic works, pantomimes and choreographic works, pictorial, graphic, and sculptural works, motion pictures and other audio visual works, sound recordings, and architectural works.
- (d) **Creator** means any person(s) who creates intellectual property.
- (e) **Intellectual Property** means products of the human intellect, in a concrete or abstract form, such as copyrightable works, patentable works, protectable trademark or service marks, or trade secrets.
- (f) **Patent** means a limited duration property right relating to patentable work granted by the United States Patent and Trademark Office that provides the right to exclude others from using, making, selling, offering for sale, or importing the patentable work.
- (g) **Patentable Work** means any invention or discovery of any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.
- (h) **Service mark** means a word, phrase, symbol, and/or design that identifies and distinguishes the source of a service rather than goods.
- (i) **Software** means a sequence of instructions by which a computer accepts and translates input symbols, executes actions, and outputs symbols. It includes, but is not limited to, system functional design, logic flow, algorithms, application programs, and operating systems.

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- (j) **Substantial Use** means extensive unreimbursed use of College facilities, laboratories, computational facilities, or human resources, which were important to the creation of the intellectual property. Mere incidental use of a facility does not constitute Substantial Use. For example, mere incidental use of facilities available to all faculty, such as a library or offices, is not Substantial Use.
- (k) **Trademark** means a word, phrase, symbol, or design that identifies and distinguishes the source of the goods of one party from those of others.
- (l) **Traditional Academic Copyrightable Work** means faculty-created copyrightable work related to the faculty member's field of study. This includes scholarly articles, textbooks, syllabi, and other copyrightable work.
- (m) **Trade secret** means the whole or any part of any scientific or technical information, design, process, procedure, formula, or improvement that has value and that the owner has taken measures to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes.

IV.D.8.03 Disclosure and Institutional Review

All individuals who create potentially College-owned intellectual property must submit a timely disclosure form to the Office of the General Counsel. The Office of the General Counsel will review rights and obligations, evaluate commercial significance, determine if the College has an ownership interest, decide whether to seek legal protection, and identify other issues that may arise from disclosure. The Office of the General Counsel will inform the individual of the disclosure review outcome within a reasonable time. The College may then enter into agreements with the individual regarding rights, benefits, or obligations. An individual cannot proceed with any outside disclosure, commercialization, or publication until the Office of the General Counsel concludes its review.

IV.D.8.04 Applicability

This policy applies to College employees and all individuals, including students, using College resources. This policy is a condition of College employment, course enrollment, and using College facilities, equipment, funds, or any other College resources.

IV.D.8.05 Intellectual Property Default Ownership

Lone Star College recognizes the traditional rights of scholars with respect to the products of their intellectual endeavors. Default ownership therefore accounts for faculty exceptions, outlined in Section IV.D.8.06, that seek to advance the mission of the College. Unless these Faculty Exceptions apply, or a written agreement states otherwise, the College owns intellectual property created by employees, students, and third parties if:

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- (a) An employee creates intellectual property within the employee's scope of employment or with Substantial Use of College facilities, equipment, funds, or any other College resource. Employees, however, retain rights to intellectual property created outside the scope of employment and created with no more than incidental use of College resources, funds, equipment, supplies or facilities. Faculty members are presumed not to be hired to produce a particular intellectual property.

- (b) A student creates intellectual property while using College resources for which the student is not considered to have paid tuition and fees.

- (c) A third party creates intellectual property while using College facilities, equipment, funds, or any other College resource. Third party includes, but is not limited to, campus visitors and non-employees.

When individuals in different categories co-create intellectual property, the College will decide ownership interests based on College resources used and the co-creators' status. College employees and other applicable individuals must assign, and hereby do assign, title to the College to any intellectual property subject to this section. These individuals also agree to execute any required documents.

IV.D.8.06 Faculty Exceptions

Copyrightable Work Exception. The College recognizes faculty members create copyrightable works that are valuable to academic advancement. The College, therefore, will not assert ownership of faculty-created Traditional Academic Copyrightable Work, even when created within a faculty member's scope of employment or while using College resources. This copyrightable work exception does not apply to faculty-created patentable works, software, trademarks, service marks, or trade secrets. The College will, however, retain a non-transferrable right to royalty-free use of the faculty member's traditional academic copyrightable work for educational purposes.

Patentable Work Exception. Faculty members retain a vital interest in directing and controlling their own research and decisions about marketing, managing, and disseminating their patentable work. Such work will be owned by its inventors but the patent rights will be transferred and assigned to the College.

IV.D.8.07 College Licensing Guidelines

The College will establish guidelines for licensing, sale, lease, transfer, or any other ownership interest change of its intellectual property. These guidelines will be published in the College's procedures.

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IV.D.8.08 Royalty, Equity, Benefits, and Business Management Participation

The College may receive royalty payments, licensing fees, equity interests, management rights, or other benefits. The College may distribute, where applicable, a fair benefits share to the individual who originated the intellectual property in a manner that honors effort and time. The College and individual, where applicable, will enter into an agreement regarding fair benefits distribution, after the disclosure and institutional review process concludes. The College may also allow the individual to participate and hold equity in any businesses utilizing the College's intellectual property.

IV.D.8.09 Procedures

The College will develop and publish procedures to effectuate this policy.

LSCS Policy Manual Section adopted by the Board of Trustees on May 5, 2016

IV.D.9. Ownership, Use and Control of Intellectual Property (*Incorporated within Section F.8 above*)

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.D.10. Drugs and Alcohol in the Workplace

IV.D.10.01 Definitions [These definitions apply to this subsection 10.]

"In the workplace" means in the facilities or on the grounds of any facility owned or controlled by LSCS, in a college vehicle, or as part of any college activity.

"Proper medical authorization" means a prescription or other written approval from a physician, for the use of a drug in the course of medical treatment.

"Unauthorized drugs" refers to any drug that cannot be obtained legally or has been illegally obtained, including prescription drugs obtained without a prescription, over-the-counter drugs that are not used as instructed, and drugs represented to be illegal.

"Under the influence" or "Impaired" means abnormal behavior in the workplace which results from indulging in alcohol or in any controlled substance or other drug which may limit an employee's ability to safely and efficiently perform his or her duties or poses a threat to the safety of the employee, other employees, the public or property.

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"Off-the-job" illegal drug activity or alcohol abuse that has an adverse effect on the employee's performance or that could jeopardize the safety of others, System equipment, or the System's relations with the public, may subject the employee to disciplinary action up to, and including, discharge.

"Reasonable suspicion" means a conclusion based on personal observation of a specific objective instance, or instances, of employee conduct. Observation must be subject to corroboration and documented in writing that an employee is unable to satisfactorily perform his or her job duties due to the use of drugs or alcohol. Such inability to perform may include, but is not limited to, a drop in the employee's performance level or an indication of impaired judgment, reasoning, and level of attention or behavioral change or decreased ability of the senses.

IV.D.10.02 Alcohol and Drug Free Workplace

As part of the commitment to the provision of high quality and effective service to our students, employees, and the public we serve, LSCS strives to provide an alcohol and drug free workplace and learning environment. Toward that end, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or unauthorized drug, or the unauthorized possession and use of alcohol are prohibited in and on property owned and controlled by the System.

IV.D.10.03 Alcoholic Beverages at College System Events and Activities

Unless authorized by Board Policy or by a decision of the Chancellor and Location Executive Officer regarding a special event, employees are not to use, serve, sell, or consume alcoholic beverages on property owned or controlled by LSCS. Wine shall be permitted for special events with the approval of the LEO.

The following guidelines are provided for all LSCS employees:

- a. Employees who serve as student or employee organization sponsors are to ensure that any organizational activities conducted on- or off-campus that include alcoholic beverages are conducted in compliance with Texas law, ensuring that:
 - i. Minors are not served or sold alcoholic beverages;
 - ii. Excessive and/or rapid consumption of alcoholic beverages is discouraged; and
 - iii. Alcoholic beverages are not used as prizes or awards in connection with sponsored events or activities.

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- b. For reasons of health, productivity, and safety, it is recommended that employees not consume alcohol during the work hours, unless participating in a social function, such as a dinner or a reception.
- c. The public display of advertising or promotion of the use of alcoholic beverages in System buildings or any other public campus area is prohibited.
- d. Advertising of alcoholic beverages shall not appear in System controlled or affiliated publications, including the System's affiliated websites. However, the Board of Student Publications or other editorial board established pursuant to the Board Policy on Student Publications is not subject to this portion of the policy and may continue to make independent decisions about the advertising for the publication.
- e. Advertising of establishments that sell alcohol may appear in various publications of the System, if the advertisements:
 - i. exclude brand names, logos, prices, visual images, or verbal phrases that promote or encourage the consumption of alcoholic beverages;
 - ii. do not encourage any form of alcohol abuse, such as ads that encourage rapid and excessive consumption of alcohol; and
 - iii. Includes a statement about responsible drinking.

IV.D.10.04 Employee Who Appears to be Under the Influence on the Job

Any employee whose on the job conduct provides a reasonable suspicion that he or she is under the influence of drugs or alcohol may be questioned by his or her supervisor about the influence of drugs or alcohol on his or her conduct. Prior to requiring an employee to leave the campus or taking other disciplinary action when the supervisor has a reasonable suspicion that the employee is under the influence of drugs or alcohol, the supervisor should contact his or her immediate supervisor and Human Resources for consultation.

If the employee admits to being under the influence of drugs or alcohol, or if the effects of authorized drug use, unauthorized drug use, or alcohol consumption poses a threat to the safety of the employee, co-workers or the public, or if the effects are disruptive to the work or learning environment or substantially impact the employee's ability to perform his or her job, the employee may be required to leave the work place.

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The supervisor must take reasonable action to avoid the employee from driving himself or herself home.

If the employee denies that he or she is under the influence of drugs or alcohol, yet the conduct provides a reasonable basis to believe that he or she is, the employee may be required by the supervisor, after consultation with an administrator and Human Resources, to report to a designated medical facility for drug or alcohol testing. Refusal to consent to a required medical test and/or a drug or alcohol screening shall constitute a violation of this policy.

An employee may be subject to serious discipline, up to and including discharge of employment, for violation of this policy. An employee with a drug or alcohol problem may, at the System's discretion, be provided an opportunity to complete an appropriate rehabilitation or therapy program at the employee's sole expense, before returning to work or before disciplinary action is imposed.

IV.D.10.05 Report of Conviction for Drug Related Offense

As a further condition of employment, an employee shall notify his or her supervisor of any conviction for a drug related offense no later than five (5) days after such arrest/conviction. Failure to give this notification may result in disciplinary action, up to and including termination.

A supervisor who is so advised by an employee is to seek advice from the Human Resources Department, before acting in response to the information.

Within ten (10) days of receiving notice that an employee engaged in the performance of a federal contract has been convicted for a violation occurring in the workplace, the System shall provide information about the conviction to any federal contracting agency.

Within thirty (30) days of receiving notice from any source of a conviction for any drug statute violation occurring in the workplace, the System shall either (1) take appropriate personnel action against the employee, up to and including discharge of employment; or (2) require the employee to participate satisfactorily in a drug and alcohol abuse assistance or rehabilitation program.

IV.D.10.06 Assistance to Employees

Sick leave, vacation leave and compensatory time may be used during the time that an employee is participating in a rehabilitation program. Leave without pay may be allowed, at the discretion of the System, for those employees who have insufficient sick or vacation leave accrued.

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IV.D.10.07 Special Provision

Any police personnel, who are required to be in possession of alcohol or drugs in the course and scope of their employment, will be exempt from the provisions of this policy pertaining to possession of alcohol and/or drugs in the workplace. Specific guidelines will be established by the College Police Department for these special circumstances.

IV.D.10.08 Distribution of Policy

The System shall include the complete drug and alcohol policy in its electronic version of the policy manual.

The System shall distribute a summary of the drug and alcohol policy to employees by posting it in the required reading section of the on-line policy manual, including the policy for all new employees, and sending it by electronic mail.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.D.11. Use of System Computing Resources

The LSCS Board of Trustees reconfirms its commitment to the free and unfettered exchange of ideas that is the hallmark of an institution of higher education and the rights of the faculty and students to access, debate, disagree and discuss all educational materials without respect to the popularity or controversial nature of the ideas conveyed.

IV.D.11.01 System Property

The System provides computing and network resources for the use of students, employees and others affiliated with the System for educational or System-related activities and to facilitate the efficient exchange of useful information. Affiliation with the System includes all university students, faculty, staff, and administrators associated with or enrolled in programs delivered by partner universities at The University Center. Students, employees and System affiliates are encouraged to use the computers, software packages, electronic mail (e-mail), or System network and software. However, the equipment, software and network capacities provided through the System computer services are and remain the property of the System.

System users are expected to conduct themselves in compliance with all policies of the System and relevant laws of the United States and Texas, and to observe the same high

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ethical and professional standards when communicating through computing resources as are required in face-to-face or written communications.

IV.D.11.02 E-mail Privileges

Access to the System's network, computer labs, internet and electronic mail is a privilege that is extended to current employees, students and affiliates that are in good standing. The privilege of access ends with the termination of employment or the failure to re-enroll in an LSCS educational program.

IV.D.11.03 Confidentiality

The System cannot guarantee the privacy or confidentiality of electronic documents, and any messages or information that a person believes may be confidential, by law, should not be communicated over the E-mail system.

The System reserves the right to access the E-mail system to engage in routine computer maintenance and housekeeping, to carry out internal investigations, to prepare responses to requests for public information or to disclose messages, data or files to law enforcement authorities, or for any other legitimate purposes of the System.

IV.D.11.04 Records

Messages sent as electronic mail should meet the same standards for distribution, display, and retention as if they were tangible documents or instruments. As with all records maintained by the System, and to the extent required by law, files saved in the System's information system, including E-mail, may be subject to public disclosure in response to a public information request.

IV.D.11.05 Prohibited Use

The following conduct by computer users will be treated as a violation of this policy and may subject the user to discipline, including loss of computing privileges, up to and including termination for an LSCS employee and dismissal for a student.

- a. Anonymous or forged e-mail messages.
- b. Unauthorized attempts to access another person's e-mail or similar electronic communications or to use another's name, or e-mail address, or to send unauthorized e-mail or similar electronic communications.
- c. Use of System e-mail or other network resources for commercial purposes or for personal financial gain.

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- d. Attempted or actual access to a restricted computing resource without authorization or use for purposes beyond the authorization.
- e. The transmission of copyrighted materials without the written permission of the author or creator through System e-mail or other network resources in violation of U.S. copyright law. (See Section IV.D.7 "Copyright" and Section IV.D.8 "Intellectual Property," Board Policy Manual).
- f. Computing resources used in a manner that disrupts the work or educational environment.
- g. Intentional use of System computing resources to store, download, upload, display, print or e-mail computer images that constitute "obscene materials" as defined by Section 43.21 of the Texas Penal Code that are not directly related to or required for a specific educational course or research directly related to an educational program.
- h. The display or transmission of messages, images, cartoons or other messages or images that are sexually explicit or that demean a person on the basis of race, ethnicity, gender, national origin, disability, religion or sexual orientation may constitute prohibited harassment. (See Section IV.F.4, Board Policy Manual).
- i. The uploading or downloading of unauthorized materials to or from any System server.
- j. The sharing of an account, password or other authentication device that was provided to permit access to restricted computing resources.
- k. Attempted or real access to compromise (or hack) any computing resource.

IV.D.11.06 Overloading of Computer Resources

Nothing in this policy shall prohibit the System or college system operator from intercepting and stopping e-mail messages, other computer programs, or websites, which have the capacity to overload any computer resource.

Discipline may be imposed for intentional overloading of System computer resources.

IV.D.11.07 Procedures

The Chancellor, or designee, shall develop procedures for appropriate implementation of this policy.

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IV.E. EMPLOYEE BENEFITS

IV.E.1. Comprehensive Benefits

IV.E.1.01 Benefit Plan

The System, through the State of Texas and administered through the Employee Retirement System of Texas (ERS) provides all eligible employees with a comprehensive benefit plan to include medical, dental, long and short-term disability, life insurance, retirement plans, premium conversion option, flexible spending accounts, and deferred compensation plans.

The State of Texas has qualified the plans under Section 125 of the Internal Revenue Code. The State of Texas reserves the right to amend, modify or terminate its welfare and benefit plans at any time and for any reason.

IV.E.1.02 Medical Plan

All full-time employees are eligible to participate in the medical plan beginning the first day of the month following a 90-day waiting period. Optional benefits, such as dental, term life insurance, accidental death and dismemberment insurance, and long-term disability are available the first day of employment.

Detailed information on the premium conversion and flexible benefits account plans and options eligibility will be made available to all employees by the Human Resources Department upon enrollment.

Employees, spouses, and dependents covered by the State's health benefit plans will be notified of their right to continue health insurance coverage in certain situations, including lay-off, discharge or reduction in hours of employment and separation or divorce, as required by law.

The State reserves the right to amend, alter, or terminate its benefit plans.

IV.E.1.03 Continuation of Health Insurance Benefits - Eligible Retiring Board Members

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LSCS will pay from local funds the full costs to continue the health insurance benefits for a retiring, through voluntary retirement or loss of election, board member who has served as a member of the LSCS Board of Trustees for ten (10) or more years and, as of the date of his or her departure, is at least fifty-five years old.

IV.E.1.04 Payment of Health Insurance Benefits - Board Members

The System is authorized to pay from local funds the premium costs for members of the Board of Trustees who were appointed or elected, and enrolled in the health insurance plan, prior to September 1, 2003.

IV.E.1.05 Continuation of Group Insurance Benefits

Group medical/dental benefits and other insurance plans will remain in effect during periods of leave without pay if the employee is on Family Medical Leave. During these periods of leave the employee must pay all premiums for health insurance, including the dependent and employee coverage cost usually paid by the System.

IV.E.1.06 Tex-Flex Participation

Participation in the Tex-Flex dependent care and medical care reimbursement plan by employees enrolled in the plan shall remain in effect for the plan year.

IV.E.1.07 Workers' Compensation Benefits

An employee who is receiving workers' compensation benefits and who has exhausted all available leave shall be placed on leave without pay.

The System shall continue to make all benefit contributions for the employee. The employee shall be responsible for all premium contributions for eligible covered dependents.

IV.E.1.08 Family Medical Leave

During any period that an eligible employee takes unpaid Family Medical Leave, the System shall continue the employee's coverage under the group health plan for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued on active duty with the System. In order to continue dependent medical coverage, the employee must pay the dependent coverage premiums.

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IV.E.2. Employee Retirement Benefits

IV.E.2.01 Social Security and Medicare

LSCS will deduct from wages of designated employees any amounts of social security tax required by federal law. All employees must make contributions to Medicare in accordance with federal law. Federal law provides that certain employees who were hired on or before March 31, 1986, and who have remained continuously employed by the System may be exempt from making contributions to Medicare.

IV.E.2.0 LSCS Benefit Plans

LSCS participates in the health insurance and retirement benefits plans of the State of Texas, administered by the Texas Employees Retirement System of Texas (ERS) and the Texas Employees Group Benefits Program (GBP). The benefits offered and an employee's eligibility to participate in the ERS benefits plans are established by the Texas Employees Group Benefits Act, as amended, from time to time, and regulations adopted by the legislature and ERS.

IV.E.2.03 Retirement Benefits

Every employee of the System is required to be enrolled in a qualified retirement plan beginning with the first day of employment. The Board of Trustees shall not require retirement of any employee on the basis of age. Both the System and each employee are required to contribute a specified percentage of the employee's monthly gross salary to the appropriate retirement account. The employee contribution will be through payroll deduction. Employees who are active retirees in the Social Security system are ineligible to participate in any retirement plan.

IV.E.2.04 Teacher Retirement System (TRS)

All full-time personnel, except those employees enrolled in the Optional Retirement Program, shall be members of the Teacher's Retirement System of Texas.

Benefits payable upon the death or retirement of an employee and any restrictions or limitations upon participation in the retirement system will be in accordance with the Teacher's Retirement System of Texas (TRS).

An employee participant with TRS will have vested rights after five (5) years of employment.

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IV.E.2.05 Optional Retirement Program

An employee participant with the ORP shall be responsible for selecting an approved ORP provider and will have vested rights after one year and one day of employment. Failure to complete the sign-up process for ORP will cause an employee to permanently lose the option to participate in ORP during his or her employment with any agency in Texas Public Higher Education, and the employee will be automatically enrolled in TRS.

IV.E.2.06 TIAA-CREF Plan

All employees not eligible for TRS or ORP (with the exception of current social security retirees) will be required to participate in TIAA-CREF a qualified defined contribution retirement plan. The employee, through payroll deduction, will contribute a percentage of salary and shall have immediate vesting rights.

If an employee terminates employment from the System for any reason, he or she may withdraw the TIAA-CREF deposits made plus any interest earned on such deposits in accordance with State and Federal regulations.

IV.E.2.07 Tax Deferred Annuity (TDA)

All full-time and part-time employees are eligible to participate in the System's Optional Tax Deferred Annuity (TDA) Compensation Plan. An employee participating in the Plan shall be responsible for selecting a TDA provider approved by the System. Each contribution is subject to current federal tax law limitations.

IV.E.2.08 Texa\$aver 457 Plan

All fulltime employees are eligible to participate in the system approved 457 plans. An employee participating in the plan shall be responsible for selecting an approved provider. Each contribution is subject to current federal tax law limitations.

IV.E.2.09 Retirement

Retirement from employment with the System will occur when an employee elects retirement under the provisions of the Teacher Retirement System (TRS) or Optional Retirement Program (ORP), or meets the conditions for disability retirement established by the State of Texas.

The System shall provide retirees with such benefits as established by the Texas Employees Group Benefits Program.

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An employee who is re-employed following retirement must be enrolled in the TIAA-CREF retirement plan unless the employee has also retired from Social Security.

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IV.E.3. Leaves and Absences

IV.E.3.01 Leave

All absences from work shall be reported to and approved by the employee's immediate supervisor in accordance with the policies and procedures of the System. Any employee who is absent from work without approved leave, and without appropriate notification to his or her supervisor, shall forfeit compensation and shall be subject to disciplinary action up to and including discharge from employment.

Any employee who is absent from work for three consecutive workdays without contact with or approval from the employee's immediate supervisor shall be considered to have abandoned the position and to have resigned from the System.

The Human Resources Department will maintain records of the vacation and sick leave accrual and absences of each employee, and the reasons therefore, whether from sickness, vacation, other paid leave, or leave of absence without pay. Any medical information or documentation that identifies injury, illness or disability of an employee or his or her relatives or domestic partners are to be treated as confidential and are to be immediately sent to the System Office Human Resources Department for storage in an appropriate confidential manner.

IV.E.3.02 Sick Leave-Eligibility

All fulltime employees who are in positions requiring twelve months of service shall be eligible for twelve (12) sick leave days per year. Sick leave shall be accrued on a monthly basis to a maximum of 600 hours.

Fulltime employees assigned to work less than twelve months shall earn one day of sick leave per month for their period of employment.

IV.E.3.03 Use of Sick Leave

Accumulated sick leave may be used for personal illness or illness of a family member or a domestic partner or adoption of a child. An employee may be required to produce appropriate medical documentation of the illness, particularly when the absences recur in a pattern, or when the absence for illness may qualify for Family Medical Leave or short term disability leave.

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For purposes of the sick leave portion of this policy, the following meanings apply:

"Family" means a husband, wife, child (natural, foster, step, or adopted), parent (natural, step or adoptive), grandmother, grandfather, grandchild, sister, brother, niece, nephew, aunt, uncle and in-laws in the same degree of relationship as listed above. An employee may also use sick leave to care for an individual who is in the employee's legal custody.

"Domestic Partner" relationship refers to an unmarried couple who:

- a. Have resided together for at least six months and intends to continue to do so permanently;
- b. Are not related to one another by blood to a degree of closeness that would prohibit marriage, were they of the opposite sex;
- c. Are mutually responsible for basic living expenses;
- d. Each have attained the age of consent; and
- e. Each partner is not married to or in a Domestic Partnership with anyone else.

An employee may not request to use sick leave for the illness of a Domestic Partner unless, prior to the request for leave, the employee has filed an Affidavit of Domestic Partnership with the System Office Human Resources Department.

IV.E.3.04 Personal Leave

Employees may use a maximum of 2-5 days of sick leave per year for personal leave based on years of service as of September 1st of each year. Advance approval of the immediate supervisor is required.

Faculty should give sufficient notice of their need to take a personal leave day to the Dean to ensure appropriate class coverage.

Adjunct faculty are allowed one personal leave period per course taught each semester with no reduction in pay. (This is calculated by taking contact hours divided by number of weeks in semester) The adjunct faculty must give sufficient notice of the need to take leave to the Department Chair to ensure appropriate class coverage.

IV.E.3.05 Professional Leave

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Professional leave may be approved for employees to attend conferences or workshops. The conference or workshop must be related to the employee's teaching or working assignment, in the best interest of the System, included in the departmental budget, and approved by the employee's supervisor.

IV.E.3.06 Vacation Leave - Eligibility

Paid vacation leave shall be available to all full-time non-faculty employees who are in positions requiring twelve months of uninterrupted service. An employee is entitled to use accrued vacation leave upon approval of his or her supervisor.

IV.E.3.07 Accrual of Vacation Leave

Vacation leave is calculated and earned on the first day of each pay period, according to the employee's status; and, for non-contractual employees, according to years of service.

Non-Contractual Employees

Length of Service	Annual Accrual	Per Month
1-5 years	12 days (96 hours)	8 hours
6-10 years	16 days (128 hours)	10.67 hours
11 + years	20 days (160 hours)	13.34 hours

Contractual employees shall earn 13.34 hours per month beginning with the first month of employment.

Employees may accumulate vacation leave up to a maximum of 400 hours. Any vacation leave accumulated in excess of this maximum shall be used during the fiscal year or be forfeited on August 31. Employees may not take more vacation time than they have accrued.

IV.E.3.08 Change of Position

In the event that an employee's position will change from a position that accrues vacation leave to one that does not, the employee must use accrued but unused vacation leave prior to the effective date of the change of status. Upon the request of a supervisor, approved by the LEO and the Chief Human Resources Officer, an employee changing positions may be paid for the value of the accrued leave.

IV.E.3.09 Bereavement Leave

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All full-time employees may take up to three days of paid excused absence and use sick leave or other leave if more time is needed from work in the event of the death of a family member. "Family" means a husband, wife, child (natural, foster, step, adopted), parent (natural, step or adoptive), grandmother, grandfather, grandchild, sister, brother, niece, nephew, aunt, uncle or in-laws in the same degree of relationship as listed above, or Domestic Partner or an individual for whom the employee has legal custody. The definition for "Domestic Partner" is included in the "Use of Sick Leave" Section, above.

If additional time off is requested and approved, it may be charged to vacation leave, personal leave, compensatory time or leave without pay.

IV.E.3.10 Holidays

All offices will be closed in observance of the holidays indicated in the academic calendar.

Full-time employees required to work on a holiday shall be paid their regular rate of pay and will accrue the holiday to be taken on an alternative date with the approval of their supervisor and LEO.

Full-time employees required to work on a holiday who are not able to use hours on an alternate day due to scheduling difficulty, will be paid for the holiday hours. If the employee is non-exempt, the employee is entitled to overtime pay, instead of compensatory time, for hours worked in excess of forty on a holiday week.

If a holiday falls within an employee's vacation leave, such holiday will not be charged as vacation time and the vacation leave will be extended accordingly.

IV.E.3.11 Religious Holy Days

The System shall not discriminate against, or penalize in any way, an employee who is absent from work for the observance of a religious holy day and gives proper notice of that absence.

"Proper notice" shall consist of providing to the supervisor a list of religious holy days to be observed during the semester. A faculty member must give notice to his or her Dean and to all students whose class would be canceled due to the faculty member's absence.

The leave time to observe religious holy days may be charged to vacation leave, compensatory time (if applicable), or leave without pay.

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IV.E.3.12 Jury Duty or Legal Duty

A full-time employee required to appear for jury duty or to testify in court proceedings in which he or she is not a party shall be released from his or her assigned duties as necessary with no loss of salary or reduction in leave. An employee will not be discharged, disciplined, or otherwise penalized because he or she complies with a notice of jury duty or a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. An employee must provide a photocopy of the jury notice or subpoena with his or her leave form.

IV.E.3.13 Military Service - Non-Discrimination

The System shall not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service. The System shall not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA). The System shall post, in accordance with federal law, a written notice of the rights, benefits and obligations of such persons and the System under USERRA.

IV.E.3.14 Military Leave - Short Term

All employees of the System who are members of the state military forces or of the reserve components of the United States Armed Forces shall be granted a leave of absence from their duties without loss of time, vacation time, or salary on all days during which they are engaged in authorized training or duty ordered or authorized by proper authority, not to exceed 15 days in a fiscal year.

Such employees who are ordered to military duty as described in this Section shall be restored, when relieved from duty, to a position with similar rank and pay as that held by them when ordered to duty.

IV.E.3.15 Military Leave - Long Term

Any employee, other than a temporary employee, who leaves his or her position for the purpose of entering into active duty with the regular or reserve Armed Forces of the United States or with the Texas National Guard or Texas State Guard, if discharged, separated, or released from such active duty under honorable conditions within five years from the date of enlistment or call to active service, shall be restored to employment in the same position with the same rate of pay as that held at the time of entering into active service, or to a position of like seniority, status, and pay if the

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employee is still physically and mentally qualified to perform the duties of such position.

If such employee is not qualified to perform the duties of his or her previous position by reason of disability sustained during such military service, but is qualified to perform the duties of another position with the System, the veteran shall be restored to employment in the other position which he or she is qualified to hold and which will provide like seniority, status, and pay, or the nearest approximation.

Any employees restored to employment shall be considered to have been on leave of absence during military service and shall be entitled to participate in retirement and all other benefits available to other employees in like positions. Such employee shall not be dismissed from his or her position, without cause for one year following restoration of employment.

Veterans eligible for restoration to employment under the terms of this policy shall make written application for such restoration to the Chair of the Board within 90 days after discharge or release from active federal or state military service and shall attach to such application evidence of discharge, separation, or release under honorable conditions.

IV.E.3.16 Leave of Absence without Pay

A full-time System employee may be granted an unpaid leave of absence if the employee submits a written request for the leave, showing benefit to the System if the leave is approved; that a suitable replacement is available; and that the leave has been approved by the LEO and Chancellor.

Contractual employees who are approved for leave without pay shall submit similar documentation to the Board.

IV.E.3.17 Long-Term Disability

An employee who becomes eligible for State of Texas long-term disability benefits will be placed on inactive status. An employee will be removed from inactive status and returned to active status if he or she returns to work with documentation from his or her licensed physician (M.D. or D.O.) showing that the employee is able to perform the essential functions of the position with or without reasonable accommodation. An employee will be terminated if he or she has been absent from work for twelve (12) consecutive months from the onset of the disability or illness, without return to work. FMLA leave is not counted toward the 12 month time.

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The System may re-activate the employee in the position held by the employee prior to the date of his or her disability, injury, illness, or medical condition, or transfer the employee into another position, provided that the employee is able to perform the essential functions of the job, and the one-year period has not expired.

IV.E.3.18 Short-Term Disability

The System Office Human Resources Department is responsible for managing a short-term disability program to provide short-term, reduced compensation to an eligible full-time employee who has a documented illness, injury, or medical condition that prevents the employee from performing his or her job.

When supported by documentation from a licensed physician (M.D. or D.O.), an employee is eligible to receive short-term disability benefits up to 90 calendar days per fiscal year if:

- a. He or she has been absent for the same illness, injury, or medical condition for five or more working days, and
- b. He or she has exhausted all paid leave, including sick leave, vacation leave, personal leave, and compensatory time.

Once an employee qualifies for short-term disability, he or she shall receive salary at a rate of pay equal to sixty percent (60%) of his or her salary per fiscal year as long as he or she remains disabled, not to exceed ninety (90) calendar days. An employee who is on short-term disability leave may not return to work unless his or her licensed physician (M.D. or D.O.) submits clear and unequivocal documentation that the employee is able to perform all the essential functions of the position with or without reasonable accommodation. The System Department of Human Resources may require an employee to submit to a physical examination performed by a licensed physician (M.D. or D.O.) chosen by the System, prior to his or her return to work..

IV.E.3.19 Sabbatical Leave

Sabbatical leave refers to an award of a specific period of leave during which an eligible faculty member or administrator will be released from his or her responsibilities to the System to engage, full-time, in professional development, study, research, writing, work experience related to his or her field of work, or to address the strategic needs of the System.

A faculty member may be awarded sabbatical leave for either:

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- a. one full semester, in which case he or she would receive his or her full salary and benefits for the semester ; or
- b. two semesters, in which case he or she would receive one-half (50%) of his or her annualized nine-month salary and full benefits.

An administrator may be awarded sabbatical leave for a period of five months, during which time he or she will receive his or her full contract salary and benefits.

Full-time faculty and full-time administrators with at least seven years of continuous service to the System in a contractual position are eligible to be awarded a sabbatical. A faculty member or administrator who was awarded a sabbatical at any time during the previous seven years is not eligible to be awarded a sabbatical.

During the time that an administrator or faculty member is on sabbatical leave, he or she may not continue to perform additional services or receive any stipend, program coordinator pay or overload pay.

Any faculty member or administrator who is awarded sabbatical leave must serve two complete contract years of full-time service to the System following return from sabbatical leave. A faculty member or administrator who takes sabbatical leave and does not fulfill this service requirement must repay the full value of the leave on a pro-rata basis considering how much of the two years have been completed.

The Chancellor will appoint a committee consisting of one administrator, one faculty member from each college and one professional contractual staff member from each college to develop procedures regarding the application process and timelines for selecting persons to be awarded sabbatical leave.

Each year, the Chancellor shall determine the number of available sabbatical leave awards. The award process shall be conducted at each location in accordance with the System procedures.

IV.E.3.20 Faculty Leave Banking.

The Chancellor shall establish a Faculty Leave Banking program to permit faculty, and other full-time employees who teach, to convert compensation earned through extra service assignments into a future leave pool. This program shall permit an eligible employee who has earned the equivalent of a full-semester of banked leave plus three additional contact hours to take a semester's leave with full pay.

An eligible employee who has elected the leave banking option may reverse the election at any point before he or she has taken the banked leave. If an eligible employee reverses the election, the amount of salary to be paid is the same amount that he or she would have been paid if the leave banking option had not been elected and

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shall not reflect any interest earnings, salary adjustments or subsequent reclassifications.

IV.E.3.21 Sick Leave Pool

The Chancellor has established an optional sick leave pool program for the benefit of full-time employees. The pool is intended to provide additional paid sick leave to participating members of the pool who have exhausted all leaves due to extensive or recurrent medical problems.

Participation in the sick leave pool is voluntary. A full-time employee is eligible to join the pool after completing twelve (12) months of employment if he or she has accumulated at least 80 hours of unused personal sick leave. Enrollment periods shall be held in March and September of each year and at other times authorized by the Chancellor. The sick leave pool program will be administered by LSCS Department of Human Resources.

In order to participate in the pool, each employee must contribute a minimum of 3 days (24 hours), 5 days (40 hours) or a maximum of 10 days (80 hours) of sick leave . Contributed sick leave days will not be returned to the employee contributing, except as an award of pool benefits. An employee will not be required to replenish the pool unless he or she has been found by the LSCS Department of Human Resources to have abused the privilege of the sick leave pool.

Employees participating in the pool may request to use days from the sick leave pool only after exhausting all accrued and unused sick leave, vacation leave and compensatory time, if eligible. The maximum number of days available to be drawn from the sick leave pool is 30 working days in a fiscal year (September through August).

Once an employee has used all available days from the pool, he or she will be able to again use the pool the next fiscal year. An employee utilizing the sick leave pool will continue to accrue leave.

Utilization of sick leave from the sick leave pool will at all times be contingent upon the availability of sick leave days in the pool. Any sick leave drawn from the pool must be used for the employee's personal illness, accident, surgery, or injury and must be supported by a licensed physician's statement on a form approved by the Chief Human Resources Officer or his/her designee.

Alleged abuse of the sick leave pool will be investigated by the Chief Human Resources Officer and or his/her designee. Any employee found to have submitted incorrect or false documents to support leave will be required to repay all sick leave

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credits drawn from the pool, will be subject to suspension or removal from the pool and may be subject to disciplinary action up to and including discharge of employment.

An employee who becomes a member of the sick leave pool will remain a member as long as he or she continues as a full time employee, and is not suspended or removed from the pool. An employee who wishes to terminate his or her membership in the sick pool must do so by submitting a written request to the Human Resources Department.

LSCS Policy Manual Section adopted by the Board of Trustees on August 5, 2010

IV.E.4. Comprehensive Disability Program

IV.E.4.01 Disability or Injury

The System offers a comprehensive disability policy for all benefits eligible employees in order to:

- a. create a comprehensive system-wide disability or injury program for both illness or injury off-the-job, and on-the-job illness or injury; and

IV.E.4.02 Scope

This policy applies to all full-time, permanent employees of LSCS. This policy does not extend disability benefits to part-time, seasonal, or temporary employees. Part-time, seasonal, or temporary employees are eligible for state mandated workers' compensation benefits.

IV.E.4.03 Definitions

"Disability" is a permanent, physical or mental impairment that substantially limits one or more of the major life activities of an individual.

"Illness, Injury, or Medical Condition" is a temporary or permanent physical or mental impairment that does not substantially limit one or more of the major life activities of an individual.

"Long Term Disability" is a sickness, accidental bodily injury, or pregnancy that causes one to either be unable to perform with reasonable continuity the essential functions of one's own occupation,"

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"Reasonable Accommodation" is a modification of the work environment and/or work process that enables a person with a disability to perform the essential functions of the job. The determination of what accommodations are reasonable shall be at the sole discretion of the System.

IV.E.4.04 General Provisions

- a. All provisions of the policy apply to both off the job and on-the-job illness or injury, with the exception of state-mandated workers' compensation benefits. See Workers Compensation Policy.
- b. An employee who experiences an illness or injury that renders him or her incapable of performing regularly assigned duties shall be required to use all appropriate leave balances before applying for long-term disability benefits.
- c. An employee who becomes eligible for long-term disability benefits will be placed on inactive status. Inactive status will terminate upon the earlier of the following occurrences:
 - i. The employee returns to work and is able to perform the essential functions of his or her position; or
 - ii. The expiration of twelve (12) consecutive months on inactive status.
- d. While on inactive status, the employee will cease to accrue vacation and sick leave.
- e. The System will maintain the employment of an individual with a disability, illness, injury, or medical condition for twelve months. Within the twelve-month period, the System may re-activate the employee in the position held by the employee prior to the date of his or her disability, injury, illness, or medical condition or transfer the employee into another position, provided that the employee is able to perform the essential functions of the job and the twelve-month period has not expired.
- f. After one year, an employee's ability to perform the essential functions of his or her regular position will be evaluated according to the Americans with Disabilities Act (ADA). If the employee is unable to perform the essential functions of the position with a reasonable accommodation, the employee will be terminated. (See also Section IV.E.3.17 Long-Term Disability and IV.E.3.18 Short-Term Disability, Board Policy Manual).

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- g. An employee who experiences an on-the-job injury or illness that renders him or her incapable of performing his or her regularly assigned duties is eligible for workers' compensation benefits.
 - i. Upon becoming disabled from an on-the-job injury, the employee shall provide to the Human Resources Department a medical slip from the physician, specifying the injury and probable length of the disability. If the employee is off-duty more than seven days, the employee will be eligible for workers' compensation benefits.
 - ii. An employee who is receiving workers' compensation benefits may choose to use accumulated sick leave concurrently. If the employee chooses this option, the System shall pay the difference between the weekly income benefits received under workers' compensation and the employee's regular weekly compensation. Sick leave shall be charged proportionately.

IV.E.4.05 Family Medical Leave

An employee taking Family Medical Leave Act leave, and receiving workers' compensation wage benefits, may not use any accumulated sick leave until the Family Medical Leave expires (See Section IV.E.3 Leaves and Absences). The System shall pay the difference between the weekly income benefit received under workers' compensation and the employee's regular compensation. If the employee's accrued sick leave is exhausted and the employee is still absent from work due to job injury, the employee shall be placed on leave without pay status (See Section IV.E.3 Leaves and Absences).

IV.E.4.06 Return to Full Duty

The System reserves the right to require an independent physical or mental assessment, at the System's expense, upon the return to work of the employee from a work-related or non-work related disability, illness, injury, or medical condition.

IV.E.4.07 Long-Term Disability Insurance

The System offers long-term disability (LTD) insurance, through the State of Texas, for full-time employees. An individual with a disability as defined in this policy is eligible to apply and receive LTD benefits.

IV.E.4.08 Medical Records

All medical records obtained pursuant to this policy will be maintained in confidential medical files.

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LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.E.5. Workers' Compensation Program

IV.E.5.01 Options

The System shall extend workers' compensation benefits to its employees by choosing one of the following options:

- a. Becoming a self-insurer.
- b. Providing insurance under workers' compensation insurance contracts or policies.
- c. Entering into interlocal agreements with other political subdivisions.

IV.E.5.02 Definitions

The "Texas Workers' Compensation Act" provides wage replacement, rehabilitation, and medical benefits for employees who become injured or ill in the course and scope of employment, as well as compensation for dependents of an employee who dies as a result of an on-the-job illness or Injury.

"On-the-job Illness or Injury" is a disability, injury, illness, or medical condition that occurred as a result of the employee performing the assigned duties of his or her occupation within the course and scope of employment.

"Modified Duty Assignment" is when an employee, who is released to return to duty in less than a full, unrestricted status by the treating physician may be required to work in a position or department other than his or her original position or department. Duties will be assigned in accordance with the employee's limitations or restrictions, and/or the needs of the System.

"Course and Scope of Employment" is activity of any kind or character that is related to and originates in the work, business, trade, or profession of the employer, and that is performed by an employee while engaged in the business of the employer.

IV.E.5.03 Coverage

For the purposes of this policy, "employee" means every full-time, part-time, seasonal, or temporary person in the service of the System.

IV.E.5.04 Reporting Responsibility

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The System shall report to its insurance carrier on each:

- a. Death;
- b. On-the-job injury;
- c. On-the-job injury that results in an employee's absence from work for more than one day; and
- d. Occupational disease of which the System has received notice of injury or has knowledge.

"Knowledge" means receipt of written or verbal information regarding diagnosis, or diagnosis through examination or testing by a doctor employed by the System. A supplemental report shall be filed with the System insurance carrier and provided to the employee within ten (10) days after:

- a. the end of each pay period in which the employee has a change in earnings as a result of the injury; or
- b. the employee resigns or is terminated.

For injuries that require the filing of a first report of injury, the System shall file the supplemental report with the System's insurance carrier after:

- a. the employee returns to work; or
- b. the employee, after returning to work, experiences an additional day of disability as a result of the injury.

The System shall file a wage statement showing the amounts of all wages paid to the employee.

IV.E.5.05 Notice to System Employees

The System shall notify its employees:

- a. of the Commission's ombudsman program to assist injured workers and persons claiming death benefits in obtaining benefits under the Texas Workers' Compensation Act; and

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- b. of the 24-hour-a-day toll-free telephone system for reporting violations of an occupational health or safety law.

IV.E.5.06 No Retaliation or Discrimination

The System shall not suspend, terminate, or otherwise discriminate against an employee for making a good faith report of a violation of an occupational health or safety law.

A person may not discharge or in any other manner discriminate against an employee because the employee has:

- a. Filed a workers' compensation claim in good faith;
- b. Hired a lawyer to represent the employee claim;
- c. Instituted or caused to be instituted in good faith a proceeding under the Texas Workers' Compensation Act; or
- d. Testified or is about to testify in a proceeding under the Texas Workers' Compensation Act.

IV.E.5.07 Sick and Vacation Leave Use

During the time an employee is receiving weekly workers' compensation benefits, the employee may elect to receive previously accrued sick or vacation leave benefits in an amount equal to the difference in the weekly compensation benefit and the weekly compensation the employee was receiving prior to the injury or illness resulting in the claim, with a proportionate deduction in the employee's sick and vacation leave balance. The sum of weekly workers' compensation payments and the amount of sick leave paid shall not exceed the amount of weekly compensation the employee was receiving prior to the illness or injury.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.E.6. Family and Medical Leave Act

IV.E.6.01 Policy

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The College complies with the Family and Medical Leave Act (“FMLA”) and parental leave required by state law. FMLA is intended to allow employees to balance their work and family life by taking reasonable leave for medical reasons, for the birth, adoption or foster care of a child, for the care of a child, spouse, or parent who has a serious health condition, for the care of a covered servicemember with a serious injury or illness, or because of a qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

IV.E.6.02 Definitions

- (a) **Adoption** means legally and permanently assuming responsibility for raising a child as one’s own. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave.
- (b) **Covered Active Duty or Call to Covered Active Duty Status** means: In the case of a member of the Regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country. In the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a federal call or order to active duty in support of a contingency operation.
- (c) **Covered Servicemember** means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status or is otherwise on the temporary disability retired list for a serious injury or illness or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.
- (d) **Covered Veteran** means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes leave to care for the covered veteran.
- (e) **FMLA Year** means the 12-month period measured backward from the date an employee uses any FMLA leave. Under the “rolling” 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.
- (f) **Foster Care** means 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the state as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves an agreement between the state and the foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, state action is involved in the removal of the child from parental custody.

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- (g) **Health Care Provider** means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary to be capable of providing health care services.
- (h) **In Loco Parentis** means employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to leave. Similarly, an employee may take leave to care for someone who, although having no legal or biological relationship to the employee when the employee was a child, stood in loco parentis to the employee when the employee was a child, even if they have no legal or biological relationship.
- (i) **Intermittent Leave** means leave taken in separate blocks of time due to a single qualifying reason.
- (j) **Military Caregiver Leave** means leave taken to care for a covered servicemember with a serious injury or illness.
- (k) **Next of Kin of a Covered Servicemember** means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.
- (l) **Parent** means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. This term does not include parents "in law."
- (m) **Parent of a Covered Servicemember** means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents "in law."
- (n) **Reduced Leave Schedule** means a leave schedule that reduces an employee's usual

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number of working hours per workweek, or hours per workday or a change in an employee's schedule for a period of time, normally full-time to part-time.

(o) Serious Health Condition means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health-care provider. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if certain conditions are met.

(p) Serious Injury or Illness means:

1. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; and
2. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
 - A. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating;
 - B. A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave;
 - C. A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
 - D. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the U.S. Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

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- (q) **Son or Daughter** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability,” at the time that leave is to commence.
- (r) **Son or Daughter of a Covered Servicemember** means a covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
- (s) **Son or Daughter on Covered Active Duty or Call to Covered Active Duty Status** means the employee’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to active duty status, and who is of any age.
- (t) **Spouse** means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:
1. Was entered into in a State that recognizes such marriages; or
 2. If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.
- (u) **Working Day** means Monday through Friday and consistent with Policy Section IV D.1.01.

IV.E.6.03 Requesting Leave

- (a) **Eligibility.** A College employee is covered under FMLA Titles I and IV if they have been employed for at least 12 months by the state (not necessarily 12 consecutive months) and have worked at least 1,250 hours (based on Fair Labor Standards Act hours-worked principles) for the state during the 12 months immediately preceding the beginning of the leave. A part-time employee and one who works variable hours must have at least 52 weeks of service, not necessarily within 12 consecutive months, and must have worked 1,250 hours for the state during the 12 months immediately preceding the beginning of the leave. Time spent on military leave counts as time worked in determining if the employee is eligible for FMLA. Employment periods preceding a break in service of more than seven (7) years are not required to be counted in determining if the employee has been employed by the state for at least 12 months unless the break in service is due to military service obligation. An employee on the payroll for any part of a week is credited with a week of service for purposes of calculating the 12-

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month requirement. Employees not eligible for leave may be eligible for parental leave under state law for the birth of a natural child or the adoption or foster care placement of a child younger than three (3) years.

An eligible employee may take up to 12 weeks of leave during the FMLA Year for any of the following reasons:

- 1.** For birth of a son or daughter, and to care for the newborn child;
- 2.** For placement with the employee of a son or daughter for adoption or foster care;
- 3.** To care for the employee's spouse, son, daughter, or parent with a serious health condition;
- 4.** Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;
- 5.** Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation. Federal regulations provide that qualifying exigencies include short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities and certain additional activities arising out of the covered military member's active duty or call to active duty status provided that the College and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave; and
- 6.** To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.

For leave taken because of the employee's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or military caregiver leave, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. Leave due to a qualifying exigency may also be taken on an intermittent or reduced schedule basis. When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the College agrees.

An eligible instructional employee who requests leave to care for a spouse, parent, or child, or because of his or her own serious health condition that is foreseeable, based on planned medical treatment, and who would be on leave greater than 20 percent of the total number of working days in the period during which the leave would extend, may be required to choose either to: take leave for periods of a particular duration not to exceed the duration of the planned medical treatment; or transfer temporarily to an available alternative position offered by the College for which the instructional employee is qualified, and that has equivalent pay and benefits and better accommodates recurring periods of leave than the instructional employee's regular employment position.

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- (b) **Parental Leave.** An employee, including a student or wage employee, who is not eligible for leave is entitled to a parental leave of absence, not to exceed 12 weeks, for the birth of a natural child or the adoption or foster care placement of a child younger than three (3) years. This period begins with the date of birth or the date of the adoption or foster care placement. However, no parental leave may be taken more than 12 weeks after the birth or adoption or foster care placement.
An employee may take parental leave on an intermittent or reduced work schedule if the employee and College agree.
- (c) **Leave Request Process.** Leave requests shall be submitted to the College using the FMLA/Parental Leave Application.
- (d) **Appeals Process.** FMLA decisions may be appealed in writing directly to the Associate Vice Chancellor of Human Resources. Before appealing, employees are encouraged to first make sure that they are FMLA-eligible and that they have met all requirements for notification of their need for leave and medical-certification requirements, if applicable. Nothing in this policy shall limit an employee's right to file a complaint with the U.S. Department of Labor.

IV.E.6.04 Continuity of Health Plan Coverage

During any period that an eligible employee takes leave, the College shall maintain coverage under any "group health plan" for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in active duty with the College. During leave, the employee must continue to pay the employee's share of group health plan premiums. If premiums are raised or lowered, the employee would be required to pay the new premium rates.

IV.E.6.05 Use of Paid Leave

Any accrued paid leave balances must be taken concurrently with FMLA leave.

IV.E.6.06 Medical Certification

The employee shall provide medical certification of illness or disability within 15 calendar days after requesting leave for a serious health condition. The College must give notice of a requirement for certification each time certification is required. At the time the College requests certification, the College must advise the employee of the consequences of failure to provide adequate certification. The employee must provide re-certification not more often than every 30 days thereafter unless the employee requests an extension, there are significant changes in circumstances, or the College receives information that casts doubt upon the continuing validity of the certification.

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When leave ends, if the employee is fit to return to work but chooses not to do so, the College shall require reimbursement of the employee benefits contribution made by the College during the period in which such leave was taken as unpaid leave.

The employee's request for reinstatement shall be accompanied by medical certification of the employee's ability to perform essential job functions.

The College may uniformly require, as a prerequisite for reinstating an employee whose leave was due to their own serious health condition, medical certification of their ability to resume work.

In most cases, the College should request that an employee furnish certification when the employee gives notice of the need for leave or within five working days thereafter. In the case of unforeseen leave, certification is required within five working days after the leave commences. The College may request certification at a later date if the College later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to the employer within 15 calendar days after the College's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts or the employer provides more than 15 days to return the certification.

If the employee fails to provide the College with a complete and sufficient certification, despite the opportunity to cure, or fails to provide any certification, the College may deny leave. This provision applies whenever the College requests a certification, including any clarifications necessary to determine if certifications are authentic and sufficient.

The Genetic Information Nondiscrimination Act (GINA) prohibits the College from acquiring genetic information from its employees. The College must take steps to ensure that such information is not received. Any receipt of genetic information in response to a request for medical information shall be deemed inadvertent.

IV.E.6.07 Restoration to Position

On return from leave, an employee is entitled to be returned to the same position the employee held when leave began, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave period.

IV.E.6.08 Married Family Members

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Spouses who are eligible for leave, and who are both employed in the College, may be permitted to take only a combined total of twelve weeks of leave during any twelve-month period if the leave is taken:

- (a) For the birth of a son or daughter or to care for the child after birth;
- (b) For the placement of a son or daughter with the employee for adoption or foster care, or the care for the child after placement; or
- (c) To care for a parent with a serious health condition.

Where the spouses both use a portion of the total twelve-week entitlement for one of the purposes noted above, each spouse shall be entitled to the difference between the amount they have taken individually and twelve weeks of leave for a purpose other than those listed above.

IV.E.6.09 Workers' Compensation and FMLA

A serious health condition may result from injury to the employee "on or off" the job. FMLA leave and leave pursuant to workers compensation may run concurrently provided that the injury meets the criteria for a serious health condition. If the College designates the leave as FMLA leave, the leave counts against the employee's leave entitlement. If an employee elects to receive paid workers' compensation benefits, the College may not require the employee to substitute any paid leave for the absence covered by such benefits. Similarly, an employee may not require paid FMLA leave to be substituted for unpaid FMLA leave when FMLA leave and leave pursuant to workers' compensation are running concurrently. Thus, an employee's receipt of workers' compensation payments precludes the employee from electing, and prohibits the College from requiring, substitution of any form of accrued paid leave for any part of the absence covered by such payments. Under certain circumstances, paid leave under the FMLA may supplement workers' compensation benefits. However, paid leave under the FMLA will not be allowed to supplement workers' compensation benefits in any way unless allowed by Texas law.

If the health-care provider treating the employee for the workers' compensation injury certifies that the employee is able to return to a light duty job but is unable to return to the same or equivalent job, the employee may decline the College's offer of a light duty job. As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid leave until the employee's leave entitlement is exhausted. As of the date workers' compensation benefits cease, either the employee may elect or the College may require the use of accrued paid leave. On return from FMLA leave, or after accepting an offer of a light duty job, an employee is entitled to be returned to the same position, or its equivalent, as the employee held when leave commenced, unless otherwise allowed by the FMLA. The College shall pay the difference between the weekly income benefit received under workers' compensation and the employee's regular compensation.

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IV.E.6.10 Notice

The College shall use Department of Labor forms, as applicable.

The College shall keep posted in visible places on each campus where notices are usually posted, a notice approved by the Secretary of Labor that sets out excerpts from summaries of the FMLA and information pertaining to the filing of a claim.

When an employee requests leave, or the College acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the College must notify the employee of the employee's eligibility to take leave within five working days, absent extenuating circumstances. If the employee is not eligible for leave, the notice must state at least one reason why the employee is not eligible.

The College shall provide written rights and responsibilities notice detailing the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. This notice shall be provided to the employee each time the eligibility notice is provided. The notice of rights and responsibilities may be distributed electronically. If the specific information provided by the rights and responsibilities notice changes, the College shall, within five working days of receipt of the employee's first notice of need for leave subsequent to any change, provide written notice referencing the prior notice. This new notice shall set forth any of the information in the notice of rights and responsibilities that has changed.

When the College determines whether leave will be designated as FMLA-qualifying, the College must notify the employee of that determination in writing within five working days, absent extenuating circumstances. Regardless of whether the leave will be a continuous block, intermittent, or reduced schedule leave, only one notice of designation is required for each FMLA-qualifying reason per applicable 12-month period. If the College has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the College may provide the employee with the designation notice at that time. If the College determines that the leave will not be designated as FMLA-qualifying, the College must notify the employee of that determination. The designation notice must be in writing. If the leave is not designated as FMLA-qualifying, the notice to the employee that the leave is not designated as FMLA-qualifying may be in the form of a simple written statement. If the information provided by the College to the employee in the designation notice changes (e.g., the employee exhausts the leave entitlement), the College shall provide written notice of the change within five working days of receipt of the employee's first notice of need for leave subsequent to any change.

An employee must provide at least 30 days' advance notice before leave is to begin if the need for leave is foreseeable based upon an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family

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member, or a planned medical treatment for a serious injury or illness of a covered servicemember. If the need for leave is not foreseeable, the employee must give notice as soon as practicable. For leave due to a qualifying exigency arising out of the foreign deployment of the employee's spouse, son, daughter, or parent, the employee must provide notice as soon as practicable regardless of how far in advance the leave is foreseeable. The form and content of the notice must comply with 29 C.F. R. 825.302(c). When planning medical treatment, the employee must consult with the College and make a reasonable effort to schedule the treatment so as not to disrupt unduly the College's operations, subject to the approval of the health-care provider.

IV.E.6.11 Records

Records and documents relating to certifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files and shall be maintained solely at System Office. If GINA applies, records and documents created for purposes of the FMLA containing family medical history or genetic information as defined in GINA shall be maintained in accordance with the confidentiality requirements of Title II of GINA, which permit such information to be disclosed consistent with the requirements of the FMLA. If the Americans with Disabilities Act (ADA) also applies, such records shall be maintained in conformance with ADA confidentiality requirements.

LSCS Policy Manual Section adopted by the Board of Trustees on May 5, 2016

IV.E.7. Employee Medical Issues and Examinations

IV.E.7.01 Testing for Communicable Diseases

Food service personnel shall comply with health requirements established by the city, county and state health authorities. Pre-employment, or later on-the-job testing of employees to detect the presence of HIV will not be done except in response to specific on-the-job exposures or under Court-enforced order under the Communicable Disease Prevention and Control Act.

Communicable diseases include, but are not limited to. measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection) and AIDS, leprosy, and tuberculosis.

IV.E.7.02 Employee Physical Examinations

A medical examination may be required of any employee when, in the judgment of the immediate supervisor, after consultation with the Location Executive Officer (LEO) and the Chief Human Resources Officer, the employee's condition interferes with the ability to perform job-related functions or may pose a direct threat to the health or

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safety of the employee or others. An employee may be suspended from employment with pay pending fitness for duty examination.

IV.E.7.03 Reasonable Accommodations

If it is determined that an employee poses a direct threat to the health or safety of him/herself or others or that the employee is not able to perform essential job-related functions, the Chief Human Resources Officer or designee shall ask the medical professional to determine what reasonable accommodations are available to reduce or eliminate the direct threat or enable the employee to perform job-related functions.

IV.E.7.04 Exposure to Blood-borne Pathogens

The Human Resources Department is responsible for identifying employees who serve in support positions such as food service or any other employees who can "reasonably anticipate occupational exposure to a blood borne pathogen." The System shall annually review, and modify as appropriate, the minimum exposure plan provided by the Texas Department of State Health Services.

IV.E.7.05 Immunization and Testing

The System shall offer Hepatitis "B" vaccination to those employees who can reasonably anticipate occupational exposure to a blood-borne pathogen. The System will provide for post-exposure testing as well as post-exposure Hepatitis "B" vaccination.

IV.E.7.06 Workers' Compensation

To qualify for workers' compensation benefits, the employee claiming occupational exposure must report the exposure to the immediate supervisor within 48 hour of the exposure.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.E.8. Accommodating Employees with Disabilities

IV.E.8.01 Legal Obligations

LSCS will provide necessary and reasonable workplace accommodations for known disabilities of a qualified employee who is capable of meeting all the essential requirements of his or her job under the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act of 1976 ("Section 504").

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No presumptions are, or should be, made that the existence of a physical or mental impairment will necessarily cause any limitations in an employee's ability to perform his or her job. In fact, in most instances, absent a specific notification by an employee of the existence of specific limitations caused by a disability, it shall be presumed that a disabled or impaired employee is not limited in his or her ability to perform his or her job. Any accommodation request will be evaluated against the prevailing legal standards of the ADA and Section 504.

IV.E.8.02 Request for Accommodation

Except with respect to employees or applicants with visible and obvious health or mental impairment(s), it is the responsibility of the employee or applicant to inform the System of the existence of a disability that limits his or her ability to perform his or her job. The employee must provide the System Human Resources Department with documentation provided by an appropriate health care professional:

- a. diagnosing the existence of a physical or mental impairment that substantially limits one or more major life activities; and
- b. indicating that the employee will be able to meet all of the essential requirements of the job with the requested accommodation.

IV.E.8.03 Consideration of a Request for an Accommodation

The System Human Resources Department will review the medical documentation regarding the existence of a disability and the requested accommodation with the employee, and if authorized by the employee, with his or her medical professional.

In weighing the requested accommodation, the Human Resources Department will determine first whether the employee will be able to meet all of the essential functions of the job, as determined by the job description.

IV.E.8.04 Referral to System Medical Professional

The System Human Resources Department may require an employee who has requested an accommodation to be examined by a medical professional identified by the System. The sole purpose of such consultations will be to advise the System regarding the requested accommodation or to evaluate the employee's ability to perform the essential requirements of a position. The employee will not be responsible for the expenses of any such consultation, and will be provided with written information submitted by the consulting medical professional regarding the nature of the accommodations requested.

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IV.E.8.05 Denial of Requested Accommodation

The System Human Resources Department office may deny a requested accommodation if:

- a. It is determined that even with the requested accommodation, the employee will not be able to perform all of the essential requirements of the job, as defined in the job description, and by the supervisor;
- b. The medical documentation does not establish the existence of a disability within the terms of the ADA or Section 504: or
- c. The System determines that the employee, with or without an accommodation, poses a risk of harm to him/herself or to employees, students or members of the public with whom he or she may come in contact.
- d. Any other basis provided by the ADA, Section 504, or other law.

IV.E.8.06 Confidentiality of Medical Documentation

All medical records and information pertaining to an employment-related medical examination, employee's disability, or requested accommodation shall be maintained in the confidential files created and maintained in the System Human Resources office.

Information obtained regarding the medical condition or history of the applicant or employee shall be collected and maintained by the physician conducting the examination. The System shall only receive and accept a summary of the candidate's ability to perform the job either in response to questions posed or on a form created for such a summary.

Information pertaining to job-related limitations shall be released on a need-to-know basis only. Supervisors or other LSCS employees who are included in the accommodation review process shall ensure that any documentation or other information provided by an employee or applicant shall be kept confidential, except in accordance with this policy.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.F. EMPLOYEE RIGHTS AND PRIVILEGES

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IV.F.1. Expense and Travel Reimbursement

IV.F.1.01 Expense Reimbursement

The Vice Chancellor for Business Services and Chief Financial Officer ("CFO") will prepare and distribute procedures to enable employees to be reimbursed, or to receive advances for reasonable and necessary travel expenses (including the cost of transportation, meals, registration and lodging) provided such travel is:

- a. approved in advance by the appropriate administrator as necessary and important to achieve System business objectives;
- b. supported by the appropriate budget; and
- c. documented by appropriate receipts supporting the business purpose and actual expenses.

IV.F.1.02 Personal Automobile

Employees who are required to use personal automobiles for travel directly related to System business shall be reimbursed for such travel on a mileage basis. The rate of such reimbursement shall be determined annually.

All employees who use their own or rented vehicles while conducting college business must maintain minimum insurance coverage as required by the statutes of the State of Texas.

If any employee's own vehicle or rented car is lost or damaged by fire, theft or collision while on college-related business, the cost of repair must be covered by the owner's/driver's insurance.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.F.2. Professional Development and Educational Assistance Program

IV.F.2.01 Policy

The College encourages and supports the advancement of all employees through educational, professional, and vocational development and training opportunities.

IV.F.2.02 Definitions

(a) Professional Development means activities and opportunities that enhance the skill, knowledge and ability required in an employee's current position, or prepares an employee for a career path position in their area.

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- (b) **Educational Assistance Program** means a separate written plan of an employer for the exclusive benefit of his employees to provide such employees with educational assistance.
- (c) **Educational Assistance** means payment, by an employer, of expenses incurred by or on behalf of an employee for education of the employee (including, but not limited to, tuition, fees, and similar payments, books, supplies and equipment), and the provision, by an employer, of courses of instruction for such employee (including books, supplies, and equipment). Educational Assistance does not include payment for, or the provision of, tools or supplies which may be retained by the employee after completion of a course of instruction, or meals, lodging, or transportation, or payment for, or the provision of any benefits with respect to, any course or other education involving sports, games, or hobbies.
- (d) **Continuous Employment** means employment in which employees receive pay in 26 consecutive pay periods during normal working business days.
- (e) **Laboratory Fee** means a sum sufficient to cover the general laboratory material and supply costs used by a laboratory student. Laboratory fees charged by the College shall not exceed the lesser of \$24 per semester credit hour of laboratory course credit for which the student is enrolled or the cost of actual materials and supplies used by the student.

IV.F.2.03 Required Development

The College provides financial support for professional licensure renewals, professional association or organization membership dues, and established continuing education requirements for specific positions. Position requirements are determined by the Chancellor or designee. Additionally, the College provides time-off and cost-reimbursement for job-specific training required for all employees, including but not limited to, orientation, legal compliance training, systems training, process training and other position-specific training.

IV.F.2.04 Professional Development Activities

An employee may request Professional Development Leave to attend professional conferences, workshops, seminars, training courses, or meetings as approved by the supervisor. Pre-approved Leave is an excused absence. Sick, vacation, or compensatory time is not used. Additionally, an employee may request reimbursement or an advance for expenses related to professional development activities, including registration fees, travel, meals, and lodging in accordance with College travel policies and procedures.

All Professional Development costs and expenses must be within departmental budget authority and pre-approved by an employee's supervisor.

IV.F.2.05 Organization Membership

Memberships in professional or academic associations or organizations are reimbursable, with supervisor approval, up to \$25 a year per employee. The College

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shall not reimburse dues paid to unions or organizations engaging in lobbying or political activities.

IV.F.2.06 Employee Educational Assistance

The College may provide limited Educational Assistance for eligible employees seeking to further their academic development. As Educational Assistance, the College will waive the tuition and required fees for eligible employees (up to six credit hours per term for a maximum of 18 credit hours per academic year) for approved College courses taken in accordance with this policy. Additionally, the College will do the same with state-funded continuing education courses for eligible employees for approved College courses taken in accordance with this policy, subject to space availability. The College may waive tuition and required fees for a course that includes a laboratory fee.

IV.F.2.07 Educational Assistance Eligibility

Full-time employees employed at the start of class are eligible to receive assistance.

Part-time employees regularly employed with the College who have completed twelve months of continuous employment are eligible. Adjunct faculty who have taught at least six consecutive spring and fall semesters are eligible for assistance.

IV.F.2.08 Educational Assistance Conditions

Conditions of Educational Assistance will be developed and published by the College in procedures for the Educational Assistance Program.

IV.F.2.09 Procedures

The Chancellor or designee may develop procedures for appropriate implementation of the Program.

LSCS Policy Manual Section adopted by the Board of Trustees on August 4, 2016

IV.F.3. Wellness Program

IV.F.3.01 Purpose

The Wellness Program at LSCS is designed to encourage employees to practice simple, positive lifestyle habits that increase quality of life, productivity, and longevity. Wellness incorporates such aspects as adequate fitness, proper nutrition, stress management, disease prevention, the value of spirituality, personal safety, smoking cessation, regular physical exams and screenings, health education and awareness, and environmental support. There is now strong scientific evidence linking wellness program participation with improved health, decreased medical costs, and increased job productivity.

IV.F.3.02 Release Time

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Employees who engage in a minimum of three hours of exercise or community service each week will receive up to one and one-half hours release time from their duties to participate in such activities.

The Chancellor shall develop procedures that allow the maximum number of employees to participate without a reduction in institutional productivity.

LSCS Policy Manual Section adopted by the Board of Trustees on August 5, 2010

IV.F.4. Prohibited Unlawful Discrimination and Harassment Policy

IV.F.4.01 Policy

The College strives to maintain a work compliant with all applicable employment laws, including all laws outlawing discrimination arising from: sexual harassment, sexual violence race, color, sex, age, sexual orientation, religion, ethnic or national origin, disability, veteran status, or any other protected status. Unlawful employment discrimination by officers, managers, faculty, supervisors, employees, students, advisors, vendors, clients, or contractors will not be tolerated.

Retaliating against an employee who complains about discrimination as defined in this policy is also unlawful. Moreover, retaliating against an employee for cooperating in an investigation initiated to discover any of the prohibited conduct identified in the prior paragraph, whether internal or external, is also unlawful and contrary to the College's policies.

IV.F.4.02 Definitions

- (a) **Consent.** Consent is defined in Section VI.F.1.02(a).
- (b) **Dating Violence.** Dating Violence is defined in Section VI.F.1.02(b).
- (c) **Domestic Violence.** Domestic Violence is defined in Section VI.F.1.02(c).
- (d) **Sexual Assault.** Sexual Assault is defined in Section VI.F.1.02(d).
- (e) **Sexual Discrimination.** Sexual Discrimination is defined in Section VI.F.1.02(e).
- (f) **Sexual Harassment.** Sexual Harassment is defined in Section VI.F.1.02(f).
- (g) **Sexual Violence.** Sexual Violence is defined in Section VI.F.1.02(g).

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- (h) **Stalking.** Stalking is defined in Section VI.F.1.02(h).
- (i) **Title IX Harassment.** Title IX Harassment is defined in Section VI.F.1.02(i).
- (j) **Unlawful discrimination:** Varying an employee's or student's employment or education terms or conditions because of the employee's or student's race, color, sex, age, sexual orientation, religion, ethnic or national origin, disability, veteran status, or any other protected status constitutes unlawful discrimination.

Depending upon the circumstances and how they impact the workplace or academic environment, examples of unlawful discrimination could include the following:

1. Making decisions about a student's or employee's employment, compensation, or education because of his or her race, color, sex, age, sexual orientation, religion, ethnic or national origin, disability, veteran status, or any other protected status;
2. Verbal abuse, offensive innuendo, or derogatory words because of a student's or employee's race, color, sex, age, sexual orientation, religion, ethnic or national origin, disability, veteran status, or any other protected status; or
3. An open display of objects or pictures designed to create a hostile working or learning environment because of a person's race, color, sex, age, sexual orientation, religion, ethnic or national origin, disability, veteran status, or any other protected status.

IV.F.4.03 Addressing Employment Discrimination Complaints

- (a) **Sexual Harassment/Sexual Violence Complaints.** When the College receives any employee complaint of sexual harassment or sexual violence it will promptly investigate the allegation in the same manner that student complaints are handled under Section VI.F.1.03.
- (b) **All Other Employment Discrimination Complaints.** When the College receives any complaint of employment discrimination other than sexual harassment or sexual violence, the Human Resources Department promptly and impartially investigates the complaint. This investigation will at least include interviews of the complainant and the respondent and may also include witness interviews. All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much privacy, discretion, and confidentiality as possible without compromising the investigation's thoroughness and fairness.

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- (c) **Complaint Processing and Handling Procedures.** The General Counsel will develop procedures and forms to comply with this policy subject to the approval of the Chancellor or a designee.

IV.F.4.04 College Community Member Responsibilities

Each College community member helps ensure that no other community member suffers workplace sexual harassment or unlawful discrimination by fully cooperating in any related investigation.

Any College community member who witnesses an incident constituting unlawful discrimination in employment or who otherwise becomes aware of such an incident should immediately notify the Chief Human Resources Officer.

Any person who observes, or is victim to, an incident that may constitute sexual harassment, sexual violence, or other unlawful discrimination based on sex should immediately notify the Title IX Coordinator and the Chief Human Resources Officer.

IV.F.4.05 Educational Setting

This policy acknowledges academic freedom. Faculty and students participating in the educational setting, however, bear a responsibility to balance academic responsibilities and freedoms with a consideration of other participants' reasonable sensitivities. In the exercise of academic freedom, the faculty member may, without limitation, discuss his or her own discipline in the classroom; he or she may not, however, rightfully claim the privilege of persistently discussing in the classroom any matter not related to the course subject. In extramural utterances, faculty members have an obligation to not represent themselves as an institutional representative, unless so designated by his or her supervising President.

**IV.F.4.06 No Employment Retaliation for Employment Discrimination
Complaints**

Employment retaliation against any individual for making a sexual harassment or unlawful discrimination complaint, or for assisting in the investigation of such a complaint is unlawful and will not be tolerated. Any acts of retaliation will be subject to appropriate disciplinary action, such as, but not limited to reprimand, change in work assignment, loss of privileges, mandatory training, employment suspension, or immediate discharge as outlined in Board Policy IV.F.13.

Incidents of unlawful retaliation should be referred to the Human Resources Department (HR-compliance@lonestar.edu) for investigation and will be investigated in the same manner as claims of employment discrimination.

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IV.F.4.07 State and Federal Agencies

Students and employees who believe they may have been subjected to sexual harassment, sexual violence or unlawful discrimination may file a formal complaint with either or both of the government agencies below.

Equal Employment Opportunity Commission
Mickey Leland Federal Building
1919 Smith Street, 6th Floor
Houston, Texas 77002-8049

Texas Workforce Commission
1117 Trinity Street, Room 144T
Austin, Texas 78778

Students and employees who believe they may have been subjected to sexual discrimination including sexual harassment or sexual violence may wish to file a complaint with local law enforcement. Filing a criminal complaint will not preclude any student from participating in an informal or formal grievance process as required under Title IX.

Using the College's grievance or complaint processes does not prohibit an employee or student from filing a complaint with these agencies.

IV.F.4.08 Compliance and Training

The College expects the General Counsel, the Title IX Coordinator, and the Associate Vice Chancellor of Human Resources to coordinate efforts to comply with this policy, and conduct any investigation within the specific requirements of the following laws:

- (a) Title IX of the Education Amendments of 1972, as amended, and its implementing regulations;
- (b) Section 504 of the Rehabilitation Act, as amended, and its implementing regulations;
- (c) The Americans with Disabilities Act, as amended, and its implementing regulations; and
- (d) Title VII of the Civil Rights Act, as amended, and its implementing regulations.

The College shall provide training consistent with Texas and federal law to:

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- (a) New and existing employees regarding their protections under federal and state discrimination laws and the College's related policies and complaint procedures; and
- (b) Supervisory personnel and all employees regarding the College's non-discrimination obligations.

LSCS Policy Manual Section adopted by the Board of Trustees on December 4, 2015

IV.F.5. Prohibited Harassment *(Incorporated within Section F.4 above)*

LSCS Policy Manual Section adopted by the Board of Trustees on December 2, 2010

IV.F.6. Employee Safety and Health: Hazard Communication

F.6.01 Employee Safety/Health

The System recognizes the importance of health and safety of its employees, and will provide a safe and healthful environment in which to work. Employees are required to participate in safety programs and to observe all health and safety rules, regulations and instructions established by the System and College.

IV.F.6.02 Responsibility

All employees are responsible for incorporating safety in their daily activities. All supervisors are responsible for ensuring that each employee is trained and understands his or her particular job and all health and safety requirements.

Each department must meet all applicable rules and standards imposed by law and be responsible for developing a set of safety rules, policies, and regulations that pertain to its particular operations.

All on-the-job illnesses and injuries, property damage and unsafe conditions must be reported to the supervisor immediately.

Each employee required to drive a System vehicle must possess a valid and appropriate license. The supervisor must certify that the employee is capable of operating all motor-powered and self-propelled equipment required in the performance of the employee's work.

Safety and loss control is the responsibility of each System employee. The System shall provide health and safety programs including but not limited to facilities

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inspection, emergency evacuation, hazard classification and environmental protection, in accordance with appropriate state and federal requirements.

IV.F.6.03 Smoking Prohibited

The System prohibits smoking inside any of its buildings, owned or leased, including offices, classrooms, restrooms, hallways and elevators.

Each campus or facility owned or controlled by LSCS will post no-smoking signs at each public entrance and at other strategic locations.

Each campus or facility owned or controlled by LSCS will designate smoking areas not closer than within twenty-five (25) feet of the entrances to the buildings.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.F.7. Performance Evaluations

IV.F.7.01 Professional and Support Staff

In order to assist with the measurement of past contribution over a given time period, and provide feedback to improve performance, each supervisor shall conduct and document an evaluation review with each full-time employee. The evaluation discussion shall focus on the employee's success in meeting the goals set for the evaluation period, documenting factual achievements, difficulties, and setting goals relevant to the position.

IV.F.7.02 Performance Evaluation Intervals

Each employee shall be provided a first performance evaluation within six (6) months of commencing employment with the System. Thereafter, the non faculty employee shall receive an annual performance evaluation.

IV.F.7.03 Review of Performance Evaluation

The evaluator for each employee shall be that employee's immediate supervisor, and each performance evaluation shall be forwarded to the second level supervisor (department head, division manager, dean, LEO, etc.) for approval, before being placed in the employee's official personnel file.

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IV.F.7.04 Performance Evaluation Criteria

The evaluation form will assess the employee's performance by measuring specific objective criteria, and will also include a space for the supervisor's narrative regarding the employee's efforts, interest and performance during the evaluation period. The evaluation process shall be marked by fairness and objectivity, and each evaluating supervisor shall provide each employee an honest and unbiased assessment of his or her performance, including aspects of strength, areas in need of improvement, and goals for the upcoming evaluation period. The employee is to be considered an integral part of the evaluation process. As such, the supervisor shall schedule a performance review with each employee during the evaluation period to discuss the supervisor's evaluation. This review affords the employee an opportunity to discuss the strengths and shortcomings reflected in the evaluation. Employee feedback is encouraged at that time.

IV.F.7.05 Employee Review Conference

The evaluation form includes a space for the employee to write a brief statement or response, at the employee's election. At the end of the evaluation conference, the evaluation form shall be signed by the employee and the supervisor, as evidence of the performance review conference. A copy of the signed evaluation form shall be given to the employee, a copy may be kept by the supervisor, and a copy is to be placed in the employee's official personnel file.

IV.F.7.06 Faculty Assessment

According to established procedures, each member of the faculty shall prepare and review with their dean or manager a self-evaluation of his or her performance, effectiveness and goals as they relate to the responsibilities and priorities of the program or department. Since instruction is the primary responsibility of teaching faculty, the assessment will focus on instruction, curriculum development, and continuing professional development, along with the other components of faculty responsibility: institutional service and community service. Non teaching faculty will be assessed with a focus on their job responsibilities.

IV.F.7.07 Purpose of the Faculty Assessment

The specific purposes of the faculty evaluation process are to:

- a. Gather information to be used by each faculty member for his or her professional development;

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- b. Improve communication between faculty and manager in the area of performance;
- c. Encourage faculty members whose performance is exemplary, and provide guidance and assistance to faculty members whose performance needs improvement; and
- d. Collect information to be used in employment/contract status decisions.

IV.F.7.08 Administrative Staff

Each administrator shall participate with his/her supervisor in a performance and self-appraisal plan each year. The appraisal process shall be self-evaluative in nature. The supervisor's responsibility shall be to critique and react to the performance ratings submitted by the employee. The System will periodically solicit feedback from the faculty and other employees regarding their experience with various administrators, for purposes of encouraging more effective self-evaluation and professional development planning.

IV.F.7.09 Administrative Review of Evaluation

Any employee may request an administrative review of his or her evaluation if he or she disagrees with the content of the evaluation, or believes that it was conducted in a manner that violates this policy.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

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:

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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.

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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.

LSCS Policy Manual Section adopted by the Board of Trustees on February 2, 2017

IV.F.9. Resignation by Contract Employee

IV.F.9.01 Resignation

Any contractual employee may relinquish his or her position, and leave the employment of the System at the end of the contract term, without penalty, so long as the letter of resignation is submitted prior to August 1 of the academic year in which the employee resigns. A letter of resignation is submitted as of the date of mailing, if sent to the Chancellor by United States certified mail, with sufficient postage.

The employee may resign with the consent of the Board at any time mutually agreeable.

The Chancellor shall have authority to accept resignations. Exceptions to the deadline requirement may be granted in extenuating circumstances.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.F.10. Employee Grievance and Review Process

IV.F.10.01 Policy

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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.

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(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.

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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>.

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.

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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.

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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.

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.

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- (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,

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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

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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.

LSCS Policy Manual Section adopted by the Board of Trustees on February 2, 2017

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IV.F.11. Corrective Action and Discipline

IV.F.11.01 Definition

Corrective Action refers to a management approach to solving performance problems by emphasizing solutions to the problem(s), and by the appropriate use of progressive discipline.

IV.F.11.02 Purpose

The purpose of this policy is to:

- a. Guide supervisors through effective problem-solving, and to enforce System and College policies and procedures;
- b. Help employees overcome work-related shortcomings, and where practicable, strengthen performance; and
- c. Help supervisors identify and terminate an employee who is not performing adequately after appropriate counseling.

Nothing in this policy creates a contract or property right for non-contractual employees, and this policy does not alter in any way the employment-at-will status of non-contractual employees.

IV.F.11.03 Exceptions to this Policy

These recommended practices are not required to be used prior to placing an employee on paid leave pending the outcome of an investigation or of a medical evaluation. Likewise, these recommended practices are not required prior to taking an action of immediate discharge, if it is called for pursuant to the "Discharge of Employees" Section of Chapter IV. Human Resources, Board Policy Manual.

IV.F.11.04 Levels of Corrective Action

When it is necessary to use corrective action, the immediate supervisor is responsible for: (a) discussing the issue(s) with the employee; (b) documenting appropriate action; (c) ensuring that the action is, reasonable and explained to the employee; and (d) giving the employee a reasonable amount of time to correct performance.

In most instances, the following steps will be taken to solve performance problems:

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- a. The initial meeting is between a supervisor and an employee to identify performance problems, and indicate areas of needed improvement. A record of the discussion is created by the manager after it has taken place with documentation of issues and resolutions discussed at meeting. A record of this discussion is given to the employee and a copy maintained by the employee's supervisor.
- b. Disciplinary Action: A formal meeting between the supervisor and employee, called by the supervisor to discuss serious performance problems, or lack of improvement from an initial meeting at which the supervisor will:
 - i. Identify the problem to be corrected and the performance or conduct standard to be met;
 - ii. Identify ways in which the employee might correct the problem;
 - iii. State the consequences if the problem is not corrected; and
 - iv. Create a written record of the Disciplinary Action after the meeting.

IV.F.11.05 Corrective Action Procedures

Post meeting documentation of the Disciplinary Action is to be prepared by the supervisor, A copy is provided to the employee and submitted to System OfficeHR.. The employee's signature indicates receipt of the document, but not agreement with the contents. The employee may attach a personal statement to the Disciplinary Action memorandum if submitted within five (5) calendar days of the receipt of the document.

IV.F.11.06 Discharge

Failure by the employee to correct the identified problem, as required in a Disciplinary Action, is grounds for discharge.

IV.F.11.07 Decision-Making Leave

Decision-Making Leave is leave granted for the balance of the employee's shift (not to exceed eight scheduled hours of work) for the employee to decide whether to correct performance problems and continue working for the System. This step usually follows a Disciplinary Action meeting at which action to correct an identified problem was required of, and discussed with, the employee.

The purpose of the Decision-Making Leave is to provide an employee with a final opportunity to correct a serious performance or work habit problem.

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If the employee returns from the Decision-Making Leave having made the decision to work towards meeting performance standards, the supervisor shall prepare documentation describing the meeting between supervisor and employee and the expectations of changes in the employee's performance. If the employee does not return from leave, or communicates the decision to quit, a similar memorandum should be prepared, summarizing the Decision-Making Leave as part of the discharge procedure. The employee will be considered to have resigned voluntarily.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

IV.F.12. Reduction in Force

IV.F.12.01 Purpose

The purpose of this policy is to establish a process by which the System will seek and obtain Board approval to eliminate positions in its work force, as a result of changes in the System's financial resources, due to forces outside of the System's control, such as:

- a. Legislative or executive action by the State or Federal government that reduces funds on which the System has based its budget planning;
- b. A significant loss in enrollment or incapacity to charge tuition, resulting from the loss of student financial aid, destruction of System instructional or other facilities by catastrophic weather, acts of terrorism, or other unexpected and catastrophic event; or
- c. Destruction of property in the System that results in a sudden and unexpected decrease in tax revenue.

IV.F.12.02 Hearing on Proposed Reduction in Force

The Chancellor is responsible for preparing and submitting to the Board of Trustees a proposed Reduction in Force (RIF) stating the reason for the recommendation, the number of employees who will be laid off, the criteria for selection of employees to be laid off, and the proposed time lines for the RIF. The Board of Trustees shall conduct a hearing on the proposed RIF, based on the Chancellor's recommendation. At least one representative of the employee group that will be laid off shall be permitted to address the board regarding a proposed RIF. The Board may establish reasonable time limits for such employee comments.

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IV.F.12.03 Consideration of RIF Affecting Faculty

Prior to recommending a reduction in the full-time faculty, the Chancellor shall consider:

- a. Reduction of teaching contracts from 12-month or 10.5 months to 9 months;
- b. Reassignment of some faculty to other teaching fields, if qualified, and provided that an open position exists;
- c. Reducing the teaching load, and assigning administrative responsibilities, if available, provided that such assignment does not exceed two years;
- d. Transferring some faculty to other locations, provided that a comparable position is available;
- e. Reduction of adjunct faculty;
- f. Reduction of class size, if the average for affected department is above the System average.

IV.F.12.04 Proposal of RIF Affecting Faculty

Once a reduction in force of faculty is proposed by the Chancellor, a proposal of reduction shall be submitted to each Faculty Senate by the Chancellor with an invitation to each Faculty Senate to submit a written response.

IV.F.12.05 Notice to Contractual Employees

When it is proposed to lay off contractual employees as a result of a RIF, the Chancellor shall make every reasonable effort, consistent with the need to maintain sound educational programs, and within the limits of available resources, to give twelve months' notice to multi-year contractual employees, and three months notice to one-year employees.

IV.F.12.06 Re-Employment/Restoration of Benefits - Contractual Employees

The System shall not offer a new contract of employment to a new contractual employee within eighteen months after notification of intent to terminate a contractual employee under this policy, unless the contractual employee who was laid off through a RIF has been notified by certified mail and failed to accept or reject the re-employment offer within fifteen (15) calendar days of notification.

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IV.F.12.07 Contractual Employee Reinstatement

A contractual employee who has been laid off as a result of a RIF, and is re-employed within eighteen months, shall be reinstated as a contract employee.

A contractual employee who is recalled within eighteen months shall have his or her sick leave or personal leave restored at the same amount as were recorded as of the effective date of his or her lay off.

IV.F.12.08 Request for Review - Contractual Employees

Within ten (10) calendar days after receiving a notice of discharge as a result of the RIF, a contractual employee may request in writing a review of the action by the Board of Trustees. Review will be solely to determine whether the decision to layoff the employee constituted prohibited discrimination or retaliation, or was arbitrary and capricious.

The Board of Trustees shall consider the request, and shall grant a hearing if it determines:

- a. that the request contains a bona fide contention that the decision to layoff the employee constituted prohibited discrimination, retaliation, or arbitrary and capricious conduct; and
- b. that the facts suggested, if established, might support the contention.

A denial of the request finally confirms the decision of discharge/layoff, and the Board shall so notify the employee.

IV.F.12.09 Review Hearing Procedures - Contractual Employees

If the request for a hearing is granted, a hearing shall be held within thirty (30) days. The employee shall be given at least five (5) days' notice of the hearing.

The hearing shall be held in a closed meeting, with only the members of the Board, the employee, and his or her representative (if any), the Chancellor, and such witnesses as may be called, in attendance. An employee may request that the hearing be held open, but the Board may close the meeting if the employee's presentation will make reference to other employees of the System or as otherwise appropriate under the Texas Open Meetings Act. The Board may consider evidence it considers fair and reliable at the hearing.

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After presentations by the employee, the Chancellor, or their representatives, and also by any witnesses called by either side, the Board may deliberate on the matter in executive session, unless the employee requests them to deliberate in public.

The Board shall vote in public session whether to grant or deny the appeal.

IV.F.12.10 Rights of Non-contractual Employees in a RIF

During a RIF, non-contractual employees will be promptly notified of the proposed layoff so as to allow maximum time for them to seek alternative employment.

Except for employees who are prioritized for layoff in the RIF process due to corrective action or other disciplinary action, an employee who is recommended for layoff as part of a RIF, but is still employed with the System full-time, shall be considered for reassignment to another position in the System, if the employee is qualified to perform the essential functions of such other position. Such full-time employee shall be offered reassignment to the vacant position prior to external advertising of the position. An employee who is given the opportunity for reassignment in lieu of RIF layoff, but declines to accept the vacant position, shall lose the opportunity to be reassigned.

Non-contractual employees who are rehired after losing a full-time position through a RIF within eighteen months of departure will be re-hired with reinstatement of benefits, if permitted by the State of Texas Employee Retirement System and/or the Teacher Retirement System of Texas.

Nothing in this policy creates a contract or property right for non-contractual employees, and this policy does not alter in any way the employment-at-will status of non-contractual employees.

IV.F.12.11 Continuation of Benefits

The Human Resources Department will provide guidelines to affected employees regarding the details of separation, such as Insurance coverage, pension plan; unemployment compensation, etc.

Employees who are laid off during a RIF will be offered the opportunity to continue their health and dental coverage in accordance with the provisions of Consolidated Omnibus Budget Reconciliation Act (COBRA), by paying the established COBRA premium amounts.

LSCS Policy Manual Section adopted by the Board of Trustees on August 7, 2008

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IV.F.13. Discharge of Employees

IV.F.13.01 Policy

Any System employee may be discharged by his/her supervisor (subject to the Location Executive Officer being apprised of, and consented to, the proposed discharge and terms of discharge) for any of, but not limited to, the following reasons which are not intended to be exhaustive and are only listed herein as examples:

- a. Repeated failure to meet established performance standards as put forth in policy F.11;
- b. Failure to comply with official directives or established Board policies;
- c. Violation of the System's criminal background check policy;
- d. Repeated and continued neglect of job responsibilities; or
- e. Failure to comply with the terms and conditions of his/her employment contract.

A non-contractual employee may be discharged with or without reasons and has no due process right of notice and opportunity for a hearing prior to or after a discharge.

The discharge of a contractual employee involves a for cause decision to end the contractual relationship prior to the end of the contract. The Chancellor and the LSCS General Counsel must be apprised prior to all discharges and the terms thereof relating to contractual employees.

IV.F.13.02 Discharge for Cause

An employee may be discharged for misconduct, including by way of example (which is non-exhaustive), mistreatment of a subordinate, co-workers, students, misuse of computing or other System resources, or violation of the System's civil rights policies.

Subject to consent of the Location Executive Officer, discharge of an employee shall be on the recommendation of the immediate supervisor as defined within Section F.10.03. The employee's immediate supervisor will advise the employee of the current and past misconduct, verbally and in writing, and which form the basis for the employee's discharge. The employee's immediate supervisor should refer to performance issues occurring during the term of the employment relationship for which the employee received notice and the opportunity provided to the employee to correct the problem. Should the employee request in writing, the immediate supervisor shall meet with the employee to discuss the for cause basis for the discharge. A contractual employee, who is the subject of discharge, will be provided with notice of the reasons for the discharge, set out in sufficient detail to fairly enable him or her to contest the termination during the post-termination hearing under Section F.10.12.

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IV.F.13.03 Immediate Discharge

Any employee may be discharged immediately and without prior warnings, disciplinary action or pre-discharge meeting with his/her supervisor for serious offenses including, but not limited to the following reasons, which are not intended to be exhaustive and are only listed herein as examples:

- a. Serious acts of dishonesty, including misappropriation of System funds, destruction of records to cover up wrongdoing, or misuse of authority;
- b. A violation of the System's drug and alcohol policy;
- c. Violation of the System's criminal background check policy; or
- d. Conduct that jeopardizes the health or safety of System employees, students, or others on System property.

A contractual employee, who is the subject of immediate discharge, will be provided with immediate notice of the reasons for the discharge, set out in sufficient detail to fairly enable him or her to contest their termination during their post-termination hearing under Section F.10.12.

IV.F.13.04 Suspension with or without Pay

An employee may be suspended from employment without pay, pending further investigation of a matter, including possible official action by outside legal agencies. Should suspension with pay be appropriate, the recommendation must be approved by the Chancellor. There is no time limit for suspension with pay and may be denied at any time by the Chancellor. Suspension with pay should be followed immediately with a thorough investigation of the case to determine the appropriate level of discipline, if any.

During the period of suspension an employee may be required to make himself or herself available for business during normal work hours, and is required to observe System policies, procedures, and standards of conduct.

IV.F.13.05 Appeal for Contractual Employee

A contractual employee may grieve his or her termination under Section F.10.12.

LSCS Policy Manual Section adopted by the Board of Trustees on December 2, 2010

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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 biannually 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.

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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.
- (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.

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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.

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- (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.

V.A.5. Degrees & Certificate and Degree & Certificate Plans

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.

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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.

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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-

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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.

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.

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(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

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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

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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 written 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.

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- (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

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(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.

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- (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. General Provisions

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.
- (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.

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- (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

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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.

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. General Provisions

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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)

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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.

- (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.

The driver must also ensure that passenger numbers do not exceed the vehicle's designated passenger capacity—each passenger must be secured by a seat belt. A driver must not drive for more than three consecutive hours without taking a 15-minute break from driving. A

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driver may not read emails or text messages while driving students. A driver must obey all safety procedures and traffic laws.

- (b) 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 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

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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 the Vice President of Instruction.

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

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designation. Finally, all such agreements must comply with state law and SACS guidelines.

- (b) Non-Accredited Organizations.** The College may enter into memoranda of understanding, agreements, or contracts with nonSACS 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).

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

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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).

LSCS Policy Manual Section adopted by the Board of Trustees on February 2, 2017

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SECTION VI – STUDENTS

VI.A. ADMISSIONS

VI.A.1.1. Admissions Policy

The College is an open-enrollment community college system. It identifies, attracts, enrolls, and retains students reflecting the community’s diverse population. The College does not consider race, color, sex, age, sexual orientation, gender identity, gender expression, religion, ethnic or national origin, disability, veteran status, or any other protected status in admissions or educational programs.

LSCS Policy Manual Section adopted by the Board of Trustees on February 2, 2017

VI.A.1.02 Definitions

- (a) **Academic Fresh Start** means the College does not consider grades from courses taken 10 or more years before the start of the applicant’s first semester. The College may not give any applicant under this program course credit for courses older than 10 years. The applicant must be a Texas resident.
- (b) **Active Military Service** means active service as a U.S. Armed Forces or Texas National Guard member. A student withdrawing from the College to complete training exercises as a Texas National Guard member does not qualify.
- (c) **Chief Student Services Officer** means the official at each college who has been designated as such in corresponding procedures.
- (d) **Potential Students** are people who may enroll in the College.
 - 1. High school, secondary education, GED, or home school graduates.
 - 2. High school or home school students enrolled in dual-credit or early-college programs.
 - 3. Special admissions may be granted for (a) students aged 16 years or younger, or (b) other applicants able to do college-level work according to the same general standards as high school graduates.

The College may enroll potential students with valid immigration visas if they qualify under (d)(1) through (d)(3).

This definition applies only to the College’s general admission policy. Special admission requirements are required for some specific College programs, degrees, and certificates. Special rules are detailed in the College’s annual course catalog.

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- (e) **Texas Common Admission Application Form** means the adopted Texas Higher Education Coordinating Board electronic common admission application form.

VI.A.1.03 Admission Grievance Policy

Admission rejections are rare because the College is an open-enrollment institution. However, individuals should direct admission grievances to a college's Chief Student Services Officer.

VI.A.1.04 Returning from Active Military Service

The College has two duties under this policy: (a) provide the student a financial aid package similar to the one for which the student was eligible before withdrawing for military service. This assumes the student meets the current financial aid eligibility requirements and conditions; and (b) allow the student the same academic status the student had before the student withdrew for military service. This includes any course credit the College awarded the student.

LSCS Policy Manual Section VI adopted by the Board of Trustees on March 3, 2016

VI.B. TUITION AND FEES

VI.B.1.01 Policy

The College's Board of Trustees sets tuition and fees for the College's courses. Texas residents pay lower tuition and fees than out-of-state residents or international students. Likewise, out-of-district Texas residents pay higher tuition and fees than in-district Texas residents. Texas law, Texas Higher Education Coordinating Board rules, and this policy determine Texas residency.

VI.B.1.02 Definitions

- (a) **Child or minor** means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.
- (b) **Adult** means a person who is not a child, as defined in this section.
- (c) **In-District Texas Resident** means an adult Texas resident living in the College's taxing district boundaries on the census date in the semester in which the student enrolls. It can also mean a non-adult Texas resident whose parents or guardians live within those boundaries on the census date in the semester in which the student enrolls. It can also mean property owners, and their dependents, who pay the College's property taxes and are Texas residents. It can also mean the College's full-time employee's immediate family members. Finally, it can also mean a Texas resident of the Acres Home Super Neighborhood attending the College's Victory Center.
- (d) **Texas Resident** means—for this tuition and fee policy—a person who satisfies one of several circumstances.

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1. A person who established a domicile in Texas no less than one year before the semester's census date in which the person enrolls and maintained that domicile continuously for the year preceding that census date.
2. A dependent whose parent or guardian established a domicile in Texas no less than one year before the semester's census date in which the person enrolls and maintained that domicile continuously for the year preceding that census date.
3. A non-citizen person who first graduated from a Texas public or accredited private high school, home school program, or a Texas high school diploma-equivalent program. And second, established a domicile in Texas for at least 36 months prior to graduating or receiving a diploma-equivalent. And third, established a domicile in Texas for one year before the student's first academic semester's census date.
4. A nonresident of Texas employed by a business or organization established in Texas under a Texas Economic Development and Diversification In-State Tuition Incentive along with their spouse and children are eligible to pay resident tuition. It is irrelevant how long the person has been domiciled in Texas. The enrolling student must provide a letter of intent to establish Texas residency with the College.
5. A person who established a domicile in Texas no less than 12 consecutive months before the semester's 12th day in which the person enrolls. And who holds an immigration visa allowing him or her to live in the United States.
6. A person who has filed a Petition for Permanent Resident Status (I-130 or I-140). And who has established a domicile in Texas no less than 12 consecutive months before the applicable semester's 12th day.
7. A person, ignoring immigration status, who satisfies (c)(3) above and provides the College an affidavit. The affidavit must promise that the person will apply for legal permanent residency as soon as eligible.
8. A person stationed in Texas who is an officer, enlisted, selectee, or draftee of the United States Army, Army National Guard, Air Force, Air National Guard, Navy, Marine Corps, Coast Guard, or a commissioned officer in the Public Health Service. This also applies to the person's spouse and dependent children. This definition does not apply to service members training in Texas in an isolated or routine manner.
9. A member of the United States Armed Services whose Home of Record with the military is Texas is presumed to be a Texas resident, as are his or her spouse and dependent children. A member whose Home of Record is not Texas but who provides the institution Leave and Earnings Statements that show the member has claimed

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Texas as his or her place of residence for the 12 straight months prior to enrollment is presumed to be a Texas resident, as are his or her spouse and dependent children.

10. A Texas resident means a service member's spouse or child under certain circumstances. First, the service member is stationed outside Texas. Second, the member's spouse or child resides in Texas. Third, the spouse or child gives the College a letter of intent to establish Texas residency. It is irrelevant how long the spouse or child has lived in Texas if the letter of intent is filed.

(e) Out-of-District Texas Resident means an adult Texas resident living outside the College's taxing district boundaries on the official enrollment reporting date. It can also mean a non-adult Texas resident whose parents or guardians live outside those boundaries on the official enrollment reporting date.

(f) Out-of-State Residents means a person aged over 18 years who does not meet the Texas Resident definition under this section. This definition also includes persons aged less than 18 years whose parents or legal guardians resided outside of Texas for the 12 months before the applicable semester.

VI.B.1.03 Establishing Texas Residency and District Status and Grievance Policy

The College will provide applicants with a questionnaire, which becomes part of the applicant's admissions paperwork. The College can seek more information to answer questions raised by the applicant's responses. Students must also tell the admissions office on the student's college when a student changes residences. Current and returning students may be required to prove their residency through supporting documents. A student that does not inform the admissions office can be disciplined under the Student Code of Conduct. The student must ensure that any residency or district issues are resolved before registering for classes. A student may file any grievance or objection with their Chief Student Services Officer. The Chief Student Services Officer has final authority to determine a student's residency or district status under this policy.

VI.B.1.04 Texas Tuition Fund and Texas Guaranteed Tuition Plan Tuition Rates

A Texas Tuition Promise Fund or Texas Guaranteed Tuition Plan beneficiary pays in state tuition, but may be required to pay higher fees than a Texas resident as defined in this section.

VI.B.1.05 Errors in Texas Residency and District Status

The College may unintentionally misclassify an out-of-state resident as a Texas resident. The College will charge out-of-state tuition and fees to a misclassified person starting with the first semester after the error's discovery. The same shall be true if the College misclassifies an out-of-district Texas resident as an in-district Texas resident.

The College may also unintentionally misclassify a Texas resident as an out-of-state resident. The College will immediately charge Texas resident tuition and fees to the misclassified person starting the very semester during the error's discovery. The College shall refund the person the

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sums the person paid over Texas resident tuition. The same shall be true if the College misclassifies an in-district Texas resident as an out-of-district Texas resident.

VI.B.1.06 Notice of Repeated Courses and Excessive Undergraduate Hours

The College and its students benefit when students timely complete certificate and degree programs. The College may charge a student higher tuition than standard tuition for repeated courses or carrying excess hours beyond those allowed for a student to keep paying in-state tuition and fees. The higher tuition rates and criteria are published in the College's annual course catalog.

VI.B.1.07 Tuition Waiver Based on Contractual Training Agreements

Tuition and fees may be set in a contract when a third party pays the full cost, or a significant portion, of a continuing education or training program. The tuition waiver in this section can never apply where the third party's payment does not cover at least instructional salaries. The Chancellor may authorize exceptions to this section, and shall report the same to the Board on at least an annual basis.

VI.B.1.08 Dual Credit Tuition Waiver

Texas high school students enrolled in dual credit courses will not pay the College any tuition, but the College may still charge fees to those students.

VI.B.2. Installment Payment Plans

VI.B.2.01 Policy

The College may offer installment payment plans, as specified in the Tuition and Fees Procedures. Payment plans require a student's first payment before classes begin. Likewise, payment plans require a student's last payment by the tenth week of class. Finally, a student who uses a payment plan will pay an extra enrollment fee at enrollment for each semester the student has a payment plan. The College will tell a student about any overdue tuition or fees. Not paying tuition and fees may impact enrollment status.

VI.B.2.02 Obtaining an Installment Payment Plan

The College requires students to enroll and complete necessary paperwork online for a tuition payment plan. That paperwork will include a written agreement outlining the payment plan's terms and conditions, a promissory note as collateral for the debt, and the student's financial aid award assignment covering the student's tuition or fees.

The following statement in bold-faced type must be included in any student's signed promissory note: **"A student who fails to make full payment of tuition and fees, including any incidental fees, by the due date may be prohibited from registering for classes until full payment is made. A student who fails to make full payment prior to the end of the semester or session may be indefinitely denied a transcript."**

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VI.B.2.03 Appealing Denial of a Transcript for Non-Payment

A student may appeal denial of an installment plan to the College. The Chief Student Services Officer will have final authority regarding the student's eligibility.

VI.B.2.04 Applying Financial Aid Awards to Tuition and Fees

The College applies a student's financial aid award to pay a semester's tuition and fees. The College will refund the balance after financial aid pays the student's tuition and fees.

VI.B.3. Refund Policy

VI.B.3.01 Policy

The College generally refunds tuition and fees as soon as practical via a refund schedule appearing in this section. Students are advised, however, that Federal Pell Grants, Federal Supplemental Educational Opportunity Grants, and Direct Loans, are subject to a different policy by law.

VI.B.3.02 Refund Schedules Defined

Refund schedules are determined by the fund type, class type or course, the class semester-length, and the refund's reason.

(a) **General Refunds.** Courses approved by the Texas Higher Education Coordinating Board for which credit hours are awarded are refunded in accordance with this section.

1. The College will provide a full refund when the College cancels a scheduled course.
2. The College will provide a partial refund when a student drops a course or withdraws before the first day of classes. That partial refund will be the balance of all tuition and fees minus any registration fee, installment plan payment fee, and any applicable late fees.
3. The College will provide a partial refund when a student drops a course or withdraws after the classes first calendar day during the fall or spring semester. That partial refund will be the prorated as a follows.
 - A. Calendar days 1 through 15 = 70 percent refund.
 - B. Calendar days 16 through 20 = 25 percent refund.
 - C. Calendar days 21 through semester's end = no refund.
4. The College will provide a partial refund when a student drops a course or withdraws after the first calendar day of classes during a six-week summer semester. That partial refund will be prorated as follows.
 - A. Calendar days 1 through 5 = 70 percent refund.

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- B. Calendar days 6 through 7 = 25 percent refund.
- C. Calendar days after the 7th day = no refund.

(b) Title IV Financial Aid Refunds. Students receiving Federal Pell Grants, Federal Supplemental Educational Opportunity Grants, and Direct Loans are subject to this section. Federal law requires that such students stay enrolled in classes at least 60 percent of the course schedule. Students who withdraw before that date must return funds to the federal government and the College under the following terms:

The class schedule's percentage that the student completed before withdrawing will be the percent of the Title IV assistance that the student earned and will not return. The College will inform the student of the percent completed and the balance owed to the College and the federal government. The student will then return the funds within 45 calendar days.

A student that does not repay the sum owed faces serious action if no valid repayment plan is agreed to by the College and student. First, the College may deny the student future course registration, transcripts, or grades. Second, the Department of Education may deny the student eligibility for Title IV funds in the future for not returning sums owed under this section.

Repayments will be returned to the Title IV programs in the following order: (1) unsubsidized Stafford Student Loans, then (2) Subsidized Stafford Student Loans, then (3) Plus Loan Program, then (4) Pell Grant Program, then (5) SEOG Grant Program, and finally, (6) Robert C. Byrd Honor Scholarship.

VI.B.3.03 Refund Grievance Policy

A student that believes an error has occurred regarding a refund should contact the college's Vice President of Administrative Services. The only available appeal from a Vice President of Administrative Services' determination is to the college President. The college President's decision is final.

VI.B.3.04 Withdrawal for Military Service

The College provides a withdrawing, active military service student three options: (a) refunding the tuition and fees the student paid for the semester in which the student withdraws; or (b) granting the student an incomplete grade in all courses by designating "withdrawn-military" on the student's transcript; or (c) assigning an appropriate final grade or credit to a student who has satisfactorily completed substantial coursework and has demonstrated sufficient course-material mastery determined by the student's instructor. The active military service student decides the taken route.

VI.B.4. Fees, Fines, and Charges

VI.B.4.01 Policy

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The College may set and collect special fees. The College will exempt students from tuition, dues, fees or charges as required by law. Continued receipt of exemptions and waivers is conditional.

VI.B.4.02 Fee Types

- (a) **Continuing Education Course Fees** are charged to each person registered in Continuing Education (CE) courses. The Board shall set the fee in an amount sufficient permitting the College to recover the costs of providing the course. CE fees only apply to the College's courses that do not collect tuition or receive formula funding—including an extension course, correspondence course, or other self-supporting course. Students enrolled in CE courses where the College collects tuition or receives formula funding are charged a specific per-course sum as outlined in the College's course catalog.
- (b) **Incidental fees** include, without limitation, late registration fees, library fines, payment plan late fees, bad check charges, application processing fees, infrastructure fees, and laboratory breakage charge. The Board may fix the rate current and prospective students pay in incidental fees. Incidental fee rates shall reflect the College's actual costs for materials and services. The College publishes a description and sum for each incidental fee in the College's annual course catalog.
- (c) **Joint Enrollment Waivers** arise when a student registers at two colleges under a joint or cooperative program at the same time. The student must pay all required student services fees to the college designated as the home college under the joint or cooperative program agreement. The non-home college under the joint or cooperative program agreement will award the student a Joint Enrollment Waiver for all required student services fees at the non-home college campus.
- (d) **Laboratory Fees** include, without limitation, a sum sufficient to cover the general laboratory material and supply costs a laboratory student uses. The College's charges for laboratory fees shall not exceed the lesser of \$24 per semester credit hour or the actual material-and-supply costs the student uses.
- (e) **Student Activity Fees** include an every-semester fee per credit hour used to support student activities distinct from the College's regularly scheduled academic functions and that involve or benefit students. All money collected as student activity fees shall be reserved and accounted for in a distinct account separate from other revenue sources. The College shall only use student activity fees for student activities as defined in this section.

VI.B.4.03 Fee Grievance Policy

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Students that believe an error occurred regarding a fee should contact their Vice President of Administrative Services. The only available appeal from a Vice President of Administrative Services' determination is to the college President. The college President's decision is final.

LSCS Policy Manual Section VI adopted by the Board of Trustees on March 3, 2016

VI.C. FINANCIAL AID

VI.C.1. Financial Aid

VI.C.1.01 Policy

Financial aid removes financial barriers preventing access to educational opportunities. The College participates in programs providing aid through grants, scholarships, work-study, and loans. Financial aid policies provide uniform, efficient guidelines for the College's financial aid offices in getting information, giving awards, and governing programs. This policy supplements the College's compliance with federal and state statutes and regulations.

VI.C.1.02 Standards

- (a) **Financial Aid Application.** Students applying for financial aid, other than scholarships, must first complete a Free Application for Federal Student Aid (FAFSA) form. The information submitted in the application may be verified. Scholarship applicants must submit scholarship applications by published deadlines. Scholarship donors determine scholarship eligibility criteria.
- (b) **Disbursement of Financial Aid Funds.** Financial aid awards other than work-study awards are credited to the student's account and pay tuition, fees, and books. Any balances are refunded to the student. The College's work-study funds are distributed through its payroll system.
- (c) **Repayment of Title IV Funds.** Students receiving Title IV funds, who withdraw from a course before the 60 percent point of completion, must return the unearned portion of the Title IV funds.
- (d) **Financial Aid Probation and Suspension.** Students must meet certain academic progress standards to remain eligible for the College's financial aid programs. Students who do not make satisfactory academic progress will be placed on financial aid warning, probation, or suspension.

VI.C.1.03 Appealing a Financial Aid Suspension. A student placed on financial aid suspension who wants to appeal the suspension shall complete and submit an appeal form to the appropriate College official.

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The College must provide the student with a written decision regarding the student's appeal and provide any remaining appeals remaining available.

VI.C.1.04 Title IV Fraud

Any person who embezzles, misapplies, steals, or obtains funds by intentional misrepresentation, false statement, or forgery, commits fraud. A person who does not refund any owed funds, assets, or property received under Title IV commits theft and conversion. A person committing fraud can be penalized and fined under federal law. A person committing theft and conversion can be penalized, fined, and sued under Texas law.

The College shall refer Title IV fraud to the U.S. Department of Education by forwarding the investigative report to the agency and supporting documents. College administrators shall determine whether to refer the case to the U.S. Attorney General. The College's General Counsel shall be responsible for making any such referral.

LSCS Policy Manual Section VI adopted by the Board of Trustees on March 3, 2016

VI.D. STUDENT WELFARE AND RIGHTS

VI.D.1. Non-Academic Student Travel

VI.D.1.1. Policy

The College provides equal opportunities to all students participating in courses, activities, and programs regardless of race, color, sex, age, sexual orientation, gender identity, gender expression, religion, ethnic or national origin, disability, veteran status, or any other protected status. Section VI.D.1 applies to only to Non-Academic Student Travel as defined below.

LSCS Policy Manual Section adopted by the Board of Trustees on February 2, 2017

VI.D.1.02 Definitions

- (g) **Necessary Student Travel Paperwork** includes all required forms specified in the Chancellor's Procedures for Non-Academic Student Travel.

- (h) **Non-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 not 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 Non-Academic Student Travel and Section VI.D.1 does not apply.

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- (i) **Non-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.
- (j) **Non-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, athletic events, and non-athletic 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.

VI.D.1.03 Non-Academic Student Travel

Students complete and submit Necessary Student Travel Paperwork at least five working days before the Non-Academic Student Travel. Commercial airlines, College-owned, -rented, or -leased vehicles, and commercial vehicles are approved transportation modes for Non-Academic Student Travel under this policy.

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

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

- (d) **Student-provided Transportation.** The following applies when student-owned vehicles are used for Non-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 Non-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.

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VI.D.1.04 Student Group Registration Eligibility

A student group may register on the College's campuses if (a) the student group does not deny membership because of race, color, sex, age, sexual orientation, religion, ethnic or national origin, religion, disability, veteran status, or any other protected status.; (b) the student group has a Student Organization Advisor; (c) its registration is not prohibited after disciplinary action; and (d) the College's currently enrolled students and employees compose its membership. Alumni, faculty, and staff can serve as advisors by invitation.

VI.D.1.05 Required Risk Management Training for Student Groups

The College will provide a Risk Management Program for registered student organizations at least once each academic year. The College requires the Student Organization Representatives and its Student Organization Advisor(s) to attend. The College must record the program's attendance and keep those records for at least three years after the program is held. Other student organization members may attend the program. Student Organization Advisors or Student Organization Representatives will brief the entire student organization on the program's contents at the next full membership meeting.

VI.D.1.06 Compliance with the College's Policies

Registered student organizations must comply with the College's policies and procedures. The student organization's activities and programs require Student Organization Advisor approval. Student organizations do not legally represent or bind the College. A registered student organization may use the College's tax exemption number for its purchases relating to the College's tax-exempt educational purpose. Items for personal use are not exempt from sales tax.

VI.D.1.07 Violation of the College's Policies

The College can charge a registered student organization with violating this policy and or the Student Code of Conduct. The organization and its Student Organization Representatives may be held responsible for violations during organization-sponsored events. The College holds student organizations and their Student Organization Representatives responsible for violations committed by a member representing the organization or associated with the organization.

Sanctions for student organization misconduct may include the College revoking the registered student organization's status. Sanctions can also include those listed in Section VI.G.1. A student organization may appeal or proceed as an individual student might under Section VI.G.1.

VI.D.1.08 Sale of Taxable Items

A registered student organization may hold one or two sales each year exempt from taxes imposed by Chapter 151 of the Texas Tax Code so long as the sales price of each taxable item remains \$5,000 or less. If, at the sale, the student organization sells an otherwise taxable item that it manufactured or which was donated to the student organization, the item is exempt from

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taxes imposed by Chapter 151 of the Tax Code regardless of sales price unless a donated item is sold to the donor. Each sale may last no longer than 24 hours.

VI.D.1.09 Raffles

The College allows registered student organizations to hold raffle-ticket sales at the College—subject to reasonable time, place, and manner restrictions and always following Texas law.

VI.D.2. Religious Holy Days

VI.D.2.01 Policy

The College respects students' religious observances even though they may conflict with the College's class meetings, assignments, and examinations.

VI.D.2.02 Definitions

- (a) **Religious Holiday** means a holy day observed by a religion whose worship places are exempt from property taxation under Section 11.20 of the Texas Tax Code.
- (b) **Excused Absence** means a student is treated consistently with the instructor's policies and procedures regarding other excused absences—except that no instructor may unilaterally deny the student the opportunity for make-up work under this policy.

VI.D.2.03 Requesting Absences for Religious Holy Days

Student class attendance affects the educational experience, and students should attend all classes in which they are enrolled. Each faculty member shall communicate the attendance policy to his or her classes. The College shall publish its attendance policies and procedures for religious holy days. A student excused under this section may not be penalized for the absence; however, the instructor may appropriately respond if the student does not complete any postponed or rescheduled assignment or exam.

VI.D.3. Crime and Security Reports

The College shall collect information regarding campus crime statistics and campus security policies as required by law. The College will prepare, publish and distribute an annual security report through appropriate publications, electronic media, or mailings to all current students and employees as required by law. The College will also provide the resulting report to any applicant for enrollment or employment upon request. This report shall include the following:

- (a) A statement of current policies concerning security and access to campus facilities, and security considerations in maintaining campus facilities.
- (b) A statement of current policies concerning campus law enforcement that includes: (1) the enforcement authority of security personnel, including their working relationship with state and local police agencies, and whether those security personnel have the authority to arrest individuals; and (2) the policies that encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies.

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- (c) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
- (d) A description of programs designed to inform students and employees about crime prevention.
- (e) Campus and community crime statistics.

VI.D.4. Student Support Services

The Executive Vice Chancellor shall ensure that the Colleges make available to all students effective student support services, including academic advising services, academic-support services, skills assessment and placement services, career services, financial aid services, student enrollment services, and support services for students with disabilities.

VI.D.5. Student Health Notices and Immunizations

The College's policy on HIV infection and AIDS shall be published and available for viewing on the College's website.

VI.D.6. Drug and Alcohol Testing

Students and faculty members in the health occupation, emergency services, child care programs or any other applicable program may require drug testing.

VI.D.7. Criminal Background Checks

Before registering in the College's health professions, emergency services, or child development programs, a student must pass a criminal background check performed by an external consumer agency the College selects. The student shall sign a release and directly pay the agency the background-check cost. Background check results, confidentially kept, are sent directly to the program director and the student.

VI.D.8. Legal Notice Regarding Steroids

The following notice regarding legal restrictions on steroids shall be posted in the College's gyms: "Anabolic steroids and growth hormones are for medical use only. State law prohibits the possession, dispensing, delivery or administering of an anabolic steroid or growth hormone in any manner not allowed by state law. State law provides that bodybuilding, muscle enhancement, or increasing muscle bulk or strength through anabolic steroid use by a person in good health is not a valid medical purpose. Only a medical doctor may prescribe an anabolic steroid or human growth hormone for a person. A violation of state law concerning anabolic steroids or human growth hormones is a criminal offense punishable by confinement in jail or imprisonment in the Texas Department of Criminal Justice."

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VI.D.9. Graduation Rates

The College publishes or mails to all current students its full-time student completion and graduation rates. It also provides the same to any requesting prospective student. The College updates the information at least every two years.

VI.D.10. Student First Amendment Rights and Other Rights

VI.D.10.01 Policy

The College's students retain their First Amendment rights, but voluntarily assume certain responsibilities by enrolling in the College. The College's students enjoy First Amendment protections at all College-sponsored events subject to limited exceptions. Student expression remains protected by the First Amendment and may not be abridged unless, in the Chancellor's or a designee's view, the speech is disruptive, College-sponsored, promotes illegal drug use, or the regulation remains viewpoint- and content-neutral.

With the exceptions stated above, the College shall take no action respecting a religion's establishment, nor will the College prohibit religion's free exercise. The College will not abridge speech, the press, peaceful assembly, or grievance petitions. Students distributing literature, displaying signs, petitioning for change, and sharing information concerning issues of public concern are protected by the First Amendment. Students also maintain their rights against unreasonable searches and seizures as provided herein.

VI.D.10.02 Definitions

- (a) **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 fairly be 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.
- (b) **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 always accompanies an unpopular viewpoint.
- (c) **Premises** means any real property over which the College has possession, control, or legal ownership.
- (d) **Student** means any person registered to attend College courses or classes. This definition includes individuals enrolled in non-credit classes, including but not limited to, continuing education, GED, or ESL classes.
- (e) **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.

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VI.D.10.03 First Amendment Grievances

A student that believes his or her rights have been violated under this section may file a grievance under Section IV.D.12.

VI.D.10.04 Student Interviews and Emails

The College respects a student's privacy rights. But the College can interview students on a matter to protect the College's overall welfare.

- (a) **Email Confidentiality.** The College cannot guarantee the privacy or confidentiality of electronic documents, and any messages that are confidential should probably not be communicated over email. The College reserves email-access rights during routine computer maintenance and housekeeping, carrying out internal investigations, preparing public records responses, or disclosing messages, data, or files to law enforcement authorities.
- (b) **Email Records.** Messages sent as email should meet the same standards for distribution or display as tangible documents or instruments. As with all records the College maintains, as required by law, files saved on the College's information system or servers, including email, may be released after a public information act request.

VI.D.10.05 Warrantless Search

The College's officials have limited authority to search a student's person or property without a warrant as follows: (a) any prohibited item within "plain view" can be seized; (b) personal property may be searched, if probable cause exists, and only if exigent circumstances justify not obtaining a search warrant; (c) areas such as lockers and desks, which the College owns and operates may be searched by the College officials when they have reasonable suspicion to believe that stolen items or items prohibited by law or by this policy are contained in the area to be searched; and (d) stolen items and items which are forbidden by this policy or law may be impounded and used as evidence in internal College disciplinary proceedings against the student.

VI.D.11. Students with Disability Rights

VI.D.11.01. 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. The College is committed to making reasonable accommodations, including furnishing auxiliary aids and services, for qualified individuals with disabilities as required by law. For purposes of this policy section, accommodation requests also mean requests for auxiliary aids and services.

The College shall communicate and make available the procedures for the prompt and equitable implementation of reasonable accommodations for qualified individuals.

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VI.D.11.02. Student Responsibility to Request Accommodation

Students with disabilities have the right to an equal opportunity to participate in and benefit from College services, programs, facilities or activities. Students are responsible for identifying themselves as individuals requesting accommodation based on a qualifying disability each semester. Students shall direct accommodation requests to one of the College's Disability Services Offices. While the College accepts accommodation requests throughout each semester, students are strongly urged to submit accommodation requests at least four weeks before each semester starts. The College has a two-step process to reasonably accommodate students with qualifying disabilities. Students must actively participate in this process. The two steps are (a) certifying the student's qualifying disability and (b) determining the student's reasonable accommodation.

Students certified as having a qualifying disability are eligible for accommodation and will engage in a collaborative process with the Disability Services Office to determine their reasonable accommodation. An accommodation will not be considered reasonable if it fundamentally alters the nature of a service, program, facility, or activity of the College. The College is not required to lower or substantially modify program standards or codes of conduct. Students using their accommodation shall notify the applicable instructors of the accommodation once determined. Students receiving accommodation shall be evaluated based on their ability, not disability.

VI.D.11.03. Requests for Reconsideration or Revision of Accommodations and Discrimination Complaints

(a) Reconsideration or Revision of Accommodations. Students may appeal denied accommodations or College-proposed accommodations. Students may also request accommodation revision during the semester. Each Disability Services Office evaluates appeal and revision requests for its college campus. Students should appeal accommodation denials or College-proposed accommodations within two weeks. Students requiring accommodation revision anytime during the semester should submit a request as soon as possible. Students may appeal Disability Services Office decisions to the Executive Director of Disability Services. Students may also file a complaint at any time with the regional Office of Civil Rights at the U.S. Department of Education or through the civil court system.

(b) Discrimination Complaints. Students who believe they are unlawfully discriminated against on the basis of disability are encouraged to report the incident to the Disability Services Office and or in the manner described in Section VI.D.12 (Student Civil Rights Complaints). Students may also file a complaint at any time with the regional Office of Civil Rights at the U.S. Department of Education or through the civil court system.

(c) Prohibition of Retaliation or Coercion. No College community member shall discriminate against any individual because that individual has opposed any act or practice made unlawful by the applicable laws, or because that individual submitted a complaint or

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charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under any applicable law or this policy.

No College community member shall coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by any applicable law.

VI.D.11.04. 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. The College shall further designate at least one employee at each campus to assist the Executive Director of Disability Services in carrying out the College's responsibilities. The College shall make available to all interested individuals the names, office addresses, and telephone numbers of the employees designated.

VI.D.11.05. Confidentiality and Records

Students' disability records are confidential. The confidentiality protects students from discrimination on the basis of disability as well as to ensure the non-release of their medical records except as needed to provide educational services. The College's Disability Services Office on each campus is responsible for collecting and maintaining disability-related documentation, confidential records of each student's visit, and any ongoing changes in the student's condition. These records are kept in a separate, secure digital file accessible only by Disability Services Office personnel and housed in the College's headquarters.

Disability-related information is shared only when necessary. Limited information may be disclosed to appropriate parties in a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

VI.D.12 Civil Rights Complaints

VI.D.12.01 Policy

The College provides equal treatment and educational opportunities to all persons without regard to race, color, sex, age, sexual orientation, gender identity, gender expression, religion, ethnic or national origin, disability, veteran status, or any other protected status. Any student experiencing discriminatory treatment or civil rights violations, aside from Sexual Violence or Title IX Harassment addressed in Section VI.F (Sexual Harassment, Assault, Violence, and Discrimination), may submit a civil rights complaint under this section.

LSCS Policy Manual Section adopted by the Board of Trustees on February 2, 2017

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VI.D.12.02 Reporting and Processing Civil Rights Complaints

Students experiencing a civil rights violation should complain to the applicable Chief Student Services Officer or President as soon as possible. Depending on the nature of the complaint and the respondent to the complaint, the receiving College official or a designee may (a) investigate the complaint and take any appropriate corrective or disciplinary action at the applicable college campus as approved by the President or (b) forward the complaint to the appropriate College official. The College shall publish procedures for Reporting and Processing Civil Rights Complaints.

VI.D.12.03 Potential Disciplinary Actions

If the investigation reveals an employee committed a civil rights violation, action will be taken under this policy's Section IV.F.11 or IV.F.13. If the investigation reveals a student committed a civil rights violation, action will be taken under this policy's Section VI.G.1.

VI.D.12.04 Prohibition on Retaliation

The College's policy prohibits any College employee from retaliating against a student for submitting a student's civil rights complaint. The College's policy forbids retaliating against any person who submitted a civil rights complaint. The College's policy also forbids retaliating against anyone who helps investigate such a complaint. A complaint's actual or perceived truth does not excuse retaliatory conduct. Any person who observes retaliation should promptly notify the applicable Chief Student Services Officer or President.

LSCS Policy Manual Section VI adopted by the Board of Trustees on March 3, 2016

VI.D.13. Student Organizations

VI.D.13.01. Policy

The College provides equal opportunities to all students participating in student organizations regardless of race, color, sex, age, sexual orientation, religion, ethnic or national origin, disability, veteran status, or any other protected status. The College cannot deny a student group registration because of the group's views.

VI.D.13.02. Definitions

- (a) **Risk Management Program** means a program that discusses the following topics: (1) possessing and using alcoholic beverages or illegal drugs, including penalties that may be imposed for possessing either substance; (2) hazing; (3) sexual harassment; (4) fire and other safety issues, including possessing and using a firearm, other weapon, or explosive device; (5) traveling outside the College's location area; (6) behavior at parties and other events held by a student organization; and (7) adoption by a student organization of a risk management policy.

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- (b) **Student Organization** means a student group that has properly registered with and is recognized by the College.
- (c) **Student Organization Advisor** means a person who (1) serves in an advisory capacity to a student organization and its members, (2) has aged at least 21 years, (3) is not a student at the College, and (4) is the College's full-time employee or a part-time employee expressly authorized by a college president to serve in the appointed, volunteer capacity.
- (d) **Student Organization Representatives** means the following four officer positions, or similar officer positions: the president, vice president, secretary, and treasurer.

VI.D.13.03. Procedures

The Chancellor will develop and publish procedures to effectuate this policy.

LSCS Policy Manual Section VI adopted by the Board of Trustees on November 3, 2016

VI.E. STUDENT RESPONSIBILITIES

VI.E.1. Non-Academic Student Code of Conduct

VI.E.1.01 Policy

The College provides a safe and responsive learning environment for all students. The College achieves that environment by enforcing the Lone Star College System Non-Academic Student Code of Conduct. The Non-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 and hybrid students.

VI.E.1.02 Definitions

- (a) **Prohibited Computer Use** can take many forms—especially in a fast developing industry—but the following list should allow students to understand the types of uses that are specifically prohibited. The following list is not a complete list, but does provide some illustrative examples for students to appreciate in using the College's computers or its systems.
1. Intentionally disrupting the access of other students, faculty, or staff to the College's digital or electronic resources;
 2. Knowingly obtaining access to a computer account, identification number, or password assigned to another student, faculty member, staff member, or college office without authorization;
 3. Knowingly using an account, identification number, or password belonging to another student, faculty member, staff member, or College office for other than its

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intended purpose without authorization, or using an identification number or an inactive account, password, or identification number;

4. Misusing the College's computer equipment by falsifying or altering records or documents, damaging programs belonging to others, sending harassing or threatening material, or unlawfully duplicating copyrighted property;
5. Intentionally using the College's computer resources to store, download, upload, display, print, or email computer images that constitute "obscene materials" as defined by Texas law that are not directly related to, or required for, a specific educational course or research project related to an educational program;
6. Displaying or transmitting messages, images, or cartoons that are sexually explicit or that demean a person on the basis of race, ethnicity, gender national origin, disability, or religion;
7. Using the College's e-mail or other computer resources for commercial purposes or for personal financial gain; or
8. Intentionally overloading the College's computer resources.

Access to the College's e-mail and similar electronic communication systems remains a privilege extended to current employees, students, and affiliates in good standing. The privilege of access ends with the termination of employment, the failure to re-enroll in a College educational program, or disciplinary sanctions. This definition includes unauthorized access based on previous standing with the College.

(b) College-sponsored activity means events and activities initiated by a student, student organization, college department, faculty member, or other employee, which meet one of the following conditions.

1. The College hosts the event or activity on its premises.
2. The College expressly authorizes, aids, supervises, or conducts the event or activity.
3. The College funds any portion of the event or activity.
4. The College's registered student organizations initiated, conducted, or promoted the event or activity in the organization's or College's name.

(c) Prohibited weapons include:

1. Firearms (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).
2. Ammunition.
3. An explosive weapon (any explosive or incendiary device, bomb, grenade, rocket or mine designed, made, or adapted for the purpose of inflicting serious bodily

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injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made or adapted for delivery or shooting an explosive weapon).

4. An illegal knife (knife blade over 5½ inches; hand instrument designed to cut or stab another by being thrown; switchblade knife; dagger; bowie knife; sword; or spear).
5. A taser (any weapon firing barbs attached by wires to batteries, causing temporary paralysis).
6. Knuckles (any instrument consisting of finger rings or guards made of a hard substance designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles).
7. A chemical dispensing device (device other than a small chemical dispenser sold commercially for personal protection, designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being).
8. A zip gun (a device or combination of devices that was not originally a firearm adapted to expel a projectile through a smooth-bore or rifle-bore barrel by using the energy generated by an explosion or burning substance).
9. A club (instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk).

(d) Prohibited items include:

1. Any self-balancing motorized boards (segways or hoverboards), unless specifically authorized by the Chancellor or his or her designee.
2. Any unmanned aerial vehicles (drones), unless specifically authorized by the Chancellor or his or her designee.

(e) Student means any person (1) registered with the College, (2) who the College has accepted for admission, or (3) who intends to attend the College.

(f) Hazing means any intentional, knowing, or reckless act directed against a student that endangers the student's mental health, physical health, or safety. A student organization cannot require such acts to initiate, affiliate, appoint, or maintain membership in any student organization. Whether the act occurs on or off the College's property remains irrelevant.

VI.E.1.03 Non-Academic Code of Conduct

Non-academic misconduct can occur in many different ways. The list below presents some examples of non-academic misconduct. The list does not contain every conceivable example of non-academic misconduct. The College publishes this list only giving students examples of the types of conduct that might qualify as non-academic misconduct.

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- (a) Disrupting, obstructing, or interfering with College activities, access to college facilities, or college-sponsored activities.
- (b) Physically or psychologically abusing, threatening violence, making terroristic threats, stalking, or harassing the College's members or visitors. This includes oral and electronic threats.
- (c) Using, possessing, or storing any weapon, dangerous chemical, ammunition, or explosive element regardless of whether the possessor holds a federal, state, or other license.
- (d) Using a simulated weapon, explosive, or ammunition, in an assault or battery.
- (e) Operating a self-balancing board within College buildings.
- (f) Unauthorized operation of unmanned aerial vehicles within College premises, which includes College parking lots. Only the Chancellor or his or her designee can authorize operation of unmanned aerial vehicles within College premises.
- (g) Using electronic cigarettes, vaporizers, or battery-powered inhalation device within College buildings.
- (h) Initiating or inducing a false report with the College.
- (i) Misusing or damaging fire safety equipment. Tampering, misusing, damaging, or playing with fire extinguishers, smoke detectors, exit lights, emergency lights, fire alarms or doors, or other similar equipment.
- (j) Engaging in prohibited computer use.
- (k) Violating the terms of any disciplinary action.
- (l) Inducing or participating in hazing.
- (m) Violating any College policy, procedure, regulation or rule.
- (n) Unlawfully possessing, using, selling, administering, or distributing alcoholic beverages, illegal or controlled substances, designer drugs, or drug paraphernalia.
- (o) Littering, damaging, defacing, removing, occupying, using, or destroying the College's property without the College's authority.
- (p) Gambling, raffling, or holding a lottery at the College without approval.
- (q) Violating any local, state, federal, or other applicable law.
- (r) Engaging in obscene, vulgar, lewd, or indecent conduct, expression, or sexual conduct on the College's property.
- (s) Furnishing false information or willfully misrepresenting any fact to the College or to the College's community members acting in their official capacities.
- (t) Forging, altering, falsifying, or misusing the College's documents, records, forms, or identification cards.

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- (u) Willfully misrepresenting to anyone the relationship between an individual and the College. This includes willfully misrepresenting that the College supports, sponsors, or approves the services or activities of any person, group, or organization.
- (v) Stealing or trying to steal the College's property or services or those of any of its community members.
- (w) Infringing upon the right of other students to fair and equal access to any of the College's library materials and other of the College's academic resources.
- (x) Using, without authorization, the College's facilities or equipment.
- (y) Causing false information to be presented before any College administrative proceeding, or intentionally destroying evidence relevant to such a proceeding.
- (z) Failing to comply with the direction of College officials, including campus security officers acting in the performance of their duties.
- (aa) Abandoning a child in any place on the College's premises without providing reasonable and necessary care for the child.

Attempting to commit acts prohibited in this Non-Academic Code of Conduct, or encouraging or assisting others to commit such acts is prohibited and may be punished to the same extent as if one had committed the prohibited act.

VI.E.1.04 Classroom Misconduct

The College recognizes and encourages distinct views in the learning process. Differing viewpoints, however, must be part of the learning process—not detract from it. Individual faculty members set appropriate conduct standards at the start of each class or course. Students who disrupt a classroom, and are warned by the instructor, may be asked to leave the classroom. A student refusing to leave a classroom after being asked to do so by the instructor may be removed by the College's Police Department. The instructor must submit a written report documenting the incident to the Chief Student Services Officer. The report must include the date, time, place, and describe the circumstances of the classroom disruption.

VI.E.1.05 Off-Campus Activities

Students are not under the College's control when not on the College's property or when such students are not participating in a College-sponsored activity. The College assumes no responsibility for the off-campus activities or its students' personal conduct. Students who break the law risk the related consequences of so doing. The College may, however, take disciplinary action against students whose conduct at a non-college-sponsored event poses a serious and substantial danger to any student.

VI.E.1.06 Professionalism

Students assigned to healthcare or other facilities, as part of clinical courses or serving in internships as part of a course, are expected to behave in a professional manner. Students must adhere to professional norms for the particular professional field. A student's performance evaluation includes a professional conduct component.

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LSCS Policy Manual Section VI adopted by the Board of Trustees on March 3, 2016

VI.F. Sexual Harassment, Assault, Violence, and Discrimination

VI.F.1.01 Policy

The College strives to maintain an educational environment compliant with all applicable anti-discrimination laws, including all laws outlawing discrimination arising from: sexual harassment, sexual violence, race, color, sex, age, sexual orientation, religion, ethnic or national origin, disability, veteran status, or any other protected status. Unlawful academic discrimination by officers, managers, faculty, supervisors, employees, students, advisors, vendors, clients, or contractors will not be tolerated.

Retaliating against a student who complains about discrimination as defined in this policy is also unlawful. Moreover, retaliating against a student for cooperating in an investigation initiated to discover any of the prohibited conduct identified in the prior paragraph, whether internal or external, is also unlawful and contrary to the College's policies.

VI.F.1.02 Definitions

(a) Consent: Sexual activity requires consent. Consent is defined as a voluntary and positive agreement between the participants to engage in sexual activity. Consent to sexual activity may be communicated in a variety of ways, but one should presume that consent has not been given in the absence of a clear, positive agreement between the participants. While verbal consent is not an absolute requirement for consensual sexual activity, verbal communication prior to engaging in sexual activity helps to clarify consent and avoid any misunderstandings.

Consent must be clear and unambiguous for each participant at every stage of a sexual encounter. A prior relationship does not indicate consent to future activity. A person who is asleep or mentally or physically incapacitated, either through the effect of drugs, alcohol, or for any other reason, is not capable of giving valid consent. The use of alcohol or drugs may seriously interfere with the participants' judgment about whether consent has been sought and given.

(b) Dating Violence: Dating violence is committed by a person who is or was in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the relationship length, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence also includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Finally, dating violence does not include acts covered by the definition of domestic violence.

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- (c) **Domestic Violence:** Domestic violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; a person similarly situated to a victim's spouse under Texas domestic or family violence laws; or any other person against an adult or youth victim who is protected from the person's acts under Texas domestic or family violence laws.
- (d) **Sexual Assault:** Sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as stated in the Federal Bureau of Investigation's Uniform Crime Reporting Program.
- (e) **Sexual Discrimination:** Sexual discrimination, including sexual harassment, is illegal under both federal and Texas state law and is strictly prohibited by the College. Unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature, including sexual violence, constitute sexual discrimination when:
1. Requests, conduct, or submission to unwelcome advances is made either explicitly or implicitly a term or condition of an individual's employment, academic advancement, participation in College programs or activities, or is used as a basis for employment or academic decisions affecting the individual;
 2. Rejection of unwelcome advances, requests, or conduct affects a term or condition of an individual's employment, academic advancement, participation in College programs or activities, or is used as a basis for employment or academic decisions affecting the individual; or
 3. Such conduct has the purpose or effect of creating an intimidating hostile work or academic environment that unreasonably interferes with an individual's work, academic performance, education, or participation in College programs or activities.
- (f) **Sexual harassment** (a form of sex discrimination) includes two categories: (1) hostile work environment sexual harassment, and (2) quid pro quo sexual harassment.

Hostile work environment sexual harassment means verbal, physical, or visual forms of harassment that are sexual in nature, unwelcome, and severe, persistent, or pervasive. A hostile environment is often created by a series of incidents. However, a single severe incident, such as sexual assault, could create a hostile environment.

Conversely, quid pro quo sexual harassment means "this for that." An example of this form of sexual harassment occurs if a faculty member (or staff member) stipulates that a

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student's grade or performance rating (or participation on a team, in a play, etc.) will be based on whether that student submits to unwelcome sexual conduct.

Sexual harassment also means unwelcome conduct of a sexual nature including sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either as an explicit or an implicit term or condition of an individual's employment, academic evaluation or advancement, or status in a course, program, or activity of the College;
2. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment or unduly interfering with an individual's work or academic performance.

(g) Sexual Violence: Sexual violence means a physical sexual act perpetrated without the complainant's consent. This includes situations where a person is incapable of giving consent because of drug or alcohol impairment or a mental or physical disability. A number of different acts fall into the category of sexual violence, including, but not limited to, rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment prohibited by Title IX and this policy.

(h) Stalking: Stalking is defined as engaging in a course of conduct (two or more acts), including, but not limited to, a pattern of repeated and unwanted attention, harassment, or conduct, directed at a specific person that would cause a reasonable person to fear for his or her safety, the safety of others, or suffer substantial emotional distress. Substantial emotional distress is significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(i) Title IX Harassment: Title IX harassment includes sexual harassment, gender-based harassment, and sexual violence. The following types of actions serve as non-exhaustive examples of Title IX harassment prohibited by this policy if sufficiently severe or pervasive:

1. Physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent because of drug or alcohol impairment or mental or physical disability.
2. Direct or implied sexual statements or threats, demands for sexual favors, or sexual advances, accompanied by implied or actual promises of preferential treatment for

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submission to such demands; or implied or actual threats that failure to submit to such demands may result in adverse treatment concerning the person's admission, enrollment, employment, work status, promotion, grades, or recommendation;

3. Persistent and unwelcome flirtation, requests for dates, staring, advances, or propositions of a sexual nature;
4. Gratuitous displays of sexually suggestive objects or pictures, including images displayed, transferred, forwarded, or shared via the Internet, text messaging, or other electronic means;
5. A pattern of conduct unrelated to an academic course or the requirements of the workplace intended to cause discomfort or humiliation or including one or more of the following: (i) comments of a sexual nature; (ii) sexually explicit statements, questions, jokes, anecdotes, or gestures; (iii) a pattern of conduct that would cause discomfort or humiliation, or both, to a reasonable person to whom the conduct is directed and that includes one or more of the following: (1) unnecessary touching, such as patting, pinching, hugging, or repeated brushing against a person's body; (2) remarks of a sexual nature about a person's clothing or body; or (3) remarks about sexual activity or speculations about previous sexual experience;
6. Treating individuals adversely because they do not conform to stereotypical norms of feminine or masculine gender behavior;
7. Acts of Title IX harassment may take many different forms. Examples include (i) direct threats and other verbal statements (ii) email or other electronic messages (iii) physical contact, (iv) jokes, (v) gestures, and (vi) pictures or other visuals. The conduct must be sufficiently severe or pervasive as to unlawfully limit an individual's ability to participate in or benefit from the College's activities. Further, such conduct is evaluated from the perspective of a reasonable person in the victim's position, taking into account the totality of the circumstances involved in a particular matter.

VI.F.1.03 Title IX Harassment and Sexual Violence General Procedures

Title IX harassment and sexual violence investigations are governed by the policies outlined below. The Office of General Counsel will develop procedures and forms to comply with this policy subject to the approval of the Chancellor or a designee.

(a) Reporting Sexual Violence

Any person who believes sexual violence occurred may promptly report the incident to one of the College's responsible employees or Campus Security Authorities (CSA)

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including, but not limited to: (i) the College's Police Department, (ii) the Chief Student Services Officer, or (iii) the Title IX Coordinator.

All individuals listed in the prior paragraph shall promptly inform the Title IX Coordinator of any such report. The responsible employee or CSA must inform the reporting person that the responsible employee or CSA has a duty to relay the complaint to the Title IX Coordinator. The responsible employee or CSA must also inform the reporting student about his or her confidentiality options, available confidential advocacy, counseling, and other support services; the right to file a Title IX complaint with the College; and the right to report a crime to the campus or external law enforcement.

LSCS Policy Manual Section VI.F.1.03(a) adopted by the Board of Trustees on November 3, 2016

(b) Reporting Title IX Harassment Exclusive of Sexual Violence

Any person who believes Title IX harassment (excluding sexual violence) occurred is encouraged to report it to the Title IX Coordinator as quickly as possible. Reports can also be made to any supervisor, academic dean, Vice President of Instruction, Associate Vice Chancellor, Vice Chancellor, Chief Area Officer reporting directly to the Chancellor, President, or the Chancellor. Nothing in this policy restricts a complainant from filing a charge with an applicable law enforcement agency.

(c) Investigation and Interim Steps

The College may take interim steps to protect the complainant and the College's community members pending the investigation or hearing of a Title IX harassment or sexual violence complaint depending on the nature of the complaint and the evidence.

A non-exhaustive list of such interim steps includes: issuing a no-contact order prohibiting the parties from having contact with each other; directing the lateral transfer of an employee or moving a student to another classroom setting; or making arrangements for alternative academic and employment environments. Interim steps can also depend on the respondent's identity.

- 1. Faculty Employee:** The President or a designee may place, after consulting with the Chancellor, the faculty member on administrative leave from employment responsibilities if the President reasonably believes that: (a) the alleged harassment or sexual violence occurred and (b) the respondent would be in a position to harm the College's community members if the respondent continues to teach a class during an investigation or hearing under this section. Such leave may be with pay and all benefits.
- 2. Non-Faculty Employee:** The applicable Vice Chancellor, President, or other Chief Area Officer reporting directly to the Chancellor responsible for the unit employing

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the respondent may place, after consulting with the Chancellor, the employee on administrative leave from employment responsibilities if he or she reasonably believes that: (a) the alleged harassment or sexual violence occurred; and (b) the respondent would be in a position to do harm to the College's community members if the respondent continues to work in that unit or department during an investigation or hearing under this section. Such leave may be with pay and all benefits.

- 3. Student:** The Chief Student Services Officer or a designee may restrict, after consulting with the President and Chancellor, the student-respondent from attendance at one or more classes or otherwise prohibit the student-respondent's presence College-wide if the Chief Student Services Officer or a designee reasonably believes that: (a) the alleged harassment or sexual violence occurred; and (b) the respondent would be in a position to do harm to the College's community members if the student-respondent continues to attend class or visit a particular campus during an investigation or hearing under this section.
- 4. Third Party:** If the respondent is neither a student nor employee, the College, through the Office of the General Counsel, will nevertheless conduct an investigation and take steps to provide appropriate remedies for the complainant and, where appropriate, the College's broader population. Such steps might include recommending the cancellation of an agreement in the case of a vendor, or the recommendation to sever a professional relationship.

(d) Confidentiality

The College strongly supports a student's interest in confidentiality in Title IX harassment and sexual violence cases. The College will only disburse information regarding such cases to individuals with responsibility for preparing the College's response. Disclosures required by local, state, or federal law will be the sole exception.

A complainant may request that his or her name not be disclosed to the respondent or that the College not investigate or seek action against the respondent. The College will determine whether it can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the complainant. A complainant's desire for anonymity or inaction may hinder the College's investigation of a Title IX harassment or sexual violence complaint, but the College has the responsibility of providing a safe and nondiscriminatory environment for the College's community members notwithstanding the complainant's request for anonymity or inaction. The College will notify the complainant of its intention to disclose the complainant's identity if the College decides that providing a safe and nondiscriminatory environment for the College's community members outweighs the complainant's right to inaction or anonymity. The College will also notify the respondent that

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the complainant requested that the College not pursue disciplinary action against the respondent if the College elects to proceed.

The College does not require mental-health counselors, pastoral counselors, social workers, psychologists, health center employees, or any other person with a professional license requiring confidentiality, or who is supervised by such a person, to report, without the complainant's consent, incidents of sexual violence to the College in a way that identifies the complainant.

(e) Proceedings in Sexual Violence Cases

The College will hold a hearing when a complainant specifically alleges sexual violence within a reasonable period of receiving the complaint or at a time by mutual consent of the parties. Both the complainant and the respondent will have an opportunity to present witnesses and evidence at this hearing. Both the complainant and the respondent may appear through a representative, including legal counsel, and personal attendance is not required from either party.

Neither the complainant nor the respondent will have an opportunity to question the other party, whether personally or through a representative. Each party will be limited to presenting his or her case, except that either party may submit desired cross-examination questions to the hearing officer on the date of the hearing. The hearing officer will determine whether to ask the questions submitted during his or her questioning of either party—that decision is not appealable.

The hearing officer will be an independent arbiter or mediator selected by the College at its sole discretion. The College will also conduct its own investigation led internally by the Associate Vice Chancellor of Human Resources (in the case of an employee-respondent) or the Associate Vice Chancellor for Student Services (in the case of a student-respondent) and shall submit a report to the hearing officer at the hearing.

The hearing result, along with any recommendation for corrective and disciplinary action from the hearing officer, shall be delivered simultaneously to the complainant, the respondent, and the Chancellor within a reasonable period after the hearing. The Chancellor's decision will be final.

(f) Proceedings in all Other Cases

The Title IX Coordinator will provide a copy of the complaint to the respondent within a reasonable period of receiving it from the complainant. The respondent will then have a reasonable period to respond in writing to the Title IX Coordinator. The next step will depend on the respondent's status at the time of the alleged Title IX violation:

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1. The Title IX Coordinator will then, in the case of an employee-respondent, forward the complaint, the response, and all attached evidence and documentation to the Chief Human Resources Officer who functions as a hearing officer under this section;
2. The Title IX Coordinator will then, in the case of a student-respondent, forward the complaint, the response, and all attached evidence and documentation to the Associate Vice Chancellor for Student Services who functions as a hearing officer under this section; or
3. The Title IX Coordinator will then, in the case of a third-party-respondent, forward the complaint, the response, and all attached evidence and documentation to the Executive Vice Chancellor who functions as a hearing officer under this section.

The College will conduct its own investigation led internally by a designee of the Chief Human Resource Officer (in the case of an employee-respondent) or a designee of the Associate Vice Chancellor for Student Services (in the case of a student-respondent) and shall submit that report to the applicable hearing officer.

The hearing officer's investigative result, along with any recommendation for corrective and disciplinary action, shall be delivered simultaneously to the complainant, the respondent, and the Chancellor within a reasonable time of the hearing officer's receipt of the file from the Title IX Coordinator. The Chancellor's decision will be final.

(g) Evidentiary Standard

A preponderance of evidence standard must be used in any investigation or hearing under this section.

(h) Potential Disciplinary Actions

1. **Students:** If the investigation or hearing reveals that family or domestic violence, dating violence, sexual assault, Title IX harassment, or stalking was committed by a student, further action will be taken, including, but not limited to, any and all disciplinary actions set forth in Board Policy VI.G. Moreover, students who are victims of sexual assault will not be subjected to disciplinary actions if they consumed alcohol or drugs at the time of their sexual assault. The absence of such disciplinary action encourages students to report potential Title IX violations without fear of reprisal.
2. **Employees:** If the investigation or hearing reveals that family or domestic violence, dating violence, sexual assault, Title IX harassment, or stalking was committed by

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an employee, further action will be taken up to and including immediate employment termination under Section IV.F.13.03 of this policy.

- 3. Third Parties:** If the investigation or hearing reveals that family or domestic violence, dating violence, sexual assault, Title IX harassment, or stalking was committed by a non-employee non-student, further action will be taken, including, but not limited to immediate severance and termination of any contractual or business relationships.

(i) Prohibition of Title IX Retaliation

Retaliation is a violation of the College's Title IX harassment policy. The College's policy prohibits any College community member from retaliating because of a person's Title IX complaint. It is against the College's policy to retaliate against any person who exercised his or her right to file a formal or informal Title IX harassment complaint, used any of the related processes the College provides, cooperated with an investigation, or testified or otherwise offered evidence connected to a complaint. A complaint's actual or perceived truth does not excuse retaliatory conduct. Any person who observes retaliation should promptly notify the Title IX Coordinator.

VI.F.1.04 Available Reporting Resources

Complainants may contact the following agencies for assistance:

(a) Internal Resources:

Any College Office of Student Services

College Police Department: (281) 290-5911

College Office of Emergency Management: (281) 290-2891

College Employee Title IX Coordinator:

Chief Human Resources Officer
HR-Compliance@lonestar.edu
832-813-6520

College Student Title IX Coordinator

Associate Vice Chancellor of Student Services
Student-Compliance@lonestar.edu
832-813-6841

(b) External Resources:

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Family Time Crisis and Counseling Center (Humble): (281) 446-2615

Domestic Violence Hotline: (713) 528-2121 / (713) 528-3625 (TDD)

Sexual Assault Hotline: (713) 528-7273 / (713) 528-3691 (TDD)

Montgomery County Women's Center: (713) 528-7273

24-Hour Hotline: (936) 441-7273

Northwest Assistance Ministries: (281) 885-4673

Ben Taub Hospital: (713) 873-2000

MHMR Authority of Harris County

7011 Southwest Freeway

Houston, Texas 77074

Crisis Telephone: (866) 970-7770

Main Telephone: (713) 970-7000

Website: <http://www.mhmraharris.org/>

Houston Police Department (HPD) Mental Health Unit

1502 Ben Taub Loop

Houston, Texas 77030

Tri-County MHMR Services

1506 Old Montgomery Rd.

Conroe, Texas 77304

Crisis Phone: (800) 659-6994

Main Phone: (936) 756-8331

Website: <http://www.tcmhmrs.org/>

www.NotAlone.gov

VI.F.1.05 Convicted Sex Offender Policy

The Texas Code of Criminal Procedure Article 62.153 mandates each person required to register as a sex offender, and who intends to be employed, work with a contractor, or attend classes at the College, to register with the College's Police Department at least seven (7) days before reporting to any College location.

As part of this registration, the individual must submit information pertinent to his or her offenses, which will be forwarded to the College's Review Committee for a determination of eligibility for employment, vendor services, or enrollment. A person seeking to be enrolled as a student must first be approved before completing the registration process.

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Failure to register and receive necessary approval under this section may result in immediate suspension, dismissal, or termination of employment.

LSCS Policy Manual Section adopted by the Board of Trustees on December 3, 2015

VI.G STUDENT DISCIPLINE FOR NON-ACADEMIC MISCONDUCT

VI.G.1 General Provisions

VI.G.1.01 Student Discipline Policy for Non-Academic Misconduct

The College shall maintain safety, order, and integrity by enforcing conduct standards. Non-academic misconduct subjects students to discipline under this section. The College shall respect each person's dignity and rights throughout the discipline process. When possible, members of the College community should try to resolve minor allegations of non-academic misconduct informally. Section VI.G does not apply to matters addressed by Section VI.F above.

VI.G.1.02 Definitions

- (k) **Appeal** means to request in writing that the Executive Vice Chancellor review a decision of suspension or expulsion, stating why it should be modified or reversed.
- (l) **Chief Conduct Officer** means a college Vice-President to whom the college President gives primary responsibility for student discipline for non-academic misconduct.
- (m) **Discipline Committee** means a panel appointed from each college to review suspensions and expulsions imposed by other colleges.
- (n) **Due process** means a student's procedural and substantive constitutional protections.
- (o) **Effective notice** means written notice served in person, emailed to a person's College email address, or mailed to a person's address.
- (p) **Expulsion** means permanent exclusion from any or all College classes and activities.
- (q) **Non-Academic Misconduct** means violating minimum standards of student conduct required to maintain safety, order, and integrity.
- (r) **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.
- (s) **Sanction** means a penalty against a student, including oral or written warning, probation, suspension, expulsion, or other proper penalty.

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

VI.G.1.03 How to Report Non-Academic Misconduct

Anyone may report non-academic misconduct in writing to a Chief Conduct 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. False reports are non-academic misconduct.

VI.G.1.04 Investigation

After receiving a written report alleging non-academic misconduct, the College shall investigate the allegations and issue a written decision either dismissing the allegations or finding the student responsible for non-academic misconduct and imposing sanctions. If the decision imposes suspension or expulsion, the student may request a Discipline Committee hearing.

VI.G.1.05 Hearing

The College shall give the student effective notice of the date, time, and place of his or her Discipline Committee hearing. Notices shall set forth specific allegations, list all evidence of non-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 non-academic misconduct to the Discipline 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 Discipline Committee will issue a written majority decision either dismissing the matter or finding the student responsible for non-academic misconduct. A decision finding a student responsible for non-academic misconduct shall explain the specific non-academic misconduct and evidence thereof and recommend sanctions. Either party may appeal the Discipline Committee's decision. The College may hold a joint hearing for two or more students alleged to have participated in the same incident(s) of non-academic misconduct.

VI.G.1.06 Effect of Sanctions

Unless otherwise specified in writing, suspension or expulsion shall have College-wide effect. A student suspended or expelled from one college may not enroll at another college without the Executive Vice Chancellor's permission unless the sanction has expired by its own terms or has been reversed on appeal. Any student facing unresolved discipline for non-academic misconduct may not register without the College's permission. The College may agree at any time to impose certain sanctions if a student admits to non-academic misconduct, and the student and Chief Conduct Officer shall sign any such agreement. In addition to sanctions, the College may pursue any and all remedies at law or equity.

VI.G.1.07 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,

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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 before the investigation, hearing, and appeal process ends.

VI.G.1.08 Autonomy

Non-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 non-academic misconduct will not determine discipline.

VI.G.1.09 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.

VI.G.1.10 Discipline in Health Occupations Programs

Health Occupations Program Deans shall act as Chief Conduct Officers for their programs.

LSCS Policy Manual Section VI adopted by the Board of Trustees on March 3, 2016

VI.H STUDENT RECORDS

VI.H.1. Student Records

The College will comply with the Family Educational Rights and Privacy Act of 1974 (FERPA) when collecting, maintaining, and releasing student records. Students have rights regarding their records.

- (a) The right to inspect and review their education records within 45 days of the College's receipt of a written request for access.
- (b) The right to request amendment of the student's education records if the student believes the records are inaccurate, misleading, or violate the student's privacy rights.
- (c) The right to provide written consent before the College discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- (d) The right to file a complaint with the Family Policy Compliance Office, U.S. Department of Education, concerning alleged failures by the College to comply with the requirements of FERPA.

Directory Information. The College collects directory information regarding each student. Directory information includes the student's name, classification, full or part-time enrollment, program of study, dates of enrollment, degrees and certificates received, and awards and honors received. The College may release directory information without the student's consent unless

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the student requests that the College not release directory information. A student may make such a request to the Office of Student Records or by updating their MyLoneStar settings.

Limited Directory Information. The College also collects the student's address, telephone number, and email, which the College classifies as Limited Directory Information. Only College Partner Organizations can request a student's Limited Directory Information. The College may release Limited Directory Information to College Partner Organizations without the student's consent unless the student requests that the College not release this Limited Directory Information. A student may make such a request to the Office of Student Records or by updating their MyLoneStar settings. The Associate Vice Chancellor of Analytics and Institutional Reporting maintains an updated list of approved College Partner Organizations.

LSCS Policy Manual Section VI adopted by the Board of Trustees on November 3, 2016

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SECTION VII – LEGAL AFFAIRS

VII.A. LEGAL AFFAIRS

VII.A.1. Purpose

All legal services for the Lone Star College System ("System") and its component college campuses are provided exclusively by the Office of the General Counsel or through outside counsel selected by the Chancellor or his designee.

- 1.1. Representation of the System and its component college campuses in litigation is provided through outside legal counsel retained and managed by the Chancellor or his designee with respect to all lawsuits filed by or against the Board of Trustees, the System or a component college campus or entity. The Chancellor will provide periodic reports to the Board about the status of pending litigation, the resolution of any lawsuit and the settlement of any claim. Contacts with outside legal counsel shall be made through the Chancellor or his designee.
- 1.2. Employment of outside legal counsel on behalf of the System or component college campus shall be conducted through the Office of the Chancellor or his designee.

VII.A.2. Request for Legal Opinion, Advice, Information and Policy Interpretations

- 2.1. All requests for legal opinions, advice, information or services should be directed to the Office of the General Counsel by the Vice Chancellors or the Presidents of the component college campuses or by such individuals as may be specifically designated by the Chancellor, Vice Chancellors or Presidents in writing. A letter delineating such designations should be filed with the Chancellor with an information copy to the General Counsel. All requests for legal opinions, advice, information or services by the Board of Trustees should be directed to the Office of the Chancellor or his designee.
- 2.2. For compliance with System Board Policies and laws of the State of Texas, all agenda items that are proposed for each Board of Trustee Meeting shall be submitted to the General Counsel for review prior to each meeting.
- 2.3. While telephone requests may be necessary from time to time, most requests for legal services should be communicated by written memoranda.

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- 2.4 Procedures implementing this Section 2 shall be approved by the Chancellor and communicated to Vice Chancellors and Presidents of component college campuses.

LSCS Policy Manual Section adopted by the Board of Trustees on February 5, 2015

VII.A.3. Open Records Decision Requests

All open records requests should be immediately forwarded to the Public Records Coordinator of the Office of the General Counsel for review and coordination of a response, if any. Procedures implementing this Section 3 shall be developed by the General Counsel and communicated to the Chancellor, Vice Chancellors and Presidents of component college campuses.

VII.A.4. Contract Compliance

VII.A.4.1. Purpose and Scope

This section sets forth requirements applicable to all contractual instruments for services, including but not limited to contractual documents, terms and conditions, leases, letters of agreement, affiliation agreements, letters of intent, memoranda of understanding, and interagency or intercampus agreements (collectively "contracts") that are:

- a. Executed on behalf of the System for and on behalf of and/or any of the component college campuses;
- b. Intended to be binding on the System; and
- c. To which the System is a party or signatory in any capacity, regardless of funding source, amount of funds expended or generated, and whether or not remuneration, monetary or in-kind, is involved.

This document was created to comply with the System Board Policy Manual Section III (D.2) and applicable federal and state laws, regulations, agency advisory opinions and judicial and administrative determinations.

VII.A.4.2 Policy

- a. No person has the authority to bind the System contractually, except in accordance with this Policy.
- b. All contracts shall have all applicable administrative and legal reviews completed and be signed by all parties prior to commencement of any duties/actions by the parties as stipulated in the contract. Board of Trustees

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- approval must be obtained in an Open Meeting for certain contracts. See Board Policy Section III (D.2.02).
- c. Contracts are legally binding on the System only upon execution of the contract by the System official with delegated contractual signatory authority. The Board delegates to the Chancellor the authority to approve and execute contracts not specifically required by this Policy or by law to be approved by the Board. The Chancellor is authorized to delegate specific contract authority to System LEOs and the System's Director of Purchasing. The Chancellor or the General Counsel shall develop procedures to implement this section which shall 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, if any.
 - d. No employee or agent of the System has the authority to enter into any contract on behalf of the System, except as otherwise expressly provided by Board Policy. If a System employee signs a contract without authority, or falsely represents to a third party that he or she has authority to sign a contract, the employee may be held personally responsible to the third party under Texas law. An agreement that is not expressed in writing and approved and executed in accordance with this Policy, shall not be binding or enforceable against the System. Any employee who signs a contract or seeks to bind the System to an agreement in violation of this Policy may be subject to discipline, up to and including discharge of employment.
 - e. Amendments, changes, extensions or renewals to the original contract must be processed in the same manner as the original contract. A copy of the original contract should be included with the amendment, change, extension or renewal at the time the documents are processed for approval.

VII.A.4.3. General Provisions

This section sets forth the System or College Responsibilities as Originators of the Contract. Depending upon the circumstances, either the System Office of Administration of Finance, or the college campus, or its department originating the transaction, assumes primary responsibility for a contract, from inception to completion of the transaction. The System or the college campus is responsible for monitoring and assuring performance in accordance with provisions of the contract and for reporting non-compliance to their immediate supervisor and, as appropriate, to the applicable President, Vice President, Vice Chancellor and Associate Vice Chancellor. The Manager of System Contract Compliance will provide needed assistance as requested. Procedures implementing this Section 4.3 shall be developed by the General Counsel and communicated to the Chancellor, Vice Chancellors and Presidents of component college campuses.

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VII.A.4.4. Special Contracting Requirements And Contract Preparation

Procedures implementing Special Contracting Requirements and Contract Preparation shall be developed by the General Counsel and communicated to the Chancellor, Vice Chancellors and Presidents of component college campuses.

VII.A.5. Trademark Management

Board Policy Section II L. Advertising and Branding, provides that the names, logos, trademarks and other identifying Marks of the System and the component college campuses should be protected and not used by individuals or entities not affiliated with the System without the express approval of the System's designated representative. The General Counsel (in consultation and approval of the Chancellor and Vice Chancellor for External Affairs) is delegated the responsibility to take whatever steps are reasonable and necessary to enforce this policy.

This section promotes and protects the System and its component college campuses through implementation of a management system which establishes the means of consistent, favorable and professional use of the Marks; to fulfill the legal obligations of the Marks; to protect the consumer from deception or from faulty or inferior products and services bearing the System's Marks; to provide fair and equitable treatment of all licenses and to realize and distribute earned royalties and other revenues for the benefit of the System.

VII.A.5.1. General Provisions

5.1.1. The legal protection, management, and enforcement of the rights in the Marks of the System and the component college campuses belong to the General Counsel. External use of the Marks by external entities is managed by the System, through the Office of the Vice Chancellor for External Affairs, with the following principals:

- a. Licensing is required for all non-System users.
 1. The Marks must be licensed to the user and the use approved by the System, except when the use:
 - Is by an artist in an original work of art which will not be reproduced; or
 - Is a congratulatory or supportive advertising message using the System's names but not its logos and symbols. For example,

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"Welcome Back LSCS Students" are supportive types of messages.

2. Suppliers of products to the System bearing any Mark must be licensed except when Marks are used on the following products:
 - Printed publications and advertising for purposes of institutional and event promotion; and
 - Printed supplies, not for resale.
 - b. Royalties are collected for non-System and/or commercial uses. A royalty exemption (but not a license exemption) may be granted for:
 1. A product purchased by the System or a component college campus, recognized support groups such as professional associations, alumni, employee organizations, athletic, cultural and other interest groups for internal consumption or for sale at cost to their members. Promotional products given away by these groups are considered products for internal consumption. If the group has excess product after consumption or sale within its group, it cannot be sold to non-members, but can be given away to non-members.
 2. Selected school supplies, which would be considered products purchased by students for course work.
 3. Advertising rights to use the Marks as granted in corporate sponsor agreements.
 4. Fundraising activities by non-profit or charitable organizations.
 - c. Licenses are generally non-exclusive except for special programs initiated by the System.
- 5.1.2. Use of the Marks by entities internal to the System is managed in accordance with the System's published style guide by the System executive officers including the Chancellor, component college campus Presidents, Vice Chancellors, Vice Presidents, Deans, Directors and affiliated organization directors.
- a. Internal uses, which fall within the ordinary business of the System, do not require licensing. Products created by a System unit for resale, and

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bearing the Marks must be licensed, except for educational and scholarly materials owned by the System and printed publications; and

- b. Royalties are not payable for internal uses and do not require licensing.

Procedures implementing all other aspects of Trademark Management shall be developed by the General Counsel and communicated to the Chancellor, Vice Chancellors and Presidents of component college campuses.

VII.A.6. Protection of Confidential Information

It is the policy of the Lone Star College System to ensure that there are guidelines, safeguards, and controls in place to effectively manage and protect confidential information in accordance with applicable laws, regulations, and best practices. Such confidential information includes, but is not limited to, social security numbers, educational records as defined by the Family Educational Rights and Privacy Act ("FERPA"), health care information as defined by the Health Insurance Portability and Accountability Act ("HIPAA"), and customer information as defined by the Gramm-Leach-Bliley Act ("GLB Act").

VII.A.6.1. Policy

- 6.1.1. The General Counsel will serve as the Privacy Officer for the System.
- 6.1.2. The Privacy Officer's duties include the issuing of guidelines with regard to the use of social security numbers, educational records, health care information, customer information, and other confidential information.
- 6.1.3. The guidelines will be issued by the Privacy Officer to help ensure that:
 - a. The release, use, display, transmission, and retention of social security numbers are only allowed if permitted by law.
 - b. Information that is considered an educational record (as defined by FERPA) will only be disclosed to someone other than an "eligible student" or an "eligible parent" with the consent of the student or as otherwise authorized by law.
 - c. The use, receipt, or transmission of an individual's health care information (as defined by HIPAA) is allowed only as permitted by law.
 - d. Customer information (as defined by the GLB Act), including financial information, which is collected or maintained, will be safeguarded as required by law.

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- e. The use and/or release of any other information determined by the Privacy Officer to be confidential is allowed only as required by and consistent with applicable law.

- 6.1.4. No person having access to confidential information shall disclose confidential information in any manner except as established in the guidelines issued by the Privacy Officer.

- 6.1.5. It is the responsibility of each component college campus to adhere to the guidelines that are issued by the Privacy Officer.

- 6.1.6. The Privacy Officer will revise its guidelines whenever necessary to conform to changes in applicable law or regulations.

- 6.1.7. Any intentional violation of this Section 6 will result in disciplinary action, including but not limited to possible termination of employment.

LSCS Policy Manual section adopted by the Board of Trustees on May 7, 2009

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SECTION VIII – INFORMATION SECURITY

VIII.A. INFORMATION SECURITY

VIII.A.1. Information Security Policy

The Lone Star College System is committed to preserving the security, confidentiality, integrity and availability of all forms of information used and maintained on behalf of faculty, staff, students, volunteers, contractors, university and K-12 partners, and any other groups, entities or individuals consistent with Lone Star College System’s mission. Improper disclosure, modification, or destruction of information may result in harm to the operation of LSCS in support of its mission. As a result, specific procedures will be developed to help administer and manage the storage, processing and use of computer-based information. This Board Policy Section VIII is in addition to all other provisions within the Board Policy Manual relating to Information Security and the storage, processing and use of computer based information; and this Section VIII shall take precedent in the event of any conflict or omission.

Information security is in part a risk management discipline addressing the preservation of information confidentiality, integrity and availability. All information is identified, valued, assessed for risk and protected as appropriate to the needs of LSCS. The information security effort is established via a hierarchical set of industry best practices and frameworks (e.g. ISO 27002) that help users and administrators to define and mitigate risks, maintaining a trade-off between information value and the cost of risk mitigation.

VIII.A.1.01 Policy Objective

This policy presents the philosophy for information security within the Lone Star College System (LSCS, referred to as “the System”). It defines the fundamental requirement for the acceptable use and security in the transmission of all LSCS information.

VIII.A.1.02 Policy Statement

LSCS values the ability to openly communicate and share information. LSCS information (whether belonging directly to LSCS or held in trust on behalf of its students or employees) must be safeguarded. Any person or organization that provides or uses LSCS information, or Information Technology (IT) assets within LSCS, has the individual and continual responsibility to maintain the confidentiality, integrity, and availability of this information. As such, all LSCS information users are required to abide by this policy and subsequent procedures and standards, as a condition for being granted access. Violation of this policy may result in immediate and unconditional

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termination of any or all access without prior notice and the user may be subject to disciplinary actions under Board Policy Sections IV and VI and prosecution under applicable statutes. (See Policy Section IV).

VIII.A.1.03 Scope of Policy

The Policy covers **all** information and electronic methods in the transmission of information that are owned or leased by LSCS. The methods of transmission may include but are not limited to:

- Electronic Media;
- Social Media;
- Desktop and Laptop Computers;
- Servers;
- Network Infrastructure;
- Telephones;
- Fax Machines;
- Printers; and
- Mobile Computing Devices such as PDA's, smart phone devices, etc.

VIII.A.1.04 Policy Applicability

This policy applies to all individuals and processes that access, view, use, or control LSCS information. Those individuals covered include, but are not limited to faculty, staff, students, volunteers, contractors, university and K-12 partners, and any other groups, entities or individuals consistent with Lone Star College System's mission.

VIII.A.1.05 Definitions

- **Information** - a definable piece of information, stored in any manner which is recognized as 'valuable' to the organization.
- **Information Owner** - the person or group generating information and responsible for establishing the rules for appropriate use and protection of *information*.
- **Technology System Owner** – the person or group responsible for establishing the rules for appropriate use and protection of the methods of Information transmission.
- **User** - the person accessing information for the purposes of generating, sending, receiving, storing, viewing, controlling, managing, or otherwise processing the content of the information.

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- **Health Insurance Portability and Accountability Act (HIPAA)** - This federal act sets standards for protecting the privacy of patients' health information.
- **Family Educational Rights and Privacy Act (FERPA)** - federal law that protects the privacy of student education records.
- **Gramm-Leach-Bliley Act (GLBA)** - federal law that imposes restrictions on the disclosure of consumers' personal financial information.
- **Social media** - online services that enable individuals to share information through social interaction and networking.

VIII.A.2. Use of Computer Systems

The LSCS Board of Trustees reconfirms its commitment to the free and unfettered exchange of ideas that is the hallmark of an institution of higher education and the rights of employees and students to access, debate, disagree and discuss all educational materials without respect to the popularity or controversial nature of the ideas conveyed.

VIII.A.2.01 Policy Statement

Using LSCS's electronic assets for abusive, unethical, or inappropriate purposes will not be tolerated and may be considered grounds for disciplinary action, including but not limited to termination of any and all access without prior notice.

VIII.A.2.02 System Property

LSCS provides Information Technology resources for the use of students, employees and others affiliated with the System for educational or System-related activities and to facilitate the efficient exchange of useful information. LSCS affiliates include, but are not limited to, all university, K-12 dual credit or other students and employees associated with or enrolled in programs delivered by these entities. As set forth within this Section VIII Information Security Policy, students, employees and LSCS affiliates may use the IT resources provided by LSCS including, but not limited to, computers, hardware devices, software packages, electronic mail (e-mail), and the LSCS network and software.

All users are expected to conduct themselves in compliance with all policies of LSCS and relevant laws of the United States and Texas, and to observe the same high ethical and professional standards when communicating through computing resources as are required in face-to-face or other written communications.

VIII.A.2.03 Email Privileges

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Access to LSCS Information Technology (i.e. networks, computer labs, internet and electronic mail) is a privilege that is extended to current employees, students and former LSCS retired employees that are in good standing. Email services may be revoked with the termination of employment or may end with the failure to re-enroll in an LSCS educational program. LSCS email accounts will be issued only to those identified within this Section 2.03.

LSCS reserves the right to access the E-mail system to engage in routine computer maintenance and housekeeping, to carry out internal investigations, to prepare responses to requests for public information or to disclose messages, data or files to law enforcement authorities, or for any other legitimate purposes of the System.

VIII.A.2.04 Confidentiality

LSCS cannot guarantee the privacy or confidentiality of electronic documents, and any messages or information. A person that requires the assurance that such information is not disclosed to unauthorized entities or process, or by law, should not communicate over unsecured shared networks and/or by the E-mail system.

VIII.A.2.05 Accountability

All access to networked systems must be logged. When determined to be critical to LSCS, the logging of transactions must be included regardless of the operating platform. Log data must be classified as sensitive. These logs must be retrievable through clearly defined procedures and must be maintained for time periods prescribed for audit, legal, and recovery purposes. As new applications, platforms, mediums, or other technical changes to system operations are made - and if practical and/or technically affordable - consideration of logging requirements and availability must be made. Requirements for logging data must be clearly established as system, architectural, technical, or network designs.

VIII.A.2.06 Records

Messages sent as electronic mail should meet the same standards for distribution, display, and retention as if they were tangible documents or instruments. As with all records maintained by LSCS, and to the extent required by law, files saved as LSCS information, including e-mail, may be subject to public disclosure in response to a public information request.

VIII.A.2.07 Prohibited Use

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The following conduct by users of LSCS information technology resources will be treated as a violation of this policy and may subject the user to discipline, including loss of computing privileges, up to and including termination for an LSCS employee and dismissal for a student:

- a. Anonymous or forged e-mail messages;
- b. Unauthorized attempts to access another person's e-mail or similar electronic communications or to use another's name, or e-mail address, or to send unauthorized e-mail or similar electronic communications;
- c. Use of System e-mail or any other method for information transmission owned by LSCS for commercial purposes or personal financial gain;
- d. Attempted or actual access to any restricted computing resource without authorization;
- e. The transmission of copyrighted materials without the written permission of the author or creator through System e-mail or any other method for information transmission in violation of U.S. copyright law (See Board Policy Manual, Section IV);
- f. Use of System email or any other method for information transmission in a manner that disrupts the work or educational mission such as improper access and use of System global email address lists and other messaging;
- g. Use of LSCS computing resources to store, download, upload, display, print or e-mail computer images that constitute "obscene materials" as defined by Texas Penal Code §43.21 et.seq., as amended, regardless of whether such information is related to or required for a specific educational course or research directly related to an educational program;
- h. The display or transmission of messages, images, cartoons or other messages or images that are sexually explicit or that demean a person on the basis of race, ethnicity, gender, national origin, disability, religion or sexual orientation may constitute prohibited harassment (See Board Policy Manual, Section IV F.4);
- i. The uploading or downloading of unauthorized materials to or from any System server;
- j. The sharing of an account, password or other means of authentication that was provided to permit access to restricted computing resources; and

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k. Attempted or actual access to compromise any LSCS or external computer resource via unauthorized access and/or in an unauthorized manner.

VIII.A.2.08 Overloading of Computer Resources

Nothing in this policy shall prohibit LSCS or college system operators from intercepting and stopping e-mail messages, other computer programs, or websites, which have the capacity to overload any computer resource. Overloading of computer resources is defined as the use of computational resources, such as bandwidth, disk space, or CPU time that adversely impact LSCS information assets.

Violation of this policy may result in immediate and unconditional termination of any or all access without prior notice and the user may be subject to disciplinary actions under Board Policy Sections IV and VI and prosecution under applicable statutes. (See Policy Section IV).

LSCS Policy Manual Section VIII.A.2.08 Social Media removed by the Board of Trustees on June 7, 2012

VIII.A.3. Requirements to Safeguard Information

VIII.A.3.01 Policy Statement

It is the responsibility of all employees and students to take reasonable steps to implement information security via appropriate procedures, and controls.

VIII.A.3.02 Security Responsibilities

1. Legal, regulatory and contractual requirements are followed by LSCS.
2. Users are responsible for upholding the confidentiality and integrity of all information when in their control. Users are prohibited from accessing, copying, altering, or destroying anyone else's information without proper authorization.
3. OTS is responsible for the creation of security controls, and procedures that appropriately and reasonably prevent, detect, contain, and identify risks to the confidentiality, integrity and availability of information.
4. Users are individually responsible and accountable for any use of their account and password. Uniquely identifiable information (i.e. passwords) should not be shared under any circumstances.

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5. Users may not run or otherwise configure software or hardware to intentionally allow access to any LSCS information resources by unauthorized users.

6. Users may have access to privileged information that must be protected. In receiving access to this information, users accept responsibility to protect the information access used on all information systems.

VIII.A.3.03 Attempts to Circumvent Security

Users are prohibited from attempting to circumvent or subvert LSCS information system's security measures. This does not preclude the use of security tools by appropriately authorized personnel. While the following list provides examples of disallowed practices, it is not a comprehensive list and is intended to only provide examples:

- a. Password decrypting or cracking tools;
- b. Denial of Service (DoS) or distributed denial of service (DDoS);
- c. Harmful activities (e.g. IP spoofing, port scanning, disrupting services, damaging files, or intentional destruction of or damage to equipment, software, or data);
- d. Unauthorized access (e.g. using another users account, using a special purpose account, escalating their own privileges);
- e. Unauthorized monitoring (e.g. keyboard logging, network packet capturing).

VIII.A.3.04 Business Continuity & Disaster Recovery

Disaster Recovery (DR) is comprised of plans and activities designed to recover technical infrastructure and restore critical business applications to an acceptable condition. DR is a component of Business Continuity Planning (BCP), which is the process of ensuring that essential business functions continue to operate during and after a disaster. LSCS OTS shall be responsible for the System Disaster Recovery.

Business Continuity Plans must be developed with requirements based on the specific risks associated with the process or system. All staff must be made aware of the Business Continuity Plan and their own respective roles. Each Lone Star College and each Lone Star College System administrative unit shall be responsible for their respective Business Continuity Plans.

A formal process for developing disaster recovery plans must be established and aligned with the Business Continuity Planning requirements.

VIII.A.3.05 Incident Response

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Incident Response is a predefined process to establish information security requirements for response to unplanned computer system events, including network intrusions, denial of service, computer virus outbreaks, and other outages that negatively impact the availability of LSCS systems, applications, and/or information assets.

Information security incident response procedures must include, but are not limited to, the following:

- Specific roles and responsibilities;
- Key contact information; and
- High-level guidelines for investigating, documenting and reporting security incidents.

VIII.A.3.06 Third Party Access

Access to LSCS information systems by third party vendors (i.e. contractors, partners, vendors, lessees) requires appropriate controls to protect LSCS information assets. All third parties that have access to LSCS information assets must comply with LSCS information security policies and may be required to show proof of such compliance at any time.

VIII.A.3.07 Security Audits

Periodic reviews and revisions of security controls, policies, and procedures will be conducted by authorized LSCS officers, auditors or by contracted independent third party. Additionally, periodic risk assessments of information technology systems and processes will be conducted to ensure that evolving risks are being appropriately addressed.

VIII.A.3.08 Information Security Training and Awareness

VIII.A.3.08.1 Information Security Awareness

Ongoing security awareness for faculty, staff, students, volunteers, contractors, university and K-12 partners, and any other groups, entities or individuals consistent with Lone Star College System's mission on established security policies and procedures will be conducted. Security awareness refers to communicating security concepts in a variety of ways in order to make the above referenced individuals, groups and entities as a whole more security-aware.

VIII.A.3.08.2 Information Security Training

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With assistance of LSCS OTS, Human Resources will ensure that all employees receive information security training. Human Resources will require that all employees certify security training they received and shall maintain records to indicate the status of employee security training. Security training refers to specific training activities and accompanying materials in protecting LSCS information resources and in teaching to employees about security as it applies to their job.

VIII.A.4. Protection of Confidential Information

It is the policy of the Lone Star College System to ensure that there are guidelines, safeguards, and controls in place to effectively manage and protect confidential information in accordance with applicable laws, regulations, and best practices. Such confidential information includes, but is not limited to, social security numbers, educational records as defined by the Family Educational Rights and Privacy Act ("FERPA"), health care information as defined by the Health Insurance Portability and Accountability Act ("HIPAA"), and customer information as defined by the Gramm Leach-Bliley Act ("GLB Act").

VIII.A.4.01 Policy

1. The General Counsel will serve as the Privacy Officer for the System.
2. The Privacy Officer's duties include the issuing of guidelines with regard to the use of social security numbers, educational records, health care information, customer information, and other confidential information.
3. The guidelines will be issued by the Privacy Officer to help ensure that:
 - a. The release, use, display, transmission, and retention of social security numbers are only allowed if permitted by law;
 - b. Information that is considered an educational record (as defined by FERPA) will only be disclosed to someone other than an "eligible student" or an "eligible parent" with the consent of the student or as otherwise authorized by law;
 - c. The use, receipt, or transmission of an individual's health care information (as defined by HIPAA) is allowed only as permitted by law;
 - d. Customer information (as defined by the GLB Act), including financial information, which is collected or maintained, will be safeguarded as required by law; and

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e. The use and/or release of any other information determined by the Privacy Officer to be confidential is allowed only as required by and consistent with applicable law.

4. No person having access to confidential information shall disclose confidential information in any manner except as established in the guidelines issued by the Privacy Officer.

5. It is the responsibility of each Lone Star College and each Lone Star College System administrative unit to adhere to the guidelines that are issued by the Privacy Officer.

6. The Privacy Officer will revise its guidelines whenever necessary to conform to changes in applicable law or regulations.

7. Violation of this policy may result in immediate and unconditional termination of any or all access without prior notice and the user may be subject to disciplinary actions under Board Policy Sections IV and VI and prosecution under applicable statutes. (See Policy Sections IV and VI).

VIII.A.5. Roles and Responsibilities

VIII.A.5.01 Board of Trustees

The Board of Trustees is accountable for information systems security and must ensure governance/compliance with security policies, standards, and procedures are established throughout LSCS.

VIII.A.5.02 Security Management

The Chancellor, or designee, will serve as the Information Security Officer (ISO). The ISO is responsible for assisting in governance, policy creation, identifying roles and responsibilities, risk assessment, awareness, and communication of the information security program. The ISO is responsible for establishing the strategies for implementing and enforcing security policies and for advising on security-related issues.

VIII.A.5.03 Security Policy and Compliance Governance

Security Policy and Compliance Governance is provided by a multi-disciplinary group that reviews and endorses information security policy objectives and strategies. They agree to the roles and responsibilities for information security across the System as defined in specific procedures. They promote and provide support for information

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security initiatives throughout the System. The governance is led by executive management and includes representatives from:

- Office of Technology Services;
- Office of General Counsel;
- Policy Review Committee;
- SysTAC; (System wide Technology Advisory Council)
- Internal Audit; and
- Human Resources

VIII.A.5.04 Security Operations

Security Operations translates security policies into technical requirements, standards, and solutions. They are responsible for tactical and security administration of the infrastructure and defining processes for implementing new policies. This may include the implementation and maintenance of technical controls such as firewalls, intrusion detection systems, anti-virus solutions, and network/host-based monitoring solutions. The OTS staff is responsible for the day-to-day implementation and maintenance of security controls. OTS will take reasonable steps to establish security controls while still meeting the mission of LSCS.

VIII.A.5.05 Information Owners

Information owners are the persons or groups generating information and responsible for establishing the rules for appropriate protection of information. They must align the information value with prudent control cost. They will partner with General Counsel in performing a risk assessment and information classification. Information owners are responsible for information security, for the confidentiality, integrity, and availability of the information for which they are entrusted.

VIII.A.5.06 Technology System Owners

Technology System Owners have responsibility for establishing the rules for appropriate use and protection of the methods of electronic information transmission. Technology System Owners collaborate with the Information Owners to meet the needs and requirements of the information classification and protection.

VIII.A.5.07 Users

All users are responsible for ensuring that LSCS information assets are used only in proper pursuit of System business. Information will not be improperly disclosed, modified, or endangered; and access to LSCS information resources will not be made available to any unauthorized person. Users should be aware of and follow approved

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security controls. Users should comply with appropriate information security policies, procedures, and standards.

VIII.A.6. Compliance

Compliance with this Policy is continual and unconditional. Any person within the scope of this policy that believes that a violation of information system policy is occurring is required to immediately notify their immediate manager or OTS of the policy violation.

VIII.A.7. Enforcement

Violation of this policy may result in immediate and unconditional termination of any or all access without prior notice and the user may be subject to disciplinary actions under Board Policy Sections IV and VI and prosecution under applicable statutes. (See Policy Section IV).

VIII.A.8. Policy Variance/Exception

Subject to all other Board Policy requirements and laws of the State of Texas, non-compliance with the policy statements described therein must be reviewed and approved in accordance with the Policy Variance/Exception Process defined by Lone Star's Office of Technology Services.

LSCS Policy Manual Section adopted by the Board of Trustees on May 5, 2011